

MEETING MINUTES

**NEW MEXICO STATE GAME COMMISSION
Santa Fe Community College
Board Room
6401 Richards Avenue
Santa Fe, New Mexico 87508**

Thursday, January 12, 2017
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: Call us to order. I need a Roll Call.

DIRECTOR SANDOVAL: Good morning, Mr. Chairman. Commissioner Espinoza?

COMMISSIONER ESPINOZA: Present.

DIRECTOR SANDOVAL: Commissioner Ramos?

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COMMISSIONER RAMOS: Present.

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: Present.

DIRECTOR SANDOVAL: Commissioner Salopek?

COMMISSIONER SALOPEK: Here.

DIRECTOR SANDOVAL: Vice Chairman Montoya?

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle?

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Thank you. Ralph, you want to do the Pledge of Alliance?

COMMISSIONER RAMOS: It would be an honor.

[Pledge of Alliance begins]

[Pledge of Alliance ends]

CHAIRMAN KIENZLE: Can I get a motion to approve the Agenda?

COMMISSIONER ONE: So moved.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The motion has it approved. Let's go around the room and do the adoption of (indiscernible).

GUEST SPEAKER: My name is Chris Chadwick. I am a (indiscernible-typing interference).

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the public, my name is Jim Comins and I'm (indiscernible).

GUEST SPEAKER: Good morning, Commissioners. Donald (indiscernible), Deputy Director with the New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners and members of the public, Stewart Liley, Chief of Wildlife New Mexico Federation.

GUEST SPEAKER: Good morning, Robert Griego, Colonel of Field Operations.

GUEST SPEAKER: Good morning, I'm Lance Cherry. I'm the Chief of Information and Education for the New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning Commissioners, public, I'm Russ Benjamin. I'm the Project Manager (indiscernible).

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners, Director Sandoval, my name is Chris Sanchez; I'm the Assistant Chief of Education (indiscernible).

GUEST SPEAKER: Good morning everyone. My name is Kerrie Fisher and I'm the Shooting [Phonetic] Program Coordinator with the Department of Game and Fish.

GUEST SPEAKER: Good morning Chairman, Commissioners. My name is Paul (indiscernible).

GUEST SPEAKER: Good morning Commissioners. My name is Joseph (indiscernible). I'm with the County (indiscernible-stapling interference).

GUEST SPEAKER: (indiscernible). I'm here with (indiscernible) Citizens Advisory Committee (indiscernible) New Mexico Wildlife Federation.

GUEST SPEAKER: Hi, good morning, Susan (indiscernible) New Mexico Wildlife Federation.

GUEST SPEAKER: I'm John Crenshaw, New Mexico Wildlife Federation (indiscernible).

GUEST SPEAKER: Good morning, Garret VeneKlasen, with the New Mexico Wildlife Federation.

GUEST SPEAKER: Good morning, Commissioners (indiscernible), I'm a supporter of the Santa Fe Shooting Range.

GUEST SPEAKER: Good morning, I'm (indiscernible) and I'm Chairman of the Santa Fe Range Committee (indiscernible).

GUEST SPEAKER: Good morning, Steve Anderson, I'm an Education Manager for the Department of Game and Fish...

GUEST SPEAKER: Good morning. Kerrie Romero, New Mexico Council of Outfitters and Guides.

GUEST SPEAKER: Good morning Director Sandoval, Commissioners. I'm Jeff Rankin and I'm a member of the New Mexico Council of Outfitters and Guides, Southern New Mexico Chapter (indiscernible).

GUEST SPEAKER: Good morning, I'm Tom (indiscernible).

GUEST SPEAKER: Good morning, Kurt Patton, the Chief of Fisheries (indiscernible).

GUEST SPEAKER: Good morning Commissioners. My name is Eric Frey. I'm the Sportfish Program Manager for the (indiscernible).

GUEST SPEAKER: Good morning, Colin (indiscernible).

GUEST SPEAKER: Good morning, Rey Sanchez, Major, Northern Field Operations of Game and Fish Department of New Mexico.

GUEST SPEAKER: Good morning Commissioners, I'm Gerald Blake. I'm an outfitter here in New Mexico.

GUEST SPEAKER: Good morning, my name is Lori (indiscernible), I'm with the (indiscernible) Coordinator with (indiscernible).

GUEST SPEAKER: Good morning, I'm Jake (indiscernible). I'm here to hear the updates on the shooting ranges.

GUEST SPEAKER: Michael Dax, defenders of wildlife.

GUEST SPEAKER: Mike Sloane, Chief of Fishery and Game and Fish.

GUEST SPEAKER: Hi, I'm Martin (indiscernible), videographer for New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning, I'm Dan Williams, I'm Assistant Chief of Information for Game and Fish.

GUEST SPEAKER: Good morning, I'm Sandra DuCharme. I'm the Executive Director, Assistant, not the Executive Director, the Executive Assistant to the Director and the Game Commission.

[Laughter]

COMMISSIONER: Couldn't do it without you.

GUEST SPEAKER: Carl Moffit, media and public relations with (indiscernible).

GUEST SPEAKER: Good morning, (indiscernible).

CHAIRMAN KIENZLE: Welcome. Okay, I think we have everybody. Thank you. Can I get a motion to approve the minutes of our meeting of November 17th, 2016?

DIRECTOR SANDOVAL: Mr. Chairman, if I may, the department would recommend a correction to the minutes. On page 90 of the minutes on line seven the word "Ultimate" is in there incorrectly. It should be "alternates" and so I'll read you the piece. It starts on line five, Commissioner, I approve to remove the 35 individuals recommended by the Commission Subcommittee to serve as citizen advisor's to the Habitat Stamp Program and authorize the

Director to appoint alternates with the concurrent of the Chairman that any selected citizen advisor is unable to serve. So it was a mistranslation on behalf of the stenographer.

CHAIRMAN KIENZLE: Can you give me the page number?

DIRECTOR SANDOVAL: Page number 90. Line seven, it says, Director to appoint ultimate, it should say, Director to appoint alternates.

CHAIRMAN KIENZLE: Can I get a motion to amend in line with what the Director just said, please?

COMMISSIONER ONE: So moved.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. The minutes are approved with that amendment.

DIRECTOR SANDOVAL: Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Agenda Item Number Seven: Election of Chair and Vice Chair of the State Game Commission.

DIRECTOR SANDOVAL: Mr. Chairman, before we begin we would like to show a quick six minute video to everybody about what our accomplishments were in 2016 and what our new, where were headed in 2017.

CHAIRMAN KIENZLE: You can get them all done in six minutes?

DIRECTOR SANDOVAL: Maybe.

CHAIRMAN KIENZLE: Good, thank you.

[Video begins]

[Soundtrack from video]

>> In 2017 the Department's Information and Education Division will continue efforts begun last year to increase the number of Hunting, Shooting and Angling Camps offered state-wide to recruit newcomers to the sports. In 2016 the department provided hands-on training to hundreds of participants with more than 40 Hunting and Angling Education Camps and other public events. In 2017, the Department plans to offer up to 50 of the popular hands-on training camps. This year the department also will seek to expand to 15, a number of schools offering after school Hunter Education Classes to the students. Another important function of the department is publicizing its work in history. Last year we created in a new section on our website devoted to showcasing our news magazines which features timely and informative articles, stunning photography and a seven part series chronicling the department's history. That is where you can also find a new home this year within a museum to be created inside the Historical (indiscernible), focusing on the grounds of the department's new Albuquerque Office. In 2016, the Department's Wildlife Management Division concentrated on large scale wildlife habitat restoration projects resulting in improvements to tens of thousands of acres state-wide, including the (indiscernible) the State's Forestry Division to restore 20,000 acres of forest land. Another project involves 25 (indiscernible) Park District, the Canadian River and Youth Creek Soil and Water Conservation District to restore 9,000 acres of riparian and upland habitat in Northeastern New Mexico. In 2016, wildlife (indiscernible) initiated a three-year Mountain Lion Population

Study to provide more accurate and reliable data for future management decisions. This year, the Department's priority is to make wildlife habitat, public access improvements at the William S. Huey Wildlife Management Area on the Pecos River and the Carlsbad in Artesia. Another priority this year will be to complete the recovery plan for the endangered Gould's Turkey to include making arrangements to relocate turkeys from Mexico to appropriate areas in New Mexico and plans for future habitat improvement projects to benefit the species. In 2016, the Field Operations Division continued its Conservation Officer Recruitment effort which resulted in generating about 500 applicants since July, 2015 with over 200 being interviewed and tested, 17 being hired. The recruits undergo a vigorous training regimen including intense reality based scenarios designed to sharpen their skills. The department last year added six new officers, including Sergeant Positions and expanded its law enforcement presence in the (indiscernible), the Coral Areas. In 2017, the department will continuous its efforts by producing the new recruitment video to continually to conduct Game Warden led Youth Camps where officers can interact with youngsters while teaching them archery, angling and other outdoor skills. Last year officers received a significant upgrade to radio, to computer equipment and that effort will continue in 2017 with new technological capabilities being employed for law officers to have that equipment available to do their jobs. The Departments Ecological and Environmental Funding Division top priority in 2017 is to expand the Share with Wildlife Program. That goal comes on the heels of last year's efforts to abide the Agency State Wildlife Acting Plan which has since been approved by the State Game Commission to submit it to the U. S. Fish and Wildlife Service. With Federal Funding restored to the program, it can now be expanded to fund even more wildlife habitat restorations in future recovery efforts. Last year staff submitted a successful Federal Grant Proposal to map the states inventory of riparian areas to help guide

through restorations and conservation management decisions. This year staff also will work on developing an offline environmental refuel tool that will allow division staff to more efficiently screen land use projects for potential impact for wildlife and their habitat. On the administrative side of the house in 2016, department employees welcomed the creation of a new highly efficient online Federal Aid Cost Tracking System. It did away with paper reporting and combined two employee generated reports into one and in 2016 the department's employee's vacancy rate was reduced to less than 10% which greatly improves the overall performance of the agency. This year the department will oversee implementation of a new system for employees to report their hours work to the state. An Information Systems Staff will continue to work on computer security and other technical issues. An administrative Staff will pursue development of a paperless account payroll system which would greatly improve departmental efficiencies. Native Trout Restoration Projects dominated the Fisheries Divisions efforts in 2016 and will continue within the New Year. The department is entering a home stretch of its working a reel to steel [Phonetic] water shed with crews conducting final (indiscernible) increases to the reservoir and surrounding streams to eliminate non-native fish prior to restocking with Rio Grande Cutthroat Trout. A ferry is under construction on the Rio Costilla that keeps non-native fish from migrating upstream into Cutthroat Country where over 100 miles of screen, sixteen lakes and a reservoir are under restoration. In the Gila back country a ferry has been constructed on the Laurel Creek to protect restocked Gila Trout there and in the coming year work will continue with over twenty miles of Whitewater Creek slated for restoration. In 2017 the department will turn its attention to the (indiscernible) waters of the San Juan River for construction of the last in a series of Instream and (indiscernible) Project. The project at Simaul [Phonetic] Canyon would include improvements to reduce (indiscernible), improve fish habitat and upgrade the Gravel Pit

Program. A major renovation is also planned for the (indiscernible) Fish Hatchery where it is envisioned Gila Trout will soon be raised and at the Red River Fish Hatchery, a much needed main (Indiscernible) line replacement is planned.

[Video ends]

DIRECTOR SANDOVAL: Mr. Chairman If I may, I just wanted to extend my thanks to all the department staff and to the Commission. 2016 was a very productive year for the department. We've rolled out a number of programs across the state and I appreciate the support of the Commission and absolutely, thanks to the crew of the Department of Game and Fish and all of our partners who have been able for that to happen in this last and we look forward to 2017.

CHAIRMAN KIENZLE: Thank you. Agenda Item Number Seven, Election of Chair and Vice Chair of the States Game Commission.

COMMISSIONER ONE: I would like to make a motion to nominate Paul as Chairman again. I think he's done a great job and in today's world, I (indiscernible).

COMMISSIONER TWO: I'll second that.

CHAIRMAN KIENZLE: Any discussion? Thank you. All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. I'll give it my best. One more year and hopefully we'll have some great accomplishments this year too. So, thank you. I appreciate it.

COMMISSIONER ONE: I make a motion for Bill Montoya to be Vice Chair.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. (Indiscernible) team work.

COMMISSIONER: Another comment I'll make is the wealth of the knowledge that you get with Bill and Paul and all of us and I'm excited with these two, where we go and you look at what Paul does. You see him up here but you don't see him in Mexico City. You don't see him all over and that's just shocking when the Chairman has to do that because (indiscernible) for the efforts that you put in to make this a better place.

[Applause]

CHAIRMAN KIENZLE: Thank you. Pat everybody on the back again, but it is team work. I know some Commissions can be contentious and this one happens to get along well which is good news, at least from the Chair's perspective but again, its team work, everybody has a role to play. I don't pretend to know everything and it's taking points out. We all bring a different point of views to this which is good. So we have a diversity of voices out there. So, thank you. Agenda Item Number Eight, Annual Adoption of the Open Meetings Resolution.

KARA SZKOTAK: Good morning, Mr. Chairman, Commissioners, I have a report to submit, you're probably already well versed. Every year at your first meeting, the Open Meetings Act requires you to adopt the Open Meetings Resolution. So you have that resolution in front of you. Just to summarize quickly, it talks about the notice requirements that you all are required to have with when you have your Annual Meeting. So, when you have a regular meeting it's 10 days, for a special meeting three days. It also gives information on the Agenda. You have to have an

Agenda three days or I'm sorry, ten. Yes, three days before, sorry. I lost my train of thought. So before a regular meeting or a special meeting, you have to have an Agenda 72 hour before. It also talks about your emergency requirement meeting and as you already know, that is, you may only have an emergency meeting at times where it's of a great financial loss to the Game and Fish Commission or if it's a significant public safety issue and so those are going to be very rare but if you so need to have one, its 24 hours prior to your emergency meeting and notify the Attorney General's Office 10 days after you have said meeting. Other than that, it also does provide that Commissioners can approve telephonically if it's otherwise difficult or impossible to show up in person and it does provide information on how you go into Executive Session but you all are extremely well versed in that as well. I won't go into that unless the Commission has any questions.

COMMISSIONER: Guess we're doing all right.

DIRECTOR SANDOVAL: But Mr. Chairman, Members of the Commission, it's the same. Nothing has changed from the resolution from last year if I'm correct?

KARA SZKOTAK: Correct.

DIRECTOR SANDOVAL: So, we're not trying to sneak anything in on you. The dates and timeframes have all stayed the same.

CHAIRMAN KIENZLE: Garrett, do have any comments?

GARRETT VENEKLASEN: No.

CHAIRMAN KIENZLE: Any discussion on this item? We do this every year, so. When was the last time we changed any of this or has that always been included?

DIRECTOR SANDOVAL: Mr. Chairman, we, we actually changed two years ago and what changed in that was the notification where we're actually allowed to use electronic social media as a form of notification.

CHAIRMAN KIENZLE: That's wonderful. Can I get a motion on this one, please?

COMMISSIONER ONE: So moved.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: To do what?

COMMISSIONER ONE: Motion to approve.

CHAIRMAN KIENZLE: To approve this? Any discussion? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Resolution is approved. Agenda Item Number Nine, Future Meetings Schedule and Locations.

COMMISSIONER SALOPEK: I have a question. You have June 26th, that's a Monday and that's fine with me.

DIRECTOR SANDOVAL: Correct. Mr. Chairman, Commissioner Salopek, Commissioner Ryan actually brought that up this morning so, I will have to defer to deputy as to the reason for that or we can change it to the Thursday. I think perhaps it might have just been a date issue.

COMMISSIONER SALOPEK: And that's fine, I'm just throwing out, it happens that that Thursday, June 29th, I can't make that meeting. So if we're going to have it on a Thursday, June 22nd, Thursday before. Thursday before instead of that Monday.

CHAIRMAN KIENZLE: I thought the department operated with zero errors.

DIRECTOR SANDOVAL: If only.

CHAIRMAN KIENZLE: So, what will the date be then?

SPEAKER: Mr. Chairman, Commissioner, it would be June 22nd.

DIRECTOR SANDOVAL: Mr. Chairman that would push that to the previous, the Thursday before the 26. Excuse me, I don't know why I got tongue-tied over it, or you can move it to the Thursday after but it sounds like Commissioner Salopek would not be able to make that meeting so the 22nd would be recommendable.

CHAIRMAN KIENZLE: The 29th is Fourth of July weekend. So I would, 322nd is probably better.

COMMISSIONER: Mr. Chairman, at one time the Commission was concerned about attendance. I might ask if a Saturday meeting is something that the public is asking here. Last year it didn't seem like there was a lot of demand for a Saturday where more people could be here.

CHAIRMAN KIENZLE: We've tried it.

DIRECTOR SANDOVAL: Mr. Chairman, the Saturday meetings for the same reasons, to increase participation. We actually have the same amount and the same individuals show up for the Saturday meeting as our regular Thursday meeting. Just something for consideration.

CHAIRMAN KIENZLE: Do we have a...., yeah, go ahead.

SPEAKER: Mr. Chairman, Commissioners, (indiscernible) John Crenshaw with the Mexico Wildlife Federation and yes, we have in the past asked for Saturday meetings and I have like 150 to 200 times that I've been to Commission Meetings and set through all of them, maybe even more than Mr. Bill though because I started in the Santa Fe office. We do have experienced the Saturday meetings. The one in Taos was a disappointment and our experience in the past has been that a Saturday meeting in a central location, Albuquerque or Rio Rancho would be very good examples, would be a better place to do it, in Taos and usually also, we got the most attendance on weekend meetings when there was something of considerable import., say big game season, setting elk seasons, stuff like that and I think (indiscernible) probably recall too that there were times when we had people into the hundreds or at least over a hundred people attending and long lines of people commenting. So it is possible that there are some criteria's that would need to be met. You know, we would, we'd like to see one for instance to re-open the (indiscernible) to address things such as the distribution of licenses (indiscernible-voice muffled) but that's just one example. So, we would appreciate it if you would give that for consideration but the topic and the location have to be tied into it otherwise (indiscernible). Thank you very much.

CHAIRMAN KIENZLE: I'm just not sure we can game out the issues.

COMMISSIONER ESPINOZA: Mr. Chairman, in lieu of the Saturday meeting, maybe we can explore some of what the states that are doing currently, support people from regional offices can chime in via video conference. I know of possibly a couple of those Commissions, Colorado being one of them, it works that has somebody to just walk into the regional office and chime in.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, we can certainly explore that. It's something that we can, we've actually taken a look at in the past and we can certainly have that conversation.

COMMISSIONER ESPINOZA: Yeah, that would be something to get more participation. You know, somebody from Taos to chime into this even, so. We'd get more participation rather versus Saturday meetings is what my recommendation is.

DIRECTOR SANDOVAL: Although we don't know at this point obviously, what the Agenda Items would be in August but that is our Albuquerque meeting and it would be a central location in the state and if we're going to consider a Saturday meetings then maybe that meeting would be the one to consider, possibly the 26th of August. I'm not sure there's support for that or not.

COMMISSIONER ESPINOZA: Director, how does that tie into the Expo, as far as the date goes?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, Mr. Cherry? Lance? The dates of the Expo?

LANCE CHARRY: I would have to look (indiscernible).

COMMISSIONER ESPINOZA: In regards to that August Meeting, whatever, if you (indiscernible) it has to be a Saturday. The 26th, your starting to get close to the bow hunt where hunts (indiscernible).

SPEAKER: Actually, it's antelope season.

COMMISSIONER ESPINOZA: And that's antelope season, so.

COMMISSIONER RAMOS: Mr. Chairman, I would like to see maybe that Ruidoso date moved to the 24th on that Saturday. It's a great location for other activities as well on that weekend and hopefully by then we can pilot test these two other previous meetings leading into that with teleconference regional office, whatnot, what was just mentioned earlier.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, the consideration that we have on the video pilot is that it's actually broadcast live through the Governor's Website and so it's going to take some coordination but I'm not quite sure we'll be able to get it done by April but we can certainly look at that. They have a system. I cannot remember the name of the program but we would have to coordinate with them on that. So we can certainly do that but I'm not sure that April will be, hit the go button, you know.

COMMISSIONER RAMOS: I think there's some pro's on that, I think there's a lot of good things but also, you know, some cons could be by allowing more of the public input which is always welcome but also maybe narrowing down our Agenda Items from, you know, 22 items down to maybe 15 to generate all the interest or public questions or what comments that come in as well. So it's definitely going to, I think change the structure of our meeting as well if we were to do something like that. So that's something also to be considered.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, absolutely.

COMMISSIONER RAMOS: Okay.

CHAIRMAN KIENZLE: So, I'm hearing some enthusiasm for Saturday. So whether it's June or August, you suggested August, August 26th is no good. So August 19 might be okay. You thought June.....

COMMISSIONER RAMOS: June 24th.

CHAIRMAN KIENZLE: For Ruidoso?

COMMISSIONER ESPINOZA: My thought was August during the Expo. I know that would be logistically a nightmare for the department but...

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, absolutely, because our entire I & E staff goes to Expos. They are not in the office for about 10 days before Expo happens.

COMMISSIONER RYAN: When is that?

SPEAKER: It is the 19th, 20th of August.

COMMISSIONER RYAN: Well certainly Ruidoso is good for those of us that are in the southern part of the state to access, so. I mean I appreciate the location being in Ruidoso personally.

COMMISSIONER: Ruidoso's beautiful in August.

CHAIRMAN KIENZLE: Okay, so do we have a list? Has the public seen a list of these dates and locations?

DIRECTOR SANDOVAL: Mr. Chairman, they've been posted on the website with the Agenda briefing and it's out there.

CHAIRMAN KIENZLE: I'm just going to read these for the benefit of the people that are here. April 6th in Artesian, May 11th in Clayton. We currently are looking at June 22nd in Ruidoso, August 24th in Albuquerque, September 28th in Red River, November 16th Truth or Consequences and then back here again in January 11, 2018. So, that would be the motion to basically, approve those dates and locations. Do I hear either an amendment or subject to change the June 22nd date to a Saturday?

COMMISSIONER RAMOS: Mr. Chairman, I don't think there's a motion on the floor, it's still in discussion isn't it for dates?

CHAIRMAN KIENZLE: I'm just saying the motion that we would have are the ones that I just read off. So if somebody wants to either amend or come up with a different date and time, that would be the motion.

COMMISSIONER RYAN: I would like to make a general comment that on the first and third Thursday's of every month is the docket at the OCD and I do appear before the OCD, not every month and I don't know at this date, I don't know, so you know, 30 to 60 days in advance on those hearings whether I will be in attendance, so I can't tell you for sure but I do know that the April 6th date and the November 16th date are ones on a first Thursday and I guess November's on a third Thursday so there is a possibility, I'm not for sure that I would have a conflict. Not

that, maybe that wouldn't be a best closer to time because I don't know if I have a conflict, I'm just putting it out there.

COMMISSIONER RAMOS: Mr. Chairman, so what's the comments as far as that Saturday, that Ruidoso, I think?

CHAIRMAN KIENZLE: The last Saturday meeting we had was in Taos and it was in June, right? It wasn't well attended and I know from prior discussions on this issue, staff typically does not work on Saturday, so this is time out of their week. Out of their life to go do this. So it is an imposition on staff to get ready for a Saturday meeting. So, based on those two things, I'm not enthusiastic about having a Saturday meeting. I don't, I believe other public participation, transparency and all of that but I don't see a Saturday meeting as a magic bullet to make that happen. I think as Mr. Crenshaw pointed out, a lot of its driven by what's on the Agenda. So we have and typically have, some really boring stuff on June's Agenda. That's just kind of a grasp tax of what we do and unless there's some really exciting issue that comes up and has to be dealt with, people don't technically show up for garden variety (Indiscernible). We can debate the listing of that if we want to but I just don't see a Saturday meeting as being something that's productive. I do agree with Mr. Crenshaw though that if there is a good issue on the Agenda and it's near a more centrally located like Albuquerque or Rio Rancho or something like that, we might have a better attendance just because there's more people in that immediate metropolitan area and it may be easier for them to come to that area. So, you know, of course there are the issues of the rest of the group, but I don't see a Saturday meeting as being particularly productive based on past experience. That meeting we had in Taos, was it two years ago? Did we have a Saturday meeting? When was the time before that that we had a Saturday meeting?

COMMISSIONER: I think that was four year because I was a part of that and it was the same results, they didn't show up.

CHAIRMAN KIENZLE: That may not be either the short or long term way to drive attendance at the meeting and so I, I'm not necessarily jealous of my Saturdays because as a Commission Member I'll do what I have to do but I guess I am sort of jealous of staff and their time in saying, you know, take Saturday out of the rest of your life to accommodate, necessarily my schedule. Anyway, that's my thoughts on it.

COMMISSIONER ESPINOZA: Mr. Chairman, Director Sandoval, if I remember correctly, that Taos Meeting, there was also, because of the overtime involved, a considerable bill to the department. Am I correct on that?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza yes. When we hold Saturday meetings, it actually causes, the cost to the agency actually goes up because of the overtime that our staff incurs. Absolutely.

COMMISSIONER ESPINOZA: My thought is in the same line as the Chairman. I think there's other ways that we can increase public participation and I think we need to explore those versus a Saturday just because of the history we've had. So my motion would be to approve the dates as presented with the only change of, because of the clerical error, to June 22nd.

COMMISSIONER: Mr. Chairman, perhaps to quote Commissioner Ryan, it goes (indiscernible-voice muffled).

CHAIRMAN KIENZLE: So I would propose to amend Commissioner Espinoza's motion and I think I have the power to do it anyway, is to set the date and time, instill some reflect ability that

if I need to move it a day to a week earlier, to the Wednesday, I would move it with sufficient time to meet the requirements of the Open Meetings Act and honor rules and regulations. I would visit with Commissioner Ryan though about it and say look, do you really want me to pull the trigger on this, or do you want to appear by telephone just so we can have a dialog about it so it's not a forgone conclusion and we wouldn't move it but I would say let's build some flexibility into it to allow me to do that.

COMMISSIONER: In actually looking at, the 6th, Commissioner Ryan if you moved April 6th to April 13th, the next week, it gets rid of her conflict and for those of us who have turkey hunt the 13th and still have the 14th to get to the mountains, I don't have a problem with a meeting like that, and as far as Saturdays, I appreciate here at, you know of the Saturdays, all of us work. I treasure my Saturdays with my family and I like, if Game and Fish, if it was voted on for every Saturday I wouldn't see them. We need to do our family thing. I just like Saturdays open, that's just my opinion. I would amend it to the April 13th instead of having it during the hunt season. If we're going to change June 10th to 22nd, we can change that one. In November, it's whatever.

CHAIRMAN KIENZLE: It's Thomas Jefferson's birthday.

[Laughter]

COMMISSIONER: Wouldn't you be happy if it was a (indiscernible)?

CHAIRMAN KIENZLE: I have no problem moving it to the 13th, that would take that one off the table. Does that present a problem with the department?

DIRECTOR SANDOVAL: Mr. Chairman, it does not. It's just we would, it would be in a hurry-up mode to get things posted for the next meeting which is fine and we've done that and

it's not a problem. We have to post 21 days ahead of time before the meeting so we would have a short timeframe but that's fine.

CHAIRMAN KIENZLE: And now we're moving it.

DIRECTOR SANDOVAL: We're moving it towards....

CHAIRMAN KIENZLE: Away from the 6th to the 13th.

DIRECTOR SANDOVAL: Right, but then you look at May 11th being the next meeting but its fine. It is absolutely okay. We have been in that position before, so.

CHAIRMAN KIENZLE: Just to keep it on the 6th and (indiscernible-voice muffled).

COMMISSIONER: I think you, that by your amendment to give you the flexibility. I think you can, if we need to change it then, we trust you.

COMMISSIONER TWO: Whoa, my comment is that if we're going to do that why instead of remove the uncertainty, just move it to the date (indiscernible). Would that help you or do you have to travel?

COMMISSIONER RYAN: The hearings are all here in Santa Fe so I would just go from, if I have a hearing I would just go from where our hearing in Artesia and then go up to Santa Fe and get there that night is fine.

CHAIRMAN KIENZLE: Let's just do that and April 5 works for the department?

DIRECTOR SANDOVAL: Mr. Chairman, yes it does.

CHAIRMAN KIENZLE: All right.

COMMISSIONER: Okay, so what would we've got is April 5, a letter June, 22nd, August, 24th, September, 28th, November, 16th and January, 11th.

DIRECTOR SANDOVAL: Mr. Chairman, if I may, you do have a motion on the floor so it might be a friendly amendment to the motion for April 5th?

CHAIRMAN KIENZLE: Can I get a motion to that, to a friendly amendment?

COMMISSIONER ONE: So moved.

COMMISSIONER TWO: I'll second that.

CHAIRMAN KIENZLE: Okay and then if we have a problem in November, we'll works that out on the fly but we'll keep the 16th for now. Does everyone understand what the motion is with the dates, that (indiscernible) just read them off? Did we get a second on that motion?

COMMISSIONER: Yes.

CHAIRMAN KIENZLE: Any further discussion?

COMMISSIONER: You need a second first.

DIRECTOR SANDOVAL: So we have a friendly amendment motion that needs to be passed and then the motion itself.

CHAIRMAN KIENZLE: Okay. We'll go friendly amendment first and I think we got a second on that, correct?

COMMISSIONER: I Seconded.

CHAIRMAN KIENZLE: Okay, all in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it and then on the motion itself, to approve the dates and locations as friendly amended. Can I get a motion to that effect?

COMMISSIONER ONE: So moved.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Okay, I can see a whole bunch of clerical errors so why doesn't somebody write that down before we leave today and then we'll eyeball it again and make sure we've done it correctly. Mr. Comins, I gave the signature page, the original SWAP signature page to the Director. So, I have, I no longer possession, custody or in control of it. It's somebody else's problem. I'm always amazed at how much time it takes to set up, set a meeting schedule. Agenda Item Number 10, Approval of Site Plan for Construction of Albuquerque Office. Let me just ask a really quick question. Have we visited with our neighbors in that area?

JIM COMINS: Mr. Chairman, we're actually holding an Open House this Saturday from 10:00 a.m. to 2:00p.m.

CHAIRMAN KIENZLE: And where at?

JIM COMINS: At the Darnell [phonetic] House.

CHAIRMAN KIENZLE: That's the house right there at the edge of the property, right?

JIM COMINS: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Is that the first reaching out we've done to the neighborhood?

JIM COMINS: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Any rumor or sense of how things are going at this point in time?

JIM COMINS: Mr. Chairman, I have not heard of any additional rumors since the initial rumors that we have passed along today.

CHAIRMAN KIENZLE: Back when the economy was blowing and going, I gave (indiscernible) and I know that projects of this type always go better when you get the (indiscernible) from the neighborhood or at least (indiscernible) so they don't act surprised later on and say, you know I didn't know that this was going down. So anything you can do to reach out to the neighbors, the immediate neighbors and then the broader neighborhood, it always makes the project go more smoothly, short of not developing the property, if you're able to accommodate neighborhood and community suggestions, I'd say do it. It's certainly, we have requirements for whatever facility that we build or locate on the property. People are always concerned about traffic, noise and light so anything we can do to minimize those things, I would take that into account. I would imagine in that location, you're going to have people very concerned about traffic, people coming in and out and I don't know what hours we would post to have that facility open. Usually hours during the day nobody gets too bent out of shape but kind of a 24 hour or something that's not abused extensively, late into the evening sometimes hacks people off with traffic but get ready for those kinds of comments and I would be very, very surprised if people showed up and were complete cheer leaders for this because you're going to get some push-back. So I would say, be polite. Be diplomatic. Use some of those SWAP skills

that you developed. You should expect, if not neighborhood opposition, a lot of concern over, you know, what kind of facility and how it's going to go down. So anyway, I might have stolen some of your thunder, my apologies, but I wanted to get that out there. Thank you.

JIM COMINS: Mr. Chairman, Members of the Commission, I would like to take this opportunity to introduce Russ Benjamin. Russ is our Construction Project Manager and he will be presenting Agenda Item Number 10 to you today. I do need to give some kudos to Russ because he's been instrumental on getting this project off the ground and he's done an outstanding job and with that I will turn it over to Russ.

RUSS BENJAMIN: Mr. Chairman, Committee Director, I'm very excited to present this next view of what we've been doing. The first thing I would like to reveal attention is the layout of the new office construction itself (indiscernible). Please note that the dark blue areas are the Law Enforcement Areas to your screen. The light green area is our Hunter-Ed and OHB [Phonetic] area and the off orange area at the lower end is our Wildlife Management Fisheries Areas. Also note that there is a large conference rooms, large enough to facilitate about 100 people and this is an augmentation of the original (indiscernible) that you saw in June. It's a better shape site. The next view is the layout on the site. Please note that none of the cottonwoods on the property will be touched as far as construction. We've tucked the building back, close against the cotton woods. The warehouse and the covered storage buildings will be in the back corner of the property which will give us a private entrance and the ability to have new or good security in that area for our equipment and tools that we need. The next view is the front entrance of the property. Please notice the cistern there. The cistern will be catching rain water off the roof if we get rain. The next view is the back, rear entrance view. This will be the employee entrance to the building with parking in a secured parking area by the warehouse and covered storage. The next

view is the east side of the building. This is where the public actually will be looking out and this view from the building will be of the Sandia Mountains. The next view is from the west side of the building. This is the Wildlife Management Area. There is parking just outside of that area and there's a patio area which leads to the checking in game and do other functions that we do (indiscernible), a view that some of the public may not be happy about seeing that type of thing. The next view we have is the inside lobby. The solar panels (indiscernible) on the Wildlife Management Area. This building is being built to a recertification solar, so the cistern, solar system will have a heat pump heating system in it so our air will be drawn from about 30 feet underground. It enhances the environment of the building and the (indiscernible) conservation relies on energy (indiscernible). The next view is the lobby view as the customers that come in and goes to the left, see the windows there. The main window is very similar to what's in the Santa Fe Headquarters. The additions of two windows have been added to support the (indiscernible) and the Hunter-Ed Programs and people coming in for that. The next view is from the back side of the lobby, looking at the displays and the architecture of the lobby. Last view is the sunrise from the street. Again, we tried to keep this as much as a ranch house looking structure as possible and just keeping to demographics of the property. Any discussion?

CHAIRMAN KIENZLE: I've got a question. So we build it today, we have 15 new programs, 100 new employees, is this where building can be expanded some day or the building isn't expansion, is it set up in a way that you can build another building next to it, so to speak, so it's kind of a campus type of (indiscernible)?

RUSS BENJAMIN: That's a very good question, Mr. Chairman. This building is being built in a module format. So we can reduce this and then we hopefully (indiscernible) same size in our future buildings across the state as well as expand any module in any direction and it's also

placed on the property. So we have adequate space to expand even into the parking lot if you were looking at it from the west side of the building.

CHAIRMAN KIENZLE: I like to plan ahead. That satisfies me.

COMMISSIONER: You know just looking at the parking, the blacktop. If you drive in and say you do, say you have two functions going on, is there going to be enough parking, even if it's on (indiscernible) when you first come in?

JIM COMINS: Absolutely, the blacktop is the only parking, where the asphalt is. There's a full size area (indiscernible) which you see, just below that is also a gravel parking lot. We also are putting in some pullouts and it will be for trailers (indiscernible).

COMMISSIONER: Perfect. Thank you, Jim

COMMISSIONER RAMOS: Mr. Chairman, just a quick comment. The educational room, the instructional room, is it about the size of this room here and would we be able to hold maybe a Commission meeting there as well?

RUSS BENJAMIN: It's designed specifically for that scenario. The one room is the size for 75 people and the room the size for 25 people. The walls between them are partition wall and a rollback. Also, if you'll notice in the corner, there's an AV room, so we hope to build in all of this into that (indiscernible) room so we don't have to (indiscernible).

COMMISSIONER RAMOS: Are we also going to be putting like maybe 60, 90 inch TV's in there so we don't have to use this old presentation, overheads and things like that?

RUSS BENJAMIN: Commissioner Ramos, I think that's a fantastic idea and as we are only coming towards the 40% design review, we can always incorporate those changes as we move forward with the design.

COMMISSIONER RAMOS: Absolutely, with Apple Technology all these wires are kind of strange anymore in a classroom anyway.

COMMISSIONER ESPINOZA: (indiscernible) was just trying to trip the teacher.

CHAIRMAN KIENZLE: So, when do we start to put our shovel in the ground on this?

RUSS BENJAMIN: The current project, (indiscernible) shows us Mr. Chairman, putting the shovel in the ground in September timeframe of this year and finishing the target in toward mid-year, 2018.

CHAIRMAN KIENZLE: And so, tell me a little bit about the permitting process. So, we send our plans to Santa Fe, does somebody in Santa Fe approve them?

RUSS BENJAMIN: Our architectural firm that we hired manages all of that. CIB will be the approving agency for all this property.

DIRECTOR SANDOVAL: Mr. Chairman, construction industry is Department of General Services.

CHAIRMAN KIENZLE: So we don't get local approval like City of Albuquerque or the county, the county would not...

RUSS BENJAMIN: We are communicating with the county because of the road use and especially with the construction. We also will be cutting into county services like sewer, water.

CHAIRMAN KIENZLE: Make nice with them because we really want to try to be a good neighbor. This is a beautiful location and it's kind of a sensitive spot. While it is beautiful it is a sensitive spot and I would really would be a good neighbor there to the fullest extent possible.

COMMISSIONER: Mr. Chairman, who is the architecture firm?

CHAIRMAN KIENZLE: Ba Han in Houston [Phonetic].

COMMISSIONER: Oh great, (indiscernible) I never worked with them. So their handling some of the public reviews as well as

SPEAKER: (indiscernible) we contracted with us through (indiscernible) and I cannot, it's a gentleman's name, Steven W something and Associates to do all of the (indiscernible) and they, part of their (indiscernible) would also be to hold public meetings. They also will be doing the traffic study on that road and all of the Wildlife Management involvements for the species, etc. and what may present in that property.

COMMISSIONER: So they'll have it (indiscernible) from where they're at to date to completion.

RUSS BENJAMIN: (indiscernible) to construction, at that point we will be going out for competitive bids for the actual construction.

COMMISSIONER: Now will they be the project engineer (indiscernible) you have?

RUSS BENJAMIN: We have hired them to provide the project management for the construction.

CHAIRMAN KIENZLE: When would you expect to have a permit then? September, you wouldn't want to break ground but when we submit it, we're only at 40% so we haven't submitted our permit application to CIB or anything at this point, right?

RUSS BENJAMIN: Mr. Chairman, we are currently (indiscernible) with CIB and discussing with them but we have not got the permit to my knowledge.

CHAIRMAN KIENZLE: When's a good time to put this on the Agenda again? I don't want a (Indiscernible) have a meeting every month (indiscernible).

DIRECTOR SANDOVAL: Mr. Chairman, I guess I would defer to Russ to get a better understanding about what the timeframe is now for the further development. We'll be looking for approval today but then what today brings will set where we potentially need to come back in with the Commission, so.

CHAIRMAN KIENZLE: So you're at 40% now. What's your next milestone, 60?

RUSS BENJAMIN: 65% in July. We'll still be two months out.

CHAIRMAN KIENZLE: So then that probably would be our April meeting?

DIRECTOR SANDOVAL: Mr. Chairman that would be correct. We can put it on the Agenda for April.

CHAIRMAN KIENZLE: Perfect. See you again in April.

RUSS BENJAMIN: Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Any further questions?

COMMISSIONER RAMOS: Just one last comment. As far as furniture for the building, has that been also looked at and as far as the conference room, being more multi-use versus the typical long table and it kind of limits you for interaction engagement of online or whatever courses that were offering, you know maybe even having technology embedded into those tables to do whatever with computers?

DIRECTOR SANDOVAL: So Mr. Chairman, Commissioner Ramos, I don't know that we have thought about the technology being built into the tables but we absolutely have taken a multi-use approach in designing that specific conference area. So yes, we will probably give you a holler and find out, you know, what kind of things you've got going on but yes, furniture is a piece of the whole discussion.

CHAIRMAN KIENZLE: The Open House you're going to have this Saturday, right?

JIM COMINS: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: And then is that run by the department or is that done by one of our contractors?

JIM COMINS: Mr. Chairman, that's going to be run by the department. We're trying to get ahead of the team if you will. In any case, those folks, SWCA will hold two additional meetings about that. What we're trying to accomplish is essentially toning down, toning down those future meetings.

CHAIRMAN KIENZLE: So two meetings with SWCA. What timeframe are those expected?

JIM COMINS: Mr. Chairman, I do not know on that. I'm going to have to look that up.

CHAIRMAN KIENZLE: Any idea?

JIM COMINS: We do not have that timing in front of us.

CHAIRMAN KIENZLE: So we don't meet again until April. So if those meetings, what I would say is even, I know it's kind of short notice but I would put this Saturday meeting up on the website. I just don't want anyone to say, hey, I didn't hear about this because having done these projects like this before, people complained they didn't get notice so I would say put that up on the website and then when you find out the date and times of the SWA meetings, let's get those up on the website.

DIRECTOR SANDOVAL: Mr. Chairman, we had that discussion about having the meetings and this Open House will be the first of many. We don't intend this being the one and only. Gauging what the interest is and potentially even going and visiting with the other folks, not just having an Open House, actually going out to them, specifically is our intent. So we will absolutely gauge what happened Saturday and then that will help set the tone for where we head.

CHAIRMAN KIENZLE: You thought the SWAP was going to be difficult.

JIM COMINS: Mr. Chairman, (indiscernible). Mr. Chairman, as part of this engagement process, we've actually handed out flyers to all the individuals that live in the neighborhood to the north, including the layout of the property hopefully to show that we're not going to building right in their backyard but we're actually going to read that as part of that (indiscernible). So, we hope that's a step in the right direction to address any concerns they may have.

CHAIRMAN KIENZLE: All you can do is communicate. We've already made efforts in that regard and I'm sure we'll get some suggestions and perhaps try to (indiscernible) this as well. Just get ready for it. We need an action on this. I need a motion.

COMMISSIONER ONE: I move to approve the Albuquerque office complex, design and layout as presented.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any further discussion or comments? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Why don't we take a quick break before Number 11?

CHAIRMAN KIENZLE: Agenda Item Number 11, Revocations. Colonel Griego.

COLONEL GRIEGO: Mr. Chairman, Commissioners I would like to present license revocations. Before you today we have three separate groups of individuals that are subject to revocation, revocations for your approval. Group One is going to be the revocations of two registered outfitters and guides who have accumulated 20 or more misconduct points in a three-year period. Those individuals were served with the notice of contemplated action and they requested a hearing. The Hearing Officer's report and recommendations are present and were presented and one of those individuals has presented a written exception for your consideration. Second group is a revocation of a registered outfitter who accumulated 20 or more misconduct points in a three-year period who is subject for revocation and Outfitter's Guide revocation Registration privileges. That individual was served a notice of contemplated action and did not request a hearing and then the Group Three is the PRA. So in accordance with regulation 30.8 outfitters and guide are held to a code of conduct and for Registered Outfitter and Guide (indiscernible) 20 or more conduct points in a three-year period, they are subject to revocation of their Outfitter and Guide Registration privileges. The first individual we have in Group One is Gerald Blake. He is a registered outfitter who accumulated 70 misconduct points in a three-year

period. He was served with a notice of contemplated action advising him that he was subject to having his Outfitter and Guide Registration privileges revoked. Mr. Blake did request a hearing, The Hearing Officer reports and recommendations are provided for you and Mr. Blake also submitted a written exception for your consideration.

CHAIRMAN KIENZLE: Colonel Griego, tell us again what our role is today when you read these matters. At least in the first category here with Mr. Blake and Mr. Pacheco.

COLONEL GRIEGO: Mr. Chairman, the Commission Rule is to take into account the Hearing Officer's Report, to review that and any written exceptions of individuals who were party to the hearing. They have a certain contract to get those in and if they meet that requirement, which Mr. Blake did, your to take into account that written exception. We can only take or the Commission can only take into account those written exceptions and cannot take oral testimony and those written exceptions can only be given to individuals who are party to the hearing. So between the Hearing Officer's Report and recommendation you can take that into account and agree with that or reduce or increase and then also (indiscernible), litigating circumstances that you feel the need to be addressed with that.

CHAIRMAN KIENZLE: And so we don't take, we don't specifically take public comment. We don't take argument. We don't take testimony from individuals on these matters. We review the written submissions.

COLONEL GRIEGO: Mr. Chairman, you cannot take any testimony to be taken into account on the revocation of, or the timeframe. We take that public comment at the end of it but not to take into account before your recommendation.

CHAIRMAN KIENZLE: On the two most serious ones here, Mr. Blake and Mr. Pacheco, is Mr. Blake here?

COLONEL GRIEGO: I think so.

CHAIRMAN KIENZLE: Mr. Blake?

MR. BLAKE: (indiscernible).

CHAIRMAN KIENZLE: Then is Mr. Pacheco here? We'll take Mr. Blake's first and we'll do them separately. Any questions or comments from the Commission on Mr. Blake?

COMMISSIONER RAMOS: Colonel Griego, what is the procedure that an outfitter needs to do just to kind of give us all abreast on that? I know that's a (indiscernible) permission where certification from the Forest Service as well to be guiding on forest land? Is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos specific to this case, any outfitter that is outfitting in New Mexico needs to get licensed within the State of New Mexico. So basically, the application, the payment, they take a test. They have to meet certain requirements of experience before they can qualify to be an outfitter. If they meet that and they have their insurance and we license them, at that point they also need to, if they're going to be providing a commercial service on National Forest, they need to be permitted with those forests. In this individual case, the outfitter was outfitting at least partially on the Gila National Forest and applied for some permits. I believe in the (indiscernible), the Gila and did not receive his permit to operate on the Gila National Forest and therefore, he was cited for that. At that point, once the individual is cited, that's a federal requirement, although we require that you administratively, that you follow all state and federal rules associated with your outfitting business. When Mr.

Blake made application the following year, there was on the application, there was no indication of the violations that occurred. Once we found out about the violations, the Outfitting Guide Register gave us some background check and we received that information that the outfitter had been cited and had pled guilty and paid the fine. At that point, we assessed those administrative points for failure to comply with the Federal Rule. In this instance also, there was no indication on the application that those violations, that violation had occurred. So, anything done on that forest does require not only our license to be permitted but also the permit on the forest.

COMMISSIONER RAMOS: Okay, so once they get the permit, let's say you apply to a U.S. Forest Service and you cannot get ahold of these people, I know their also in the process of hiring people and it's very hard to get ahold of them, although I read this report and he did apply for it but did not ever get the permit. So there's other avenues that could be done you know, if you still have clients. Obviously there's clients you know, at stake, (indiscernible) or whatnot but I would think that you could also contact maybe another outfitter who is outfitting there and they would still be allowed to guide under a different outfitter as well if that was in agreement amongst them, correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos that is correct. You can transfer a hunter to another outfitter as long as it's in agreeance and they fill the contract with the new outfitter and the outfitter who currently had them agrees with that. They are able to do that or even outfit on private land.

COMMISSIONER RAMOS: So there are other avenues where the outfitter could have communicated even with the Game and Fish to see what we could do to help accommodate the need to continue with permits or whatnot, isn't that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos I don't know that we could have provided a list of other outfitters. What we do is always try to avoid advertising or advocating for another outfitter. We would give you a list of the outfitters who are licensed but typically the outfitters who are outfitting a specific area of forest are aware of many of the other outfitters that are licensed down there.

COMMISSIONER RAMOS: Okay, so there are other avenues that could have been done. My other question is and just for knowledge, as an outfitter you have guides that work underneath you and during that time that they work underneath you there's more responsibility because they're employed by you, so therefore if they get caught in the field for whatever circumstance and they accumulate points, those points also transfer to the outfitter, the employer, is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos that is correct. An outfitter has a responsibility to properly supervise their guides, their licensed guides that are working underneath them. Although, we do take that on, depending on the investigation, there may certain violations that a guide commences, the outfitter just would not have been able to prevent or know about but if we can show that there was knowledge or show that it was because of the lack of supervision, that outfitter will be assessed points also because of a violation. If that we can show again, based on those violations that we got a judgement and sentence, that they've been through a court of law and found guilty for a specific crime.

COMMISSIONER RAMOS: So basically, whether you seat for a permit on U.S. Forest Service and did not receive one, if you do go on there with a client, that is illegal and therefore the

citations take place and those citations are generated by the Forest Service and Law Enforcement, is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos for violations of having no permit, no commercial permit, the premium citation yes, is generated by the Law Enforcement Officer with U. S. Forest Service. At that point again, if they go through a court of law and are found guilty and pay a criminal fine, we've got that judgement and sentence showing that (indiscernible) at that point we will access an administrate, it's an administrative citation but we don't issue it. The citation in itself is only for tracking purposes for the department. That way we can keep record of it in our system. We don't necessarily issue a citation to anybody but we would access from that point, at that point at that time.

COMMISSIONER RAMOS: And that's part of the Outfitter Contract when you sign, that's part of the point accumulation through administration and all that, that's where it's documented, correct?

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

COMMISSIONER RAMOS: Thank you, sir.

COMMISSIONER RICKLEFS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RICKLEFS: Listening to that about the Forest Service, I found it interesting that it took months for the Forest Service to not come around to give the outfitter permit but found him immediately on the forest in violations. There seems to be many, many (indiscernible) and circumstances here. I would perhaps say that no outfitter should be in here, even close to the

date of hunt. It's too easy to get into trouble and I feel like this outfitter should not have been in the air prior to his hunt which is part of the administrative points that he received. Like I said, it seems like there really vague circumstance and the outfitter claims that they were not in the air prior to 48 hours and the guide agreed to the fine so therefore the administrative points go to the outfitter. According to 1931, .236 [phonetic], in our regulations, to revoke or restrict or suspend the hunting, fishing, trapping, guiding and outfitting privileges is a person who persistently, flagrantly and knowingly violates (indiscernible). I still feel like this is (indiscernible). So on the administrative points I don't feel like they persistently (indiscernible). You know I think it was, I don't believe in three years suspension is warranted.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ricklefs I don't think you would find an officer with the New Mexico Game and Fish that works an area with outfitters and guides that they would argue that there is some inefficiencies for sure with the permitting system with the National Forest but that being said, it is still a requirement and in this case, even though there seem to be efficiencies, there was no permit and therefore we go forward once that individual is cited and found guilty. As far as the flying goes, based on the investigation, you know the officer did see postings on facebook that the guide had put there showing flying in the (indiscernible) area showing elk and based on hi investigations, talking to the individuals involved, admitting to flying and although by the time the officer checked the individuals in the field, it was past the 48 hours. They had been there prior to, to daylight and hunting and that's why that officer went forward with that charge. The officer did decide, the court did not dismiss the charge against Mr. Blake, the officer dismissed it, the case against Mr. Blake and just went forward with the guide because he was the one in the plane that the video was of and again, by the time we get to the hearing, it's not a matter of innocence or guilt as far as, or proving innocence or guilt, whether

that infraction occurred. We go solely on the magistrate's judgement and sentences. The guide pled guilty to that crime and that's when we moved forward with the administrative end of that.

CHAIRMAN KIENZLE: So Commissioner Ricklefs, you say suspension. There isn't one that (indiscernible). What's your thinking?

COMMISSIONER RICKLEFS: There were some violations in print here. Colonels for clarifying those (indiscernible) charges were dropped against the outfitter, that's staying with the guide. (Indiscernible).

COMMISSIONER SALOPEK: I'm going to agree with Commissioner Ricklefs. Just looking at what's going on, you know, Mr. Blake did get summoned because (indiscernible), I would hope that if we vote for one year exception that we don't see him again in here. That's my personal opinion.

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek again, we're just here to present what was brought before us and with the Game Law Enforcement. We hope that the action that we take in dealing with our sportsmen or the outfitters and guides, that in the end it creates a positive effect. That's the whole goal of law enforcement. It's to gain voluntary compliance whether it's being taking a harsh stance to get that or sometimes it's a lenient stance to get that. That's what's in front of you.

CHAIRMAN KIENZLE: Commissioners, questions? And then we don't take, it's limited to the written record so that I know that the Colonel is basically directing us or guiding us through the written records so we don't take (indiscernible), so we're limited to the written submissions that are before us. So anyway, with that in mind, questions, comments?

COMMISSIONER RYAN: I do have several comments and they all pertain to, you know, weighing, weighing the circumstances of this particular case. On the one hand, I don't think anyone on the Commission reviewing this particular case. An outfitter is called an outfitter and that outfitter or that he, it sounds like that he has a good reputation for being one of the good guys and certainly we, and I've stated this previously, that I'm interested in going after the bad guys and going after the poachers and people who are knowingly, flagrantly violating our laws. . . . With that said, we have to make our laws meaningful, including paying permits from the National Forest including our no-fly rule 48 hours from hunting. So that's kind of what we're balancing here, is an individual who is what I would call one of the good guys but also, not thinking that everybody whose assessed three years by the Hearing Officer thinks that they can come in front of the Commission and have us reduce them to a year or two and have that kind of habitual thing happening. Although I stand by previous decisions that we made and not many but which I made to reduce other individuals to a year or two year suspension of than a three year but I think we have to really, with that said, we've got to look at the fact and the individual case and I think there are cases where there are mitigating circumstances that should be considered and which I think were not properly considered by the Hearing Officer. In this case we have, several things bother me. Number one, the guide to me, I wish he was the one in front of me because I'm frustrated with (indiscernible). There is an initiative by the department which I really, which we've all voice support for that's a fair chase [phonetic] and fair chase [phonetic] is the heart of sportsmen and of proper and ethical game management in our state, in our country and so fair chase is important and I would be supportive of re-looking at this 48 hour rule. There are states that don't allow it whatsoever close to the hunting season and I would be supportive in re-looking at that to see, truly making sure that you know, in our state you're going to have fair

chase and you know, getting out there and scouting a week before the hunt is an old fashion way is in my mind what needs to be happening and I have a problem with individuals who are you know, getting off for technical reasons like well we just didn't have the gun with us and so you know we weren't technically hunting and therefore violating the 48 hour rule. I understand why that issue had some technical reasons why it was dismissed. You know, obviously they filed up and they pile up, excuse me, and I certainly have sympathy for being (indiscernible) and trying to figure out all the rules and regulations that are applied when you come here. At the same time we can't say, well if this is your first year we're always going to be lenient on you and so we have to as a Commission, we're policy makers and when you have to choose that precedent on making our rules and regulations meaningful and be sure that they are enforced and that we, although I have opinions about, I've heard how difficult it is to work with the National Forest and (indiscernible) and just work with them in general. There's some that are (indiscernible) that are quite easily that makes things that run much smoother there at the National Forest and I appreciate those people but there are times that it is extremely difficult and so I'm also conscious of that but at the same time there are rules that are in place that need to be followed and we have them for a reason and so I don't want to diminish that either. So all that is a lot of work, all that to say that on the one hand, I don't think that we have someone that was flagrantly and persistently violating our rules. On the other hand, we do have the rules there for a reason and so my personal opinion in taking the mitigated circumstances in a case, I'm supportive of a two-year, reducing it to two-years and supportive of one year because I appreciate the mitigating circumstances of the case and I want more outfitters and guides out there like this individual whose willing to do the right thing and help be eyes of our department. The department can't be everywhere and so it is our sportsmen that are out there. I follow and then making sure that those

trespassers and poachers aren't out there too and so I appreciate that about you and a lot of words, I apologize. There's a lot to weigh and I appreciate your law abiding attitude and I wish you very much success in your business and that's where I am on it.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, I will if I may, just because you brought up the flying. I will state that as an officer who was stationed for 15 years in the Gila in the Reserve and then in the (indiscernible) area, we have a huge problem with planes flying, particularly during the archery, elk season, during the (indiscernible). Its common place that on any given morning and afternoon starting about August 20th through the end of September, that there are planes in the air every morning, every afternoon and it's an issue. Now, proving that an individual was utilizing information within the 48 hours is difficult but we know it's occurring. We know it's an issue. It's just difficult to catch but it is an issue and in this instance we do believe based on the investigation that although the guide was the one that ultimately was cited and convicted, the outfitter was aware that that plane (indiscernible).

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes?

COMMISSIONER ESPINOZA: I have a, I won't go over everything the other Commissioners said. I think they said it very well. One question I have is, the revocation would it start from today so he would not be allowed to solicit clients for this licensed year, is that correct?

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza that is correct. As soon as the Chairman signs off on it, on that revocation starts.

COMMISSIONER ESPINOZA: I think what's happened is what we've seen is this brought two very important facts to mind like flying, which I think we all have an issue with which I would recommend to the Chairman that we might bring that up in future Commission meeting. Also, I think it's brought something to mind, at least me and I'm sure the other Commissioners, the difficulty it is to work with the Forest Service and abstaining these permits and I don't know if there's anything that we can do from the departments standpoint and I've read some comments from Kerrie Romero from the Outfitters and Guides Association, it's an ongoing problem and hoping that this would further brings it along to where they can address that and hopefully maybe something that we can do as a department to help that process or at least bring it to somebody's attention that it is a problem and at the end of the day some of our sportsmen are the ones that are suffering. I can just imagine me hiring an outfitter and the outfitter says I show up on Friday and the outfitter says we can't go hunting because the Forest Service didn't give me my permit and I'm like, not my problem but it's still an issue but I agree with a lot of the stuff that they said. I'm in support. I think he's a good outfitter, just based on what I'm seeing. I don't want to set the precedence as Commissioner Ryan said. You know, just because we, he does all this stuff and comes before us and that we're going to be lenient. I don't want to set that precedence at all, but (indiscernible). I am in favor of a one year versus a three year but I also would like a commitment. I'm obviously one that's in support of our Youth program. I would like to have a commitment from him that he would support some Youth Programs. I would like him to contact one of us to see what he would do with that. I'm going to take him for his word that he will do something because there are consequences and there are some things that he can do that will support our New Mexico Youth even though he's from out-of-state. That would, I think help me

along a little bit with my decision but I'm in support of a one year versus a three year after all I've said.

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza, on your comment in regards to the department trying to work with the Forest Service, the department for the last six years that I've been involved with it anyhow, we've worked with the Forest Service annually to try and combat at least working with the outfitters and the trip plans and the permit requirements to not only make it easier and more efficient for the outfitters but also more efficient for our officers in the field checking those items and recently the Council of Outfitters and Guides, was in (indiscernible) of one of those meetings. So the department is trying to work with the industry and with the outfitter agencies like Forest Service to try and improve, but it is difficult. We are working towards that for sure.

COMMISSIONER RYAN: I would like to make just the comment because it seems to be repetitive through some of the information provided by the department today, that we do have individuals requesting the witness list as they're allowed to do under our rules and routinely the Hearing Officers denying that motion and claim that there's no prejudice to the individuals in front of them and I want to make sure, I wanted to make this statement publicly that our department needs to be responding to the request for witness list and giving the person the opportunity to cross-examine these witnesses. It's part of our due process. It's inherent in every hearing including administrative and it makes, you know especially when they end up at our end (to know that they had (indiscernible) to prepare and cross-examine anything that they thought was an issue. It really is important so I want to make sure the process is happening on the lower level that it should be and the two individuals that have files exceptions today, (indiscernible) was an issue so I'd just like to make the general comment that I don't want to be seeing those ,

that's not being provided and then making the general assumption that it had no prejudice and then that's easy to say on the department side but when you're the one whose subject to losing your license, not being able to have, whatever, it's extremely important for that person and their council, if they have any, to be able to prepare and cross-examine. So I'm just putting that out there and due process is there for a reason and we need to be responding with those requests.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan absolutely.

COMMISSIONER RAMOS: Mr. Chairman, Director I know that I'd like to see if we could possible assign Colonel to do some homework and research with other states and their flying rules as well to be presented possibly at the next Game Commission Meeting. I know Arizona doesn't allow any flying during hunting season. I personally would like to see a no flying for September 1st to December 31st. You know and I know that will impact you know, the lucrative Governor of (indiscernible) and whatnot but, hey, this is hunting as well.

COMMISSIONER: We need it to make a fair case.

CHAIRMAN KIENZLE: I agree.

COMMISSIONER ONE: I move to revoke Gerald Blake's Outfitter Guide and Registration privileges for a period of one year.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any further discussion? Anything else? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners, still in Group One, the second individual, Eddie Pacheco is a registered outfitter. He has accumulated 50 misconduct points in a three year period. He was served a notice of contemplated action advising him that he was subject to having those outfitter and guide registration privileges revoked. Mr. Pacheco did request a hearing. The Hearing Officer's report and recommendation are provided for you.

CHAIRMAN KIENZLE: I'll ask again, is Mr. Pacheco here today? Any questions or comments for this?

COMMISSIONER ESPINOZA: Can you explain what this violation is again?

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza, what Mr. Pacheco had was again, he was an individual who didn't have permits on the forest and it ended up there was four different violations. He had three different guides guiding four different hunters over some huts that he was cited for by Forest Service and found guilty and pled to those. Upon further, once we received that information and the guide and outfitter register [phonetic] on background checks, he found that the Santa Fe Forest had said that he had not been authorized or permitted to outfit on that forest for the previous two years so that's where those violations came from.

COMMISSIONER ESPINOZA: In this case, it just seems like this is flagrantly (indiscernible) multiple times. He had a chance to get those permits and should have done it.

CHAIRMAN KIENZLE: Any further questions or comments on this one? This is an action item. I need a motion on this one.

COMMISSIONER RYAN: I move to upon the Hearing Officers ruling to revoke the guide and outfitter privileges and the like for a three year period.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: Any further discussion or comments? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners, Group two, one revocation of one registered outfitter. John Rolston is a registered outfitter. He accumulated 60 misconduct points in a three-year period. Mr. Rolston was served with a notice of contemplated action. He did not request a hearing. Mr. Rolston's privileges were previously revoked by the Commission in 2010. So therefore, we are asking for the five-year revocation.

CHAIRMAN KIENZLE: John Rolston, are you here?

COMMISSIONER RYAN: Colonel, can you just basically summarize what his violations were?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, while this individual did is he had hunters in the field that did have elk licenses at all. They just had game hunting licenses and then the third hunter was misuse some stamps and then one of the guides that was working for him was unlicensed, he did not have a guide license at all and then I believe there was some permitting issues also on forest they were on.

CHAIRMAN KIENZLE: Would you make the motion?

COMMISSIONER: Yes, sir. I move to accept the department's recommendation, to revoke John Rolston Outfitter and Guide Registration privileges for a period of five years.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any questions or comments? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COLONEL GRIEGO: Mr. Chairman, Commissioners, the Third Group is 267 obligators the Human Services Department reported as being out of compliance with the Parental Responsibility Act in August and September and you have that list in front of you.

CHAIRMAN KIENZLE: This list never gets shorter, Colonel.

COLONEL GRIEGO: No, sir.

COMMISSIONER SALOPEK: If they paid up they would come off the list, right?

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek that is correct. It's just a suspension because their out of compliance, some of them are (indiscernible).

COMMISSIONER SALOPEK: Son, you're not talking (indiscernible).

[Laughter]

CHAIRMAN KIENZLE: Can I get a motion on this one?

COMMISSIONER RYAN: Mr. Chairman, I move to authorize the department to administer the suspension on behalf of the Commission including issuance and service of a notice of contemplated action to each individual listed that is out of compliance with the Parental Responsibility Act.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: Is that it? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

COMMISSIONER SALOPEK: I have a question for Bobby. Bobby, since me and Ralph get to ride together so it seems like we get to talk to somebody, would you state what, and we were talking about this flying. I'm in Gila a lot and from outfitters to hunters, it's like, you got to stop the planes. So you called Ralph's phone and get together on the speaker. Would you state what Arizona's rule is and I think Ralph (indiscernible) to it and no flying during hunting season. I think we can get it on the Agenda and I think we need to really pursue that. We should have done that when we did the drones, is my opinion but would you state whether it was Arizona's rule (indiscernible).

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, Arizona, off the top of my head, what their law states is they do not allow any flying or scouting or spotting big game during any open big game season in the State of Arizona. So therefore, it effectively eliminated their flying from about mid-August when their elk season started and antelope season started through December and therefore, you see a lot of their governor's tag type permits. Those elk are often killed in late August, early September while the elk are running versus late in the winter.

COMMISSIONER SALOPEK: Then I think, when we look at it, we ought to include up to two days before the season. Just my opinion, to keep our 48 Rule, 48 Hour Rule in play but I would sure like to do that on the Agenda (indiscernible).

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: We've got some work to do.

COMMISSIONER: And the oldest is on you, I believe.

COMMISSIONER SALOPEK: It doesn't have to be the next meeting. I'm just, some meeting sometime this year with (indiscernible).

COLONEL GRIEGO: Mr. Chairman, that's one of those laws that Field Operations, we're continually putting laws together that we think we need to address. So, I can bring you something.

CHAIRMAN KIENZLE: I don't typically allow public comment on this, these Agenda Items but as a curtesy to Mr. Burns, Mr. Blake, and Miss Romero, do you wish to make any comments?

KERRI ROMERO: Mine is fairly general. I can wait until the end.

CHAIRMAN KIENZLE: You might as well do it now.

KERRIE ROMERO: Okay. Thank you Mr. Chairman, Members of the Commission, Kerrie Romero with the New Mexico Council of Outfitters and Guides. Over the past year our industry has experienced a dramatic increase in the amount of administrative violations citations issued to outfitters by the department. In early seven and sixteen the department met and began interpreting the contract requirement and rules, to amend that all guides must physically carry the outfitter hunter contract with them in the field or the outfitter faces an administrative violation of 10 points. The department also recently issued an outfitter a 10 point citation for failure to have a Forest Service operating plan with him in the field, something that the Forest Service does not require. Now Mr. Blake's (indiscernible), you have an outfitter being issued multiple

administrative citations associated with failure to properly supervise a guide simply because the guide chose to pay a fee on a five point citation. If you look at the outfitter administrative violation as defined in rule, you will find them all to be rather subjective and of the outfitter licenses that were revoked in 2016, nearly all of them were due to administrative violations. I recently attended an outfitter administrative hearing. I was very troubled by what I saw. Neither the outfitter nor the department official seemed to have any idea what rights the outfitter held during those proceedings. The outfitter was given very little time to defend himself, while the law enforcement officer was given ample time. The department also insinuated on numerous occasions that the outfitter would have a chance to plead his case to the Commission. This I felt to be highly misleading. While our organization is supportive of the department's efforts to enforce regulations, we are disappointed that the department has suddenly altered their interpretation of the Outfitter and Guide Rules as well as the severity with which they administer consequences for non-game related outfitter citations. Thank you.

CHAIRMAN KIENZLE: Let me just say, I've warned you and keep telling you, the machinery of this is cranked up. You may take issue with how it works. But you've got to let your folks know to dot the I's and cross the T's. I know you may take issue with whether you need to dot the I's and cross the T's, but this procedure is in place and it's here, so if there's any question about what to do, and I know that you know you can visit with the Director or the Colonel, what do you expect the outfitters and guides to do then you can get the guidance to them. This one time, after we've gone through a few cycles of this, there should be no surprise that this procedure is in place.

SPEAKER: I've learned a tremendous amount over 2016, and I think that I have a much better understanding of how our members will handle their administrative violations as well as their

administration hearings. And I've also been in discussion with the Director about sitting down with perhaps a couple of Commissioners to discuss the administrative violations that are currently in rule and to see if we can maybe further refine some of these areas.

CHAIRMAN KIENZLE: As one (Phonetic) Commissioner, you know, if we get pushed and say, well, these are (Indiscernible) or these are ticky-tack and we'll say — you know — X, Y, and Z. So I'm not threatening you for saying that you're (Indiscernible) but if you really want it spelled out, and really by law enforcement, then that can happen.

SPEAKER: We've been asking for a black-and-white list of what exactly an outfitter is required to carry with him in the field for years, and we still can't get it because the Forest Service and the Department cannot agree on what those requirements are, because it changes for that district and it is very complicated. We have been asking for a black-and-white list for this.

CHAIRMAN KIENZLE: I understand. And that's the Federal (Indiscernible). Sometimes they don't fit neatly together, but I will say again, tell all your members this procedure is in place and these administrative violations have been (Indiscernible) and so you can feel that's unfair and whatever else.

SPEAKER: I don't think we're saying that it's unfair. I think we are learning. 2016 was the first time in my 4 years with the Council that I ever saw anyone revoked for the guide license. So I think it is a learning process for the Department as they probably didn't see many of these in the past and it is definitely a learning area for our industry. And I don't think that it's necessarily unfair but I do think that there is a learning curve on both sides.

CHAIRMAN KIENZLE: Well, again, put your members on notice, that if they have any questions, I know the Director is always open. I know the Colonel is available to answer questions, certainly for you, I know this door is open and he is open to answering questions for you and the guides. I sympathize in a sense that it stinks when you don't know what the rules are. I've had — you know I've had people come to me and say, well, the Feds won't tell me what the rules are, and they're super-secret rules. There's rules that only one person in one BLM office knows, and if you catch that person at lunch you're not going to know what the rules are. So you go out in the field with confidence. So I sympathize with you in that regard that you kind of want a playbill and you kind of want to know what the rules are. So I would encourage that the Director and (Indiscernible) to the extent you can give guidance to a very important organization, give it to them so we don't get people — whether it's intentional or inadvertently — violating these administrative rules.

SPEAKER: Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Mr. Burns (Phonetic), how are you today?

GUEST SPEAKER: You're welcome. Mr. Chairman, Commissioners, (Indiscernible). I understand that my letter today is not to provide evidence or arguments. I'm not going to do that. I am actually just going to (Indiscernible) I think you really touch on a lot of the key issues here, (Indiscernible) response and consideration that you have verbalized and I appreciate that. Commissioner Espinoza, you mentioned earlier about (Indiscernible) review program and we very much (Indiscernible).

CHAIRMAN KIENZLE: Mr. Blake (Phonetic), anything?

GUEST SPEAKER: Commissioners, Chairman, I come to you today and (Indiscernible) and I'm doing my best to prove to you that I am being a good outfitter and am willing to help you in any possible way that I can. And you can be assured that I'm not going to be back here again for this.

CHAIRMAN KIENZLE: I can't make any promises because the Department handles stipulated agreements before it ever gets to me and I don't know what the Department would have done in any of these situations. Sometimes it's better to admit, 'All right, I didn't dot the I's and cross the T's' and do a stipulated agreement and get on down the road it may not — you may get leniency at that point in time and just as you might get leniency here from the Commission. Let me ask this question. I looked at the rules. Do the rules permit what we could call in the criminal world (Phonetic), community services or something else in lieu of having a license suspended or revoked for a period of time. Do you believe our rules permit that?

SPEAKER: Mr. Chairman, I do not believe that to be true at this point but we can...

(Indiscernible/inaudible/feedback from sound system)

COMMISSIONER SALOPEK: My question is, every time we come up, its 3 years. Is it set in stone that you have to put down 3 years?

SPEAKER: Mr. Chairman, Commissioner Salopek, no. That's the hearing officer's recommendation.

COMMISSIONER SALOPEK: I was just wondering.

CHAIRMAN KIENZLE: The rules permit extenuating or aggravating or mitigating circumstances. So I think that when we take into account, it's the remedies which are limited which is basically you either get off scot-free or you get some sort of revocation or suspension. I don't think there is any community service or other non-suspension or revocation options for a hearing officer to consider. So we might need to give some thought to — because clearly, Mr. Blake (Phonetic), use an example, it would be a great benefit if we could speak to people and say, 'Hey, I did this', and whatever it is, some sort of community service rather than having it black-and-white. So I think we need to look at amending or changing, the remedies or the relief the hearing officer can grant. Now that gives that person more power. They may say, maybe we are only allowed that on stipulated agreement, beyond (Phonetic) an actual hearing to immediately make the decision, do you want to go a stipulated route and (Indiscernible) it's much more black-and-white. Let's give some thought to that. Because — why I asked was the person here, it always tells me they're interested in the process, right? The guilty, or however you want to put it, they don't usually show up, or maybe I'm (Indiscernible) I'm not able to be here. But those people who do show up and file a written exception, they're generally remorseful, and I don't think we've ever had anyone come with their hat in their hands and say, you know, they sound remorseful, sorry about this, and it won't happen again. I'd like to have the ability to do a stipulated agreement of some sort before they got here that allowed a way to work some of these out before they find there's a suspension or revocation. So that puts more power in the hands of the hearing officer or the Department on the front end, maybe less black-and-white. But that's something we need to look at. Does that make sense?

SPEAKER: Sure.

SPEAKER TWO: Mr. Chairman, also looking at the other extreme, you know, for those (Indiscernible) cases, you know, to extend the lifetime without privileges as well.

CHAIRMAN KIENZLE: We're short a lawyer right now why don't you take a look at that and I'll visit with you more directly and try and get it on sometime later this year. This particular, outfitters and guides, I mean it's really calling out, crying out, for a little bit more flexibility in what we're doing. Maybe, even with some of the hunters, you know, (Indiscernible) a little more black-and-white, (Indiscernible) and do it in consultation obviously with your people (Phonetic) so we're all on the same page here. OK? (Indiscernible) my apologies. Agenda item number 12. State Game Commission Award, Commission to Designate a Commissioner to Review and select 2017 recipient. Mr. Chadwick, Mr. Cherry.

GUEST SPEAKER: Mr. Chairman, Commissioners, like the slide says, today I am here to talk to you about the upcoming awards banquet and the awards the Department will be handing out (Indiscernible). As you may recall, last year which was the second year we actually handed out the awards. This is a new program and this year it will be held on again on February 18 on the New Mexico State Fairgrounds in the Creative Arts building. This year it is going to be coordinated by the New Mexico Youth Conservation Foundation and as you may recall, this event has been a tremendous success for the Department over the last few years. We have been able to raise several hundred thousand dollars to benefit New Mexico's wildlife. We are hoping that this year that each of the Commissioners can attend as well as members of the public who are interested in (Indiscernible). Within the awards program, we have 3 different categories. Conservation Lifetime Achievement Award is the first category, and this award recognizes distinguished individuals who have made contributions of lasting support and benefit to New Mexico's wildlife. Nominees should be individuals whose life-long efforts have been dedicated

to conserving New Mexico wildlife for future generations. The second category is the Commissioner's Wildlife Conservation Partnership Award which is really the primary reason why I am here before you today. This award recognizes organizations that promote wildlife conservation in New Mexico. Nominees should be organizations that have made significant contributions of their time and skills through volunteer services, natural resources to the Department of Game and Fish and its mission. The third category is the Director's Wildlife Conservation Professional of the Year Award which recognizes a Department of Game and Fish employee who has demonstrated an outstanding commitment to wildlife conservation in New Mexico. Nominations should be Department professionals whose work inspires others and benefits the Department's wildlife conservation efforts. These contributions may include noteworthy research, innovative approaches to wildlife conservation, and excellence in developing outstanding outreach programs. As far as the nomination process, we require that individuals submit their nominations in the form of a letter of no more than 1500 words. I've listed the website there, it's on the screen in front of you and the letters need to be submitted to the website listed on the screen in front of you, and any questions can also be submitted to that web address or email address. Again, members of the public are encouraged to nominate any deserving individual or organization and this year the deadline to submit is going to be February 5. Today, specifically, I am asking — the Department is asking — the Commission to designate one of its members to review and select — to make a selection for the Commissioner's Award of Excellence as far as dedicated to the conservation of wildlife. Again, these awards will be presented at the banquet on February 18, 2017.

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

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COMMISSIONER ESPINOZA: Since this is a Commission, I'd make a recommendation that there be at least two of them, two Commissioners. I wouldn't want to be on that because I have ties to organizations that might apply and I'd recommend at least two rather than just one.

CHAIRMAN KIENZLE: Do I have a motion? That works for me.

COMMISSIONER RYAN: Mr. Chairman, as long as it's no more than three...

GUEST SPEAKER: Mr. Chairman, a comment in response to Commissioner Espinoza's request, that was the process last year. It was the first year we did it and that is a process we determined that (Indiscernible) and decide how we want to proceed.

CHAIRMAN KIENZLE: Well, you didn't screw it up last year, so . . .

SPEAKER: Well, it kind of sounds that way.

(Indiscernible/multiple speakers)

COMMISSIONER ESPINOZA: I was just thinking that since it is a Commission recommendation that there should be more than one. We did a fantastic job (Indiscernible).

SPEAKER: Thank you.

COMMISSIONER: I don't think we make it a mandatory two or three, I would say 'up to three' in case just one can't have the time to do it.

COMMISSIONER RAMOS: It took a lot of reading on my end.

COMMISSIONER: I think that it would take — because I'm hearing about Ralph's having to go through last year — he read and spent a lot of time on it. Obviously, it's a big decision, so I

think two or maybe three would be appropriate just to lessen the burden and then to spread the reading around a little bit.

COMMISSIONER TWO: Mr. Chairman, I volunteer to solely serve on this Committee if you (Indiscernible) having to schedule our calendar dates, and whatnot, and everybody's busy schedule. But I will volunteer if needed.

CHAIRMAN KIENZLE: So, you are officially volunteering.

COMMISSIONER: I would like to recommend Commissioner Ricklefs, if he would.

COMMISSIONER TWO: I do not have time (Indiscernible/muffled/echo).

SPEAKER: (Inaudible) consultation with less than 4, less than 3 (Inaudible/Indiscernible) just call in, verify maybe take the top 3 candidates and however you want to do it, break it down a little bit. I leave it to your judgement. You did fine last year. I thought all the candidates were outstanding and wished I could have selected them all. There were some great applications and I do look forward to again serving my civic duty and doing this job.

CHAIRMAN KIENZLE: I would entertain a motion to appoint Commissioner Ramos . . .

COMMISSIONER ONE: So moved, Mr. Chairman.

(Indiscernible/multiple speakers.)

CHAIRMAN KIENZLE: . . . with the assistance of up to 2 more Commissioners at his discretion to serve in this capacity.

COMMISSIONER: So moved.

SPEAKER: Mr. Chairman, if I may say, I do believe those 2 that you will be consulting with have to be designated so that there is not an issue with (Indiscernible).

CHAIRMAN KIENZLE: So, who wants to? (Phonetic)

COMMISSIONER RYAN: I am a member of some organizations that might be nominated so I don't want any appearance (Indiscernible) so I don't want to be.

COMMISSIONER: I'm in the same position.

COMMISSIONER TWO: (Inaudible).

CHAIRMAN KIENZLE: Two is enough. OK, you're in charge.

(Indiscernible/Inaudible/multiple speakers)

CHAIRMAN KIENZLE: Can I get a motion to that effect.

COMMISSIONER RYAN: I move to appoint Commissioner Ramos in association with Commissioner Montoya to review these applicants for these awards and select the award winners for this next year.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

GUEST SPEAKER: Mr. Chairman, Commissioners, thank you very much.

CHAIRMAN KIENZLE: Agenda item number 13, presentation of final recovery plan for white-tailed ptarmigan.

(Inaudible/Indiscernible/multiple speakers/open mike)

GUEST SPEAKER: Mr. Chairman, members of the Commission, before you I am presenting the final draft of the white-tailed ptarmigan recovery plan for adoption today I'm going to go through just a little bit of the background and a little bit of the biology on ptarmigan in the State. They only occur in Sangre de Cristo Mountains just northeast of you here today. It usually occurs above the tree line year round in that kind of Alpine zone and requires rock fields for protection or hiding better from predators, evading predators. Alpine meadows for forage in the spring time, and then willows really year-round, those are the most important for the species during the winter when they are up at the timberline. Therefore, it is available with that willow component. Also during this winter time, with these cold days and hard winds, soft snow is kind of essential for burrowing into that soft snow and kind of thermoregulating themselves. Before you is the map showing distribution of ptarmigan in the state. Blue represents year-round habitat, (Indiscernible) breeding habitat. That is where the best willow habitat is in the Alpine zone of the Sangre de Cristo's. The purple area, that is more of our transition zone where we think ptarmigan are using this but it doesn't have that really robust willow component that would allow for year-round use. A little bit of background on ptarmigan and how it pertains to the Wildlife Conservation Act, it was listed in 1975 as endangered, mainly listed because it has a limited ptarmigan habitat only in that Alpine zone available. But we feel that this sufficient habitat to maintain the species in New Mexico. It is the southern-most extent of this species. In the plan that is before you and posted and drafted online, and final today, really the main objective has been to ensure the long term persistence of the 3 core populations of the species

within its historic range. Thus far, the ptarmigan in the Culebra Range, (Indiscernible) Costilla range, in the Latir's, and then in the Sangre De Cristo's here outside of Pecos around Jicaro (Phonetic) Peak. The plan contains basically the natural history of the bird in New Mexico, its historic and current distribution, habitat assessment, and trends in species (Phonetic), past, present and future. Really the main threat to this bird would be loss of willow habitats and we see that as the only threat, and whatever those needs to be. We don't think at this time we are experiencing any loss of willow habitat in the ptarmigan range. We are out there doing a systematic mapping event this year of willow habitat across the range to look at: One, where is it; and two, is there an area where we can improve willow habitat for ptarmigan. And then, the plan also has the list of sociological or economic considerations. We do not feel there is any sociological or economic concerns with recovering the ptarmigan. There really are not any threats. There is a section that mentions that basically we examined site specific threats that may come in the future such as a new buildup of a ski area or something else in that. We discussed it, but at this time we do not feel there is any threat to the bird. Also it talks about issues and management strategies that we do going forward such as more systematic approach to monitoring the bird and getting the (Indiscernible) numbers, etc., etc., etc. And, so you know the public process that we've done to date, in April of 2016 we put out the press release and released an announcement that we would be in the plan development phase. We emailed that to all interested parties and stakeholders including the Forest Service and asked them to please put that out to all grazing permit users in the Alpine zones so they would be aware we were developing this plan. We had a public meeting in Taos. We had 5 attendees who came to that meeting. And then we had an advisory committee that was formed based off that which contained 13 members of the public and other scientists, etc., and landowners to help us draft and develop this recovery

plan that is in front of you today. We presented this to you at the November Commission meeting as a draft and then put that on the website for final comments. We received 10 comments from individuals or organizations to the plan. Most of those comments were very minor, most of them being strengthening certain sections of the plan, not necessarily changes or opposition to the plan, but more strengthening language of some of the plan and that's what we did. What we have before you today is the final plan for approval.

COMMISSIONER MONTOYA: Stewart, the plan that I looked at, it showed — it was very interesting but it showed — that we had slight degradation in little areas — I don't know what you'd call it — little habitats. As a result of maybe grazing or et cetera, that has become less and less. Is that what the plan has said so far? I didn't get that.

GUEST SPEAKER: Mr. Chairman, Commissioner Montoya, what the plan said is historic so probably early turn of the century, late 1800's and 1900's, New Mexico was heavily grazed by domestic sheep across the entirety of the range including up at the Alpine zones. We don't know exactly what those components were like at that time but we do know from evidence that turn-of-the-century (Indiscernible) they a lot of animals up above Alpine had impacts to local communities. Since that time, we don't believe — we've had more restrictive grazing in that management, in the Alpine. Grazing only occurs basically from June to September at the latest, really August. It is cattle grazing now and all those zones there are no more sheep. So there is more of your (Indiscernible) grass whereas your sheep are more browsing on that (Indiscernible). So we don't see that degradation like we would have seen over 115 or 120 years ago.

COMMISSIONER MONTOYA: (Inaudible).

GUEST SPEAKER: Mr. Chairman, Commissioner Montoya, we do have some bighorn sheep that will graze willow but a lot of those will stay on wind-swept slopes that aren't necessarily the willow component in the wintertime.

COMMISSIONER MONTOYA: In other words, what we've got mostly is Pecos and this is what I've dealt with and an improving ptarmigan habitat, because of reduced grazing in those Alpine areas.

GUEST SPEAKER: Mr. Chairman, Commissioner Montoya, yes, I think the habitat has improved in the willow components in the last 100 years. Again, what we are asking about now is that in other areas maybe we can improve it further, if the potential exists, look at site specific improvement to willows, maybe (Indiscernible). We also have large birds out on the landscape right now which we have never had. We're trying to look at winter range there and see are they selecting different patches of willow in winter time. It could be we could implement some habitat enhancement in there to further increase and improve the habitat.

COMMISSIONER MONTOYA: Interesting plan. Thank you.

CHAIRMAN KIENZLE: Questions? Comments? We have one comment on 13.

SPEAKER: (Indiscernible).

CHAIRMAN KIENZLE: All right.

SPEAKER: Mr. Chairman, if I may — I just would take this opportunity to remind the Commission that this is the first of many recovery plans that we are going to hear about, and a couple more today. This is a new project within the Department to really get going on looking at

those species that exist under or are listed under the WCA's so that we can achieve some recovery and move them off the list. So you will begin to see more and more as the years go on. So I am very excited about the initiation of the projects and all the work that's being done. Thank you for the opportunity.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER: Mr. Chairman, I would move to approve the recovery plan for white tailed ptarmigan as presented by the Department.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Agenda item number 14, presentation of draft recovery plan for Gould's turkey and Gila monster.

SPEAKER: That would be cool, Gila monster pictures. (Indiscernible)

GUEST SPEAKER: Mr. Chairman, members of the Commission, as stated I am going to present to you 2 different draft recovery plans, one for Gould's turkey and one for the Gila monster. We are going to do this in one presentation for both. We will start off with the Gould's turkey. Gould's turkey, the range really, it's historic range and current range is confined to the boot heel portion of New Mexico, really in the Peloncillo, Animas, and Sierra San Luis

mountains, right there on the New Mexico-Arizona border. The bird really inhabits only the Madrean evergreen (Indiscernible) habitat. Really what they are looking at is that there are riparian areas in that kind of habitat but also roost trees in that area would be the Chihuahuan pine, cottonwood within that riparian zone, and also sycamore. They are really tied to those kinds of wet communities in the Madrean woodland. The bird really does require mass producing trees for nuts, etc., for food and shrubs and tall grass really for a couple of things. One, seeds off that tall grass and having that in the habitat is really important for the birds in the winter. But also, it is really important for them as they are raising poults and on the nest. They nest on the ground so really tall grass cover is important for hiding those birds. And then, tall roost trees to escape predation during the night once those individuals are old enough to move up. And then water is really important. The birds don't go too far from the water source and as you can imagine down in the boot heel, it is scarce water, scarce habitat, really a very kind of limited habitat within there. The picture in front of you depicts kind of what is its historic range and also what we think is some of the current occupied range. We believe, and we know, we have a robust population, a very robust population, in the Peloncillo Mountains right now, and the Forest Service in the far southwest portion of there. Last (Phonetic) April's count was one of the highest we have had. We had observed a minimum of 97 birds in that area and that's the count. Whereas, work to be done and work that we are trying to work on with some private landowners in the Animas and Sierra San Luis, really occur almost entirely habitat on private land and there are birds in there but we don't necessarily know the exact numbers. We are working with those landowners to try to develop some surveys to get a better understanding of what are in there. This will be one of the objectives of the plan as well. A little background on the listing of the bird. The bird was listed as threatened in 1975 under the WCA. Again, as you

saw in that previous slide, it is limited in habitat but we feel it is sufficient to maintain the species in New Mexico. I am uncertain as to what the historic numbers were throughout the habitat, but pretty certain on what the historic range was for the habitat, given the limited amount of riparian zones in that desert and mountain ranges, it really had to be confined to those few areas. We are working towards augmentations in some of those zones. Over the last 3 years we moved 60 birds from Arizona to New Mexico in the Peloncillo Mountains. We've actually had some survival that we would compare to the wild birds. We're excited about augmentation as a tool that will work and will continue to work for maintaining this species and helping towards recovery and the potential of delisting off the WCA. One thing I also wanted — I'll get to that in a second — let me go through the public process. In June of 2016, we released an email to the website and also developed a press release announcing that we were developing this plan. We held 2 public meetings, one in Las Cruces and one in Silver City. We had OK attendance and then we formed an advisory committee to help us in drafting the plan and working through. The advisory committee is 9 members. The plan objective, the main objective of this plan, because the Federal Forest Service Land in there where we have more access and control to augmentation, etc., is really maintaining the total population of 175 Gould's turkeys in the Peloncillo Mountains either through natural processes or through augmentation. When I say 'augmentation', it would not necessarily be a put-and-take situation but it would be a supplemental augmentation if we have a catastrophic event, drought, that can reduce the population to where we feel an augmentation would be necessary to bolster it up. And when I say maintain I am talking about a minimum of 175, we are not saying necessarily that we'd reach 175 in the count tomorrow. We are going to be looking for a year or two or three of 175 before we delist. Also, 175 is not our ultimate management goal. Again, would be a delisting goal.

Our goal would be to manage the birds into the future as a huntable species that's going to be much larger than the 175. For example, bighorn sheep was 500. We're nowhere close to that, we're hoping to get into the thousands with the bighorn sheep, we're at 1200 now, so again this is just a goal to get it delisted off the WCA. The plan contains the same assets that are necessary for the Alpines that we discussed for the ptarmigan, talks about the natural history, etc. Really the threat to this bird is destruction of riparian habitat and destruction of these trees due to catastrophic fire or other means. Switching gears completely, and moving to the lizard (Inaudible/static) so in New Mexico the Gila monster only occurs in the Chihuahuan desert, kind of scrub, desert grassland habitat. Also, in kind of those rocky talus slopes around those areas. It's really important habitat feature to that lizard is arroyos, mainly for moving and foraging. It is a nest predator. Basically it goes in and will prey on quail eggs or quail, bunnies, etc., (Indiscernible) reptiles in there. The other neat part about this animal is it only needs to eat maybe twice a year. So it's not — once it eats, gets its fill, then it's basically done for quite a few months. It really is a unique species and it spends almost 95% of its time underground. So it's really hard to survey as well, and hard to get at distribution and numbers in the wilderness. But we are fortunate in that we do have one of the core habitats which the Commission owns, the Red Rock Wildlife Management Area, where there are some of the highest densities of detection have happened in there, and we do have core habitat of the Gila monster. What you will see here is kind of a distribution. The red is what we call kind of the core habitat. That red northwestern, easterly, dot is Red Rock Wildlife Management area where we detect Gila monsters on an annual basis. And then, down in the Peloncillos is also kind of a core of the habitat. The open circles there are actually observed Gila monsters through time and those open, or the squares, are ones of reports. Now we do see some disjointed points up in Doña Ana County, etc., and Sierra

County. What we are seeing in those, is we don't know — the herpetologists world won't necessarily classify that as an historic range — but we don't know for sure if that is a distressed (Phonetic) population or collectors have dropped those off because we don't have a great systematic survey on this species since it spends 95% of its time underground. And that's one of the goals of the plan, is to really get a better understanding of distribution through its range and see if this is actually part of its historic range to the east-southeast. That will be something we're working on here in the near future. The Gila monster was listed in 1975 as endangered under the WCA. And one of the big threats is actually collecting them, poaching the animal for the lizard collectors, the herp collectors that will keep them for pets; that is kind of the biggest threat to the lizard. And then, again, one of the biggest things for us is, we really we don't know what its distribution across the state is. We do know that core population that extends down to the Gila to the Peloncillos but we don't know how easterly that goes out. In June of this year — excuse me, June of last year — we developed an announcement that were developing a recovery plan for the Gila monster. We held 2 public meetings. We held those in concert with the Gould's turkey since both species occur in that region and we have an advisory committee of 60 (Phonetic) members formed. You will be interested to know that the herp world is a very passionate world and a lot of people like to get involved in it. And so we do have a large advisory committee on this one and a lot of people are interested in our completing this plan. The plan objectives, again, the main objectives were — we're not going to have an exact number that we're going to know but — really is trying to get at what its distribution and current status of the species given that it spends that much time underground and survey methodology is difficult. But we are really trying to get a better idea of where is the population and how is it viable across the (Indiscernible) population. And then, enhance priorities for population security and

maintenance, making sure that if there's areas where we can work on travel corridors or whatever it is, can we really secure those current populations and then is there any habitat improvements we can do. And the plan content, like all the other recovery plans, contains the main components that you see there. The next step in both the rules, Gould's turkey and the Gila monster, is really the draft plan. After this meeting it will be posted on the Department website just like the ptarmigan that you just approved and we will solicit public comments on those draft plans. We'll have them out there for approximately — because the next Commission meeting will be in April — we'll probably have them out there for 2 months roughly for people to comment on these plans and then we will come back to you at the next Commission meeting in April and ask for formal adoption of both the rules for turkey recovery plan and Gila monsters recovery plan.

CHAIRMAN KIENZLE: What's your best guess on how many we've got?

GUEST SPEAKER: Mr. Chairman, it truly would be a guess. The best way to look at it is do maybe a density across the space of core habitat and looking at that. We have some ideas on that in Red Rock, in terms of what kind of density we are seeing, so many lizards per square kilometer but really not a great guess on, like how many are distributed across the state of New Mexico.

CHAIRMAN KIENZLE: That's your best guess? (Laughter)

GUEST SPEAKER: I'm going to defer to John on this one.

CHAIRMAN KIENZLE: It's not (Indiscernible).

SPEAKER: Mr. Chairman, Commissioners, the only data we have are from a study that was done (Indiscernible/muffled, static) 1990's. And there was a solid — and when I say estimate it was (Indiscernible/Inaudible/static). There are half a dozen other density estimates (Indiscernible/Inaudible/static) we're going to look for sample populations to really get on top of it then we can integrate (Inaudible).

CHAIRMAN KIENZLE: So, is there a habitat that we can add to this, that the Commission can own, to help spread this thing out?

GUEST SPEAKER: Mr. Chairman, I think that Red Rock is an important one. We focused on habitat adjacent to Red Rock Wildlife Area that would help. A lot of the habitat where this occurs is on Federal land right now. There is some private land throughout. The core of the habitat is going to be BLM, Forest Service for the majority of the habitat. There are some private lands in there, though.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

(Indiscernible)

COMMISSIONER MONTOYA: Let me re-ask the Chairman's question, if I could. In the last 10 years, trend-wise, what are we looking at? I know numbers are (Indiscernible) but trends are a little more...

GUEST SPEAKER: Mr. Chairman, Commissioner Montoya, that's the difficulty, as John (Phonetic) alluded to, there has only been one study, systematic study done on Gila monsters.

That's part of the plan objective, to really develop a systematic survey through time so we can track the trend. We are not necessarily seeing differences and we do report it in our desert (Indiscernible) annual survey in Red Rock, the numbers we see. We're not necessarily seeing more or less. We're still seeing about the same number of Gila monsters in Red Rock. But again, trends across the territory of the species, we don't have an idea yet.

COMMISSIONER RAMOS: What's the longevity?

SPEAKER: Commissioner Ramos, on average, about less than 10 years. But they do live in the wild (Indiscernible/Inaudible/static).

CHAIRMAN KIENZLE: (Indiscernible) 20 times, that would be great.

COMMISSIONER RYAN: I'd just like to make the general comment to thank the Department for taking such initiative and proactive efforts to identify species in our state that need our assistance. I believe that it is a policy matter, that states should be taking the initiative within their boundaries to manage their own wildlife because they know — states know their states and the people in it and the wildlife in it and all the effects. And also, we can't make good wildlife decisions without good scientific data. And the integrity of that data is what is extremely important. So, number one, thank you for being proactive. I would like to get the message out there about what our Department is doing within our state to address these issues and thus we are in litigation with U.S. Fish and Wildlife, species under the Endangered Species Act, that the goal is obviously to get numbers up, to delist species and certainly even get them to management numbers which are higher even than delisting numbers. And that's a goal, and states are, in my mind, best equipped to be making those decisions. And so, thank you for all the initiatives.

Thank you, Stewart and your team, for doing the hard work to get good data so that informed

decisions can be made on management and start in recovering these species and others that you identify that we can really do something about in our state. I am very excited that I'm on the Commission now, to be a part of that.

COMMISSIONER MONTOYA: Going back to the Gould's turkeys, quite a bit of New Mexico, there's a lot of them— but to make my point, at the latter edge, (Indiscernible) and in talking to some of the people in New Mexico they really want some (Indiscernible) and we've got some. They really have a bunch of key turkeys and that's a negotiating place where we come across. In the country that I hunt, the Chihuahua, they're very numerous and it would probably be easy to attract (Indiscernible) with the one animal. But that possibility is there.

GUEST SPEAKER: Mr. Chairman, Commissioner Montoya, just so you know, we had been working with the 2 agencies, sister agencies in Mexico on potentially a trade, preliminary discussions. We have discussed with them the trade of Gould's turkey for pronghorn. As you alluded to, we do have some others in the stable. We have an excess pronghorn that we could use as kind of wildlife conservation in both states or our countries. Longhorn are listed as endangered in Mexico and we are listing Gould's turkey as threatened in New Mexico. So we see this as a win-win situation for both countries, both parties involved, looking at what you'll see before you in this next year of Commission meetings, is probably going to request transfer of up to maybe 75 pronghorns into the state of Chihuahua, Mexico in exchange for what we are hoping for in the negotiations with deals that we are talking right now, a hundred Gould's turkeys coming to the State of New Mexico.

SPEAKER: (Inaudible).

COMMISSIONER MONTOYA: One other point, we've got the Sonoran antelope in south, southwest, New Mexico, and also in that northern Chihuahua country, are we putting antelope farther south than they would interfere with the Sonoran pronghorn?

GUEST SPEAKER: Mr. Chairman and Commissioner Montoya, these would all be — so the Sonoran are all isolated now in Arizona and the Sonora, state of Sonora, isolated to (Indiscernible) and they are listed actually, Federally listed, right now in the United States. The subspecies we'd be bringing to Mexico have been translocated to Mexico in the past so we wouldn't be bringing in new genetics or diluting the subspecies pool currently found in Chihuahua so this will just be augmenting current, the same subspecies.

CHAIRMAN KIENZLE: All right. Good work. Thank you. Agenda item number 15, initiation of migratory bird rule for 2017 – 2018 hunting season.

CHAIRMAN KIENZLE: Mr. Barella (Phonetic), you're on deck.

GUEST SPEAKER: So, as we do annually, we come before you to amend or change the rules for migratory game birds. Because we do that through the Federal government on establishing the seasons and the framework for migratory birds every single year. Really the biggest thing that comes into play in the amendments we know of to date, the Federal Register, the Federal government has not yet posted the framework so the preliminary framework is on the Federal Register typically occurs around this time. Hopefully we'll see it by the end of this month. But really we are looking at adjusting the season dates if necessary according to the framework set by the Service. We do know (Indiscernible) liberal bag package again. That's good for our hunters and that means long seasons again, more days available. One thing that will probably happen, looks like the early proposals are going to happen that will impact the hunters in New Mexico is

a reduction in pintail bag limit to 1 from 2. We were in the liberal season package for the last couple of years. We've had great pintail numbers. We did see a drop in the summer counts in May of last year and in Canada which requires we just went below the threshold for a 1 to 2 bag limit. So it will probably be in front of you to reduce the bag limit on pintail, the one bird. Also, again, that's the possession limits in the final framework. Final framework should be published sometime late February, probably (Indiscernible) will have the proposed frameworks out, now my guess would be mid-March. That way, the next Commission meeting we will know where our frameworks are so we can actually move forward on selecting what dates we want to hunt and then go forward and submit our final date selection to the Feds by the end April so that will be in front of you at the next Commission meeting. A little bit of background on kind of the calendar. May, August is when we do all our population surveys for migratory birds across the flyway. The tag (Phonetic) committees, the councils meet in September to October of each year to discuss the next year's seasons. The Service then has what it calls the regulations committee that meets once a year to discuss what the Feds come in to take into consideration from the Council's and the final proposals. Then we bring those in front of you at the Game Commission which we just alluded to on some of the issues there. And then the proposed season framework should be coming out pretty soon and then you will adopt based on the Federal framework and the desires of the state that we can control on the final hunting seasons for the 2017-18 seasons. One other thing, we changed last year the duck seasons, we were allowed 107 days but we changed the duck seasons to start a little bit earlier in the northern zone and the central flyway because of freeze-out conditions and we were lucky we did that this year because we were mild the last couple of years but we did have a hard freeze early on up north that did close out some (Indiscernible). We are going to recommend keeping those north zones and flyways opening a

little bit earlier and the south zones and closing a little sooner. One thing we worked with the Federal government over the last year-and-a-half on was increase in the Canada goose bag limit in the Pacific flyway — so really that Farmington region — from 3 birds to 4 daily. The Feds agreed with our assessment of the biology on it and are going to propose that, so I think we will be able to adopt that as a part of the rules, too.

COMMISSIONER: I have a lot of hunters who thank you for that, sir.

GUEST SPEAKER: (Indiscernible) probably changes to Sandhill crane depending on numbers and distribution. Right now we are about as liberal as we've seen in the last 15 years on Sandhill cranes so that could change depending on our numbers. We finished our winter count about last week in the plane (Phonetic). And then the other thing we are going to recommend is removing — right now dark geese are closed in Bernardino and Sandoval County except for a (Indiscernible). We are asking the Commission to remove that closure as the goose population is doing well and we don't think it is necessary anymore. So these are the preliminary seasons. We will post this on the website and start soliciting our duck hunting groups to see if these dates work well with everybody else. This is what we're looking for the — excuse me, that's a typo in the presentation — 2017 – 18 season. That was for the central flyways and this is for the Pacific flyway. So it's really just a calendar date shift, of one day early for each season. And with that, I will take any questions or recommendations that we can bring forward to the Federal government.

CHAIRMAN KIENZLE: Are we — wow, I've got lots of records — open meetings act and purposes. Remember the snafu from a few years ago. Are we largely going to avoid that?

GUEST SPEAKER: Mr. Chairman, that's all entirely voided now because the Federal government changed the way we do season structure now. They used to do the final rule in August, typically 2 days before the season opened and that's where that snafu came in. Final rule now comes out in May well ahead of the seasons.

CHAIRMAN KIENZLE: Any other questions or comments? All right. This was a discussion item. Thank you. You've got the legislative battle going here.

SPEAKER: You have no idea.

CHAIRMAN KIENZLE: Strap on the armor, Dude.

SPEAKER: (Indiscernible) (Laughter)

GUEST SPEAKER: Mr. Chairman, Commissioners, before you I have agenda item number item 16, presentation of the fiscal year 2016 financial states and audit report. Sitting here with me today is the Department's senior accountant and auditor, Joseph Miano. I would like to thank Joe for all his hard work in organizing and facilitating completion of the 2016 audit. He has done a great job. I realize that the audit is a team event. Joe says that's the (Indiscernible/inaudible/muffled). The state auditor has approved and released the Department's fiscal year 2016 financial statements on January 4, 2017. That was the first day that the Department was allowed to make (Indiscernible) 2016 audit available to the public and State Game Commission. State rule requires that the Department present the approved financial statements to the State Game Commission for approval. This presentation is another rule of the report. I'd like to describe a few sections of the financial statements. The first is the management discussion and analysis. This provides an area of representation of the information

provided in the financial statements. The second section is the financial statement which is the main section of any audit. Financial statements provide detailed information regarding the agency's revenues, expenditures, assets and liabilities from an agency-wide perspective. The third section is supplemental information which just provides additional detailed information regarding financial statements. And, the fourth section of the audit (Indiscernible) and this provides information regarding the agency's expenditures for Federal works. The results of the 2016 audit can be found on page 79 through 87 of the 2016 report. You should have the reports in front of you. The first issue for the 2016 audit is that the agency resolved or eliminated all deficiencies from previous fiscal years. In 2016, there were 2 new findings that the agency received from the auditors' perspective related to shared access and (Indiscernible). There were no audit findings regarding the Federal (Indiscernible). The first prior year finding that was resolved is related to interagency transactions, prior year to other state agencies not properly recognized when they were received during the fiscal year. The Department duly implemented internal control procedure to ensure all other agency transactions going in and out of the Department are recorded per generally acceptable accounting principles. The second prior year finding that was resolved during 2016 (Indiscernible) cash receipts packets that were tested was not deposited within the required 24 hours. The Department held a training session for the division leaders responsible for the deposits to emphasize the importance of making deposits in a timely manner. It's related to the 2016 fiscal year, it's the first time there is a budget overage. The is another compliance issue. Essentially the Department exceed the budgeted amount in the personal services and employee benefits category (Indiscernible) funds. The Department identified the overage to the audit team at the meeting and it had been noted that total expenditures (Indiscernible) did not exceed the total budget, so essentially there was no

(Indiscernible) category. The second finding in 2016 was related to the employee access to share with (Indiscernible) accounting system and this is another noncompliance issue. During (Indiscernible) identified that 2 terminated employees maintained access to share in other Department member systems after their termination dates. The Department has taken steps to improve control to make sure that our Human Resources Department and our (Indiscernible) communicate more frequently to make sure that this issue doesn't recur. I am also happy to report that the auditors expressed an unmodified opinion regarding the Department's basic financial statements and the auditors also expressed an unmodified opinion regarding the Department's Federal awards. Essentially an unmodified opinion is the highest the agency can receive. And so they had no issues with our financial statements or our accounting. And with that I will stand for any questions.

CHAIRMAN KIENZLE: So, (Indiscernible) comments on this year, and I've said it there and I'll say it again, this is essentially a clean audit. These are all (Indiscernible). More importantly, the only way you get that result is to do this stuff every day. This isn't a 'Hey, the auditors are coming, let's get ready'. You can't do that. I mean, it's attention to detail every single day by a lot of different people — no one on the Commission, though — just people in the Department and — I think you heard me say before — the public really cares about how their money is spent. And when you get an audit like this, I think the public has confidence. They may disagree about how the money is spent, but they at least know that 1 plus 1 equals 2, and it was done the right way. So, thank you.

SPEAKER: We appreciate your hard work. And so, great job.

CHAIRMAN KIENZLE: This is an action item. We need to approve this. Are there any questions or comments?

COMMISSIONER RYAN: I move to approve the Department's audit report for the year 2016.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Good job.

(Indiscernible/background noise only)

CHAIRMAN KIENZLE: Update on the Gold King Mine.

GUEST SPEAKER: Good afternoon, Mr. Chairman, members of the Commission. I am here in front of you today with an update on the Department's response to the Gold King Mine spill.

(Inaudible/Indiscernible/background speakers)

GUEST SPEAKER: I know that everybody is aware of the situation with the Gold King Mine spill, but just a brief overview. The Gold King mine is located in southern Colorado just above Durango. Two years ago almost, in August 2015, about 2 million gallons of mine spill flowed into the Cement Creek which is a tributary of Animas River and then down into New Mexico eventually ending up in the San Juan River. Most of the Department's response has been focused on monitoring heavy metal in fish in that river and issues. To date, we have done 3 sampling events. We did one in August 2015 about 2 weeks after the initial spill. We did one 6 months post which was March of 2016. And then, our latest one was in August 2016 which was

our one-year post spill. We collected tissue from 5 different monitoring sites. On the fish we collect muscle and liver tissue. These includes the numbers and amounts of tissue collected at each sampling event. To date, we have tested over 500 fish for metals. We have collected 7 different fish species and we collect fish at different trophic levels based on different levels of the food chain. We collect species like speckled dace and algae and small macroinvertebrates all the way to the top 10 predators in the system like channel catfish and brown trout. We also collect macroinvertebrate tissue and these were just larval forms of mayflies and stoneflies in the system. This slide shows the map of our survey sites. The yellow, of course, is the affected areas. You can see, we have 2 sites on the Animas River, one near Cedar Hill and then one at Aztec. And we have 3 on the San Juan River, 2 in the affected area and then we have one, SGR1 (Phonetic) is our control. It's about 12 miles upstream on the San Juan, outside the affected area. A little bit on the results. This table shows the percentage of samples we have hits for metal, and I included that the control site as per Commissioner Ryan's request during the last presentation. You can see that that basically it says, if you look at the affected site on first row, in 41% of our samples we detected some level of metals. Six months later, it went to 18 and at one year, 16 percent. We look at this and it's like, oh well, the metals are going down, except that for the control we had the same results. I can't really explain that but the main message is that the control showed similar trends so that basically the affected sites, I don't think, are being affected by the spill. This is the metal concentrations of fish muscle tissue. The graph on the left is the affected sites, and these are averages. And then, of course, the graph on the right is the control. As you can see, most of the metals went down 6 months later and then returned back to about the same levels 1-year post and this is what we expected. Fish are cold-blooded animals. Their metabolism is temperature controlled so basically, in August when the spill happened, it's right

at the summer, the growing season and the fish are feeding a lot, they are taking in more metals. The 6-month post spill monitoring event was right after winter, the fish aren't feeding much and not taking in as much metals and then and so 1 year later after the growing season they take in more metal. So basically the results are what we expected. You can see that the control site had similar results. Most of the metals, the averages were near zero, really low. And for a reference point, if you look at the graph of the affected sites for the 2 higher points we had which were about 2.5 or a little bit above for manganese and aluminum, to give you a point of reference to show you how low these levels are, for manganese the screening levels for food consumption for manganese is about 200 parts per million and for aluminum it's about 1500. You can see these are relatively low. The only thing that we are noticing that is different from the control is that there is a downward trend in aluminum. So this is consistent with what the Department saw in their water samples, so it probably was the aluminum that came down with the spill. I included a graph with our macroinvertebrates and this is larval mayflies. We found mayflies in all the sites and can use them for comparison. You can see the same thing, that there's not a lot of difference from the control. Aluminum shows the same trending patterns as the fish. It was higher immediate post-spill and then shows a downward trend. So the conclusion to date, the heavy metals continue to be (Indiscernible) public health risk. We shared our data with New Mexico Environment and Department of Health. They did a risk assessment with a toxicologist and they feel that there is no fish advisory for consumption warranted. The fish and bug populations and biodiversity appeared to be unaffected by the spill. We are not missing any species, there is nothing new showing up. Their population and numbers are a reflection of about what we expected at that habitat type. The fish condition, health, etc, we dissected over 500 fish during the fishery monitoring and there is nothing abnormal. Their gills are healthy, their organs are

healthy, there is nothing abnormal that we are seeing. And then overall, as I said earlier, the metals overall from our last (Indiscernible) what they were in August, basically went down and came back at about the same levels. Ongoing efforts, we've got a 2-year post-spill sampling event planned for this August and then we will continue to work with the sister agencies like Department of Health and other Departments and share data with them and other stakeholders. I presented our data to the Gold King Mine Citizen's Advisory Committee that Commissioner Espinoza was at in March of last year. So, we continue to share data and answer any questions from our constituents. And with that, I would be happy to answer any questions.

CHAIRMAN KIENZLE: And when will we hear from you again on this?

GUEST SPEAKER: I'd be happy to come back this time next year. There is a little delay by the time we get the samples to the lab, it takes them — and there are several thousand samples — and it takes them a month or so to run them and then another month to compile the data.

CHAIRMAN KIENZLE: So the lead agency for this state is what, the Environmental Department. And so are they interfacing with along with the Feds and other folks than we are, or what's the . . .

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. They are the single point of contact for the State of New Mexico.

CHAIRMAN KIENZLE: So, obviously, there's environmental effects. Are they looking to get a check for any of the extra work that we're being put to because of this?

DIRECTOR SANDOVAL: We have requested reimbursement on a state-wide level. Not all agencies were fully reimbursed for the costs that we have submitted. We happen to be in that

category. We got a majority of the funding back, but I do know they are still engaged in getting 100 percent of the money back.

CHAIRMAN KIENZLE: There's no free lunch. OK. Thank you.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, Sir.

COMMISSIONER RICKLEFS: I would appreciate a little update on the fuel spill in the Cimarron River.

GUEST SPEAKER: Mr. Chairman, Commissioner Ricklefs, I would be happy to do that. I think it was on — right around the first of the year, there was a fuel truck that spilled over in Cimarron Canyon, spilled about 600 gallons of diesel fuel and a few hundred gallons of gasoline. The Environmental Department has taken the lead on the response. We had Department staff on site immediately while the truck was still in the river that day. They removed the truck. The fuel company has hired a hazmat crew who is onsite, even onsite today, to try to contain and clean up the fuel. They pumped all the fuel they could that was on the surface. Fisheries management staff including myself last week, we're getting reports of fish kills and wanted to document the fish kills. It looks like we had a total fish kill that was pretty localized so there's a couple of beaver ponds in that part of the river that I think helped in containing the spill. It looks like it killed all the (Indiscernible) but for about 300 yards is what we can estimate we estimate about 300 dead fish.

COMMISSIONER RICKLEFS: And the follow up?

GUEST SPEAKER: We continue to have staff on site as far as a situation like this. The environmental department leads the efforts for cleanup and has staff still onsite to monitor the situation and to make sure that the hazmat team follows through with what they're supposed to be doing.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ricklefs, they did go forward and issue an emergency 401 and 404 permits so that we can get in there — well, not us but the hazmat crew can get in there — and remove soil and some vegetation in that area. So that has happened. I know that they are doing some sampling in there directly but there is a pretty wide scale restoration program that is happening now.

COMMISSIONER RICKLEFS: I was there just yesterday and they still (Indiscernible/muffled).

GUEST SPEAKER: Mr. Chairman, Commissioner Ricklefs, yes, it's pretty hot, you can really smell the diesel. We actually started our investigation on this down at the Clear Creek confluence, about 2 or 3 miles downstream. There were scents of diesel odor there and then at the Prairieville (Phonetic) fishing area about halfway up, there you could smell diesel. Another bit of information, we did — with Director Sandoval's authorization — issue a temporary closure of that area to keep the public clear. The river is frozen over solid so we don't anticipate any foresee angler use, it's pretty restricted in that area. We are working with the Environmental Department to probably come this spring and collect some (Indiscernible) for fish consumption just to be sure the public will be safe with the fishing season.

SPEAKER: (Inaudible).

GUEST SPEAKER: There was a dead beaver on site. I didn't see it. It was gone by the time I got there. I don't think there was any determination of that, if it was caused by the fuel spill.

SPEAKER: Beaver or muskrat?

CHAIRMAN KIENZLE: Thank you. Number 18, update on shooting ranges in New Mexico. Oh, wait. On number 17, did somebody — is Garrett making comments?

GUEST SPEAKER: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. I think there are some proactive things that the Department and Commission can do with this issue. I would like to again to remind the Commission that this happened in the early to mid-70's and it will happen again because it is a draining mine that needs to be remediated. I think one of the greatest challenges in terms of mine mediation, again this is a 21 billion dollar issue west-wide, this liability. And amending the 1872 Mining Act will allow NGOs, communities, private citizens to have less liability, to remediate this issues and these problems in localized instances like Cement Creek and so maybe the Department urging the administration, governors who work with other western governors and work with government officials to amend Federal legislation to allow liability to change throughout NGOs and other (Indiscernible) remediate localized mines and act on this and again without protecting those (Indiscernible), we will see this again, and it may be worse next time it happens. So, maybe you all can take a lead in urging the Governor to work with other Western governors and our congressional delegates to make these changes and opportunities for improving the issue. Thank you very much.

CHAIRMAN KIENZLE: Number 18.

GUEST SPEAKER: Mr. Chairman, Commissioners, I come before you today to present an update on the development of shooting ranges in New Mexico. We ended 2016 on a truly high note and as we held our groundbreaking ceremony at Las Piedras Wildlife Management Area shooting range, on December 12, we had tractors rolling. I am pleased to report to you that a substantial amount of progress was made on that project and we're in close proximity to completion on that project. We are truly excited about the opportunities this will bring to this community and particularly the youth in the area who are practicing and preparing for things like the Youth Hunter Education Challenge. Since it's been a couple of weeks, I thought I'd just take a quick opportunity to show you some pictures of that progress that we've made. And, as you can see, trucks have been rolling. We've had tractors in. They have cleared the area. Berms have gone up. And the only thing really left is our concrete pad. I talked to the contractor and they had about 4,000 square yards of materials left to bring in. That's not very much when you consider a 200-yard permanent shooting range. They are getting very, very close to completing this thing. Drawing your attention now to 2017, we have a couple of range projects that are top priorities, moving higher in that list. Through the generosity of the landowner in Clayton, the Department has continued to make progress on receiving ownership of that property. We are pushing hard to remove any hurdles and barriers that get in front of us and get that accomplished because that would open the door for another opportunity for another great ground breaking ceremony. The other range that is high on the list for 2017 is going to be the Cibola county shooting range in Milan. We have a really strong partnership and support from Cibola County, Bureau of Land Management and community that lives there. It's really encouraging because they are essential in keeping these projects moving forward. Everything has stayed on track and we are looking forward to an opportunity to get that one built as well. Some of the other projects

that we continue to keep in the hopper and keep moving on and making progress with include Santa Fe County, Clovis, Grady, San Ysidro, and Farmington still remain high on our priority list. We are still working to identify a piece of property that we could potentially build a range on there. And so, in closing I would like to tell you I am looking forward to presenting to you more progress that we make throughout 2017 and with that I will stand for any questions.

CHAIRMAN KIENZLE: I went to the groundbreaking for the Tres Piedras site and I'm not sure there's a better view in New Mexico. It's really pretty cool. We got to see the (Indiscernible) site, it's just right there. I am sure that will prove to be a target for people to shoot as well, I hope not. But it's right there and this is pretty far off the beaten track so it is truly out in the middle of nowhere and it is a gorgeous spot. I'd recommend making, the road may be a little challenging when it's wet, we'll find out. I assume they're going to improve it. If you get a chance, take a drive out there and see it. It's pretty cool.

COMMISSIONER: When do you think it will be finished?

GUEST SPEAKER: Mr. Chairman, it is my — I would like to pin a date exactly on that one but as you've seen in the past my opinion base does not seem to be completely effective, but yes, I would say by next month, pending snow issues. It has been really interesting watching them as they progress with this range. I have the pictures here for you, but they literally have moved snow for the third time out of the range area to continue work. And they have been doing that. If it snows, they move the snow and they keep working.

CHAIRMAN KIENZLE: So, I'm going to add these gentlemen speaking in a moment. But we've got a number of people who are interested in the Santa Fe shooting range. Refresh my memory on that one. Where do we stand on this, the Santa Fe range?

GUEST SPEAKER: Mr. Chairman, the Santa Fe shooting range is actually a really exciting range. We have been moving through R-PP process on that one which includes all of our compliance work and so forth. We hired a contractor to help us through that process and we are getting awfully close to the public meeting process in this one. You know, it will go through the variety of Federal challenges that we have before we can get our hands on that property. But the upside to that, going through this long process, is that it helps us get all of our compliance in place so that we are able to utilize our Federal dollars as match money and so though it doesn't move as quick as, say, the Tres Piedras range did for us, putting a little bit more time in it will really help us to get our hands on more dollars to make a substantially better range for this community.

CHAIRMAN KIENZLE: What is the general location?

GUEST SPEAKER: It's located literally just a couple of miles away from our own Department office, that side of town over in Santa Fe. It's what they call the Camel Tracks, a couple of miles away from the airport, a couple miles away from Cerrillos. You can kind of envision out there on that BLM property.

CHAIRMAN KIENZLE: That's where we get the square of land from the BLM, right, for it eventually?

GUEST SPEAKER: Correct.

CHAIRMAN KIENZLE: That's pretty cool. But you're right, you've got jump through hoops. All right. Any other questions or comments? See you in April, and maybe we'll see you before at

a groundbreaking. Hopefully we'll invite you down there again to take the first shot at that range. Good work, thank you. Number 18, Sam Wharton (Phonetic)

GUEST SPEAKER: Thank you, Mr. Chairman and members of the Commission. My name is Sam Wharton (Phonetic). I am here representing the supporters of the Santa Fe range complex. We learned of this particular project in May, and we have organized ourselves to try to support, trying to help you. Personally, my background allows me to be a special representative or commissioner on (Indiscernible) and appreciate the job you're trying to do and very appreciate your support for this particular project for the public (Indiscernible). In May, we had a brief understanding of what the New Mexico Game and Fish Commission and the Department is planning for this range. And since that time, starting about July until approximately at the holidays in November, we collected 700 signed petitions. These 700 people are very passionate about having a range in Santa Fe County which, as I am sure you understand, has no adequate facility now. The Camel Track area is actually unrepresentable, not due to anything through the Department to my understanding but is due to the uncontrolled access by people who consume alcohol there and who also trash the area up. But many of my neighbors have been there and are afraid to go back because it's uncontrolled. Again, something that this particular range complex in Santa Fe will (Indiscernible) but as a consequence, the 100 thousand population of Santa Fe County go to BLM or the national forest land and they shoot and practice and they do whatever they do out there without any control, without any opportunity for supervision, safety instruction, perhaps without consideration for (Indiscernible). Again it is something that is needed in the complex (Phonetic). I have been advised to talk to the committee and our supporters of the process that the Game and Fish Department is going through in getting the land transfer. It seems to be a BLM problem. So in contacting the BLM office, I have to declare some (Indiscernible).

No matter what we say, no matter how urgently we try to move them, they reply that the process is lengthy and very complicated and something we probably didn't understand and that eventually they will file the paperwork necessary with Washington DC and things will be moving on. If we don't hear from them by a return email in 6 to 8 months, please give them another call. But I think that's unacceptable. And my plea for this Commission is to try to come up with some creative way, to move the BLM along. We have several hundred people in Santa Fe who want this range (Indiscernible). I think you could use us as a resource. I tried to communicate this to several (Indiscernible) and anyone, anywhere, any time to try to further this. It seems to me that that BLM does not feel any obligation and the reason for that I can't understand. I have been advised again by the BLM there was indication that the process is virtually complete (Indiscernible) Please help me with some kind of process to getting this project out of BLM and then to you and this Department.

CHAIRMAN KIENZLE: Thank you. I'll ask Mr. Cherry. They are moving forward with all due speed, correct.

SPEAKER: Correct, Mr. Chairman.

CHAIRMAN KIENZLE: On some of it, there's a Federal timeline, there are just things that have to be done. They're not dragging their feet is my understanding.

SPEAKER: Mr. Chairman, this is — when we work with Federal agencies to get land patents and develop shooting ranges — that process is tedious. It is a long, drawn out thing. As you see from the time line, it is taking us to get to this point with Cibola County. And keep it in mind that in Cibola County, it was the hottest of hot, red poker buttons (Phonetic) for BLM at the time.

CHAIRMAN KIENZLE: The reason why it takes a long time is essentially the title to the property. The Federal government is giving you the land, what was it, 600 and . . .

DIRECTOR SANDOVAL: 640.

CHAIRMAN KIENZLE: . . . 640, and they are essentially giving it to you. And so, when governments give anything away, they have to jump through a bunch of hoops in order to get it done. So, you've got my commitment to get it done. I have been pushing this rock uphill for a while, and Mr. Cherry is working on it.

GUEST SPEAKER: Our committee, Mr. Chairman, we have several other activities that we could initiate to help this out. Most of these are economic. One of the communications from the BLM office in Taos said, we don't understand what your (Indiscernible) Department of Game and Fish is they are, whatever year it is finally approved, then the range can go forward, it's not something that's going to expire. But I want to point out to you that as a competitive shooter and on the board with the National (Indiscernible) Association, I have constantly asked for the past 4 years, to have a major competition anywhere in New Mexico and there's just no range that has that potential, so I've denied it. If you look at the shotguns (Indiscernible) whatever else you might to decide to compete in, for each event about 1500 dollars per person that every event that we go to.

CHAIRMAN KIENZLE: Let me interrupt you real quick. Have you visited with Mr. Cherry about how you might help in the process?

GUEST SPEAKER: I just met Mr. Cherry this morning and he has favorable comments for our support but I didn't get any specific recommendations.

CHAIRMAN KIENZLE: So what I am saying, I'm going to cut you off at this point. Stay in contact with Mr. Cherry. If there is anything that your organization can do, he will have you do it. We can legitimately say now that this is not our first rodeo. We've successfully moved a number of these forward with one of them close to conclusion, so we're getting there. So he knows what to do with this kind of thing, how best to use your organization's support. So make sure to get a telephone number and email address from you, and you can always contact me and I will of course do what I can to move this along.

GUEST SPEAKER: I appreciate that very much, Mr. Chairman. And I would also challenge the Commissioners to if they could (Indiscernible) but it seems to me that the senior management at BLM and the senior management of the Department of Game and Fish should occasionally have conversations about something of mutual interests and that would go a long way to getting this off of the Director's and the state's desks.

CHAIRMAN KIENZLE: Thank you. I have faith in the process. I know, and Mr. Cherry knows, that it's important to me. So it is not the first meeting we've had either on this range or other ranges. This is not the only thing that Mr. Cherry is doing on any given day. I know it's high on his list of things to do every week.

GUEST SPEAKER: Mr. Chairman, that's why I am asking you for consideration and I will take you up on that, that we have a resource here, and will continue to collect petition signatures, and we have a lot of talented people and dedicated people as well, and whatever is necessary to get this range moving. But the process is taking years, it's probably (Indiscernible) for everybody else.

CHAIRMAN KIENZLE: I understand. So, make it happen. Jay Green (Phonetic).

GUEST SPEAKER: I just submitted written comments.

CHAIRMAN KIENZLE: OK. Garrett.

GUEST SPEAKER: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. I would like to echo his comments. About 2 weeks ago I was out on (Indiscernible) Mesa and it is Wild West out there. It is dangerous, and I certainly wouldn't take my daughter out there to shoot. I think — I'm not so sure that there aren't some people locally who don't want this to happen. I don't necessarily think they are trying to stop this, some things behind the scenes. I think there is not 100 percent buy-in on the location of this site, and maybe we should talk about that a little bit more. And so, interested to attend some of these public meetings and see how that is thrashed out. There is great urgency for this to happen and I want to commend the Department for its efforts to do this not only in Santa Fe County but in other places. I went out hunting in Grants about 2 months ago and have seen people shooting right alongside the road. It's bad, it's dangerous. These situations are happening all over the state so I want to commend the Department for its really aggressive efforts to change these situations and create safe shooting environments. I think this Santa Fe situation is big enough and substantive enough and there's a really big community of shooters, this should be one of the most ambitious projects that the game and fish department undertakes because there's so many people and also (Indiscernible) officers and military components, some of the local National Guard shooters would like to utilize this complex. And so, as big and ambitious as the (Indiscernible) the Department has made this, and vetting it publicly and as thoroughly as possible. (Indiscernible) in these situations but any way we can help working with the agency, the BLM, we would be happy to do that.

CHAIRMAN KIENZLE: You're probably more familiar with the people.

GUEST SPEAKER: Yes, we'd be happy to help and be part of it. I think it is really a big undertaking, let's make it as big and ambitious as possible.

CHAIRMAN KIENZLE: Thanks. Let's put this one definitively onto the April, and give us a little bit more idea and maybe getting us a timeline. Again, I trust that it's making its way through that process and is not sitting on someone's desk. We'll find out in April if it's sitting on someone's desk, then we need to know that but getting that patent just doesn't happen overnight. And this particular program is designed to cut some most contentious things in the world, fairly near populations, fairly close to population centers, and so there is protocol, there are things and there is a process that has to be followed. So I can appreciate that it doesn't go like a rocket necessarily but if it is stalled, we need to know that. So make sure that we know that. Make sure this is on April's agenda, specifically about this and the other ranges. OK. I need to get a motion on agenda item number 19.

COMMISSIONER: Mr. Chairman, I move to adjourn into Executive Session closed to the public; pursuant sections as listed, to discuss limited personnel matters relating to complaints and discipline; and on matters subject to the attorney-client privilege relating to threatened or pending litigation which the Commission and Department will or may become a participant as listed in agenda item 19, subsections A and B.

CHAIRMAN KIENZLE: I think we need a second.

COMMISSIONER: Second.

DIRECTOR SANDOVAL: Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos?

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek?

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya?

VICE CHAIRMAN MONTOYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle?

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: We will be using the small room right over here. [Audio ends]

[Audio resumes]

CHAIRMAN KIENZLE: This Commission adjourned into Executive Session closed to the public. During the Executive Session the Commission discussed only those matters specified in

the motion to adjourn and took no actions. The last item is public comment. Mr. Horton (Phonetic).

DIRECTOR SANDOVAL: He's not here, I believe.

CHAIRMAN KIENZLE: And then we've got Garrett? We've only got 2. First one, Garrett.

GUEST SPEAKER: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. This may or may not take more than 3 minutes. This is a preliminary draft of our (Indiscernible) which we had originally talked about at the Commission meeting in October. I thought — we thought — it would be a lot more simple and straightforward to talk to our members to get a sense of how big this problem is. Susan Torres, Communications Director, was the person who actually did all the reporting and collecting of information. Additionally, we received about 70 different incident reports. The challenge with the specific reports was that some of them were very specific and tried to get our members to be specific. We're in the process of actually following up on some of the different leads where there was not the specificity that is actually listed in the document itself. I think it could be gleaned from the original draft of this report that this is a problem for us across the state. We are collecting more information and every time that she sends out an email blast or Facebook post, we continue to get more information. As the hunts go on, we continue to receive information. Obviously, the hunting season isn't over. This is a problem. We will be presenting this draft also to Commissioner Dunn's office and it's really (Indiscernible). And what has also come from this is that there is a lot of harassment going on, so not necessarily people walking (Indiscernible) public easements but harassing them. And there are also a lot of reports of guides and outfitters harassing hunters on public land, taking over campgrounds, trying to keep them

from hunting in specific areas. And so, this is a preliminary report. We will continue to build upon this report. It is a working document. It's a problem. I think it's a bigger problem than any of us had suspected. So, we want to give you some preliminary (Indiscernible) public lands responds to this. I think we need to address it. So, any questions, I'd be happy to answer them.

CHAIRMAN KIENZLE: So, once this becomes more than preliminary, I will see another version of it, I'm sure. I will put it on an agenda and figure out what that agenda item would look like. So, specifics, maybe names, are always better than speaking in generalities because I am not sure I'm just going to let you just sit there and talk for 15 minutes. I'm not sure that's productive because I need to have a Department person whether it's investigation looking into some of this. So if there's a remedy to be had, we've got people, the Department, that can carry that out. So if this becomes more robust, we can meet again and then sometime get it on the agenda. But I made a commitment to you in Las Vegas that I'm interested in this issue particularly when our (Indiscernible) went out dramatically, so I want to make sure the hunters, quote-unquote, get what they pay for.

COMMISSIONER RYAN: And another thing, there's concern on the other side of the table that the landowners are really upset about the trespassing that's happening, the private property and we've been getting several phone calls recently regarding that side of the issue and so it's a problem for a private landowner, it's a problem for the sportsmen, you know, it's just a problem.

SPEAKER: My suggestion in part is also some outreach and some education on the Department's end, too. It's about creating a culture of respect of private lands and vice versa. And I think it's a big enough challenge that we need some organization and want to make sure that our members are ethical and have respect for private property and vice versa. And so we

will continue to thrash this out. There's a lot of (Indiscernible) and getting those facts and getting GPS coordinates and names and oftentimes incidents happen and people are so, you know, the confrontation that happens, and people just want to get away from confrontation, so to flesh out our system and our framework to have people to have the tools in their hand to actually address the issues, absolutely. I think there are trespass problems, very serious ones, and those need to be addressed and ingrain this culture of public lands, sportsmen, and to (Indiscernible) And so . . .

CHAIRMAN KIENZLE: I need something to act on and then I would need to visit with the Director, choose the right group of people in the Department to be on both sides, or all sides of that issue.

SPEAKER: And this, just real short and sweet, as you look into legislative future, I think that again I would very much encourage the Department to take some proactive steps around trapping where we are seeing a greater involvement, the question of trapping on public lands and I very much encourage the Department to take the steps and maybe mandatory (Indiscernible) setbacks and increasing fines for people who are (Indiscernible) trapping because I foresee in the legislative session, not the next one, not the fiscal one, the one after that, the trapping will probably be banned on public lands if the Department doesn't take some steps to curb these incidents.

(Inaudible)

COMMISSIONER: Move to adjourn.

COMMISSIONER TWO: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

In Re:

NEW MEXICO STATE GAME COMMISSION

Santa Fe Community College Board Room
6401 Richards Avenue
Santa Fe, NM 87508
Thursday January 12, 2017
9:00 a.m. – 5:00 p.m.

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APPROVAL OF MEETING MINUTES

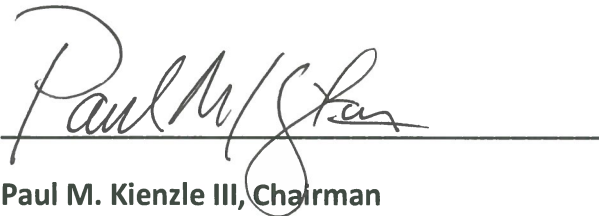
NEW MEXICO STATE GAME COMMISSION



Alexandra Sandoval, Director and Secretary



Date



Paul M. Kienzle III, Chairman



Date

New Mexico State Game Commission

AS/scd