

MEETING MINUTES

NEW MEXICO STATE GAME COMMISSION

Murray Hotel Ballroom
200 W Broadway St.
Silver City, New Mexico 88061

Day and Date: Thursday, May 12, 2016

Time: 9:00 a.m. – 5:00 p.m.

A P P E A R A N C E S Game Commissioner Thomas Salopek
Vice Chairman Bill Montoya
Chairman Paul Kienzle
Game Commissioner Robert Espinoza
Game Commissioner Ralph Ramos
Game Commissioner Bob Ricklefs
Game Commissioner Elizabeth Ryan

(Audio begins here)

CHAIRMAN KIENZLE: Thank you. Good morning.

Can I get a motion to approve the minutes from our April 2016 meeting?

COMMISSIONER SALOPEK: So moved.

VICE CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. AGENDA ITEM NO. 7: Animal Protection of New Mexico, The Humane Society of the United States, Request for Stay of Rule 19.31.11 NMAC "Cougar Rule". On this particular item, there will be no public comment. I'll allow 15 minutes per side, and then you will have 5 minutes after that to do what you normally call

Final

rebuttal. We got your written submission, and if there is anything else you wish to put in the record, now is the time to do it before we close the floor. Does that make sense? OK. Thanks so much. Have at it.

GUEST SPEAKER: (Indiscernible)

CHAIRMAN KIENZLE: Yes, sir.

GUEST SPEAKER: I don't have a watch. Could somebody tell me when I have maybe 3 minutes?

CHAIRMAN KIENZLE: OK. I'll holler at you.

GUEST SPEAKER: OK. Thank you very much. Chairman Kienzle, Commissioners, Director Sandoval. My name is Bruce Wagman of Schiff Hardin. I represent Animal Protection of New Mexico, Humane Society of the United States, five individuals, Peter Scorrio [Phonetic], Gina Scorrio [Phonetic], (Indiscernible), John Burgess [Phonetic]. I am requesting for stay of the (Indiscernible) Rule. (Indiscernible). I want to emphasize that the only reason we are here today is to request a stay of the rule (Indiscernible) Commission some of the issues. We are not here today to have (Indiscernible) or have any ruling on that particular issue. We simply are requesting the stay. So rather than, potentially, as I will explain, violating New Mexico rule and Federal law and New Mexico law, we are asking that we have a stay for a while and give us time to think things over. The second (Indiscernible) of the New Mexico law is pretty straightforward and (Indiscernible) and I will go through the four prongs of that test initially and walk through them one at a time. The first one is the likelihood of success on the merits, that is, on the challenge that the Commissioners are familiar with (Indiscernible) New Mexico Court of Appeal. The second one is evidence that there will be irreparable harm to some of the applicants here today. Third is that no substantial harm to other interested persons. And fourth is that no

harm will inure to the public (Indiscernible). The Commission spent an admirable amount of time working on (Indiscernible). Conditions come up that could have and should have been looked at, and we have identified several of those. Certain aspects of the rule when carefully examined simply can't satisfy many of the state law and federal law and the Commission's own rules. I have six items in which I think the cougar rule violates state and federal law. For the Commission to grant a stay, you really only need to agree that one of those (Indiscernible) the state rule (Indiscernible) So I am going to address that first problem which is going to be the major part of my presentation, likelihood of success on the merits. This same (Indiscernible) we will come to after (Indiscernible) the facts and the evidence are that the state is (Indiscernible) the rule is, number 1, not supported by substantial evidence in the record; number 2, otherwise not in accordance with law; number 3, omits consideration of relevant factors and important [Phonetic] aspects of the problem at hand. Those are the 3 (Indiscernible) recommendation today. Again, six [Phonetic] (Indiscernible) are the same. The first one is that New Mexico initiated 19.31.11.10-B(2) states, quote, "It shall be unlawful to kill a female cougar accompanied by spotted kitten(s), or any spotted kitten." That is removed from the (Indiscernible) rule but that is the current rule. (Indiscernible) mother cougars accompanied by young who are killed. With trapping and snaring, the capture and killing of mothers with spotted kittens is virtually guaranteed. That is the problem we see with the rule. I have submitted with our Request for Stay, 3 declarations that provide evidence (Indiscernible). Exhibit 12 is a declaration Calvin Luhoff [Phonetic]. As you'll see in my declarations, (Indiscernible) hunting cougars for 50 years, is a former president of a houndsmen's [Phonetic] association in Montana and so (Indiscernible) very familiar with (Indiscernible) cougars. Mr. Luhoff's [Phonetic] declaration is there to demonstrate unfortunately (Indiscernible) cougars do get caught and killed

in traps. (Indiscernible) pictures so I can show you some paws stuck in the trap and Mr. Luhoff's [Phonetic] testimony after 50 years of working with cougars, that there is no question (Indiscernible) indicates that the mother cougar accompanied by kittens walks into a trap, she will die and that will violate the New Mexico (Indiscernible). Exhibit 2 (Indiscernible) is the declaration (Indiscernible, cough) Dr. Halprin's [Phonetic] had a career dedicated to wildlife issues. He works extensively with government agencies and focused for the last 20, 35 years, in the (Indiscernible) just like the cougar. He wrote his dissertation on the (Indiscernible) of the cougar. He has a PhD in (Indiscernible), resource sites. He has prepared multiple environmental reviews for government agencies. And, he is a constant speaker on these issues specifically cougar issues. (Indiscernible) for Dr. Halprin [Phonetic] details dangers to cougars and the likelihood of death to female cougars who might step in traps. He demonstrates that traps (Indiscernible) cougars, unfortunately mothers, additionally (Indiscernible). I also refer you to the declaration of Mr. Nemeyer [Phonetic] which is (Indiscernible) to 24. Mr. Nemeyer [Phonetic] is a lifetime hunter and trapper (Indiscernible) for government agencies for over 4 decades, and he has trapped over 400 wolves under that network. He has incredible expertise in trapping. Mr. Nemeyer [Phonetic] says there is no way to make a trap that does not capture mother cougars who are accompanied by spotted kittens, and that would mean death for both mothers and kittens. As the Commission surely knows, cougars are (Indiscernible) breeders, that is they are like us, they can breed all year round. And the fact is, from the data both from the Logan-Sweanor study here in New Mexico and others as well, that something like 96 percent of kittens of cougars in New Mexico are found either within, are born either within 6 month (Indiscernible) or in that range. In other words, all the kittens are spotted kittens in the time in which trapping will begin here. If you just assume, if you want more statistics, (Indiscernible)

slightly more than male (Indiscernible). So one would assume that every other cougar that steps in a trap is a female and I can go through the math for you but basically since 52 percent of females, 52 percent of the population of females and 52 percent of them give birth each year with a random capture, 27.6 percent of the cougars captured would be mothers with spotted kittens. (Indiscernible) range would be 20 to 35 percent of (Indiscernible) hundreds of cougars who will be trapped. That's quite a few cougars. For every one of those cougars that's trapped that's a violation of New Mexico law. And that's the rule that (Indiscernible). So, we have a guaranteed (Indiscernible, cough) that a mother accompanied by kittens will be captured in these traps. Now let's be clear. Some of them might get out and be uninjured. But some of them will die. So whatever percentage that is, (Indiscernible). In addition, since a mother trapped cannot feed her young, it is quite likely that the kittens who are the young of the mother who was trapped, will also die. And cougar mothers have an average of 2.7 to 3.2 kittens per year. Obviously, there is not a 0.7 cougar running around but that's how many, that's how many cougar kittens will die each time their mother is captured and left in a trap. Based on the Commission's rule, (Indiscernible, audio interference) So going back to the legal (Indiscernible), the first one is not supported by substantial evidence in the record. (Indiscernible). There is absolutely zero evidence in the record and very little (Indiscernible). It is not supported by evidence in the record. In fact there is no evidence. Otherwise, according to the law, it actually violates the law (Indiscernible). I hope I have explained the (Indiscernible, lengthy, beeping over-rides speaker). So separating out from the mothers, spotted kittens themselves are also (Indiscernible) being killed (Indiscernible) exactly what will happen. (Indiscernible) have young who are dependent on the mothers to survive. Remember, if the mother is killed, the baby kittens will be killed and that is a violation of New Mexico law. And again, because of this section about kittens, for every

female killed, 2.7 to 3.2 kittens will probably die. So this is not (Indiscernible) population (Indiscernible) across the board (Indiscernible) season begins; that's why I am citing that date. (Indiscernible) So in any population of (Indiscernible) cougars, 13.5 kittens (Indiscernible) and that's an awful lot, and that's happened because of the (Indiscernible) Orphaned kittens also (Indiscernible) younger than 6 months old have only a 4 percent chance of surviving, starvation being the main cause of death in orphaned kittens. That's how (Indiscernible). Mr. Nemeyer's [Phonetic] speculation states that, and this is a guy who has trapped (Indiscernible) that cougar kittens can get caught in the same traps even though they seem a lot smaller and (Indiscernible).

CHAIRMAN KIENZLE: You're up to 2 minutes.

GUEST SPEAKER: I'm up to 2 minutes? OK. Some evidence regarding kittens, that violates the rule, no consideration (Indiscernible). The rule also faces another significant problem because trapping and snaring are (Indiscernible), special rule for Mexican Wolf (Indiscernible) New Mexico (Indiscernible) Mexican Wolf population area, there is no such rule but in either case, the Mexican Wolf is captured under the rule, it is not captured (Indiscernible) Endangered Species Act and in violation [Phonetic] of the Endangered Species Act to capture any Mexican Wolf. And there are at least (Indiscernible number) reported instances of Mexican Wolves captured in New Mexico in the last 7 years. So no evidence of this is considered other than the fact that the Mexican Wolf (Indiscernible) Endangered Species Act is being violated (Indiscernible) and there is habitat in New Mexico that is specific to jaguars, critical habitat that is important for them to recover. (Indiscernible) prohibiting snaring in that area but how (Indiscernible) and that's not going to help with jaguars. So for that reason as well, It seems like the Commission actually was thinking about (Indiscernible) eliminate snares in zones where jaguars are but not traps and I think that demonstrates, number 1, not supported by

(Indiscernible) evidence, otherwise not in accordance with the law and consideration of relevant factors. The 6th item I'm going to expand on is the operation data. I'll sum it up with this: the population data that the Commission relied on is inadequate, insufficient and unreliable.

(Indiscernible) I believe it is on page 48 of Exhibit 2E, and it is an application for a grant to the Fish and Wildlife Service from [Phonetic] New Mexico Game and Fish which serves

(Indiscernible) and the Commission itself and the Department itself is admitting that. They need to step back. (Indiscernible) request and detail (Indiscernible). We have also had (Indiscernible) analysis in New Mexico (Indiscernible). Can I take one more minute?

CHAIRMAN KIENZLE: One more minute.

GUEST SPEAKER: So I am just going to touch briefly, I think it's (Indiscernible) shown irreparable harm. I'll mention (Indiscernible) problems with Mexican wolves, hundreds of days spent in the New Mexico wilderness looking (Indiscernible) for Mexican wolves (Indiscernible) and she was then president of the (Indiscernible) great danger (Indiscernible) and is very concerned about (Indiscernible).

CHAIRMAN KIENZLE: Thank you. And you all have a rebuttal?

MALE SPEAKER: Thank you, Mr. Chairman, thank you, Commissioners.

CHAIRMAN KIENZLE: I'll tell you when you get to the 2 minute mark.

GUEST SPEAKER: Mr. Chairman and Director, Commissioners, you have heard arguments that respond to some of the arguments and allegations handed out by the collective group of the Humane Society of the United States and Animal Protection of New Mexico. For ease of reference I will just refer to the Society. I guess I first just wanted to respond briefly to some of the comments made by Mr. Wagman that refers to the trapping and killing of mother cougars and their kittens. It think that the words that were used were 'virtually guaranteed that the mother and

her kittens will die'. I think that is a gross exaggeration. If you look at the supporting evidence which they cited, the declarations from an individual with vast experience trapping. His vast experience in trapping was in Montana. Montana doesn't have a check regulation. You don't have to check your traps in Montana. In New Mexico, you have to check every day. So that's a distinct difference between the law in Montana and the law in New Mexico. That may be the case without a check regulation, that a cougar that's trapped, a mother cougar or a spotted kitten for that matter, in Montana, in case it's trapped it's going to die because no one's checking it. In New Mexico if a cougar is trapped, a mother cougar, a kitten, any cougar, we will know within a day because the traps will be checked. I think it is also important to note that the traps that are authorized for use in trapping cougars in New Mexico are the same traps that ecologists and researchers are using to trap mother cougars for purposes of trapping and researching them. The ecologists aren't killing mother cougars or their kittens. They are trapping them, tagging them, putting collars on them, for research purposes. They are not killing them. So, if under the rule, it is virtually guaranteed that mother cougar or kitten will be killed then it is also virtually guaranteed that the ecologists are going to kill mother cougars and kittens and you can't argue that because that's not the case. It is not virtually guaranteed. Secondly, moving to the conversation on Mexican wolves, the Commission is well versed in trapping regulations and the Mexican Wolf. We just finalized last year (Indiscernible) a case filed against the Commission and the Chairman alleging violations of Section 9 of the Endangered Species Act based on the (Indiscernible). What the United States District Court, District of New Mexico in the Tenth Circuit, determined was that the rule does not violate Section 9 of the Endangered Species Act specifically because the population in New Mexico, the only place in New Mexico where there are wolves in the wild, they are an experimental population and nonessential (Indiscernible). So

the Court found no violation. Now to the extent that a wolf is trapped, I guess I'll say there are no wolves outside the (Indiscernible) area. So the likelihood of a wolf being trapped outside of the (Indiscernible). When a wolf is found outside the (Indiscernible) area, it's brought back into the (Indiscernible) area. So there is not a high likelihood that a Mexican wolf is going to be trapped outside the (Indiscernible) area. If it is trapped within the (Indiscernible) area, then that is an issue that law enforcement, both State and Federal agencies address. But the rule itself, the cougar rule, is not a violation of Section 9. An individual (Indiscernible) in Section 9, not the Commission or regulation [Phonetic]. In the context of the (inaudible), Mr. Wagman of the Society mentioned that the Commission did take some care in (Indiscernible) of the jaguar by prohibiting snaring in the (Indiscernible). That is the only critical habitat for the jaguar in New Mexico. It's a very small area. There is no snaring allowed there. There is trapping allowed there. But we need to recognize some of the practical decisions with cougars and wildlife. A jaguar is significantly larger than a cougar. A trap that is set for a cougar will simply not catch a jaguar. A jaguar (Indiscernible) the size of a trap that is set for a cougar. The cougar rule as amended last year did not expand trap size. The same traps that are lawful under the fur bearer rule, the same traps will be used to catch a cougar. So, certainly a cougar trap cannot catch a jaguar. Potentially a young jaguar; however, we haven't had a documented young or female jaguar in New Mexico for about 50 years, if then, possibly longer, perhaps a 100 years. It's been a long time. Instances of roaming male jaguars, very few of those instances, and a trap set for cougars is not going to catch that jaguar. (Indiscernible) I guess I'll call their bad science argument, that science relied on by the Department and Commission in promulgating amendments to the rule, that science doesn't support those amendments. I think that this argument is easy to encapsulate (Indiscernible) characterization. There is a set of data. There is

the Logan Study which the Commission has heard a lot about, subsequent research (Indiscernible) approaches these (Indiscernible) of the Logan Study. This is research. It's data.

The Commission and Department relied on existing data and after reviewing that data, the Department and Commission made conclusions. What the Society has done is taken that same data, given it to a biologist in California and that biologist said, well guess what, I would have come out different, my conclusion would be different. And that's great, that's fine.

(Indiscernible) in the context of rulemaking, it's the Commission who (Indiscernible), not the private biologist in California. The courts have said it, deference to agencies, that's highest, with the agencies operating within the field of expertise where it operates. We are talking about wildlife management here. And that is the specific area of expertise for the Department operates. (Indiscernible) at its highest. So, although the Society is able to disagree, were able to say to the Commission, we think this is how you should come out. The Commission isn't bound by their conclusions. Commission has deference, and that is the deference we have relied on. Said, you know what, we have seen the public comment, we have heard what the Department has to say, and (Indiscernible).

MALE SPEAKER: Check the time.

CHAIRMAN KIENZLE: Halfway there.

GUEST SPEAKER: So, the bad science argument in my opinion, comes out in the Department's and Commission's favor because of that. What Mr. Wagman (Indiscernible) talking about irreparable harm. New Mexico courts (Indiscernible) that preliminary injunctions which is what we are talking about (Indiscernible) that's the most important factor in considering, when the court is considering' whether or not to grant a preliminary injunction is whether or not there is irrevocable harm. And in the context of irrevocable harm, they added another adjective,

imminent irrevocable harm. Now the cougar rule did become effective just a month ago. However, the part of the cougar rule that the Society has a problem with, and where their alleged harm comes from, the trapping point, Cougar trapping season doesn't commence until November. So there is no imminent harm from the trapping part of the cougar rule. So I, well I certainly empathize with the harms that the Society has laid out in terms of satisfying legal standards, it happens because there is no imminent (Indiscernible). As Mr. Wagman mentioned, (Indiscernible) of appeal in New Mexico Court of Appeals and with more than 6 months until the trapping rule becomes operative, there's more than enough time for a court to look at that and make the decision on the rule without a stay being necessary in the interim. (Indiscernible) A stay, as New Mexico courts have articulated, should not be granted in the normal course. They call it an extraordinary remedy. Just keep that in mind. That's what we're talking about, an extraordinary remedy, not something granted in the normal course. And then, so Mr. Wagman, when you talk about (Indiscernible) factors required for a stay to be granted: first there is a likelihood of success on the merits; two if there is irreparable harm to either party; third if there's not harm, other interesting part is, and fourth, there is discussion about harm to the public interest. There wasn't much conversation about harm to other interested parties and I think that is important that we remember that there are other interested parties and not only does the rule address trapping of cougars, but the rule is the rule, the only rule that addresses hunting of bear and cougar. So if the rule is stayed, what law exists in New Mexico to govern bear and cougar hunting? Because hunting season for cougars (Indiscernible/audio breaks up). So if the rule is stayed, what rule do we follow? We can't go back to the prior rule because it expired. The terms of the prior rule operate to make that rule expire. That rule no longer exists. So if the rule is stayed, I don't have an answer for the Commission right now. (Indiscernible) but I'm not sure

what the law would be in New Mexico regarding hunting in New Mexico. So if that's the case, what is the circumstance that New Mexico or non-resident cougar hunters, can they hunt right now? I don't have an answer to that. If the answer is "no", then I think there is definitely some harm to those individuals. Furthermore, if the rule is stayed, not only is sports hunting off the table, but there is nothing managing depredation hunts. So if that's the case, there's no take of cougar in New Mexico save for a person who encounters a cougar and needs to defend himself for purposes of life and safety. I think that's a significant (Indiscernible). I think that also flows into the conversation about public interest. (Indiscernible) Commission, Society states that the stay is in the public interest because it would prevent some of the (Indiscernible) take they discussed as their irreparable harm. It seems to me that this public interest they are talking about is their own interest. They are essentially saying that we are speaking for the entire public for the (Indiscernible) ourselves, harms that (Indiscernible) cares about and that's all that matters. But I think there is also something to be said for what we just talked about, that is, they are not the public. There is more than one interest here involved. I think one of those interests has to be bear and cougar management. Once again, if the rule is stayed, we don't have something to fall back to. So just to summarize and close here, Mr. Wagman started with 6 specific reasons why the Society believes that they were likely to succeed on the merits. And even if you find one of those reasons compelling, they still have to satisfy the other 3 requirements, (Indiscernible) irreparable and imminent harm. There is not harm (Indiscernible) and is in the public interest. And I would submit that they haven't satisfied all 4 of those categories at this time. Thank you.

CHAIRMAN KIENZLE: Thank you. Mr. Wagman?

GUEST SPEAKER: Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Sorry. To just interrupt you real quick. At the conclusion of your presentation, if the Commissioners have any questions, then suggest there for a minute to answer any questions the Commissioners might have.

(Multiple speakers, Indiscernible)

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: Should we start with several of Mr. Sayer's [Phonetic] points. First of all, Mr. Sayer [Phonetic] put on what sounded like an awful lot of testimony to you about what is and is not the facts, but Mr. Sayer [Phonetic] does not get to testify here, and the evidence in the record with all due respect, Mr. Sayer [Phonetic], is incorrect on a couple of points. Paragraph 51 [Phonetic] of Dr. Halprin's [Phonetic] study reports that the ecologists that Mr. Sayer [Phonetic] was discussing resulted with (Indiscernible) cougars suffering severe, life threatening injuries and (Indiscernible) died. It is a guarantee. Similarly, Paragraph 57 of Dr. Halprin's [Phonetic] testimony also discusses the death that would come, and it would come in less than 24 hours. So there is testimony. There is also testimony, not a lawyer like you and Mr. Sayer [Phonetic] (Indiscernible), in Dr. Halprin's [Phonetic] declaration, Paragraph 65, 66 states specifically and I think (Indiscernible) declaration that jaguars will be caught in the traps that are designed [Phonetic] for the cougar rule and Dr. Halprin's [Phonetic] (Indiscernible) stating that he looked specifically at the traps. So that is evidence, (Indiscernible) Commissioners, and there is no evidence with respect to (Indiscernible) injury. With respect to imminence, 6 months is imminent. The court of appeals will not rule in that period of time, and all we are asking is for a stay until either we can sit down with the Commission and talk about these things or the Court of Appeals gets to rule. So, even in 6 months, and we cited several cases, Federal cases, but I think they are the law, that this type of harm, environmental harm here, species will disappear or

animals will be injured is immediate and irreparable harm. And I submit that the public interest here is the public can choose (Indiscernible) this Commission holds. You are the public interest and I know very well that the Commission is interested in preserving all species of all wildlife for hunting. That is the public interest at issue. The irreparable harm is clear and imminent. So it really is virtually guaranteed by Mr. (Indiscernible) as well, talks about guarantee that cougar mothers and cougar infants will die. That is the evidence we hold this Commission (Indiscernible). No other (Indiscernible). With respect to the Mexican wolves, Mr. Sayer [Phonetic] was discussing a rule, a case that was decided based on a prior Federal Rule and as well as a prior cougar rule. So that case has nothing to do with this case here. There has been amendment of the 10j rule that is a special rule. Certainly the Commission is familiar, that is what is at issue here, and (Indiscernible) the only reason we believe it is a violation. We are well aware that case has no (Indiscernible) in this situation. It is moot law on both the State and Federal fronts. So, you have that evidence. You have the evidence. You have people like (Indiscernible) who is a hunting guide, goes out regularly to hunt himself and bringing people and he's got (Indiscernible) and November 1st is the first day, that's (Indiscernible). Again, all we are asking for is that we step back. With respect to the there-will-be-no-law, not sure at all. Number 1, we are only challenging the cougar rule part of that rule. Any legislative body as well as the Commission could easily excise the cougar part of this rule and as you see, the first 5 points we are focusing on specifically is the trap. The 6th point, the population issue, that goes with the entire (Indiscernible) you believe in (Indiscernible). I think we (Indiscernible) the first 5 solely the trapping and snaring and the incredible extension of trapping and snaring, you've heard from the public I'm sure about the indiscriminate nature of snaring. But the facts are the facts and (Indiscernible) declaration. Mother cougars and kittens will get killed by this rule. And

that's the evidence, not anything that anybody else has to say who comes up to this microphone.

Do I still have time?

CHAIRMAN KIENZLE: You have a minute.

GUEST SPEAKER: I just want to repeat the court appeal doesn't rule in any quick time. And all they are asking for here is to step back, take November 1st for the cougars off the calendar and think about these issues. I know my clients would be happy to speak with the Commission in a session or to wait until we see what the rulings are in the State and potentially the Federal courts. It seems that's appropriate, (Indiscernible) is evidence that animals who you don't want to be killed, New Mexico Game Commission's rules and laws say do not kill these animals. But what you have done inadvertently is to set that up so those animals will be killed and we are just asking for you to step back and stay back for a little while, not a long time.

CHAIRMAN KIENZLE: Thank you. Commissioners, any questions or comments for, I guess—what do we call them—the appellants?

MALE SPEAKER: The applicant.

CHAIRMAN KIENZLE: The applicant, or request for petitioner, any questions.

(Indiscernible)

CHAIRMAN KIENZLE: Any questions of Mr. Steck [Phonetic]?

COMMISSIONER RYAN: Yes. Our authority to stay a regulation (Indiscernible) under our specific part, panel 19, stay procedure, is the Department aware of is there a specific regulation pertaining to our authority to stay a rule in Title 17?

CHAIRMAN KIENZLE: (Indiscernible)

MALE SPEAKER: Mr. Chairman, Commissioner Ryan, appellants or requesters, applicants, I believe I have cited the provisions of the Wildlife Conservation Act as authority for a stay. My

position review is that while the Conservation Act is not applicable to the rule that we are discussing so that in terms of statutory authority in Title 19, 17, I am not aware of any provisions, I think apparently not in play here in our judicial provisions, discussions of (Indiscernible) and administrative remedies. There is case law in New Mexico that articulates if a rule is appealed that the entity appealing must exhaust administrative remedies before (Indiscernible) requests the State from an administrative body before they can request a stay from a judicial body. So I am not sure if that is express authority to grant a stay but (Indiscernible) the notion that the stay must be requested from the Commission (Indiscernible) would imply authority, furthermore (Indiscernible) whether Commission has authority to grant or promulgate a rule (Indiscernible).

COMMISSIONER RYAN: And is (Indiscernible), is it an all-or-nothing stay? In other words, can you tailor the stay to portions of a regulation? Or can the regulation be, is it an all-or-nothing stay. (Indiscernible).

MALE SPEAKER: Once again, I presume (Indiscernible) but I presume if the Commission has the authority to stay a regulation, then (Indiscernible) that stay. I'm not sure. The request as it was made to the Commission articulated a narrow stay versus the broader stay of the cougar rules, that's a question.

MALE SPEAKER: Thank you Commissioner Ryan. I think Mr. Sayer [Phonetic] and I have gotten (Indiscernible) agree on this (Indiscernible). NMAC 17-2-43.1(d) [Phonetic] after hearing showing good cause, stay of regulation be granted by the Commission. And I agree with Mr. Sayer [Phonetic] that, based on what we've requested, the Commission could indeed (Indiscernible) if the Commission, for instance, thinks that our argument with respect to population numbers is not sound, does not deserve a stay, but our argument with respect to

mother cougars or spotted kittens does, then the Commission could stay that portion of the rule without (Indiscernible). But I think that is the way it would work. I think New Mexico (Indiscernible) certainly appropriate and I've seen it (Indiscernible).

COMMISSIONER SALOPEK: I've got a question. Being on the Commission for however long I've been on, (Indiscernible) cougar rule be open for us to vote on? And right now the bear and cougar rule is not open, correct?

MALE SPEAKER: Yes. Either one.

MALE SPEAKER: OK, I'll go first. I think the answer is that it is not look to be open based on the process (Indiscernible) process and the statute I just cited (Indiscernible) appeal and stay of the rule. So the opening of the rule is for modification or new rule [Phonetic] for years. But at any point, (Indiscernible) come forward and try to strike the law (Indiscernible).

COMMISSIONER SALOPEK: Another question real quick. We would have to help, my understanding is that it has to be open so we can get public comment from either side before we can vote if we wanted to stay, or change, or whatever. But that's my (Indiscernible), but from what I understand.

MALE SPEAKER: Mr. Chairman, Commissioner Salopek, there certainly are some practical corollaries and similarities between what the Commission is looking at right now, and the rule making process. However, and if they are different processes, so that the rulemaking requirements that the Commission is bound by do not apply in the context we are looking at outside of the rulemaking process and the request to stay, it is interesting to note that the same interests are in play in terms of public interest, et cetera. But whatever reason the law is somewhat vague on this issue but rulemaking requirements specifically apply only to rulemaking

process and probably pretty close to consensus that request to stay or reversal of regulation is outside of the rulemaking process; that is understood.

COMMISSIONER SALOPEK: I understand all those concerns. You know, being in Las Cruces I get a lot of calls and I've been getting calls on the (Indiscernible) authorizations. To me, if we're going to vote on (Indiscernible), if we're going to vote on a rule that is, in my opinion, not open, that opens it up for elk and everything else and I think we are just opening a big can of worms. That is just my opinion. That's not the legal, I don't know, I'm just throwing out my opinion.

MALE SPEAKER: I appreciate what you're saying, Commissioner Salopek. And I am not familiar at all with the elk issue (Indiscernible) rulemaking and then there is litigation and challenges, legal challenges. I'm involved in some, and they never sort of kick you back into rulemaking unless the settlement of the litigation is in agreement to go to rulemaking. So that often happens with Federal agencies, they are sued over a regulation and then they say we're going to stop the regulation and start over with rulemaking. But in this situation, this presents (Indiscernible) rulemaking so would not at all endanger the Commission as doing something that would (Indiscernible) the rulemaking process. I agree there are other (Indiscernible) if they wanted to in litigation.

CHAIRMAN KIENZLE: Any other questions or comments? Anyone else? Commissioner Ryan? Commissioner Ramos? Any comments? Ralph, you look like you want to say something.

COMMISSIONER RAMOS: My question is, the traps that we are allowed to use currently are the same traps that we have been allowed to use for probably the last 10 years or so and with that, how many mountain lions have been trapped that are documented that we have to get

involved with, you know, is there any data on that? The other thing is, how many wolves have also been trapped, you know, in these areas as well.

MALE SPEAKER: Sure. Good questions Commissioner Ramos. With respect to the mountain lion being trapped and now we are talking species prior to this rule?

COMMISSIONER RAMOS: Right.

MALE SPEAKER: Under this rule, there is no requirement to report that. So we (Indiscernible) that data, we would have to (Indiscernible) on a regular basis but the fact is they are not required to give a report. Now with respect to wolves, there is in our evidence of it is many wolves who have been injured and some killed by traps.

COMMISSIONER RAMOS: In New Mexico?

MALE SPEAKER: Yes, sir. That's in the data from Fish and Wildlife Service and I want to add with respect to wolves as well as respect to cougars, one thing I know the Commission is focused on is sort of the totality of the mortality if you will. So, you know, I want to make it clear that the larger percentage of wolves who are lost from human interaction and not from traps but from human interaction, what we have to think about (Indiscernible) and so we need to be real careful about, and yes there are some protected wolves killed in New Mexico in traps and many caught and injured, amounts to a section (Indiscernible) as well. So it is a violation of the Endangered Species Act regardless of whether they are actually caught (Indiscernible) or not and there is also significant data on the danger and (Indiscernible) likelihood of wolves being released from traps because (Indiscernible). Hope that answered your question.

COMMISSIONER RAMOS: Right, but also looking at trend data and not meeting the quota of numerous numbers of mountain lions we have in the State of New Mexico, and trying to reach these quotas, you know this right now is that, it is a pilot, it is out there, it is new. We are fixing

to go into that. You know we've got to try to get a control on that. I mean, that is part of wildlife management. I mean, what other forms and means would you recommend to harvest these animals. And yes, you know what, give and take, you look at kittens, you look at females, things like that, it happens. You know it is unfortunate that in the wild also mother cougars also get killed by other predators, things like that, that impact kittens. There are so many other variables as well. But what recommendations would you make on that?

MALE SPEAKER: Sure. Thanks for asking, Commissioner. First of all, with regard to mothers and kittens being killed, I (Indiscernible) and it goes back to what I said about other forms of killing, the fact that the Commission has authorized for use. It is illegal to kill a mother accompanied by kittens or kittens so the rule itself steps right into the nature, and I will answer your question. But coming back to what you're saying that it's a pilot. I understand that. For years the Commission was looking at the numbers and saying we've got this quota (Indiscernible) we are not meeting it. How can we meet it? But that may be a false assumption because our belief is that the quotas themselves are not supported and (Indiscernible) Game and Fish. That's it. (Indiscernible) So your own scientists said, we don't really know the numbers. And that's the danger here. So if indeed you did the right science, and I think the answer is, let's do the science, let's do the very science that the Commission scientists asked Fish and Wildlife Service to give it a grant for. And if we come up with numbers that say 749, then indeed we should be increasing the numbers of cougars that can be harvested by hunters. Unfortunately, trapping and snare cases have the same path for endangered species and mothers with kittens. So maybe there's another way. For instance, one of the other things, as you know, in the new cougar rule is that if you get 2, you get 2 more. That's one way to do it. That's good wildlife management. Just saying, OK let's just assume (Indiscernible) 749 is just sort of a fictional

number. We don't really know that's right. And saying, let's triple it and get up to 749 may be, you know, here's a thought for anyone, maybe the reason that New Mexico has never met the quota is because that's not the right quota. Maybe (Indiscernible) quota every single year and you don't know it because we understand, or we don't understand exactly what our numbers are. The numbers from Logan-Sweanor and (Indiscernible) are way lower than the numbers that the Commission is currently relying on, the density and population. And so that's the real problem. If you think about it, when Logan and Sweanor did their study, it was the best (Indiscernible) in New Mexico. And there was no (Indiscernible), and they were in a (Indiscernible) area and so they were fortunate. Those numbers are half of what the density numbers that the Commission is now using. (Indiscernible) So we should be at (Indiscernible) those numbers or below it, not twice as much. And that density number, the reason I'm bringing it up, is because that's what drives the quota. So possibly we need to look at, we are happy to work with you (Indiscernible) to really figure out how many cougars are in New Mexico. But we don't think that (Indiscernible) has been done and we understand Commission's desire to continue the hunting and to make sure we've got the population under control. But we don't think, based on science, based on the administrative record that we reviewed, we didn't see any surprises in there. I hope they did (Indiscernible). But work needs to be done and you folks know better than anybody, better than me, there has to be wildlife management. The problem is, I hope that the reason we are not reaching the quota is maybe it is not the right quota.

COMMISSIONER: All right. But on the other hand, you also have to look at your other wildlife animals that are out there as well. With our mule deer population have gone down. Studies show how many cougars are harvested each year, things like that, simple mathematics. It is very similar to wolves, you know 2.3 elk per month for an individual wolf. You know things like that.

So there is some data out there that you've got to balance, and what trumps what. OK? I think we are very fortunate that we do have cougars in New Mexico. You know I think we are very fortunate that we have a good balance of mule deer and what-not. But our numbers are definitely down with mule deer and that is one of the main contributors, you know, for mule deer population being down due to the fact of cougars. So again I know this is again a pilot. I would like to see the pilot continue and hopefully we will have some data to base it on in the future. I'm one that likes to look at data. You reflect on data. Data drives need, need drives change. And that's where we make those changes. You brought up some good points. I respect those. And I think you've answered my questions.

MALE SPEAKER: Thank you. You need to look at all the (Indiscernible) . . .

MALE SPEAKER: Sure.

MALE SPEAKER: . . . (Indiscernible) study with respect to the hunting of cougars. (Indiscernible).

CHAIRMAN KIENZLE: Commissioner Montoya?

COMMISSIONER MONTOYA: You mentioned that getting the Logan and Linda Sweanor study, one of the things that study pointed out, that you've overlooked, is that the conclusion of that study pretty well said that the biggest loss of cougars in the San Andreas which adapts [Phonetic] itself to the rest of state was cougars themselves. In other words, when the population gets to this point, it is kind of like the lemmings that crawl into the sea. Lions start killing lions because of the population density. That's something that I think never has been mentioned. But the studies are there and they point that out. And that study that was done by Kenny Logan and Linda Sweanor in the San Andreas, it's there, it's factual, and it shows what happens when it

reached a level. Now what the level is at that point, that's a big question. But that ought to be looked at.

MALE SPEAKER: Absolutely. I agree. (Indiscernible) Just adding to (Indiscernible) that will take us (Indiscernible) endangered species.

CHAIRMAN KIENZLE: Mr. Sayer [Phonetic]?

MALE SPEAKER: I am responding to (Indiscernible) questions by the Department of (Indiscernible). In context of the Mexican wolves, to the extent that the Mexican wolves in traps in New Mexico, the trapping of the Mexican Wolf constitutes a violation of Section 9 of the Endangered Species Act. The trapping itself is not a violation by the Commission's regulations (Indiscernible) Section 9. It is the instance that an individual trapped a Mexican Wolf and just something like that. And as to the question about the harvest limits. Purposely, the Department did not touch the harvest limit last year. The Commission did not because it recognized that the data that it had, first it wasn't the only data. And furthermore, we had the opportunity to get more data before we touched the harvest. So to the extent this argument today is about harvest limit, it is a thinly veiled challenge to the change to the rule that happened in some (Indiscernible) so they set that as the argument to the harvest limit and it's an argument that shouldn't be considered by the Commission because the statute of limitations on arguing against (Indiscernible) regulatory change has long since passed.

MALE SPEAKER: May I respond to that?

CHAIRMAN KIENZLE: You get, this is your last time.

MALE SPEAKER: Yes, sir. Just 2 responses to that. First, with all due respect, Mr. Sayer [Phonetic] is incorrect. The reason that we come to the Commission is because the Commission rule violates Section 9 of the Endangered Species Act. There are multiple cases. The most recent

ones are (Indiscernible) vs Idaho, (Indiscernible) 2016 and another one in (Indiscernible) 2 years ago. So (Indiscernible) Section 9 are violating Section 9, so the Commission is (Indiscernible) and that's why we come to you. With respect to the challenge to the harvest limit, Mr. Sayer [Phonetic] is incorrect. We are not challenging the old limit; we are challenging the new one. As you know, you opened and then closed and then authorized 2016 rule. We are entitled to challenge (Indiscernible). Thank you very much, all of you, for your time and your questions.

CHAIRMAN KIENZLE: Any questions or comments? Yes.

COMMISSIONER RICKLEFS: Mr. Chairman, I have difficulty with the imminent and irreparable harm. The intention seems to be (Indiscernible) female cougars and jaguars, both of them trapped. I am in agreement with Commissioner Ramos that I would like to see more data before a change is made. The Society is asking for stay of 19.31.11 which is the entire cougar rule. It does not say portions of it or pieces of it. They are asking to stay the whole rule. I would, at this time, not agree to a stay.

COMMISSIONER: Just one comment. I agree with Commissioner Ricklefs on that. I just have a real problem with the entire rule, with staying the entire rule rather than just a portion. This may come to us with a specific portion, but the entire rule and taking the ability for us to manage cougar in its entirety just doesn't make sense. So I would not be in favor of a stay.

MALE SPEAKER: We are not asking for a stay of the entire rule.

COMMISSIONER: Well, it says that right here. It says, the State prohibit any hunting or trapping of cougars pending the outcome of the judicial review. That means everything.

MALE SPEAKER: You're absolutely right. The Commission, though, is entirely entitled to say we are only going to stay this piece, that is within the Commission's purview. So it does not (Indiscernible). I just also wanted to say that (Indiscernible) is not just animals will be killed but

(Indiscernible) showed they have imminent immediate fear of walking into State Trust Lands with a search and rescue dog and the person has a fear of her dogs going anywhere, private or State Trust Lands as of November 1st. So, an animal doesn't have to be killed for that harm to occur. (Indiscernible) not limited (Indiscernible) or a dead wolf. And we certainly encourage the Commission to consider a partial stay if that is what (Indiscernible).

COMMISSIONER RYAN: Here's where I am. I do think that we have the authority to stay all or part of the rule, that as a Commission we have permission to do that. And I appreciate your comment. And I appreciate some issues raised by the Society and other Commissioners regarding studies and the conflicting studies. And, you know there is other data out there to consider. With our rule making, the best thing the Commission can do at that time is to review the best available science it has available at that time. So, I feel like that's what we did. We are going to have better data in 4 years. Absolutely, we have just begun new density studies on the cougar, so we are going to have much better data the next time that rule rolls around. And the rulemaking proceeding is a proceeding in which we take all this data and review it all and we weigh it and we decide what we believe is the accurate outcome as applied to all our species in New Mexico, affecting the State of New Mexico, affecting our particular circumstances. So that's what we do at the rulemaking stage. I'm not willing to go back to that stage and argue about this data and that data and what might be better or worse. I'm not willing to stay a rule where we put a lot of thought and heard a lot of testimony to arrive at that conclusion. But what I do invite is better science and better data to be presented at the next rule, and to consider all that data again and see if it's appropriate, if the density numbers are right. I invite the Society and other similarly situated parties to be party in the rulemaking itself. The Department can petition for rulemaking but anyone can also become party and present evidence and data at that time

instead of . . . you know, the more data we have the better the decision we can come to. Our authority to stay the rule leans on something to be drastic to have happened in the meantime, with drastically different information that is being given to us than what we reviewed earlier. And I am just not seeing that. We are seeing the same stuff that we saw previously and we determined at that time that, you know, those concerns and affects were minimal and the rule was specifically tailored to take all those considerations and concerns into a narrowly tailored rule. So, I'm not willing to stay the rule for which we don't have anything else new coming in. I'm not willing to stay the rule. At this time, what I'd like (Indiscernible) evaluation of the data in the next go-round.

CHAIRMAN KIENZLE: I've got a few comments. The request is specifically to stay the entire 19.31.11. I don't think it is the job of the Commission to fix what I consider an overly broad request. We are subject to the Open Meetings Act. This came to us as a stay to the entire rule. If it had been more narrowly tailored, we might be able to take care of it on the fly but I am not comfortable under the Open Meetings Act with a request that is as broad as this to just sort of chop it up. So I think first of all the request is over-broad. I don't think there has been a showing of good cause under Section (d) of 17-2-43.1, at least not what I heard today. I don't think, to the extent we are weighing the record and the evidence, I don't think the rule will likely be set aside by the Court of Appeals. I have also not heard a sufficient showing of irreparable harm or imminent harm. I'm concerned about that. I don't think there has been an adequate explanation as to how other interested parties would not be harmed. This rule doesn't just affect the petitioners or the applicants for the stay. It affects the public, outfitters, guides, hunters, a lot of other folks. So I don't think I heard sufficient showing as to lack of substantial harm to those folks. And then, as far as the public interest being protected by staying the rule, I think that as

Commissioner Ryan pointed out, we tested this rule through an extensive public process. We took input, for and against. We had lengthy meetings over that. So I think that the public has weighed in on this issue and ultimately the rule that was adopted came out of that process. So I am not convinced that just by saying the public interest will be protected, that that is sufficient. I don't think the decision the Commission made initially was arbitrary and capricious. We ran this through the standard rulemaking process that we always do. We took evidence for and against, evidence from the Department. We took evidence from the public. We considered everything in the record. So I don't see that the original rule, either substantially or procedurally, was arbitrary and capricious. As far as substantial evidence goes, I've heard your presentation. I am of course aware of what was in the record. Initially, as Mr. Sayer [Phonetic] has again pointed out, some of the elements of the record I believe there is substantial evidence in the record to support the rule. More broadly, to suggest that the rule is not otherwise in accordance with law as you mentioned with the Endangered Species Act and some other laws, again I am not convinced that the rule as adopted is not otherwise in accordance with law. All that having been said, I would entertain a motion that, for lack of a showing of good cause, the request for a stay is denied.

COMMISSIONER RYAN: So moved.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. One other item on this, I think it would be useful both for the petitioners and the applicants and also for the Department to have what amounts to a Finding of Facts and Conclusions of Law. I would suggest you submit to me, in 14 days, your proposed Finding of Facts and Conclusions of Law so you will have them for the record. I have asked the Department to submit to me Finding of Facts and Conclusions of Law (Indiscernible)

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but it will be an order (Indiscernible) request for stay is denied. Make sense? So get that to me within 14 days, the Department record, get that sent to me within 14 days, so I can sign off on it and then we'll have a complete and administrative decision.

MALE SPEAKER: Is it possible to get 3 weeks? 21 days?

CHAIRMAN KIENZLE: 21 days? You're twisting my arm. Twenty-one days is fine. And submit those to the Director and she will submit them to me. Yes?

DIRECTOR SANDOVAL: So, Mr. Chairman, to clarify that, it would be June 2nd by 5 o'clock Mountain Time.

MALE SPEAKER: (Indiscernible)

CHAIRMAN KIENZLE: Yes, just (Indiscernible), just so when you go to the Court of Appeals, you can say, Hey, this is what I submitted . . .

MALE SPEAKER: That makes sense.

CHAIRMAN KIENZLE: . . . so you've got a complete the administrative record. Mr. Sayer [Phonetic], have you got anything to add? You OK with that? You want less time than 3 weeks? So you can have 3 weeks. Thank you. I appreciate the petitioners. I know there is a depth of feeling on this that is not just feeling. I understand you've got, you are marshalling facts and figures to support your position, so this is not just an emotional issue. I understand it is broader than that. I take to heart, again, with Commissioner Ramos and Commissioner Ryan said that a lot of this is data driven and my expectation that when we revisit this rule we will have better data and that may compel a different outcome the next time. So, thank you.

MALE SPEAKER: Thank you very much for your time.

(Background sound/multiple speakers/indiscernible)

CHAIRMAN KIENZLE: . . . State Land Office. Can I get a motion to move Agenda Item Number 13 to next in line?

COMMISSIONER: So moved.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

CHAIRMAN KIENZLE: The Agenda is amended to move Agenda Item Number 13 to (Indiscernible/audio breaks up.

STEWART LILEY: Mr. Chairman, Members of the Commission. No problem. As you say, our (Indiscernible) State Land Office (Indiscernible) here today to also discuss (Indiscernible). I just want to start off, I don't have a formal presentation but did want to discuss that we started negotiations for 2017-18 State Land Office easement for hunting, fishing, and trapping on State Lands. I just wanted to update you on the current usage that just went into place on April 1st of this year. Part of the negotiation when we signed that lease was looking access to camping areas, etc., across the state, better access from that State Land. We have worked with the State Land Office and we have come up with 285 access points across the state, mainly in the southeast, southwest, northeast to get better access to that State Land. We are planning on putting up 159 signs posting on there that this is an access point to the State Lands. We also negotiated 9 camping areas of the State Land use, again if a hunter or trapper or whoever contacts the surface lessee and wants to get camping out there that still (Indiscernible) designated 9 camping spots across the state that will now be accessible to those hunters or our constituents to access those State Lands. So I just wanted to update you with that, and also let you know that we are in the process of now negotiating for the 2017-18 season.

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CHAIRMAN KIENZLE: Thank you. Anyone from the Land Office want to step up and say anything on this issue? Good morning.

GUEST SPEAKER: Good morning, Mr. Chairman, Director Sandoval, and members of the Commission. Thank you for allowing me the opportunity to speak to you today. My name is Laura Riley. I am the Deputy Commissioner and I am here on behalf of Commissioner Aubrey Dunn. We appreciate this opportunity to provide public comment. I will give you a copy of my remarks (Indiscernible). So we will keep it short. It's no secret in the last year that we have had a very difficult relationship between the Land Office and Game and Fish. However, Commissioner Dunn is committed to moving forward and improving this relationship. And so am I. In response to the feedback that we received last year, Commissioner Dunn is proposing a 3-year easement [Phonetic] agreement at the current rate of one million dollars (\$1,000,000.00) a year. The 3-year (Indiscernible) also is consistent with feedback we received from the public including members of the Wildlife Federation. In addition, Commissioner Dunn is offering to partner with Game and Fish on conservation efforts on trust land including watershed and wildlife improvement projects. We received some significant money through the legislature (Indiscernible) this year and we would like to work with the Department on putting that money on the ground to help Land Office lessees, help wildlife habitat areas, and other watershed issues that the Land Office has. On March 4th, Commissioner Dunn sent a letter to Director Sandoval to begin discussion on these items. And this was followed by a meeting with the Game and Fish and the Land Office on April 20th. I also met personally with Game and Fish representatives on numerous occasions in the recent months and our staff has jointly spent hundreds of man hours on various matters including identification and signage of 9 proposed campgrounds for sportsmen on Trust Lands as well as approximately 800 access points of which Stewart had recommended, mentioned that we

will have 200 of these points that will actually be signed through a joint effort between the Game and Fish Department and the Land Office giving information on access and availability of these State Lands. In addition, in March of this year the Land Office worked with Game and Fish and the Rocky Mountain Elk Foundation to provide sportsmen with access to 52,000 acres of trust lands through the (Indiscernible) County. Additionally, one of these camp sites will be in the (Indiscernible) area which will allow much better sportsmen's access to this area. In the spirit of cooperation, we look forward to working together with Game and Fish on approval of this new 3-year easement for sportsmen to trust lands as well as matching funds for conservation projects to enhance watersheds and wildlife conservation. Thank you for your time and consideration of Commissioner Dunn's proposal. And I have (Indiscernible) have been provided, this is the effort that has been resolved between the Commission or Game and Fish and (Indiscernible, coughing) in terms of mapping and identifying access points, and I have those available if anyone would like to look at them.

CHAIRMAN KIENZLE: Director, do you have (Indiscernible)?

DIRECTOR SANDOVAL: We will be receiving them shortly.

CHAIRMAN KIENZLE: Well, it sounds like we are beginning the process, so this is not the last time we will revisit on it. And really, it wasn't that bad last year. So, it's a brand new year and we will make it happen. So keep doing the hard work and we will see you back here in the fall.

MALE SPEAKER: Mr. Chairman, I believe they are on the June agenda as well.

CHAIRMAN KIENZLE: June? If we can get it done by June that would be great.

COMMISSIONER MONTOYA: One thing that I would like you and us to consider is that there is a lot that you're doing together, habitat, access, camping, et cetera. But there's one thing that I think we've excelled in and we ought to consider is that there is a great deal of law enforcement

work going into State Lands that specifically apply to you, i.e., wood hauling, into the wood cutting, etc., etc., etc. And there's a lot of that that our people are doing on a day-to-day basis and that needs to be talked about and maybe some kind of an adjustment price wise for what we spend and what you all contribute to that end of it.

GUEST SPEAKER: I appreciate those comments, Commissioner Montoya, and I will take them back to the Commissioner for his consideration.

COMMISSIONER MONTOYA: Good. Thank you.

COMMISSIONER SALOPEK: You know, I echo Mr. Montoya's comments. There again, we (Indiscernible) increases. I get (Indiscernible/audio breaks up) 200 was way too much. You know, I was hoping it to be somewhat less than a million. I would hope we could (Indiscernible) 6-7 hundred thousand (Indiscernible) just my guess taking into account, I think law enforcement, (Indiscernible) we need to look at that (Indiscernible) because if we are doing our job like we're being told, I think it's huge . . .

(Indiscernible, background speaker)

COMMISSIONER SALOPEK: . . . I kind of agree with Paul. As long as we can talk, (Indiscernible) so there you go. So, thank you.

GUEST SPEAKER: Thank you, Commissioner Salopek. Part of what Commissioner Dunn said, and I don't have a copy of the letter in front of me, in the letter that was sent to Director Sandoval, agreed to collect some of that money back directly to projects on the (Indiscernible) half a million dollars.

COMMISSIONER: That would be the main focus.

GUEST SPEAKER: Right.

COMMISSIONER: So joint projects would be . . .

COMMISSIONER #2: Thank you.

COMMISSIONER #3: Mr. Chairman, a quick question. You said you had some money that was appropriated by the legislature for watershed projects, etc. Do you have a number on that?

GUEST SPEAKER: These past, that we are just finishing up right now, we had 460-some thousand dollars appropriated. And for FY17 which starts July 1, we had—and I'm not sure—we have (Indiscernible) million and a half dollars. Some of it is an expansion and some of it is in special [Phonetic]. And I think that half a million dollars is in special [Phonetic] and then we got a million dollar expansion to strictly apply to conservation type projects.

COMMISSIONER: So, what I'm hearing is that the Commissioner is committed to use a portion or all of those dollars in cooperation with the Department to expand whatever projects are on State Land for wildlife habitat. Is that correct?

GUEST SPEAKER: That is correct. (Indiscernible) but we, in this past year, we did a project in the (Indiscernible) and I'm not the field person so I can't tell you exactly but I know we have a (Indiscernible) that is supposed to go on (Indiscernible) some other projects that were done by Game and Fish. It is supposed to happen this month or next month. (Indiscernible) in that area. And those are the types of projects that the Commissioner is willing to put our money towards (Indiscernible) some of these projects where they have been focusing on (Indiscernible) wildlife populations.

COMMISSIONER ESPINOZA: It would help me if you could turn, if you're working with the Department on specific projects, (Indiscernible), what those dollars end up being, we won't know how much it will be, but at least proposed, you know to see what kind of return (Indiscernible) would get into for that million dollars, speaking of that, kind of trade off as Mr. (Indiscernible) said, that would be interesting and beneficial to me as far as the program moving

forward too, as well as, I'm going to presume that the wait points and the active points, a lot of that mapping was done by your office, or in conjunction with the Department. Am I guessing right?

GUEST SPEAKER: Commissioner Espinoza, the Game and Fish provided a list of points. Our office went back. We field checked. We data checked all the points. Many of them were duplications and then we did a DASH review on the entire points provided and sorted those points out with ones that potentially were not State Land, those that were accessing small amounts of State Land, those that were actually on (Indiscernible) or other properties of other property owners than ourselves as well as identifying those that were true access points to allow sportsmen the ability to access State Lands. And Donald [Phonetic] and I worked in conjunction on putting this project together. We mapped the entire state. Our field guys did a DASH [Phonetic] review after the first sort and that's where we came out with the 200-and-some points and then an additional 400 points that we deemed were public access that needed no signing. And then we are down here still in the process of developing this but we have some that are (Indiscernible) looking at those points, trying to ascertain, you know, if there are issues there, why they have not been granted (Indiscernible). And that means we have a hundred-and-some of those points that are still in (Indiscernible) status.

COMMISSIONER ESPINOZA: So, both your office and our Department have expended dozens and dozens, if not hundreds, of hours of manpower strictly dedicated to that.

GUEST SPEAKER: Yes.

COMMISSIONER ESPINOZA: You know, that's something that would be beneficial for not only me as a Commissioner but I think the public to understand that there's a lot of effort and (Indiscernible) to benefit sportsmen that are part of that million dollar fee.

GUEST SPEAKER: Exactly, Commissioner Espinoza. In the past, we had some vague ideas about (Indiscernible) points but I think there's been a significant amount of effort on that problem that has never been done before in actually identifying the points in. And also the Department has stepped up in (Indiscernible) signs so we can actually sign these points. The Department (Indiscernible) design, our staff will actually install them. And so these access points will have a sign that says, you are entering State Trust Lands. Those gates will be left unlocked for the hunting season. If there are problems, there are phone numbers.

COMMISSIONER ESPINOZA: My request on that would be, you know, if you could provide us some of that data as far as cost, manpower expenditures.

GUEST SPEAKER: I can do that, yes.

COMMISSIONER ESPINOZA: Thank you. I look forward to it.

GUEST SPEAKER: Thank you, Commissioner.

COMMISSIONER RAMOS: Mr. Chairman. Ms. Riley, again thank you. Again, your efforts with the access points and all that. But I would also like to continue challenging both our agency and you all to keep working, collaborating. I'd like to still see, and I know a lot of the public input was about fire scouting efforts, you know, going into a hunt. But also the landlocked areas that are still out there, OK? And I know you are very familiar with what's going on in Hidalgo County with that road closure that's going on. I know they tabled that. They are going to vote on it in November. But I hope that the State Land Office is also seeking out other incentives. I know we have an incentive program for private property owners to open up some other access points and whatnot. But I think we need to really have a serious discussion on those huge areas that we do have that. You know, I know, in the long run let's say that Hidalgo County road does get closed and there is all that State Land down there that we don't have any access to, that's where I

think our agencies are going to have to get very creative on finding ways, how can we get hunters in there, you know, whether it's by helicopter, whatever. I mean, that's where creativity also goes. There's even extreme mindsets where, you know, if the public can't utilize let's say 51 sections down there and the only one that's benefiting from that is the private lessee, then maybe we need to shut down hunting completely in that area. Again, I'm saying those are extremes but I am very passionate about public access. I know there are people in this room as well that support that. But you know the other thing is (Indiscernible) lessees to also host and let's say some of these access point signs get posted to monitor, to help [Phonetic] will that incentive be there? It is kind of like no different than one thing I would like to see in our agency is to hold, let's say, landowner authorization unit wide versus ranch only, hold them to post their property as well for open areas and whatnot. But hopefully the State Land Office is also working with agencies to swap lands. I know private and the State Land Office are working together to swap lands but hopefully there's some swapping going on to get more public access with the incentives of some type, you know, for these types of people.

GUEST SPEAKER: Thank you, Commissioner Ramos. I'll take your comments back to the Commissioner. In terms of land swaps, we are not doing any private land swaps at this time. We are working with the (Indiscernible) to put lands that they (Indiscernible) revenue-generating lands (Indiscernible/cough) that's our responsibility. And so we are looking at some of those (Indiscernible) those areas, conservation areas that are really not within the realm of our responsibility and trying not to have to manage those (Indiscernible) people who can manage them better.

COMMISSIONER RAMOS: Absolutely. And believe me, I'm an advocate for education, being a principal in the public schools, and I value the dollars that are going in those directions as well.

I know the incentives as where the Land Commissioner is using those dollars right now. But on the other hand, also the agency is having a very strong hunter education program as well that benefits, you know, education as well. Right now we have an online system that's going on and we're trying to get some people out in the state, but again the agency is also working with education, you know, to promote that as well. We definitely, and I appreciate that we are working better at this point than we were a year ago.

GUEST SPEAKER: Thank you, Commissioner.

COMMISSIONER RYAN: Ms. Riley, thank you for coming. A couple of things that I'm looking for (Indiscernible) different items on concerns in discussions between our two agencies. I'd like that (Inaudible) every time the Commission is to discuss the state lease issues that you would be able to come and attend any of those meetings, you or a representative, so that when we have questions, it's hard when it is one sided and we don't have your office represented. So we appreciate your being here today and that your office will continue to attend our meetings so that our Commission can be, at this level, in direct dialogue with you. Second I think what's important is that, in all the give and take the respective agencies are doing, is to have that clearly articulated and documented because there are benefits that your agency is receiving, there are benefits that our agency is receiving, and if those are articulated then the value of the lease, the million dollars, really is supported on both sides and is, you know, I think it is important, too, that it's not an arbitrary number and has value and give and take happening on both sides. So I appreciate you guys working so hard and actually going to every access point and addressing each one because in getting that into the document I just think is so helpful especially when we are looking at a longer-term lease, to be able to have all of those specifics in there is so helpful and makes me more willing to agree to a 3-year lease. And also, (Indiscernible) always going to

be issues that arise, like the county closing a road. That's going (Indiscernible) happen so we want a provision in there that says how our two agencies can work together to resolve, when issues arrive, how we can look at it, how we can renegotiate it, what are we willing to do. So I would like to see that in the discussions, what do we do in the what-if situations should those arise. So I look forward to seeing you in June. I appreciate all of the hard work (Indiscernible) put in a lot of hours. So I appreciate that and the Department and look forward to seeing you in June and seeing where this goes.

GUEST SPEAKER: Thank, Commissioner Ryan. And I will pledge that we will be here anytime you need somebody from the office. I'm always available. Some of the other staff is not as available.

COMMISSIONER RYAN: Great. We'd like to see . . .

GUEST SPEAKER: (Indiscernible)

COMMISSIONER RYAN: Great. We'll see you (Indiscernible) then.

GUEST SPEAKER: Yes.

COMMISSIONER RYAN: OK. Great.

CHAIRMAN KIENZLE: Any other questions or comments?

COMMISSIONER ESPINOZA: Mr. Chairman, I have a quick question. Do you know if Mr. Dunn has pledged to be in Santa Rosa?

GUEST SPEAKER: Commissioner Espinoza, yes. Commissioner Dunn has pledged to be in the meeting in Santa Rosa, be available (Indiscernible).

CHAIRMAN KIENZLE: Perfect.

COMMISSIONER ESPINOZA: Thank you.

COMMISSIONER RYAN: One thing. I guess if there are, as this develops, I am sure there will be an issue of contention that we are not able to agree on. There's going to be things identified where we are agreeing on 90 percent of it, but there's this little 10 percent that we are not agreeing on. And I guess I would like that to be brought to our attention in June to help guide the discussion between our two agencies on where we are on that. I want the goal to be to come to compromise and get past that and so I would like the specific things that are hang-ups between the both of us, for the Commission to be able to address them in a discussion before we are voting on it like more of it last year. We just have such a good opportunity beforehand and see what items of contention are and be able to discuss them before any one is actually finalized (Indiscernible) so if the Department could also identify hang-ups for us and where we can all be able to accept, especially if Commissioner Dunn (Indiscernible) opportunity to have that dialogue to get compromise somehow and get past it.

GUEST SPEAKER: Thank you Commissioner Ryan. Director Sandoval and I have been working on (Indiscernible) those issues (Indiscernible) but we will also put them on paper.

COMMISSIONER RYAN: Great. Thank you.

CHAIRMAN KIENZLE: Anything else? All right. This is a discussion item. We will pick it up again in June. Thank you.

COMMISSIONER: Very encouraging.

CHAIRMAN KIENZLE: Colonel. You're on the (Indiscernible).

COMMISSIONER: You ready for a 2-hour marathon?

CHAIRMAN KIENZLE: No, not this time.

ROBERT GRIEGO: Mr. Chairman, Commissioners, good morning. I'm here for Agenda Item Number 8, hunting and fishing license revocations. The Department has presented you with a list

of individuals that meet the established criteria for reciprocal [Phonetic] revocation for violators under the Wildlife Violator Compact. A little history on the Wildlife Violator Compact. It was started in the early 90's [Phonetic] as a tool to provide better deterrent and more effective enforcement tool to combat wildlife violations. Current there are 44 states involved in the Wildlife Violator Compact, with 2 or 3 others that are in the process of becoming, so very soon we hope to have 47 of 50 states in the Compact. Obviously, revocation is an effective tool in combatting wildlife violation, but it was found that once an individual was caught in their respective state and revoked, they would simply go to a neighboring state or another state and often continue with their wildlife violations. So the Compact decided early on that we would, if we were a member, reciprocate any revocation across the whole Compact. With that Compact, if a non-resident violator fails to pay or fails to appear in court for a wildlife violation, part of the Compact is that the violator's home state will automatically suspend their license privileges until they meet their obligation for that violation. This provision also allows for us to treat Compact members as if they were residents and therefore not having to arrest them because (Indiscernible) jurisdiction restriction applied to them. We do have one individual, Ramon Ortiz [Phonetic] who failed to appear in Wyoming for Fishing and Hunting License violation so he is on the list for suspension per the Compact. We also have 13 individuals who have been revoked for committing wildlife violations in other Compact states. Each of these individuals convicted has code violations that, had they occurred in New Mexico, would be at least 20 points and thus have been subject to having their license privileges revoked. They have been through the original states' due processes before having their privileges revoked and the recommended time period will be determined (Indiscernible). So, with that, I am going to take questions. So really, its 2

groups: rule on the suspension, and list of other individuals who have been revoked in other Compact states and will be reciprocated.

COMMISSIONER SALOPEK: So, Bobby, if somebody from another state, if whatever they did was not enough to get revoked for 20 years, we have a limit here of 3 or 6 years? We changed (Indiscernible) where we maxed at 20 years, or 40, or whatever it is?

ROBERT GRIEGO: Mr. Chairman, Commissioner Salopek, we would reciprocate their revocation. If you are revoked in another Compact state, we would honor that revocation as long as the violation would be equal to or in excess of 20 points here in New Mexico. There are some states, for example, that will revoke you for litter. Those states, we don't reciprocate that revocation because it would not be revocable in our state. The time frame . . .

COMMISSIONER: We might want to consider that one. (Indiscernible) getting down all over.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, Commissioner Montoya.

COMMISSIONER MONTOYA: Let me say the second one down has a times 10, and the one that's not my son, according to times 4, what's that mean? Have they committed 10 violations in that particular statute or what's the . . .

ROBERT GRIEGO: Mr. Chairman, Commissioner Montoya, what that is, it was illegal (Indiscernible) closed season so he killed 10 deer outside of season and (Indiscernible). The same thing with Mr. Montoya.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER SALOPEK: I was going to say, he gets questions on the (Indiscernible) revoked but 2046, so that's not just a 3 year deal.

ROBERT GRIEGO: Mr. Chairman, Commissioner Salopek that is correct.

COMMISSIONER SALOPEK: That's encouraging. Thank you.

CHAIRMAN KIENZLE: All right. Are any of the people on this list here today? These are all non-residents, or in state?

ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, the only resident is the one where it is one to appear in Wyoming, and that one was being recommended for suspension. That individual, has never applied for any hunts in New Mexico, (Indiscernible).

CHAIRMAN KIENZLE: So, these are all non-residents. Then that's what . . .

ROBERT GRIEGO: (Indiscernible) revocations.

(Multiple speakers/background, indiscernible)

CHAIRMAN KIENZLE: I'm comfortable splitting this into 2 motions, 1 on Ramon Ortiz [Phonetic] and then the 13 on the second one. So, can I get a motion on Ramon Ortiz [Phonetic]?

COMMISSIONER SALOPEK: I move to suspend the license privileges of one New Mexico resident who has failed to comply with the Commission's Wildlife citation from another Compact member state as presented by the Department.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: Any discussions? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Can I get the second motion?

COMMISSIONER RICKLEFS: Mr. Chairman, I move to reciprocally revoke the license privileges of 13 individuals under the Interstate Wildlife Violator Compact as presented by the Department.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

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ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Thank you.

CHAIRMAN KIENZLE: AGENDA ITEM NO. 9: Reserving Two Elk Licenses for Non-Profit Wish Granting Organization. Colonel Griego.

ROBERT GRIEGO: Mr. Chairman, Commissioners, Agenda Item Number 9, reserving two elk licenses for Non-profit wish granting organization. Per statute 17.3.13.5 [Phonetic] it directs the State Game Commission to reserve no more than 2 elk licenses a year for persons under the age of 21 who have been determined by a physician to have a life threatening illness and who have been qualified through a non-profit wish granting organization. Currently we have 4 approved nonprofit organizations—Catch-A-Dream, Outward Dream Foundation, Hunt of a Lifetime and SafariWish. Each of these organizations selects their own applicants and the applicants must purchase an elk hunting license. All of these organizations have been approved by the (Indiscernible) in the past. Last year's organization (Indiscernible) and this year it will be Catch-A-Dream and the Outward Dream Foundation. Obviously, our recommendation would be to award the 2 elk authorizations to the identified groups this year. The hunt time frame would be September 1st through December 31st. It would be any legal weapon type. They would be allowed to hunt in any unit that they could gain legal access to. (Indiscernible)

CHAIRMAN KIENZLE: This is one of those State Land Office access points.

MALE SPEAKER: (Inaudible)

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER: I believe there is a misprint; it says September, 2015 instead of 2016.

CHAIRMAN KIENZLE: It should be this year.

ROBERT GRIEGO: It should be September 1st and December 31st.

CHAIRMAN KIENZLE: Any other questions, comments? Can I get a motion on this one?

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COMMISSIONER RYAN: Mr. Chairman, I move to accept the Department's recommendation to reserve 2 elk licenses to 2 applicants to be sponsored by the nonprofit wish granting organizations or the alternate should the primary individual not be able to participate in the elk hunt.

COMMISSIONER MONTROYA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

COMMISSIONER RYAN: I'd like to take this quick opportunity in regarding elk licenses for these special programs. It is done by statute and I would like to see the Department in its session in the future whether it's, have the discretion when to approach the issues with this, to have the most successes in legislature that I would like to see something similar to this for Veterans; maybe it's 2 tags, I think 5 tags that applicants, veterans can apply for and I think (Indiscernible) in the legislature to do something like this for veterans. It doesn't harm or have any negative impact to the overall management of the wildlife of New Mexico. So I'd like to see something similar to this for veterans and to the Department's discretion and the Director on when something like that should be approached and in what session. You know, it might not be in this session, it may be another one in the future. But I just want to throw that out there for food for thought because I think there's an opportunity to honor some of the people that have fought so hard for our freedom.

MALE SPEAKER: Mr. Chairman, Commissioner Ryan, (Indiscernible) request.

CHAIRMAN KIENZLE: Thank you.

DIRECTOR SANDOVAL: Mr. Chairman, if I may, Commissioner Ryan, we do have something similar on the books right now for the rehabilitation program for veterans so I think that is something that would be an enhancement to that, so we will certainly look at that.

COMMISSIONER RYAN: Yes. And give opportunity (Indiscernible).

CHAIRMAN KIENZLE: Unless you want to stay there.

MALE SPEAKER: (Indiscernible).

CHAIRMAN KIENZLE: Stewart. AGENDA ITEM NO. 10: Gaining Access into Nature (GAIN), Final Rule.

STEWART LILEY: Mr. Chairman, members of the Commission. Again, as we say, this is the final proposed amendments to the GAIN, Access into Nature, Use of State Game Commission Lands. Again, we have discussed this at a few previous Commission meetings. But just to recap some of this, there was a committee formed (Indiscernible) Department to kind of look at the current GAIN program and adapt the rule to better facilitate public in the outdoors to gain access onto part of the Commission owned properties. Also, one of the bigger goals was to simplify and standardize those rule that allow access onto our property. Also to assist with economic development in these communities where our properties exist (Indiscernible) areas and trying to develop some of that development there. And third, the last one, the big over-arching is access (Indiscernible) in the scope of the reason why we purchased that property and making why we purchased it and it fits in there such as if it's a wintering area for elks we want to make sure we are still maintaining that area for elk or fawning area for deer, et cetera. And then, lastly, make sure there are in fact enough resources. Some of the changes are, excuse me, some of the current accessing issues is one, right now if you have a type of hunting, or fishing, or game permits to access our WMAs, those GAIN permits are (Indiscernible) WMAs, and currently kind of have an

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access that is very restricted and WMAs are closed unless otherwise open, and only a few activities allowed. What the Committee came up with, and what we are proposing in front of you today for final adoption is having our WMAs open unless otherwise closed. So that's part of the bigger changes that, and then the Director would have the authority to close those, such as like I described, purchased for wintering elk we'd want to make sure we were consistent with the purchase of the property and that those areas are closed and also allows the Director the authority to grant commercial permits to make sure that we are in consideration of communities. Some of those issues (Indiscernible) and to utilize those properties in the best manner and benefit. It would eliminate GAIN permit and we would basically have now an individual that wants access or a group of individuals access on the property would have to either have a hunting, fishing, trapping, or (Indiscernible) on their possession when accessing that. And again, if we improve access of these (Indiscernible). Youth under the age of 18 are not required to have one of those. Other proposed changes is (indiscernible) be post to general access during the investigative meeting. Hunting seasons on those, some of those are being raised to ask specific seasons to it. Allow scouting period prior to the hunt period of seven days to kind of match some of our agreements we have with other state federal alliance and then increase camping limits on those WMA's for re-allowing camping up to 14 days to coincide with other camping restrictions on federal. We did have public meetings throughout the state. We have had meetings in Abiquiu, Taos, Roseville and (indiscernible) so their city kind of centered where our WMA's occur. We had so-so attendance at some of them. Today, other than the (indiscernible) we received 30 to 80 comments on this proposed rule. The majority of those comments you'll see there are just support of the departments proposed changes that are in front of you there. We had a lot of the other comments that we're opposed to the ban on (indiscernible). We are not currently

proposing that. We're not restricting hunting on the WMA's so that was consistent with what we're proposing, is we are not banning that. And then a couple of comments there, you'll see on the pheasants and fur restrictions, we don't plan on that. And with all that, I will stand for any questions.

DIRECTOR SANDOVAL: Mr. Chairman, if I may Stewart, could you just discuss the Rio Chama. That's been believed the biggest point of confusion. So if you could just clarify the Rio Chama.

STEWART LILEY: Yes, Madam Director. So the Rio Chama happens to be again, on the purchases of that property for wintering and fawning deer habitat. The reason was, we have closures in places during those time-periods so we can make sure that deer are not (indiscernible) during that critical winter period and also during the fawning period. We are not proposing any extension of that closure at this time. It was basically the rules are staying exactly the same as current on the Rio Chama. There was some misunderstanding that we we're putting new restrictions on that property and we are not.

CHAIRMAN KIENZLE: Georgia, did you have an opportunity to reach out to members of the Landowner Committee since we last (indiscernible)?

GEORGIA: Mr. Chair, we have between Donald and I, we've reached out to members of the Land Grant Committee. The one member we were talking to is Representative Rodella. She's excited at the opportunities. Her focus actually in the conversation and then Donald actually spoke with her. So, I'm just recalling the conversation, the concern actually, the conversation was around federal lands. But as far a Game Department, commission of the property, she's very excited at the opportunities.

CHAIRMAN KIENZLE: If you feel the same about federal lands, why can't we all just get along? And that's hearsay, whatever Donald said.

[Overlapping speakers]

CHAIRMAN KIENZLE: But anyway, we did make the effort to reach out to the committee. Again, two of us made a commitment that we would take this issue up and the committee slides that we could get something done as the same word what's promised by the (indiscernible). So, we can work like the legislature or we can work as (indiscernible). Anyway, I think this is a good idea. My few concerns, I guess maybe a more intense use because there's always (indiscernible) that goes with that. So keep an eye on that. I'm sure we'll get to know evidence on what's going on but we're having major impacts on wildlife resources and asked to let us know and at that point the Director can use her power to limit if we we're to revisit the rule. So if it's a more broadly change or something (indiscernible) then this will allow for more intense uses, let's keep an eye on it (indiscernible).

STEWART LILEY: Mr. Chairman, for sure and also note that we are currently recruiting a WMA Farm Manager position and these positions periods in the department's specifically kind of an overlook (indiscernible). Y think that would be perfect.

CHAIRMAN KIENZLE: It's too big a job I think to just sort of flop it off on someone else who's already working full capacity so I think that's a great idea. Any questions, comments?

COMMISSIONER RYAN: I do have one question. The thing is we haven't heard really any specific discussion up to this point on it. Is some portions of the rule pertaining to commercial permits and eliminated some of the requirements to give to the Director, more discretion in denying any applications or commercial permits? So could you just address the departments

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reasoning on its changes to that section regarding commercial permits or the Director may want to direct that (indiscernible).

STEWART LILEY: Mr. Chairman, Commissioner Ryan, (indiscernible) and if the Director would like to also add some comments. Part of that is we get a lot of applications too for movies and television crews come often to our properties, actually just for filming. So we want to be able to process those pretty fast if we get that or basically take under consideration on the perks of that. Also, get, as the Chairman stated with the Land Grant Committee, working with those ultimate committees to see if those, if we could do a commercial permit with (indiscernible) maybe, let's say we're going to have a (indiscernible) there and we want to use the (indiscernible) communities for (indiscernible) or something like that so we can kind of go into that and have more of a timely response to be able to go forward and let the Director's discretion, be able to make sure it still conforms to the purpose of the property and also commercial activity if necessary.

COMMISSIONER RYAN: Does the Director have the authority when in granting a commercial permit, to restrict the permit? Let's say it's a movie crew and restrict the permit to certain dates and times and be as restrictive as she wants to be or not restrictive?

STEWART LILEY: Mr. Chairman, Commissioner Ryan, that's exactly right, yes.

COMMISSIONER RYAN: All right, thank you and you did very well in ten minutes.

CHAIRMAN KIENZLE: Any other questions or comments?

COMMISSIONER RICKLEFS: I'm all in favor for this (indiscernible). My question about signage, is there process now for changing these signs in all of these areas? There's such a variety and so many as you move into these areas.

STEWART LILEY: Yes, Mr. Chairman, Commissioner Ramos, that will be one of the tasks that the WMA Manager, one of his first task or her first task will be to look at signs across the state and also trying to get the message out and then adding those few signs to signs with the problems and some of those have (indiscernible), we want to get them on the web site with the rules and regulations on access and also try to get people that are out there that they know where property is accessed.

COMMISSIONER RICKLEFS: What's your proclamation next year for (indiscernible). The other question is what role does (indiscernible) in the economic development of nearby communities? What process do you have because I think that's really important?

STEWART LILEY: Mr. Chairman, Commissioner Ricklefs, like I stated briefly with Commissioner Ryan is, we do a lot of (indiscernible) and some of that (indiscernible) bringing fuel going out to prevent catchall fires, maybe we can communicate with our workers of local communities to benefit then and maybe provide them with fuel oil or working with it them to building a (indiscernible) crews or something like that and explore those opportunities on that asset, to take advantage of when working you're doing, that you work old chain compacters, maybe bring it where we work those.

Chairman Kienzle: Is there anyone else? Can I get a motion on this?

COMMISSIONER RAMOS: Mr. Chairman, I move to repeal and replace 19.34.3 NMAC as presented by the department and allow the department to make minor corrections to comply with filing this rule with the State Records and Archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: All right, brand new day.

DIRECTOR SANDOVAL: Mr. Chairman, if I may? I just wanted to express my gratitude to the department staff. This has been a huge undertaking by the department. It changes a long time peregrine for our VHAC and so I'm truly appreciative of all the work of everybody within the department to make this happen. So, thank you.

CHAIRMAN KIENZLE: Let's stick around. Agenda Item #11: Final Migratory Bird Rule for 2016-2017 Hunting Seasons.

STEWART LILEY: Mr. Chairman, Members of the Commission. I would say this is a final Migratory Bird Rule I'll be filing today. As every year, we adjust the rules of the (indiscernible), dates according to the U.S. Fish Wildlife Services frameworks that work for the (indiscernible), adjusting the bag limitations hoping for certain migratory birds in accordance with those frameworks. I would like to point out that the Pueblo frameworks were published in the Federal Register on March 28th this year, so they're not actually getting a publication date after you guys vote on the final rules so this is kind of a nice change for once. Some of the bigger amendments that we're proposing that conform with federal frameworks is adding 20 additional days to the

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dove season this year. That was approved through the frameworks that (indiscernible) for a lot of the states and we will and it's been highly (indiscernible) that it has been in for our consideration through some of the public comments we received so far. One of the other big changes was an increase in the Rocky Mountain population of Sandhill Crane and Deer Regulation by how many you can take annually. Last year we we're able to take 322 Sandhill Cranes in the Rocky Mountain population. Our allocation increase this year is 668. So we're going to be able to offer a lot more opportunities for Crane hunters this winter which is going to be a great bonus and a benefit to us. Also, part of last year we had this small opportunity to flyway opening up a little bit later in the season and closing later after actually having this little bit of a winter, first part of winter last year at (indiscernible) a lot of public comments. They'd like us to open end season as early as we can and try to close a little bit earlier. The minutes in front of you today reflect those changes. And then, Fantail Pigeons, there's a lot of concern from the service on declining, potentially declining populations in Fantails, what that (indiscernible) number of houses, trap, who will find Fantails and what our harvest are so we collect the necessary data then insure the next seasons are still open and appropriate in mass populations. As of May 9th, we have 99 comments. We had public meetings, both in the Farmington, Santa Fe and Albuquerque. Most of those comments are really in favor of extending the Duck Seasons to that 20 days moving that North Zone fly away up to start a little bit earlier to account for early freeze and residents in favor of the increase of the Sandhill Crane hunt dates and the harvest on this that we we're able to get to give to the Federal Register. I'll go through this fairly quick because there have been no changes since the last time you saw these at the last Commission meeting because the Pueblo (indiscernible) publish and allow for our (indiscernible) our season selectors on all (indiscernible) Morning Doves, etc. So this is for the Central Wildlife and I'm

in favor for fairness if you want me to go back I'd be more than happy to. This is for the Sandhill Crane, as you can see a big increase in the possession list, we had three for the possession list everywhere last year, we're able to increase to six possession limits this year. We're also increasing tags, I think it was probably almost 40% across the states. So we're able to because that new allocation really offer more opportunities for Sandhill Crane Hunters in the Rio Grande shoot. And the specific flyway is basically no change from last year and it remains the same in the (indiscernible). With that, I'll take any questions.

COMMISSIONER RYAN: Mr. Chairman, I'd like to just take one quick moment to address the quorum in our Commission meeting. The public is entitled to either agree with us or not agree with us in what we're doing up here. There's an opportunity for public comments and all of our rule makings and time to come up and comments on to say whether you agree or disagree. We don't appreciate all the disrespect that you've given us at local meetings. We know what you're saying and we see your faces and we ask that you give us the same courtesy that we give to the public to come before us. So we don't say things to you and giving public comment, we don't appreciate you doing that back there, it's not going to be tolerated anymore. So we appreciate you attending. We want you to come tell us when you disagree but we're not, Mr. Chairman, I'm just not going to have any more patience about it anymore.

COMMISSIONER RAMOS: Mr. Chairman, I'd like to go ahead and also maybe do a little more research. I believe it's a privilege, it's not a right to be in here as well with what was just said by Commissioner Ryan, that we could look into you know, the status on that as well for those tuype of behaviors. I guess that's a principle of me coming out and expecting to be professional. We don't have to agree on all issues but you know, having respect tor each other, especially in a public setting is extremely important.

CHAIRMAN KIENZLE: Thank you. On this rule, any questions or comments?

COMMISSIONER ESPINOZA: Mr. Chairman, Stewart could you back on the previous slide and specific flyway on this (indiscernible)? I just want to confirm that. So it's been moved back to January 29th and on ducks and (indiscernible)?

STEWART LILEY: Yes, Mr. Chairman, Commissioner Espinoza that is correct and that was from a lot of public comments. That's the following base of the framework we're all allowed, we cannot go any later than January 29th.

COMMISSIONER ESPINOZA: Right, I just wanted to make sure because being up north in that part of the world, that's probably the biggest comment that I was asking about. Can you go over the numbers in the Sandhill Cranes again? What we we're previously and what we are today? We missed that.

STEWART LILEY: Mr. Chairman, Commissioner Espinoza, last year our Rocky and this is specific to the Rocky Mountain population. So there's two populations, the Sandhill Cranes that migrate into the state each winter. The Rocky Mountain population is the one of greater concern, it brings mainly in the Rocky Mountains, it doesn't go all the way north into the tundra but it breeds and that's in the Rocky Mountains. We we're allowed last season, 322, to take 322 of that Rocky Mountain population and this season our allocation are allowed to take 668 birds.

COMMISSIONER ESPINOZA: So more than double?

STEWART LILEY: Mr. Chairman, Commissioner Espinoza, yes. The population has been increasing and we continue to hope to see increases through time and we will continue to monitor that population.

COMMISSIONER ESPINOZA: They sure make a lot of Crane, huh?

STEWART LILEY: Yeah.

COMMISSIONER RYAN: And that's based data and research connected on the federal level correct, that we're then adopting?

STEWART LILEY: Mr. Chairman, Commissioner Ryan, we work with the Central Flyway and U.S. Fish and Wildlife Service both, to collect data and work with them on developing frameworks. So that they spend an allocation across the entire region where those birds occur, New Mexico getting wild wintery ranges contributes what our application will be in what we provided back to the population. So we do work with surveys and we work collecting data and we have technical representatives on that committee to help analyze the data and make private contributions.

COMMISSIONER ESPINOZA: Stewart, flip back to that slide as far as the number of possession and permits. I see that you're increasing your proposal to increase bag limit from three to six and the number of permits I'm presuming went up as well or did they? I guess where I'm going with this is, instead of increasing the number of possession, could we increase the number of permits to give more opportunity to more hunters?

STEWART LILEY: Mr. Chairman, Commissioner Espinoza, we did both. On that we increased both, the possession and number of permits. Although the permits is limited by how much available land is available at that time, it becomes a hunter over (indiscernible) issues once especially those middle Rio Grande populations, if we go really above that 75 mark during a hunt period, we're not going to have enough places to put those bird hunters through there. So

we did a combination of both, of increasing the total on those days and then of hunters and then also possessions.

COMMISSIONER ESPINOZA: Okay.

CHAIRMAN KIENZLE: Anything further? This is an action Item.

COMMISSIONER RYAN: Mr. Chairman, I move to repeal and replace 19.31.6 NMAC as presented by the department and allowing the department to make minor corrections complied with filing this rule with State Records and Archives.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Agenda Item #12: Proposed Amendment to Bighorn Sheep Rule 19.31.17 NMAC.

STEWART LILEY: Mr. Chairman, Members of the Commission, as stated, this is a (indiscernible), a discussion of the proposed change to the Bighorn Rule 19.31.17. What the department is proposing is to allow or put these, the Bighorn Sheep Rule a setting of population management. Currently, all our big game rules have a section on population management excluding Bighorn Sheep. The reason why we're asking for this amendment is to allow for some wilderness population management issues that can and will concur with the (indiscernible) such as potential disease outbreaks. We would like to be able to address that if we have animals coming in or out of the population and we'd like harvest before a big outbreak happens. Right now, the way the applicants have to do that is through department harvest. We'd like to be able

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to have it as a (indiscernible) a way to get that to the hunters to be able to make that harvest. Other things, there are some genetic issues such as, when we found a population, start a population, we'd like to remove those (indiscernible) before they can move (indiscernible). There are times where we don't have locations to translocate (indiscernible). We would like to again have hunters be able to take that opportunity to harvest those rams rather department action on that or we have (indiscernible) what we might have dessert sheep moving in the Rocky habitat or vice versa. And so they're really all actions where we don't have a lot of time to get in front of the Commission for big amendments to allow more harvest to hunters but what we would like to do is we don't want to have the department take any action but let hunters have the opportunity, especially on species like Bighorn Sheep where it's so difficult to draw and such a higher sought after. I get into sections on all the other big games. One of the things that we are wanting to use right now is we established the (indiscernible) Bighorn population a few years ago. I'm going to go through a little bit of history with it because this is where we'll use this if it is approved by the Commission in the coming year. The (indiscernible), where we started that herd with 45 animals in 2014 because the department moved from Willow Peak to Cochitii [phonetic] Canyon in the Angie's Mountains. We were able to (indiscernible) 35 of those sheep in there. We've only had two young mortalities in the last two years so a highly successful translocation and probably the highest success rates that we've seen in any Bighorn translocation in the state. One of the mortalities was actually a department action. The department action was because you had moved into a domestic flock of goats. We had real-time GPS harnessed on that animal and was giving us the location of (indiscernible) we could actually cross-reference with our maps and see her movements into a domestic flock, we could harvest her, before she came back the entire herd was infected and we had a big die-off and we would have lost

(indiscernible). So it really, again (indiscernible) we wanted it, this was in rule. We want to address that one (indiscernible) with the (indiscernible) population that's been addressed, some genetic concerns that are potentially coming up. What happened in 2014, we only had two adult breeding rams that we translocated in that population. We've had two years while their land drained out. Last year we had a good land crop and those (indiscernible). We wanted to move the two adult rams out of there before we could (indiscernible). We did (indiscernible) this morning with three additional rams out of the (indiscernible) area so we're good with new rams in the population so we'd like to take two rams out of there and (indiscernible) hunters using population management.

CHAIRMAN KIENZLE: The only thing I would say on this rule is make this one of those rules that (inaudible).

STEWART LILEY: Mr. Chairman, with all that, (indiscernible).

COMMISSIONER ESPINOZA: Stewart, how would you, do you treat this separation similar to an adult deer and elk or a sportsmen would be able to apply and get put on the bottom list for that and you would go buy on there where (indiscernible)?

STEWART LILEY: Mr. Chairman, Commissioner Espinoza that is exactly right. There would be a (indiscernible) on that application or actually be a poor choice for this one where we have four choices and then yes, we would like to be on the population management list. For this first year, because that wasn't an option (Indiscernible) it will be the first time (indiscernible) before that opportunity.

COMMISSIONER RYAN: I really appreciate the department's position on this rule and giving a sportsmen that opportunity to take the animal if the department sees its necessary rather than

department personnel taking it. I just really appreciate your position and considering that and I'm just 100% behind this. I appreciate the care and the attention the departments give me. We're all so proud of them and we want them to continue to flourish and sometimes we have to make executive decisions to make sure that they do and I appreciate involving the sportsmen because the sportsmen, of all people, are wanting these perks surprise, so thank you so much for bringing this forward so that we can help the opportunity next go-around.

CHAIRMAN KIENZLE: Any other questions or comments? This is a (indiscernible)

[audio-break-up]

MALE SPEAKER: Mr. Chairman, Commissioners, Director Sandoval.....

(Indiscernible)

[Audio static-inaudible]

MATTHIAS SAYER: Okay, so as we discussed with you at the last Commission meeting, our department has been involved in drafting a rule on procedures on the (indiscernible) on the admission. The admission likely would involve (indiscernible) management (indiscernible) a few appellant matters and it's involved with (indiscernible) the rule, that's what we're working on. So, just (indiscernible) some conflicts, there are five individuals pieces of regulation on the (indiscernible) engaged and regulations that provide an opportunity for an appeal or a hearing. Each of those five items here gives a summary, the land owner has an opportunity to appeal certain decisions made by the department as it pertains to the (indiscernible). There's three specific items, the decision on key (Indiscernible) requirements. Some (indiscernible) in the (indiscernible) there's an opportunity to appeal the decision (indiscernible) habitat and land

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rights. (Indiscernible) is not able to participate with the department (indiscernible) requirements. There's an opportunity to appeal the department's decision pertaining to rehabilitation permit and the (indiscernible) and then the two that the department experienced last year pertain to possession of while outside the (indiscernible) permits and then (indiscernible) of these permits. Those are the five matters and the department is not willing to modify these regulations. (Indiscernible) a procedural regulation, these regulations will point to, it will involve procedures on the appeal. So it's (indiscernible) from what the rule does and it describes who can then appeal because these specific rules identify the appeal, that the appeal exists. (Indiscernible) and so who can appeal. It provides a deadline to file a notice of appeal as well as said content (indiscernible) that notes in the appeal must include and provide some time-line as to when that matter will be taken up by the Commission for a hearing and that is today's deadline and it happens that we obviously just came up with and it seemed to make sense and certainly if the Commission is interested in modifying these we're happy to hear it. The (indiscernible) and with the Commission hearing on the appeal would be at the next scheduled Commission meeting that is at least 45 days out, it gives the Commission at least 45 days' notice for any appeals and that date is not a magic number, it just seemed reasonable.

CHAIRMAN KIENZLE: As I recall, one of the provisions you said, also took into account the (indiscernible) on the Agenda, so if you can fill that in as well that would be useful.

MATTHIAS SAYER: Yeah, you're correct Chairman. We did (indiscernible) which if this is a default, that we provided some possibilities, so the Agenda, it is already full Mr. Chairman, hearing all the thoughts and (indiscernible). And as I just applied by the Chairman, as a rule that what's makes the Chairman as hearing officer unless the Chairman otherwise designates somebody, that the rule speaks to the contents of the administrative record as well as schedule

for filing the administrative and (indiscernible) the parties intend to file and provide some pre-hearing discovery (indiscernible) regarding evidence and that could be discussed by the people who are in and represented by council and then, I think this is one of the important parts, establish completely what the burden of proof is for (indiscernible). These are useful and could be a very useful part of the admission. And then finally, provide timing for a decision on the appeal and then a final as (indiscernible) finds the facts and conclusions of law, specifically with (indiscernible) and act immediately on the appeal, hearing the appeal or can consider the matter on behalf of the next Commission meeting and make that decision and then the finds the fact and conclusions of law and review no later than 30 days after the decision is made and just to provide a visual list of the time-line. Again, some of these dates are fixed others we'll build off with the hearing dates but from the department decision, the appellant has 20 days to file under its appeal and then 15 days from the notice of appeal and admission of records due and then we start building off of the hearing. Again, the hearing's going to be no sooner than 45 days from when the notice of appeal is filed. It's always going to be somewhere in that range, it's going to be 45 days, from 45 days to 60 days whenever that next Commission meeting is. And then 15 days before the hearing and the potential exhibits will be viewed as well as the department desires to provide a respondent to the notice of appeal (indiscernible) and then 30 days from the findings (indiscernible).

CHAIRMAN KIENZLE: Can you go back to the slide on discovery? So, on discovery, there are two ways here.

MATTHIAS SAYER: As of right now it is and Mr. Chairman, it's kind of a (indiscernible). In all of these appeals that are currently divided in regulation, for the most part their administrative

appeals and then action taken obviously that are the administrative record, so I'm not sure if I totally missing the question. (Indiscernible). I'm not sure that that wasn't necessary.

CHAIRMAN KIENZLE: I would say no discovery is allowed unless permitted by the change. That's the way I look at it because (indiscernible) speaking, it's not a trial. It's something you already (indiscernible) in the state record and typically the department makes (indiscernible) to the (indiscernible) during the appeal process so I don't think it's discovery, I (indiscernible) so let's say no discovery is allowed unless (indiscernible).

MATTHIAS SAYER: Okay. And this is consistent (indiscernible). This is a fairly bare-bones procedural rule but I think it's effective and it could accomplish in each objective of providing a (indiscernible) structure from this appeals and you can find from the rules where they get into really deep into the details in that twelve page rules that (indiscernible) It doesn't leave a lot of room for the Chairman or the Hearing Officer of the Commission to make some adjustments on the (indiscernible). So I think that the rule gives the Commission what it needs but also allows flexibility.

CHAIRMAN KIENZLE: Try and keep it to a page. So what's the next step?

MATTHIAS SAYER: We have or will be in the next day or two putting the rule up on the web site and noticing that (indiscernible) comment and bringing it back to the Commission and it's rule to be acted on.

CHAIRMAN KIENZLE: Any questions or comments?

COMMISSIONER RAMOS: Do we currently have a Hearing Board Officer in place or will we have to hire one, specifically for this or a contract?

MATTHIAS SAYER: Mr. Chairman, Commissioner Ramos, we don't have a Hearing Officer in place. The rule contemplates that their Chairman would act as the Hearing Officer, something that you could also suffice that the Chairman could designate as a member of Commissioner or you know, it's not limited to another Commissioner but the Chairman, Commission could designate (indiscernible).

COMMISSIONER RAMOS: It's still heard by the Commission, the Hearing Officer would make the decision, they'd make recommendations

CHAIRMAN KIENZLE: No, they'd just run the show.

COMMISSIONER RYAN: They admit or deny, you know evidence being submissive or not and (indiscernible) they just take out the discretion (indiscernible) people will speak as they basically, as the Chairman runs our meeting, that person runs that particular matter, that particular hearing on that matter.

COMMISSIONER RAMOS: Thank you.

COMMISSIONER RYAN: I just want to say Chairman, I've been working with, I have a son intent on the development of this rule and I'd like to give thought to Mr. Zaire [phonetic] and also Deputy Director O'Neil who are working so hard on it. I think their rule is going to strike a good balance between (indiscernible) but there is clear, you know constitutional due process for any party seeking a (indiscernible) but it's not over the detailed and it allows enough discretion and circumstances where those instances need it. So I think it's going to be good and it's going to give parties, you know it's good, the format is in even in kind of a list format. If your application needs to have these things and then here's what you can do at the hearing to what you

can't do and here's what the Hearing Officer has discretion to do. So it's laid out very clearly and in that format to make it easier on the public to understand.

CHAIRMAN KIENZLE: With on, it's time to modernize the (indiscernible). It's a step in the right direction. I'll look forward to reading the final proposal.

MATTHIAS SAYER: I want to thank the Committee and Mr. (indiscernible).

CHAIRMAN KIENZLE: Any other questions or comments? Okay, thank you. Agenda Item #15: Volunteer Rule, Final Rule Presentation. Mr. Sanchez.

CRAIG SANCHEZ: Good morning or afternoon, I should be (indiscernible). Mr. Chairman, Members of the Commission, I come before you today to present the final proposal for establishing new rule for the Department's Volunteer Program. This new rule will enable the department to increase the use of volunteers, 17.1.14 NMAC 1978 (indiscernible) to allow the department to develop a live conservation volunteers locally. Provided that is, to recruit volunteers, train volunteers and to utilize volunteer services. [Audio break]

Allow resident volunteers to utilize department computers and equipment. Allow resident volunteers to receive per diem mileage and expense reimbursements and establish criteria for background investigations. The department will assume after giving place a volunteer policy and operations manual which will pertain to the process to become registered volunteers in the department. Some public comments before (indiscernible) which was processed, we have this listed in the departments web site, emails to current volunteers and departments Face Book pages. Following are the comments we received; eight people support the new rule, three people have concerns about background checks and one person felt volunteers should not receive per diem (indiscernible) volunteers. The department respectfully suggests the following motion on Final

installation, discretion based on the course of action mover to adopt a new Wildlife Conservation Law Rule 19.30.15 NMAC as presented. With that, I stand for any questions.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER ESPINOZA: Craig, you mentioned in there that the cost and procedures are being developed for the booklet to become evolved here.

CRAIG SANCHEZ: Mr. Chairman, Commissioner Espinoza that is correct.

COMMISSIONER ESPINOZA: How soon? Time line?

CRAIG SANCHEZ: It will be (indiscernible)

COMMISSIONER ESPINOZA: I'm presuming that you will kind of (indiscernible) volunteers that your aware of with that and encourage them to apply as soon as possible?

CRAIG SANCHEZ: We had mentioned a merging process, you know to get those current volunteers you know, within compliance of the new rule.

COMMISSIONER ESPINOZA: Do you have any concept or perception of how long it will take once an applicant applies?

CRAIG SANCHEZ: This I have no idea.

CHAIRMAN KIENZLE: All per diem mileage and reimbursements are subject to pre-approval, correct?

CRAIG SANCHEZ: Mr. Chairman, that is correct.

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CHAIRMAN KIENZLE: So if a volunteer doesn't show up you'll (indiscernible) and send me a bill, right?

CRAIG SANCHEZ: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: So if they're going to do any (indiscernible) they need to visit, who does the pre-approval? What staff level? What person, for instance likes to do that?

CRAIG SANCHEZ: Mr. Chairman, right now the way we're (indiscernible) this is that that initial request for per diem, the Sign and Release Program Manager and it will go to the volunteer coordinator and presumably we go through the chain. There's not going to be any (indiscernible) per diem for if you want to come and volunteer, you're not going to be (indiscernible) per diem.

DIRECTOR SANDOVAL: Mr. Chairman, I guess I would also like to point out that the volunteers are subject to the Per Diem Act under State Statute. They also are subject to the data use and internet policy, both set by the governor and by our agency. So this rule is actually governed has some other (indiscernible) to actually look in it as its been articulated, so I think that's an important piece of this, is this is not a stand-alone in terms of (indiscernible).

CHAIRMAN KIENZLE: I care about pre-approval because I want somebody to blame at the end of the day and I make light of it but it is important. So I think I'm going to at some point propose today an amendment. I'd also like accounting on funds that are dispersed pursuant to this program and I'll come up with an amendment here in a minute because this is new for us. I just want to make sure that I'm looking at each side on this.

COMMISSIONER ESPINOZA: Mr. Chairman, if I might recommend on that same thing as far as accounting and make sure I'm correct in this. Those volunteer hours, you will be able to balance that off with some federal grants, is that correct?

CRAIG SANCHEZ: Mr. Chairman, Commissioner Espinoza that is correct.

COMMISSIONER ESPINOZA: So within that accounting you'll actually gain some benefit on the financial end of it, is that correct?

CRAIG SANCHEZ: Mr. Chairman, Commissioner Espinoza that is correct.

COMMISSIONER ESPINOZA: Well I would like within that accounting where that additional funds are appropriated to.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, when you talk about (indiscernible) forgive me for answering this but I'm a little bit more familiar with the federal aid side of this. There's a volunteer hour that gets approved by a federal agency, so we're not allowed to change that. It's set by the grant proposal. Those are assessed at a non-cash value for the department through the grant process. So they're not really appropriated to a budget, necessarily. They are what we use to reimburse on the back side of the expense being incurred. I hope that answers your question. We don't necessarily appropriate volunteer hours on a budget because it's a non-cash transaction.

COMMISSIONER ESPINOZA: But I talked about the dollar that comes back to us as a result of that? Just pick a dollar for a volunteer hour then you bounce it off the grant then we'll get three dollars back.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza that is correct. So we can certainly get you the grant reimbursements.

COMMISSIONER ESPINOZA: Yeah, where that three dollars ends up going. I think it would be beneficial for people know and this Commissioner to know it benefited “X” programs because of volunteer hours.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, we can do that.

COMMISSIONER ESPINOZA: Thank you.

COMMISSIONER RYAN: I have a concerned comment. One is sub-section E, which allows a registered volunteer to be authorized to use state vehicles as performance of their assigned duties. The last sentence of that section says, a registered volunteer that operates a state vehicle under the terms of this section shall be treated for the purposes of insurability and Tort liability as an employee of the state. That has very big consequences to actions taken by the driver, if the driver happens to be negligent in any way. Let’s say, runs over a pedestrian while driving a state vehicle this section specifically says they’re going to be an employee of the state. So, don’t know if Matthias or anyone else wants to speak on that kind of legal implication of why, why we want to may want to limit Tort Liability claims in that report just for, I just want to make sure that the departments protected or formatting that if institutes policies of executing releases and indemnification documents to be signed by these individuals when using state property. I’m just concerned that there’s always that situation.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, I absolutely appreciate that sentiment. We actually talked about not someone running over a pedestrian but something similar and we have been working with the Risk Management Division out of General Services.

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So they're only treated as an employee for the purposes of a potential Tort Claim Act against the state. So, that's what that intends, is that they or what you're exactly talking about, they're to protect the agency at the time. That's the allowance, is that they are treated as an employee for the purposes of Tort Claims. So if they are driving a vehicle and they do, God forbid, run over a pedestrian, then they are covered under the Tort Claim.

COMMISSIONER RYAN: I think it might be better to revise that last sentence to have a reference, instead of just general Tort Claim Liability to actually in reference to the Tort Claims Act because that's the Act that applies to state employees and I understand that in the legal context but I think the public just reading this sentence may not understand that context. So I would like to see a revision and just a specific reference possibly.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan we can certainly do that, absolutely. We've done that both with the Per Diem and Mileage Act and the other so we can definitely add that preference in there.

COMMISSIONER RYAN: Yeah, I think that will be helpful.

CHAIRMAN KIENZLE: I think what that tells me is we defer this to June.

That doesn't cause any problems does it?

DIRECTOR SANDOVAL: No, Mr. Chair, however we will have to change the Agenda.

CHAIRMAN KIENZLE: Well, that's okay. Paper is cheap, lawsuits are expensive. So we'll a, but whether we refer, let me make one more comment and I'll give this to the Director. On the accounting requirement, I would propose the final section 19.30.15.10 The Department shall provide to the Commission an annual accounting regarding the Volunteer Program and I'll leave

it for (indiscernible) to figure out parameters on that as we see our way through this. Again, I am all super concerned when it involves this money, I want to make sure this needs to point the right way so we'll get that as part of the rule.

DIRECTOR SANDOVAL: Mr. Chairman, absolutely and I would also offer it that on upon our entrance of their meeting with our annual auditor, our external audit, we can have that as a, we set forth a series of programs we asked them to specifically look at and this can be one of those that we articulate (indiscernible) audit.

CHAIRMAN KIENZLE: It will all work out. I'm confident of that. But I do want (indiscernible) to that.

COMMISSIONER RAMOS: Mr. Chairman, I move that we table the Volunteer Rule, Final Rule Presentation to the June meeting and for further....

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Matthias, on that Volunteer Rule on the tort claims, have you visited with anyone personally about the incidents and what that means?

MALE SPEAKER: Mr. Chairman, I have not spoken with Risk Management, the department has but I think various folks in the department have a position to risk but we can certainly consider it.

CHAIRMAN KIENZLE: I still want (indiscernible). We had good conversations with Risk about what all this means.

DIRECTOR SANDOVAL: Mr. Chairman, I have only because this is brand new to us. We looked at the state parks param [phonetic] and they engaged Risk Management to understand what this really means.

CHAIRMAN KIENZLE: Okay, it's just I want to be cool with that when we see this again in June. Thank you. Agenda Item #16: Request to Dispose of Vehicles and other Assets. Paul, you're on.

PAUL VARELA: Mr. Chairman, this is the disposal of this for Fiscal Year 16. Every year (indiscernible) we used the (indiscernible) that we sold at public auction. Also, useable or not, items not sold at auction that we (indiscernible) for section 13.6.-1 and 13.6-2 NMSA. Now the sale of government property requires (indiscernible) to approve the disposal of safe property prior to disposal. With that, the department respectfully suggests the following auction unless the Commission discretion indicates (indiscernible) course of action. We move to improve the requirement requested (indiscernible) for Fiscal Year 2016 (indiscernible) at public auction that otherwise in accordance to state law.

DIRECTOR SANDOVAL: Mr. Chairman, Paul could you articulate some of the items that are on the listing for disposal?

PAUL VARELA: Mr. Chairman, Director, yes. Some of the auction items include bulldozers, the backhoe, the tractor, (indiscernible) along with (indiscernible). This is a normal process that we go through each Fiscal Year. Other items include electronic items which will be (indiscernible) by our IT Department and (indiscernible).

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DIRECTOR SANDOVAL: Mr. Chairman, the disposal of any IT item actually is, there's a strict process in establishing statute on data wiping, basically is what's ensures to make sure that anything goes out for public purchase or disposal has either had a hole drilled through the hard drive or completely wiped through, a very specific process.

COMMISSIONER: Mr. Chairman, Paul the listed dollar amount, is that the purchasing dollar amount or the current value amount?

PAUL VARELA: Mr. Chairman, Commissioner, those values are based on depreciation amounts. So if it's what the value of the depreciation for the item. Some items are five years, some are ten and are (indiscernible).

DIRECTOR SANDOVAL: Mr. Chairman, I believe that's actually the purchase price that's on the listing.

COMMISSIONER: Thank you and then the reason I was asking, that ATV item 2513, a 2000 ATV is at 4691.

PAUL VARELA: (indiscernible).

COMMISSIONER: I believe it's like the tenth, eleventh item there, 2513 tag number, 2000 ATV and that just kind of caught my mind.

PAUL VARELA: Mr. Chairman and Director Sandoval, that is correct. it is the purchased price, I'm sorry.

COMMISSIONER: Oh, no problem. Thank you.

CHAIRMAN KIENZLE: Any other questions or comments?

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COMMISSIONER: Is the Governor's Office, when we buy new vehicle and (indiscernible) to stay up with what we need?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner I guess.

COMMISSIONER: Because I know when we went to that (Indiscernible) with Governor Richardson you all combined vehicles (indiscernible). I was appalled at what the repair bill was going to be.

COMMISSIONER RAMOS: Just one last question, inventory purposes. How often do you all conduct inventory on items throughout the whole department?

PAUL VARELA: Mr. Chairman, Commissioner Ramos, each quarter the department takes inventory which of all of our (indiscernible).

COMMISSIONER RAMOS: Even as physical inventory you can't (indiscernible) because that seems a lot?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, yes. There is actually quality in places, our Fixed Asset Policy and so there is a specific liaison identified within each one of these divisions and they are responsible for pulling out and ensuring that what's on the list is what is out there and if there's a discrepancy they bring it to our attention and we work on it.

COMMISSIONER RAMOS: I commend you. You got a job well done, good deal.

COMMISSIONER RICKLEFS: (indiscernible) where do these funds go?

PAUL VARELA: Mr. Chairman, I believe they are sold at auction (indiscernible).

COMMISSIONER RICKLEFS: (indiscernible). Did you have purposes?

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DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ricklefs, the money we received actually gets deposited back into the Game (indiscernible) Fund so it goes directly back into the fund balance and that is appropriated out each year through the budgetary process.

CHAIRMAN KIENZLE: Any other questions or comments? Can I get a motion on this?

COMMISSIONER RAMOS: Mr. Chairman, I move to approve the department request to dispose of the list of capital assets for Fiscal Year 2016 that were presented to the Commission today. Capital assets to be disposed of are either worn out, obsolete or have reached the end of their service life. Assets will be disposed of either by sale at public auction or otherwise in accordance with state law.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Number 17, this department (indiscernible) Fiscal Year 2018, makes me feel really old in 2018, Initiation of Budget Development.

PAUL VARELA: Mr. Chairman, Commissioners, quarterly it is a Fiscal Year 2018 timeline which (indiscernible) the special request for full capital and operating budgets. In May 8th (indiscernible) we'll initiate that (indiscernible) in preparation for Fiscal Year 2018 budget plan (indiscernible) proposal request. Coming before you in June (indiscernible) proposal for approval. (indiscernible) on July (indiscernible) 2016 and in June and July we will (indiscernible) throughout the state the FY 18 Property Budget which (indiscernible) to the governor's office (indiscernible) and then (indiscernible) we'll propose that Fiscal year 18

Operating Budget request for your approval. In September, on September 1, 2016 we will be sending you that, our operating budget request (indiscernible) and with that I'll answer any questions.

CHAIRMAN KIENZLE: Is this the Item where eventually we get briefing on?

PAUL VARELA: Mr. Chairman, yes. (indiscernible).

CHAIRMAN KIENZLE: I don't think there's much to talk about yet until this is (indiscernible). Any questions or comments? Thank you. #18: Update on Gila Trout Management. It was presented by Bill Wick and Jason Wok [phonetic]. Just kidding.

MALE SPEAKER: Mr. Chairman, Commissioners, this is Jill Wick, she's our (indiscernible) and she's very familiar and with that I'll let her do the presentation.

JILL WICK: (indiscernible) I'm just going to give a brief update on the Gila Trout Management Program, what's happened over the past few years, mostly talk about what happened after (indiscernible) and Silver fires and problems with Gila on the Recovery Program and management since then. We just want to start out with a brief background (indiscernible) under the (indiscernible) in 1873 and (indiscernible) the New Mexico Wildlife Conservation Act. The (indiscernible) in Mexico by 1988 and then as results of this action of new populations with Gila Trout (indiscernible) by Fish and Wildlife Service (indiscernible) in 2006. Part of that (indiscernible) in 2006 resulted in Fish and Wildlife influencing a special rulle for Gila Trout that allowed for (indiscernible) angling. So you'll see this graph on the (indiscernible) presentation. I'd just like to kind of like to show the progress and then (indiscernible) the fire effected Gila Trout Operations. So in the blue bar are (indiscernible) populations and the red bar (indiscernible) occupied habitat. So most of the progress on Gila Trout Restoration, when it was
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done for all the 1990's and early the early 2000's and before the (indiscernible) fire in the spring of 2012 there were 17 (indiscernible) of Gila Trout and also 40 kilometers of stream. So this is a map that shows (indiscernible) spring and summer of 2012 and the Silver Fire on the ranks on the following year. The streams that you see in black are streams that contain Gila Trout populations at the time of the fire and then the streams depicted in pink are streams that contain Non-Gila Trout populations (indiscernible) as streams that were potential for (indiscernible). So what we note was that on the fire and (indiscernible). As part of the (indiscernible) on recovery, a team recovery plan which are evacuating it. (indiscernible) so the Fish and Wildlife Service (indiscernible) three streams immediately after the (indiscernible) fire. (indiscernible) and they also took fish from one stream and (indiscernible).

CHAIRMAN KIENZLE: Do you believe all of that?

JILL WICK: So (indiscernible) did fish and habitat surveys and pretty much all of those streams in pink and black on the maps that I showed you. There's also we found, a little (indiscernible) stream, a lot of hilltop streams that were, we think the burn areas. We lost Gila Trout on an eighth of those streams and of the eighth potentially Gila Trout stream, we've seen 90 trout that we needed from one stream and significantly reduced in three other streams. In addition to one of the surveys result, we've also been able to return hill trout to three of those streams where Gila Trout were removed as part of those after the fire and then we've also been able to remover the few remaining trout out in Willow Creek and we stocked (indiscernible) with Gila Trout. So, (indiscernible) shows the losses that we saw after (indiscernible) and then the progress that we've made since the fires. So currently we have fourteen populations of the Gila Trout in about a hundred kilometers of stream. So we identified (indiscernible) as a result of the effects of the fires. The first one is we are working on constructing a fish barrier in Willow Creek to protect

that population of Gila Trout. Construction is slated to begin within the next few days and we'll add 16 kilometers of stream habitat. Mineral Creek was the one stream where (indiscernible) fish we're removed. (indiscernible) and we got plans to stock that later this month and this will add another 16 kilometers of stream. Spruce Creek was one of the streams that had (indiscernible) and fish were eliminated as a result of the fire, those fire ash flows and we are planning to restock fish in Spruce Creek this fall and that will add just under 4 kilometers of stream. Currently the big project that we're working on right now is the restoration project in White Water Creek. We're currently in the process of (indiscernible) compliance and putting in environmental assessment. We're anticipating a decision on that project in spring of 2017 with that accommodation of (indiscernible) either that spring or fall of 2017. It's a pretty big watershed. We're talking about (indiscernible) it from the catwalk area upstream, putting all the (indiscernible) and it will add 38 kilometers of habitat. And then I would like to (indiscernible) explain our (indiscernible) angling opportunities for Gila Trout in the last year we've stocked over 30,000 Gila Trout in streams open to angling. We currently have five waters that we're stocking and we have one (indiscernible) top stream that's (indiscernible). (Indiscernible) have an expansion of recreational angling. We are working on receiving Gila Trout to raise at the (indiscernible) hatchery. We have received fish from the Water national Fish Hatchery at (indiscernible). So we've identified a few regulatory changes that we will be proposing, probably this fall. Currently three Gila Trout permit is required for a few of the streams that are open to angling but we will be proposing that it be required for all stream that you see up there on the screen, so all stream where we actually have the trout. And that all (indiscernible) and also with the water requirement so that we're at (indiscernible) for this. We will be proposing a two kill trout limit in Mineral creek as well as White Water Creek and then currently upper left

quarter of the Gila (indiscernible) and we will be proposing opening that to angling. (indiscernible). So I'm trying to show kind of what progress can and we hope we will look like with these (indiscernible). When we successfully complete those projects we'll add four new populations of Gila Trout and 75 kilometers of stream. Currently, the (indiscernible) criteria were filled with trout and the same must occur in 270 kilometers of stream. That includes both streams in New Mexico and Arizona so not places of (indiscernible) in New Mexico. The successful completion of these projects, that would put us at each new population and 175 kilometers of stream. So you can see, any questions (indiscernible).

COMMISSIONER RYAN: I just think this is a great example of State Wildlife, State Government Wildlife Management, you do a good job (indiscernible) and why you know, that states are really the proper parties to be making these local decisions and reacting to areas you know, natural events that come our way. So I'm proud of the departments work and on these trout.

COMMISSIONER: Are these proposals Jill, going to start April 1st of next year?

JILL WICK: I believe that's what we will be proposing.

COMMISSIONER: Thank you for raising them. I put this was open four years ago and I was on the (indiscernible). My question was, why aren't we raising them with federal government to get them into streams because the question I get from down here are why can't we (indiscernible). A meeting on that, we work with to remove to but that being said, they just want fish. Thank you.

CHAIRMAN KIENZLE: Did we work with the feds to protect these from the fires or is it just the feds doing it?

JILL WICK: At that time there was, my position was the (indiscernible). So the work was done by (indiscernible).

CHAIRMAN KIENZLE: Thank you. Any other questions or comments? All right, good news. Agenda Item #19, system of the more (indiscernible) Items on the Agenda: Renewal of Federal Aviation Administration's Lease on Tres Piedras Wildlife Management. I didn't even know there was a (indiscernible). Do we have pictures of it?

DIRECTOR SANDOVAL: Neither did we, Mr. Chairman.

DONALD JARAMILLO: Mr. Chairman, Commission, (indiscernible) #19, it's a renewal of Federal Aviation Lease. We had the Vortex System on one of our wildlife management areas in (indiscernible) just outside of Taos.

CHAIRMAN KIENZLE: Oh, Jason I forgot you. I'm sorry. My apologies.

JASON: Just stick with the notes, I think and Mike we're being very modest. I would be ruling that's amazing work in fish (indiscernible). People (indiscernible) county are excited (indiscernible). Your staff on the rules (indiscernible). Four weeks ago I was talking to (indiscernible) at 2:00 in the morning, no complaints. It was great. And just a heads-up on June 4th, our free fishing date. (Indiscernible) and rumor is that potential (indiscernible) record Gila Trout is going to be on those trucks. (Indiscernible) maybe a hint or if you guys are interested in a (indiscernible) is amazing. I'm sure there's a bunch of challenges there but it's been awesome. So, (indiscernible).

CHAIRMAN KIENZLE: Refresh my memory, do you live in this community, which one was that? I don't remember anymore.

JASON: Yeah, I live in Silver City. My home is in (indiscernible).

CHAIRMAN KIENZLE: Thank you, my apologies. Anyway, you can pick up if you remember where you were. It was riveting.

DONALD JARAMILLO: Riveting, I'm sure. So again, (indiscernible) vortex is, I'll move to the presentation. Federal Aviation Administration is pressing for renewal of their lease for one of these Vortex Systems. If you really want to know about the Vortex System, that's the definition on how we got (indiscernible), I'm not quite sure. Basically it's utilized for the detection and guidance of aircraft flying over New Mexico skies. The federal as well as the public can see substantial benefit from this site. As (indiscernible) can see, the (indiscernible) and navigation system which are used by not only our department but by state, commercial airlines and as well as the military. The site was constructed on the property back in 1959. That was way before my time so it's still been in existence since then.

COMMISSIONER: Why are you looking at me?

[Laughter]

DONALD JARAMILLO: I don't know, it's just a...you were one that wanted to approve this (indiscernible).

CHAIRMAN KIENZLE: You reported this for the contract.

DONALD JARAMILLO: The last one who might sign up on. The current lease has basically expired and as they have requested, renewal of the lease. The renewal would go through 2030 and if you (indiscernible).

CHAIRMAN KIENZLE: We get to keep the (indiscernible) on Gilman. This is probably one of those sites that keep it going so I recommend approval. Can I get a motion please?

COMMISSIONER SALOPEK: Motion to approve the renewal of the lease with Federal Aviation Administration for the Vortex Facility Site as it pertains to the Tres Piedras Wildlife Management Area, execution of the lease be contingent on approval by New Mexico Border Pilots.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: Questions or comments? Can I get a vote on this? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: All opposed, none. Someone needs to read the (indiscernible). Oh, (indiscernible) shooting ranges, I'm sorry.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Salopek, Lance is actually finishing and (indiscernible) from the National Constitution Leadership in (Indiscernible) and so he's traveling back today.

CHAIRMAN KIENZLE: Item #20: Update on Development of Shooting Ranges in New Mexico.

MALE SPEAKER: Mr. Chairman, (indiscernible) delayed today so you're going to be stuck listening to me this afternoon. As you know, we've been very much involved with trying to develop some shooting ranges in New Mexico. Since our last meeting and a few things that we've done to further this process, specifically, we began a thorough review of department properties to ascertain we've got some areas that the department currently owns that would be Final

suitable for the development of (indiscernible). First thing going to be looked at, maybe a little bit for (indiscernible) flat line area which is located southeast of (indiscernible) not only a perfect site for a Vortex System but the (indiscernible) would be suitable for a shooting range. This property is approximately 3,268 acres. It was originally purchased in 1940 as sage grass restoration property but the (indiscernible). The second area that we were looking at is the (indiscernible) area. This one is 12.5 miles (indiscernible) to request that. It's approximately 14,000 acres inside and it was purchased in 1966. Its primary purpose was to fly winter grains for elk. We believe that we can (indiscernible) shooting range on that property without affecting the range hold purpose. We think that during winter we have small valleys to put elk in, with feeding purposes we can check out a range. So between those two, we think those are good potential properties for the proposal here. What we're looking at are essentially, we're looking at developing a primitive shooting ranges. These ranges are approximately 200 yards long, 60 feet wide, encompassed they have a foot print of about three acres. They would be unmanned and unavailable to the public. In addition to the locations that I mentioned before, one of the reasons that we wanted to look at those and consider those is because we know (indiscernible) is shooting a current (indiscernible) but there is already shooting occurring on those ranges and so we believe that we could set up and control the environment and create a much safer (indiscernible) in New Mexico. We also have another opportunity that recently presented itself. Last week we had individuals from (indiscernible) meet with New Mexico Tech University and they met with them (indiscernible) with the university to develop the range. Currently, New Mexico County has classes that they present in (indiscernible) Mexico Tech for archery and we believe that if we could partner with them we could develop a (indiscernible) or a skeet shotgun range, potentially a 3D archery range as well as (indiscernible) range. On that meeting was very

exciting, the university seemed very receptive to this idea and we'll continue working with them to help develop this. We believe that you know, that within the community (indiscernible) both these opportunities will be very beneficial if we bring that (indiscernible).

CHAIRMAN KIENZLE: We've got some good area over by the Golf Course.

DONALD JARAMILLO: We can get (indiscernible) and the Golf Course. We're working on that right now. We think that, we think also some exciting news just today, we did get a letter from the U.S. Fish and Wildlife Service, one of the steps that we took in relation to our departmental property we've already got the commercial clearance on that. But one of the steps is to verify with the U.S. Fish and Wildlife Service that if you were to re-purpose the wildlife areas or a portion of them for this purpose, if they would have any concern about that. And we did receive a letter just today advising that based on the information that we provided they would have no concerns whatsoever on it. I believe I'm confident saying that we're very close on developing (indiscernible). There are some other reviews that we need to view but I'm excited. I think we can get these projects up and running very soon and as well as keep pace, keep pushing with the other projects that we currently have. We discussed it previously. I can tell you that Craig and the staff and the others have been working very hard and we recognize this is very important to the Commission and we're going to continue to do everything in our power to (indiscernible) these out and provide that opportunity for the public. So with I'll stand for any questions.

CHAIRMAN KIENZLE: This will go on next month's Agenda. I mean as far as foreseeable Agendas. I want to see some pictures with plans the next time around.

DONALD JARAMILLO: Okay.

CHAIRMAN KIENZLE: Give me something oriented and on the ground or something else. But I appreciate that but let's keep moving forward. All right?

DONALD JARAMILLO: Very good, Mr. Chairman. Yes, I hear you.

VICE CHAIRMAN MONTOYA: Two questions. Will the, let me back up a little bit to (indiscernible). Will that expand to a gun range at some time or is it just limited to archery?

DONALD JARAMILLO: The plan right now, the discussion is centered around archery and also (indiscernible) or shot guns. Certainly, Mr. Chairman, Commissioner Montoya, our desire is to expend that as much as we can. If we can get our foot in the door partnering with the university. (indiscernible) that comment being said, the university already has a curriculum and anyone who is familiar with New Mexico Tech University, the curriculum is very (indiscernible) and we presented this as a (indiscernible) because we all know these types of shooting activities and shooting sportsmen can be very (indiscernible). They can see the value of that and they see the powerful opportunity for students and making a recruiting for other students (indiscernible).

VICE CHAIRMAN MONTOYA: The second question is, federal aid money, do you know where in your (indiscernible) we're putting shooting range on federal aid purchased property that we used federal aid (indiscernible), would we get federal aid money in addition to that or bill the range?

DONALD JARAMILLO: These particular ones, in each case we're sort of multi-tracks, Mr. Chairman, Commissioner Montoya, and we're working on grants for each of these projects. That's moving forward on a different level. My direction from staff was let's keep it moving forward. I don't want (indiscernible) on the possibility of (indiscernible) reimbursement to slow

this down and so that's really (indiscernible) we can certainly sustain within our current capital budget. That will be (indiscernible).

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Montoya, I think the question stems from a conversation that Commissioner Montoya and I had. Currently moving through congress is a proposed change to (indiscernible) money to allow for use specifically for shotgun, excuse me, shooting ranges both shotgun, rifle and hand gun. And so I have everything cross-fingers, toes, that congress sees the value in it. It's something that all 50 states have been working towards and so we'll see that hopefully here before the end of the year. So there will be an opportunity to use federal aid money, specifically, which will facilitate and alleviate some of the issues that we currently have with getting it through federal aid.

VICE CHAIRMAN MONTROYA: Okay, thank you.

CHAIRMAN KIENZLE: Move ahead with all due speed.

COMMISSIONER ESPINOZA: Just one section. Chris, how (indiscernible)? You going to do one at each slide or you going to do multiple ranges?

DONALD JARAMILLO: Mr. Chairman, Commissioner Espinoza right now our current plan is to put the single bay shooting range just like you see depicted here in each of the sites. These are (indiscernible) take advantage of them (indiscernible) we look forward to this directed by this Commission. We're going to be providing other opportunities throughout New Mexico but really right back to answer your question it's single (indiscernible).

CHAIRMAN KIENZLE: Executive start. Again, I wouldn't let a colossal project get in the way of making progress on the smaller ones that we can get done, not quite overnight but. Any other

questions or comments? We'll get to talk about this again in June so. Thank you. We're definitely moving in the right direction I think. We're going to refocus this and gotten on track that I had mentioned a year or so ago so, thank you. Jason?

JASON: So I'm actually a graduate from New Mexico Tech like a six-pack in Physics. So I'm super excited about that but it's one thing to build these shooting ranges and it's awesome. I'm super excited about it. My concern is we need to get people shooting at the shooting ranges. As (indiscernible) knows, in Grand County [phonetic] we have a wonderful shooting range but sometimes people go ten minutes down the road to shoot the arrow and they'll just kind of, I don't want destroy the area, it's ugly. So not only are we building these (indiscernible) we should have a really concise, well put together marketing plan to make sure that it's affordable, people know where to go and you feel comfortable. So again, I commend you on the shooting ranges. I think that's awesome but we need to start changing the mentality in the (indiscernible). Let's get people (indiscernible). Thank you.

CHAIRMAN KIENZLE: We'll work on that. Got to get one open first.

COMMISSIONER RAMOS: Right, Jason I think part of the problem with that is that I know that that one is (indiscernible). So maybe you can get you a group of people to look for some sights, possible sights down the road here. I'd challenged Western New Mexico University to step up as well as the Abby's down in Las Cruces. Get some kind of program like that going.

JASON: Sounds good. I'll look into it. Thank you.

COMMISSIONER RAMOS: You bet, thanks.

CHAIRMAN KIENZLE: Can I get a motion to adjourn into Closed Executive Session?

COMMISSIONER RAMOS: Mr. Chairman, I move to adjourn into Executive Session closed to the public pursuant to Section 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline, pursuant to Section 10-15-1(H)(8) NMSA 1978, to discuss the property acquisition in Chavez County and pursuant to Section 10-15-1(H)(7) on matters subject to the attorney-client privilege relating to threatened or pending litigation State of Arizona v. Sally Jewell, No. 4:15-CV-245-JGZ, U.S. District Court for the District of Arizona; State of Oklahoma et al v. U.S. Department of Interior, Docket No. 1:15-CV-00252-EGS; Animal Protection of New Mexico et al v. New Mexico Game Commission (N.M. Ct. App.) in which the Commission and/or Department is or may become a participant.

CHAIRMAN KIENZLE: I need a second.

COMMISSIONER SALOPEK: Second.

DIRECTOR SANDOVAL: Mr. Chairman, it's a roll call.

CHAIRMAN KIENZLE: I still got to get a second.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Now we can call.

DIRECTOR SANDOVAL: Excuse me. Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos?

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

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COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: 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: So there are no smaller meeting rooms. Everybody kind of need to vacate.

CHAIRMAN KIENZLE: This Commission has adjourned into Executive Session closed to the public during the Executive Session for Commission to discuss those matters specified in the motion to adjourn to take no actions.

CHAIRMAN KIENZLE: Mr. Sario [phonetic] not here. Actually, he signed up twice. Don Fell [phonetic].

DON FELL: First of all, my name's Don Fell [phonetic]. This is the first time I've ever been to one of your Game Commission meetings. I finally was able to make one. I've learned a lot, heard a lot, more than I've known. I've known Ralph for a long time. He's up with the National

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Federation Bank that we have here. I'm a resident of Silver City and I had some questions brought to me that I'd like to bring this person, changed or something. Not changes so much but maybe some attitudes. People have asked me have you had the private deer land owner tags that we get, you know that kind of permission. If you go buy those off the internet you don't have to draw for them. They were asking me to ask, would it be possible to do a private land owner Javelina tag? You know it's still a draw. It's a draw system also and the people were asking about because the (indiscernible) I think some's January, February and I think there's some in March in the (indiscernible). I don't want to do a lot of (indiscernible). I know where they are but I'm not involved in it like some of these hunters are. They were just wondering if you all could see or talk about something like this about putting private land owner Javelina tags out on the internet so people that don't drawn that really want to hunt them, could still get a tag off of the internet and be able to go hunting Javelina. I had a gentleman from Pennsylvania that just called me the other day. They got drawn in. They got drawn for a (indiscernible) and he said he would rather kill a Javelina than a deer. So, you never seen a Javelina until you show up here in January, for January (indiscernible). Anyway, but they got drawn but there's some other people that they knew that put in that didn't get drawn. And so, I told them I agree with that and see. It's just a suggestion you know, it's just a thought and go ahead and just leave it limited one or whatever. I think that's all it is anyway. Then I had another question was, let me see here. Oh, about maybe adding, trying to add three more days on the end of our turkey hunt for the kids again. We have the Youth Hunt that's three days and I think it was Friday, Saturday and Sunday this year. I was able to take some kids out that learned a lot. They didn't score but they had the opportunities. But one of the little girls didn't want sheep. She didn't want to pull the trigger because she was afraid of the gun. And then the little boy made the decision himself not to shoot

because of the (indiscernible) in the bush and Mexico (indiscernible) and had some hens with him and he couldn't see the hens, so he used the right kind of ethics I guess that we taught him in conversation. So you know I'll ask you then if you could put three more days on that for the youth to go out again after the turkey season is over. Our cards ended on Tuesday and give them the weekend again. The hens are laying. They're already gone. The tom's still talking because we heard him the other day when we were up high around peak and then Meadow Creek and they're still gone but thing is they're looking for hens but they're not there. Most of them are laying and staying on their nest. So that was another opportunity just to get the (indiscernible) one more time, you know, for the turkey hunt because I know the ones I could by following as much as I could tell them about it. I expect we wanted to see about it, talk about it, see what we could do and see if we could get, add three more. It is three more days after our original hunt is over and that gives the kids an opportunity to be out there, mostly by themselves or just their parents. Not a whole lot more hunters you know and stuff. Really, that was all I really have. Just questions that people had asked me and put in my ear about asking what you could do about. I appreciate your input. I'll stay in touch with Ralph and I'll give you some address to get ahold of me or whatever. Let me know where it's at you know and stuff. It's fun having those kids out there. I became an instructor, hunter instructor here on one of the new four ones here in Silver City. You were talking about hunter education so we have four of us and we put 65 kids through already. That's just two classes. So the kids are out there. They're wanting to learn and the ones that don't have parents, that's where the (indiscernible) comes in and people, hunter instructors, we'll just take them because they pass their hunter safety you know and stuff. Somebody will take them up. That's where we're at right now. Like I said, this is all really just for me. It doesn't have anything to do with federation. That's just me and the people I'm tryin

gto help out. I'd like to see the kids get just a little more time in the woods, especially this time of year.

CHAIRMAN KIENZLE: Commissioner Salopek.

COMMISSIONER SALOPEK: I don't know if it's Lance or Stewart, I know I've asked, could we go to over the counter for Javelina and if we did do that, what would our seasons be, would they still be the same or (indiscernible).

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Salopek, I will say that that is on the next Agenda for June for discussion but I will let Stewart pitch it.

STEWART LILEY: Mr. Chairman, Commissioner Salopek, that's exactly what I was going to say, is it's on the next Agenda. We are looking at the possibly of some (indiscernible) for Javelina specifically.

COMMISSIONER SALOPEK: So might still have some draw (indiscernible).

STEWART LILEY: Commissioner Salopek, yes. We'll still continue to have (indiscernible) draw on (indiscernible).

CHAIRMAN KIENZLE: So Mr. Fell [phonetic] you can report to the Commissions response up to your requests.

DON FELL: Thank you very much.

CHAIRMAN KIENZLE: Thank you. Public comment, Keri Romero and Jason (indiscernible).

JASON: Just kidding.

CHAIRMAN KIENZLE: Can I get a motion to adjourn?

COMMISSIONER SALOPEK: So moved.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

In Re:

Game Commission Hearing

C E R T I F I C A T E

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

Final

transcription of the recorded proceedings, to the best of my knowledge and hearing ability. The recording was of VERY POOR quality.

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

Cheryl Melgarejo Rose Leonard
(Name of Transcriptionists)

Transcriptionist

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APPROVAL OF MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION

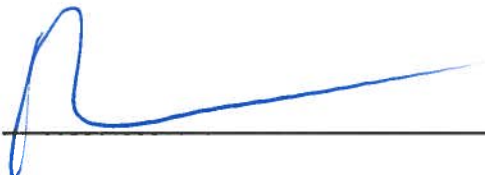
Murray Hotel Ballroom
200 W. Broadway Street
Silver City, NM 88061
May 12, 2016



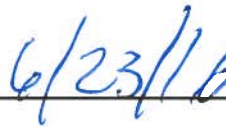
Alexandra Sandoval, Director and Secretary



Date



Paul M. Kienzle III, Chairman



Date

New Mexico State Game Commission

AS/scd