

NEW MEXICO STATE GAME COMMISSION MEETING
NEW MEXICO DEPARTMENT OF GAME AND FISH
NORTHWEST AREA OFFICE
7816 ALAMO ROAD NW, ALBUQUERQUE, NM 87120

9:00 a.m. – 5:00 p.m.

JUNE 14, 2019

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1 APPEARANCES

- 2 Chair Joanna Prukop
- 3 Vice Chair Roberta Salazar-Henry
- 4 Game Commissioner Jimmy Bates
- 5 Game Commissioner Gail Cramer
- 6 Game Commissioner Tirzio Lopez
- 7 Game Commissioner David Soules
- 8 Game Commissioner Jeremy Vesbach

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11 ABSENT None

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1 DIRECTOR SLOANE: Good morning, everybody. Welcome to the Commission
2 meeting. I appreciate the huge turnout we have today. As you all know, I'm sure, we
3 have seven new Game Commissioners, so I get the honor of starting the meeting
4 today. The first order of business is calling the meeting to order. Next is the roll call.
5 I don't know if, Commissioners, when I call your name if you want to introduce
6 yourself and say something about yourself as we go down the line, but I'll go ahead
7 and start off in alphabetical order. Commissioner Bates.

8 COMMISSIONER BATES: I'm here. Good morning. I'm Jimmy Bates, born and
9 raised in Farmington, New Mexico. I've spent most of my life in the state, working the
10 oil field in Wyoming for about a year. Came back and went to work in the beer
11 business that I have worked in for 30 years now, every day is a holiday. Glad to be
12 on this Commission. Lifetime hunter, outdoorsman, heavily involved with the Boy
13 Scouts of America with my son. Excited to learn a lot from everyone and look
14 forward to serving you as we move forward.

15 DIRECTOR SLOANE: Commissioner Cramer.

16 COMMISSIONER CRAMER: Here. Hi, I'm Gail Kramer, I presently live in Mayhill. I
17 was born and raised in Albuquerque then was in Farmington for 28 years out at San
18 Juan College, was on the Commission in '96 to 2000. I'm currently the Assistant
19 Chief of Mayhill Volunteer Fire Department going on rounds, fighting fires, doing
20 EMS, and just enjoying the outdoors and hunting; I love to hunt and fish.

21 DIRECTOR SLOANE: Commissioner Lopez.

22 COMMISSIONER LOPEZ: Good morning. Thank you, Mr. Director. My name is
23 Tirzio Lopez; I'm from the great county of Rio Arriba, swamp community of Savoy,
24 New Mexico. I am honored to be appointed by the executive to this position. I look
25 forward to working with all constituents, of the fellow commissioners, as well as the

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1 legislators to get the Game and Fish mission of vision going. I am a graduate of
2 Mexico State University. I've worked for the federal government; I currently work for
3 the state government. So I wear many different hats, as well as an education hat,
4 and I'm here to hear everybody's needs and your concerns. And I always say,
5 tonight we celebrate, tomorrow reflect, and Monday we get to work. So let's get to
6 work, gentlemen.

7 DIRECTOR SLOANE: Commissioner Prukop.

8 COMMISSIONER PRUKOP: Thank you, Mike. Good morning, everyone. My name
9 is Joanna Prukop. I have had a long career in wildlife conservation and management
10 both at the state, regional, and federal level. And I'm absolutely delighted to be on
11 the Commission since this is where I started my career and I grew up in the
12 Department. I represent District 4, which is actually a lot of the territory that I had
13 when I was the first female chief of a region in this state, and I look forward to
14 working with all of the many constituents that the Game Department has these days
15 and working with this great slate of nominees. So I like to be here this morning and
16 thank you all for coming.

17 DIRECTOR SLOANE: Commissioner Salazar-Henry.

18 COMMISSIONER SALAZAR-HENRY: Good morning, everybody. I think I know
19 most of you in this room. I've seen you at the legislature, I've seen you in the Game
20 Department offices, and I want to thank you all for coming. I had a 25-year career
21 with Game and Fish Department. I grew up there, my children were raised there. I
22 learned how to hunt and fish there. My husband and I hunt and fish and I'm really
23 excited and proud to be on this Commission at this point in my life. I am representing
24 District 2; Las Cruces takes all the way up into Socorro, all the way down to
25 Lordsburg. It's a great district to be representing. There's over 10 million acres of

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1 public land. We have a very active sportsman's community and a huge amount of
2 public land hunting that goes on. We've got some great outfitters in the Southwest
3 as well. And so I look forward to working with all of you to come to some consensus
4 on some issues that have been hanging around for a while and I look forward to the
5 discussion and thank you so much for coming.

6 DIRECTOR SLOANE: Commissioner Soules.

7 COMMISSIONER SOULES: Thank you, Mike. Good morning, everyone. My name
8 is David Soules, I'm a lifelong resident of Las Cruces, besides a few excursions for
9 school and things like that. Also, I guess would say I'm a lifelong sportsman and I'm
10 very much interested in conservation and I understand I have the at-large
11 conservation seat. We are also landowners, my wife and I, and so I understand that
12 there are different sides to a lot of controversial issues. I'm sure we'll be hearing a
13 great deal about that. I'm a very strong advocate for the North American model of
14 wildlife conservation. My wife and I enjoy spending all the time we can outdoors. I
15 still hunt and I enjoy doing that, but we also hike. I was a very active participant in
16 getting the Oregon [phonetic] Mountains [indiscernible] National Monument
17 established; that was a great deal of fun. And if any of you are ever in Las Cruces, I
18 have an open invitation to go out hiking with people to see some of the special places
19 down there. Thank you all for coming.

20 DIRECTOR SLOANE: Commissioner Vesbach.

21 COMMISSIONER VESBACH: Thank you, Director. My name is Jeremy Vesbach,
22 I'm an avid hunter and angler. I live in Lacidas [phonetic], New Mexico and
23 represent the Northwest part of the state on the Commission and am really honored
24 to serve with what, I think, is a very public interest minded Commission. And I just
25 think we have an incredible -- best state in the West in terms of our diversity of

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1 wildlife resources and amazing opportunities we have here, and I think our role on
2 the Commission is really to represent the public, make sure it's well represented.
3 Thank you all for showing up -- for being here today and look forward to hearing more
4 and I think we have a great deal of public opportunity in the state and we really want
5 to be focused on that, so thank you.

6 DIRECTOR SLOANE: So, fortunately, we have a quorum. The next agenda item in
7 order to get me out of this role as running the meeting is the Election of the Chair and
8 the Vice Chair. So I guess it is open for nominations of Chair.

9 COMMISSIONER VESBACH: Director, I would move to nominate Joanna Prukop,
10 Commissioner Prukop for Chair.

11 COMMISSIONER SALAZAR-HENRY: I'll second.

12 DIRECTOR SLOANE: So we have a motion and a second. Is there any discussion
13 for the election of the Chair? All those in favor?

14 COMMISSIONERS: Aye.

15 DIRECTOR SLOANE: Opposed? Congratulations, you have a Chair.

16 CHAIR PRUKOP: Thank you very much. I appreciate it. And I take it from here.

17 DIRECTOR SLOANE: Please.

18 CHAIR PRUKOP: Okay, so the next item of business is election of a Vice Chair. Do
19 I hear nominations for Vice Chair?

20 COMMISSIONER LOPEZ: I would like to nominate Commissioner Roberta Henry
21 Salazar for the position of Vice Chair of the New Mexico State Game Commission.

22 CHAIR PRUKOP: Thank you, Commissioner Lopez. Do I have a second?

23 COMMISSIONER SOULES: I would second that nomination.

24 CHAIR PRUKOP: Thank you, Commissioner. Any other nominations? Hearing
25 none, all those in favor of electing Commissioner Salazar-Henry as the Vice Chair,

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1 please signify by saying aye.

2 COMMISSIONERS: Aye.

3 CHAIR PRUKOP: Opposed, nay. Okay, congratulations Roberta. I kind of hate to
4 point out the obvious, but I think we just made history.

5 DIRECTOR SLOANE: Again.

6 CHAIR PRUKOP: So thank you very much to all of the Commission for your support
7 and your confidence in myself and Roberta for taking on this charge. We're very
8 happy to do it. As Commissioner -- I'm just -- Commissioner Jeremy is what I started
9 to say. As said, we have a lot of very important work to do. We know there are a lot
10 of people that are here today with concerns of all kinds and over time we will try to
11 get to the things that you care about. So before we move on, Commissioners and
12 Mr. Director, I did want to make a few opening remarks about the Commission itself
13 and then give each Commissioner an opportunity to share their views because I
14 would like to -- for us to be clear at the very start about the Commission's role and
15 function. I have served on many, many committees, boards, and councils at the
16 state, regional, and federal level and also happen to have chaired committees on
17 governance so I have a tendency to be very conscious about proper governance of a
18 board. And so we want to talk about the board's role and function, and it is to set
19 policy and direction for the agency and it is not to manage the agency's day-to-day
20 activities. The proper way for the board to do that is through the Director and the
21 Director will usually get many of his instructions from us and public meetings, just like
22 this when we vote on policy, regulation, et cetera. And everybody will have a clear
23 understanding of why and how the Commission is directing the Director. Otherwise,
24 any direction to the Director goes through the Chair from the Commission and no
25 individual Commissioner has the authority to direct the Commission -- I mean, excuse

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1 me, the Director or his staff in the agency, especially on items that the full
2 Commission has not considered. So I just want to be very clear about that. And one
3 of the things that I also have is -- and I talked about this in my interview with the
4 Governor's office. I want to give you all a little handout because, as I said, I'm pretty
5 high on governance of committees and commissions. And so this is a handout, and I
6 hope there is one to go down to Mike, on fiduciary responsibility. This is a summary
7 that I've used in the past but, again, it covers this notion that the Director runs the
8 agency, the Commission sets policy and direction. And I particularly want to point out
9 that we are here to steer the organization toward a sustainable future by adopting
10 sound ethical and legal governance and financial management policies for the
11 agency. And we do that in a public setting. And I've already talked about the
12 Director's role and our role, but I -- so I'm going to skip down to what are very
13 common responsibilities of boards, commissions, and committees, and that is the
14 public duty of care, loyalty, and obedience. We take care of the organization by
15 ensuring prudent use of all its assets including facility, people, and the goodwill that
16 we have with the public. We also have a duty of loyalty to ensure that the
17 organization's activities and transactions are first and foremost advancing the mission
18 of the agency and the state who we recognize and disclose conflicts of interest, we
19 make decisions that are in the best interest of the organization, not in the best
20 interest or of an individual board member, for any individual, or anyone on the
21 executive staff. And we have a duty of obedience, we have to ensure that the
22 organization obeys applicable laws and regulations, follows its own bylaws, or in our
23 case policies, and the organization adheres to its purpose or mission and we're going
24 to be talking in a little bit about a policy manual that I'd like to see created and I've
25 talked with some of the Commissioners and the Director about, but before I do that

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1 we'll come back to that. And right now I would like to open it up to any of the other
2 Commissioners who would like to make a comment about how they see their role on
3 the Commission in regard to these fiduciary and governance responsibilities or any
4 experiences they've had in the past or what they hope to see in the future. Anyone
5 have any comments? Any questions? So thank you for indulging me on that little
6 tutorial. I do want to talk then about a policy manual for the Commission. In the past,
7 evidently, there was a policy manual. I haven't spoken to anyone who's got a copy of
8 it except Kip Salazar [phonetic] said he thought he had a copy and could dig it up.
9 So I want to suggest to the Commissioners that we develop a Commission-based
10 policy manual and here is a draft list of topics that could be in this manual. And part
11 of this is to keep our own governance rules up front, but also for the public to know
12 that we intend to be a transparent, clear, inclusive Commission. So depending on
13 what's in the former policy manual and how we might either adopt it or add to it, what
14 I'm talking about are things that already exist in state government or in state law in
15 some form and most corporate and nonprofit boards have these kinds of policies.
16 One is a code of conduct and ethics, conflict of interest form, a meeting attendance
17 requirement so that we know that we will have a quorum whenever we get together
18 publicly. Something about diversity and discrimination in our actions. Again, I
19 mentioned fiduciary responsibility. Something about media relations, because we
20 need to be careful as a Commission how we go off and talk to the media and how we
21 use social media because you can get yourself in a lot of trouble pretty quickly if you
22 tweet the wrong thing. So that's an important policy, perhaps. Whistleblower policy
23 is pretty common these days so that if things are going awry people are protected
24 about calling it out. We clearly should have a policy that says we are going to
25 evaluate the Director's performance every year. When it comes to things like

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1 confidentiality and document retention, I know that the Public Records Act and
2 perhaps the Governmental Conduct Act, which I mention at the bottom, already cover
3 some of that and the Director mentioned to me that some of that is covered there.

4 We also need to be mindful of the Open Meetings Act which the Director has given
5 us a few examples of how we use and perhaps that's something we could have
6 training on because I have talked with several on the Commission and the Director
7 about having some training sessions for the Commission so that we get off on the
8 right foot on basic topics, but also on some of the more complex topics that we're
9 going to be taking up as we go forward. So it's my recommendation, again, that we
10 do begin to develop a policy manual for this Commission, and I'd like to know now
11 what other Commissioners thoughts are about this, other ideas, other suggested
12 policies, et cetera. Commissioner Lopez.

13 COMMISSIONER LOPEZ: Thank you, Madam Chair. I agree with your idea,
14 creating policy and procedures for the Commission. As I have served on a local
15 school board and we have seen without these policies when one school board can in
16 the old days used to micromanage the entire school district and that was taken away
17 in House Bill 218, I believe, back in the day by Representative Mimi Stewart
18 [phonetic]. So I agree that having also a transparent Commission, but also having
19 boards and policy and procedures that we can follow and reference, if anything were
20 to come back because in this day and age we have the risk of being sued, which we
21 have been sued on the Commission before, and I believe that we can always use
22 these board policies to fall back on and be more transparent for the constituents.

23 Thank you.

24 CHAIR PRUKOP: Thank you, Commissioner. Commissioner Cramer.

25 COMMISSIONER CRAMER: Yes, I know that there did exist a policy. We used it.

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1 We could definitely try to dredge that up, maybe, and not have to reinvent the wheel.
2 If we could find that somewhere in the Department, I think that would be helpful as a
3 good starting point.

4 CHAIR PRUKOP: I would agree. Thank you very much, Commissioner Cramer.

5 VICE CHAIR SALAZAR-HENRY: Madam Chair, I totally support this idea of a
6 Commission policy. Some of the things I'm looking forward to that will help us with a
7 Commission policy manual is how we do or how we proceed with our decision-
8 making process. There are certain rules and laws and activities in the Game
9 Department that will affect how we move forward. So I would also like to see if there
10 was previous Commission policies existing somewhere to see what maybe some of
11 the public assumes is how things will happen. So I don't know if there's anything
12 written.

13 CHAIR PRUKOP: Okay, thank you Commissioner. Commissioner Vesbach.

14 COMMISSIONER VESBACH: Madam Chair, I also support the development of a
15 Commission policy manual and hopefully [indiscernible] this Commission we can set
16 a new level of transparency and public participation. And I also just want to
17 recognize the Department today for live webcasting the meeting, I think that's an
18 important step in the transparency and public participation we all want to see.

19 CHAIR PRUKOP: Thank you, Commissioner. I agree, that's a wonderful new
20 development, especially today, and then we will have to see how well we can do that
21 as we move meetings around the state. Anything further from anyone on asking the
22 Department to help us create a policy manual for the Commission? Hearing none, I
23 do have one other thing that I'd like the Commission input on, but I'm pretty clear how
24 I feel about it, and that is on our -- the board book that we received electronically,
25 Mike, was good except that we would -- from what I've talked to some

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1 Commissioners about it, and Commissioners can certainly weigh in, we would like a
2 much more complete board book going forward in advance of the meeting so that we
3 can read all of the background material. I don't know what your previous
4 Commission may have requested, because they may have just asked you to just limit
5 how much paperwork they got, but I know one of the things -- and the audience may
6 be interested to know that in our interview process with the Governor's office one of
7 the first questions was, "Do you think being on the Game Commission will be very
8 much work?" It's like, yes, I do. And because I believe in us doing our due diligence
9 and our fiduciary responsibility, which to me includes way more than just fiscal
10 oversight, it means you have to do your homework as a Commissioner. And so this
11 might be an odd request, Mr. Director, but we would like more homework and
12 especially on it you will notice that on some of the issues that we're taking up today
13 on the agenda we asked for more background which was available. I know
14 sometimes some of the background materials will not be ready until right at
15 Commission time so I request on that would be please give us as many background
16 materials as you can a week in advance, including if that means FedExing us
17 overnight a notebook. But otherwise, we'll just know that if you have last-minute
18 materials, we'll get those at the Commission meeting. Because we don't want to
19 cause undue work for anyone, but we would like as much information as we can
20 upfront so that we'll be well prepared for the Commission meetings. Any other
21 comments on that topic from other Commissioners?

22 VICE CHAIR SALAZAR-HENRY: I support that. I'm going to date myself here.
23 When I was assistant director, we overnighted the Commission books so that
24 Commissioners would have plenty of time to browse through and ask questions so
25 hopefully, we wouldn't hang everything up at a Commission meeting. So I really

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1 support that, Mike, and I hope we can pull together, maybe worked through a list of
2 things we would like to have in the book so that you are not trying to answer or guess
3 what we need.

4 DIRECTOR SLOANE: Yeah, I'm sure that we can provide additional information. I
5 think that, as was pointed out, the previous Commission was pretty comfortable with
6 the level of information, but I completely understand the new Commission needs a
7 little more background and we're a little bit remiss on this go around but will get it
8 straightened out for the next one.

9 CHAIR PRUKOP: Well, and that's just fine, Mike, we're all new at this, we are all
10 getting started. And I did want to warn the public that because all of the
11 Commissioners are new, some of us have met each other for the first time today, we
12 know that some of the topics on the agenda may not be new to you, but they are new
13 to us, so we're going to go slow and make sure that we understand all the ins and
14 outs of these various topics. One of the things that I stress and have spoken with
15 some about is that we are here to do due diligence. We're going to do our due
16 diligence. We're going to be looking out for all the things that Commissioner
17 Salazar-Henry mentioned about our decision-making process, because we need to
18 be fully informed to make an informed decision on whatever the topic is, and we have
19 some interesting topics today and they'll only get more interesting as we go
20 forward. So we're going to do our due diligence and we're always going to be looking
21 out for Department liability and unintended consequences. So that's why we need a
22 thorough review of all of these materials, especially today at our first meeting. With
23 that, Mr. Chair, I guess we will move to Approval of the Agenda, which everyone did
24 get in advance. I don't believe there have been any changes. Is that correct, Mr.
25 Director?

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1 DIRECTOR SLOANE: That is correct.

2 CHAIR PRUKOP: Could I hear a motion, then, to approve the agenda as
3 presented?

4 COMMISSIONER LOPEZ: Motion to approve the agenda as presented, Madam
5 Chair.

6 CHAIR PRUKOP: Thank you. Second?

7 COMMISSIONER CRAMER: Second.

8 CHAIR PRUKOP: Thank you, Commissioner Cramer. All those in favor of
9 approving the agenda as presented, signify by saying aye.

10 COMMISSIONERS: Aye.

11 CHAIR PRUKOP: Opposed, nay. Okay, Introduction of Guests. Mr. Director, does
12 that mean we go around the full room with everyone being able to say who they are
13 and who they represent?

14 DIRECTOR SLOANE: Madam Chair, generally speaking, that's how we've done it
15 but certainly we can change that if you'd like.

16 CHAIR PRUKOP: That's just fine with me. I think all the Commissioners would like
17 to know who's here today. So let's start right over here.

18 UNIDENTIFIED SPEAKER: Good morning, Commissioners, Public. I'm Robert
19 Gray [inaudible – away from microphone].

20 CHRISTY TAFOYA: Good morning Commissioners, I'm Christy Tafoya, I'm the
21 Director of New Mexico State Parks.

22 IVIE VIGIL: Good morning, Commissioners. I'm Ivie Vigil, I'm the Budget Director
23 for the Department of Game and Fish.

24 CHAD NELSON: Good morning, I'm Chad Nelson, Licensing Operations Manager
25 for the Department of Game and Fish.

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1 PAUL VARELA: Good morning, Commissioners. My name is Paul Varela, I'm the
2 [indiscernible – papers shuffling] for the Department of Game and Fish.

3 JIM COMINS: Good morning, Madam Chair, Commissioners, Members of the
4 Public. My name is Jim Comins and the Assistant Director for the Department of
5 Game and Fish.

6 LANCE CHERRY: Good morning, Madam Chair, Commissioners. My name's
7 Lance Cherry, I'm the Chief of the Information and Education Division for the New
8 Mexico Department of Game and Fish.

9 MARTIN PEREA: Good morning, Madam Chair, Commissioners. I'm Martin Perea,
10 I'm the Videographer with the Information and Education Division of New Mexico
11 Game and Fish.

12 STAR GONZALES: Good morning, Madam Chair, Commissioners, General Public.
13 My name is Star Gonzales, I work for the New Mexico Department of Game and Fish,
14 Marketing Direct -- Manager – whoa, just gave myself a raise.

15 UNIDENTIFIED SPEAKER: Good morning, I'm Michael [indiscernible], a member of
16 Backcountry Hunters & Anglers. I'm [indiscernible] Outdoors I'm also a member of
17 [indiscernible]

18 UNIDENTIFIED SPEAKER: Nick [indiscernible]

19 UNIDENTIFIED SPEAKER: Good morning, my name is Jessica [indiscernible] and
20 I'm [indiscernible]

21 UNIDENTIFIED SPEAKER: Good morning everyone. [indiscernible]

22 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners.
23 [indiscernible]

24 STEWART LILEY: Good morning Madam Chair, Members of the Commission,
25 Members of the Public. My name is Stewart Liley, I'm the Chief of the Wildlife

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1 Division for Game and Fish.

2 SENATOR MARTINEZ: Good morning, Madam Chair, I'm Senator Rich Martinez. I
3 represent District 5 which is the northern part of the state. It includes portions of Rio
4 Arriba, Los Alamos, northern Santa Fe county, and a small portion of Sandoval
5 county. It's a pleasure to be here. And congratulations to all of you.

6 CHAIR PRUKOP: It's a pleasure to have you here, Senator. Thank you for coming.

7 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners. My
8 name is [indiscernible], I'm the Director of the New Mexico Legislative Council
9 Service.

10 KIRK PATTEN: Good morning, Madam Chair, Commissioners. I'm Kirk Patten,
11 Chief of Fisheries for the Department.

12 UNIDENTIFIED SPEAKER: Good morning, all. Steve [indiscernible], I'm from Las
13 Cruces. I retired from Game and Fish 13 years ago. I'm Assistant Director of the
14 [indiscernible] Las Cruces, New Mexico.

15 MICHAEL JACKSON: Good morning, Commissioners. Michael Jackson [phonetic],
16 Defenders of Wildlife.

17 JOHN CRENSHAW: Good morning, Commissioners. My name is John Crenshaw,
18 President of the New Mexico Wildlife Federation, graduate of Game and Fish
19 Department, retired only 22 years ago this month.

20 JESSE DEUBEL: Good morning, Madam Chair and Commissioners. My name is
21 Jesse Deubel, I'm the Executive Director of the New Mexico Wildlife Federation.

22 JOEL GAY: Good morning, Madam Chair and Members of the Game Commission.
23 My name is Joel Gay, I'm the Chairman of the New Mexico chapter of Backcountry
24 Hunters and Anglers.

25 UNIDENTIFIED SPEAKER: Good morning, Madam Chair. [indiscernible]

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1 UNIDENTIFIED SPEAKER: Good morning, Commissioners, I am [indiscernible].

2 UNIDENTIFIED SPEAKER: Good morning, Commissioners. My name is Marie
3 [indiscernible] and I'm also an intern [indiscernible].

4 UNIDENTIFIED SPEAKER: Good morning, Commissioners. I'm Jan [indiscernible].

5 PETER ROSARIO: Good morning, Commissioners. My name is Peter Rosario
6 [phonetic], I'm from Las Cruces and I, too, congratulate all of you on having a new
7 position that will involve challenges but hopefully a lot of satisfaction [indiscernible]
8 not only for the people of New Mexico but for its wildlife.

9 UNIDENTIFIED SPEAKER: [indiscernible], also from Las Cruces, New Mexico and
10 I'm here representing [indiscernible].

11 DAVID PARSONS: Good morning, Commissioners. My name is David Parsons, I'm
12 a career wildlife biologist. [indiscernible] retired. I represent two organizations that
13 are nonprofits, primarily nongame [indiscernible] groups. Project Coyote is one; the
14 other is [indiscernible].

15 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners. My
16 name is Steve [indiscernible], I'm the President of [indiscernible] aka the Tierra
17 Amarilla Land Grant and we look forward to be working hand-in-hand with you.
18 Thank you very much.

19 UNIDENTIFIED SPEAKER: Madam Chair, Members of the Commission, my name
20 [indiscernible], I'm the Vice President of the Tierra Amarilla Land Grant.

21 UNIDENTIFIED SPEAKER: Good morning, Madam Chair and Commissioners.
22 Congratulations on your positions. My name is [indiscernible], my wife Juanita
23 [phonetic]. We are both private landowners [indiscernible] New Mexico.

24 MIKE THOMAS: Madam Chair, [indiscernible] Commissioners. I'm Mike Thomas,
25 I'm the In-House Attorney at the Department of Game and Fish and I look forward to

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1 working with Chairwoman Prukop. I worked with her 12, 13 years ago when I worked
2 at the Energy Minerals Department. And again, congratulations [indiscernible].

3 UNIDENTIFIED SPEAKER: [indiscernible] Garcia [phonetic]. I'm also the Chairman
4 of the [indiscernible].

5 ROBERT ESPINOZA: Good morning, Madam Chair, Members of the Commission.
6 [indiscernible] Robert Espinoza [phonetic] Former Game and Fish Commissioner for
7 seven years prior to receiving this commission. I want to congratulate you guys and
8 wish you all well. Understanding what it takes to sit on that side of the table, you've
9 got a long road [indiscernible] the direction you're going. Because you are right,
10 homework is key. You're making lots of important decisions on the road ahead and
11 look forward to working with you now that I'm sitting on this side of the table.

12 Congratulations.

13 DENNIS GARCIA: Good morning, Commissioners. Congratulations, I'm Dennis
14 Garcia [phonetic], I'm a landowner from [indiscernible].

15 KATIE DELORENZO: Good morning, Madam Chair and Commissioners. My name
16 is Katie DeLorenzo, I'm the Southwest Chapter Coordinator for Backcountry Hunters
17 & Anglers.

18 MARTIN TINY: Good morning, Madam Chair and Commissioners and Members of
19 the Public. My name is Martin Tiny [phonetic], I'm a life member of Backcountry
20 Hunters & Anglers. I live in the village of [indiscernible].

21 DAN ROPER: Good morning, Commissioners and everyone else here today. I'm
22 Dan Roper [phonetic] and I work with [indiscernible].

23 UNIDENTIFIED SPEAKER: Good morning. Mark [indiscernible], Executive Director
24 of [indiscernible].

25 UNIDENTIFIED SPEAKER: Good morning, I am Judy [indiscernible], I'm the

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1 [indiscernible].

2 BRITTANY COLLINS: Good morning. Brittany Collins [phonetic] registered lobbyist
3 for the Rio Grande Chapter of the Sierra Club.

4 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners. My
5 name is [indiscernible].

6 JESSICA JOHNSON: Good morning, Madam Chair, Commissioners. I'm Jessica
7 Johnson [phonetic] [indiscernible].

8 UNIDENTIFIED SPEAKER: Madam Chair and Commissioners, Ladies and
9 Gentlemen. Good morning, I'm Pat [indiscernible], also retiree of the Department of
10 Game and Fish and now working in a very different worlds of pickles and politics.

11 UNIDENTIFIED SPEAKER: Good morning, Madam Chairman and Commissioners.
12 [indiscernible].

13 UNIDENTIFIED SPEAKER: Good morning, Madam Chair and Commissioners. My
14 name is George [indiscernible], I'm a member of the Outdoors [indiscernible].

15 ED COX: Good morning and hello everyone. My name is Ed Cox [phonetic] and I'm
16 from the [indiscernible] metropolis of [indiscernible].

17 UNIDENTIFIED SPEAKER: Good morning, everybody. [indiscernible] New Mexico
18 Wildlife Federation.

19 UNIDENTIFIED SPEAKER: [indiscernible]

20 UNIDENTIFIED SPEAKER: [indiscernible]

21 CHAIR PRUKOP: And as we get to the back of the room, if you will speak loudly
22 that would be appreciated.

23 TRAVIS DAY: Good morning, Madam Chair and Members of the Commission. My
24 name is Travis Day [phonetic], I'm the Natural Resource Director at [indiscernible].

25 Also [indiscernible] county commissioner.

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1 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners, and
2 Director. My name is [indiscernible] the New Mexico Regional Director [indiscernible]
3 Foundation. I'd like to welcome you all to your new positions and I'm looking forward
4 to working with you.

5 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners. My
6 name is Carrie [indiscernible]. I'm the Executive Director of the New Mexico Council
7 of [indiscernible].

8 UNIDENTIFIED SPEAKER: Good morning, Madam Chair and Members of the
9 Commission. My name is [indiscernible], I'm the Regional Director for the New
10 Mexico [indiscernible].

11 UNIDENTIFIED SPEAKER: Good morning, my name is [indiscernible] and I'm
12 Editor of [indiscernible] New Mexico wildlife [indiscernible].

13 UNIDENTIFIED SPEAKER: [indiscernible]

14 UNIDENTIFIED SPEAKER: [indiscernible] Regional Director of [indiscernible]
15 Foundation.

16 UNIDENTIFIED SPEAKER: Good morning, Madam Chair and Commissioners. My
17 name is [indiscernible] and [indiscernible] for the Department of Game and Fish.

18 JUAN SANCHEZ: Good morning, Madam Chair and Commissioners. My name is
19 Juan Sanchez [phonetic] and I [indiscernible].

20 MATT WUNDER: Good morning. I'm Matt Wunder, the Chief of the Ecological and
21 Environmental Planning Division of the Department of Game and Fish.

22 UNIDENTIFIED SPEAKER: Good morning, [indiscernible].

23 UNIDENTIFIED SPEAKER: Good morning, Madam Chair, Commissioners. My
24 name is Jonathan [indiscernible], Vice President of [indiscernible] Executive Director
25 of Audubon New Mexico.

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1 UNIDENTIFIED SPEAKER: Good morning, Madam Chair and Commission. My
2 name is Jerry [indiscernible] I'm Sergeant [indiscernible].

3 TIM CIMBAL: Good morning, Madam Chair, Commissioners, Director.
4 Congratulations on [indiscernible]. I'm Captain Tim Cimbale with the New Mexico
5 Department of Game and Fish, obviously. This is the office that I manage so if
6 anybody ever needs anything, please come to me. [indiscernible].

7 DARRELL COLE: Good morning, Madam Chair and Commissioners.
8 Congratulations [indiscernible]. I'm Darrell Cole, I'm the Revocation Program
9 Manager for the Department [indiscernible].

10 COLIN DUFF: Good morning, Madam Chair and Commissioners. My name is Colin
11 Duff, I'm our Southern Major for the Department of Game and Fish and [indiscernible]
12 and our Las Cruces office [indiscernible].

13 CRAIG SANCHEZ: Good morning. Craig Sanchez, [indiscernible] for field
14 operations for the Department of Game and Fish [indiscernible].

15 TRISTANNA BICKFORD: Good morning, Madam Chair and Commissioners. My
16 name is Tristanna Bickford and I'm the Department's Communications Director.

17 ROSS MORGAN: Good morning, Madam Chair and Commissioners, Members of
18 the Public. Ross Morgan, I'm the Information Officer for the Department.

19 SANDRA DUCHARME: Good morning, Madam Chair and Commissioners. I'm
20 Sandra DuCharme, I'm the Executive Assistant to the Director and I look forward to
21 working with all of you.

22 UNIDENTIFIED SPEAKER: Good morning, Madam Chair. I'm [indiscernible] from
23 the Attorneys General's office. I'm sitting here; I just realized I'm very old.
24 [indiscernible] at the time Judge Martinez [indiscernible] that was a long time ago
25 [indiscernible].

1 CHAIR PRUKOP: Thank you very much but you don't know that 70 is the new
2 middle age? Thank you very much for all of those introductions. I'm sure the full
3 Commission is very gratified to see the diversity of attendance in the audience, all the
4 groups and interests represented. So once again, on every Commissioners behalf,
5 thank you for attending today. The next item on the agenda is Approval of the
6 Minutes from the January 10, 2019 regular meeting. Again, those minutes come
7 from the previous Commission, but if you've had a hit chance to look at them, does
8 anyone have any questions or concerns or corrections, additions, to the minutes?
9 Hearing no discussion, can I have a motion to approve the minutes as presented?

10 VICE CHAIR SALAZAR-HENRY: My motion is to approve the minutes as
11 presented.

12 CHAIR PRUKOP: A second, please?

13 COMMISSIONER BATES: Second.

14 CHAIR PRUKOP: A second from Commissioner Bates. Thank you. Any further
15 discussion? Hearing none, all those in favor of approving the minutes as presented,
16 signify by saying aye.

17 COMMISSIONERS: Aye.

18 CHAIR PRUKOP: Opposed, nay. The minutes are approved from the previous
19 meeting. Let's see, I made myself a note -- oh, Mr. Director, I wanted to ask, in the
20 first tab of our board packet is the Open Meetings Act resolution. Do we need to do
21 another one of those or is the one that was approved January 10 of 2019 sufficient to
22 get us through this year?

23 DIRECTOR SLOANE: Madam Chair, I think I will defer to the AG's office, but I
24 suspect it's good enough to get us through this year unless you have some changes
25 you'd like to see.

1 UNIDENTIFIED SPEAKER: Madam Chair, that is correct. You do have an Open
2 Meetings Act resolution in place. Usually it is the same resolution submitted every
3 year with the dates changed, so I don't think there is anything significant. It will
4 comply for the Opens Meeting Act this year. And saying that, Madam Chair, I will
5 also be glad to provide the Commission with training regarding the Open Meetings
6 Act, Public Records Act and the Governmental Conduct Act [indiscernible].

7 CHAIR PRUKOP: I appreciate that and in discussing the possibility of training with
8 some of the Commissioners but also the Director, we may hope to have some
9 training, actually, in the month of July and some of these very basic but key
10 elements of the way we do business would be a good time to do that. But before we
11 do that, could you comment, please, on what a rolling quorum is?

12 UNIDENTIFIED SPEAKER: Madam Chair, the dangers with the rolling quorum is
13 what happens is one commissioner will have a question and reach out to other
14 commissioners. The impetus behind the Open Meetings Act is to make sure that any
15 public business is conducted in public as an open meeting. The danger with the
16 rolling quorum is if one commissioner reaches out to another commissioner, they
17 start discussing public business via email or on the phone or something like that, the
18 problem is policy starts to get formulated at that point in time. The problem there is
19 then it spills over to other commissioners, "Hey, Commissioner X, we're discussing
20 this. What do you think at the next meeting we go this route?" You cannot do that.
21 That is a rolling quorum. The other thing, and I will discuss this more, Madam Chair,
22 what I propose to do is I will prepare a memo with the Governmental Conduct Act,
23 inspection of Public Records Act and the Open Meetings Act, I'll submit that to all the
24 commissioners for your review and then subsequently if you have questions in July I
25 will be glad to provide a training at that point in time. One of the concerns with a

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1 rolling quorum, also, is at no time should you ever be using your personal cell phone
2 or your personal email addresses to conduct any public business. If you do and
3 there is a [indiscernible] request subsequently you would have to turn over your
4 private cell phone and your private email account for people to start looking through.
5 So do not use your private email or private cell phone to discuss public business.

6 CHAIR PRUKOP: Thank you very much for that brief introduction to that and we'll
7 look forward to more information as we go forward on training. Do any of the other
8 Commissioners have any comments or questions for the AG representative here
9 today? Before we move on?

10 UNIDENTIFIED SPEAKER: Madam Chair, I guess what I just heard is a bit of
11 concern to me. I don't know what the definition is of conducting public business. I
12 think there will be a lot of times that I receive a phone call, I don't have a state phone
13 at this point, I don't really envision having one, so I'd like to be able to talk to the
14 public and constituents about things that are of concern to them but I don't know if
15 that is conducting public business.

16 UNIDENTIFIED SPEAKER: Madam Chair, and if it's just one commissioner
17 discussing something with a constituent, that is allowable, that is fine. The problem
18 would be, Commissioner, if you contacted another commissioner as a result of that
19 conversation with that constituent and then started formulating public policy after that
20 initial discussion. You are free to still converse with members of the public. The only
21 problem is when you start forming public policy outside of an open meeting. So the
22 red flag there is you can still talk to your constituents, discuss their concerns, do not
23 discuss those concerns outside of the public meetings. Come to the public meetings,
24 ask that it be put on the next agenda for discussion purposes or something like that.
25 But that is the main concern. You can still talk to your constituents, just don't involve

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1 other commissioners in that discussion outside of the public meeting.

2 CHAIR PRUKOP: And we certainly expect our commissioners to speak to their
3 constituents. We all represent different geographical parts of the state and there are
4 very good reasons for that and so we don't want to preclude you being able to
5 interact with your constituents in your district or anywhere in his state, for that matter.
6 But again, that's why we'd like to have training sooner, rather than later, so that we
7 are clear on how we proceed legally. Vice Chair, do I always have to say Salazar-
8 Henry, or can I just say Henry?

9 VICE CHAIR SALAZAR-HENRY: Henry is fine.

10 CHAIR PRUKOP: Commissioner Henry, you have a comment?

11 VICE CHAIR SALAZAR-HENRY: I guess -- I am looking forward to the training,
12 Madam Chair, and Mr. Grubesek [phonetic] because I have a tendency to want to -- if
13 I know like a Commissioner Vesbach, there is something that is particular in a ranch
14 in his district and I would like to be able to know if I can call him and say "Where is
15 this ranch located? It's on our agenda." But you're saying I can't even ask him that
16 until he comes here and then I can ask him where the ranch is?

17 UNIDENTIFIED SPEAKER: Madam Chair and Commissioner, you can ask that
18 question. The problem we get with the Open Meetings Act is when you contact more
19 than one commissioner then we have possibly a quorum forming, that's when it gets
20 dicey with the Open Meetings Act. A discussion between commissioners, just
21 between two commissioners, is fine. That's allowable.

22 VICE CHAIR SALAZAR-HENRY: Okay.

23 CHAIR PRUKOP: Could you continue to clarify, please, a little more clarity and
24 instruction on how to simply seek information. And this pertains to not only one
25 commissioner seeking information from another commissioner, especially if it is

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1 something in their district as Commissioner Henry suggested, but also it kind of
2 applies too to seeking information from the Department. I want to get back to that
3 because that's not an Open Meetings Act thing, but I don't want to preclude
4 commissioners from thinking that they can't talk to people in the Department either.
5 But in regard to simply seeking information from another commissioner, not
6 formulating policy, but also a quorum on this Commission would be four, is that
7 correct? And so can two or three commissioners discuss information? Although I
8 realize you're cautioning us that it's very easy to then go into policymaking, could you
9 just comment a little bit further?

10 UNIDENTIFIED SPEAKER: Madam Chair, as you pointed out the main concern
11 here is once a quorum is formed, and you are correct, it is four individuals on the
12 Commission, that's when it gets very dicey to have four commissioners discussing
13 any information. What I would recommend, Madam Chair and Members of the
14 Commission, is when you do have questions regarding a particular issue, utilize the
15 Director or myself. I will provide my direct line for all of you, it's 505-490-4834. That
16 is my direct line.

17 CHAIR PRUKOP: Say that again, please.

18 UNIDENTIFIED SPEAKER: 505-490-4834.

19 CHAIR PRUKOP: Now everyone in the room has it now, too, you know.

20 UNIDENTIFIED SPEAKER: And I do have caller ID also.

21 DIRECTOR SLOANE: Madam Chair, I can send that in an email but please don't hit
22 reply to all.

23 CHAIR PRUKOP: Right. And just a restatement of what Mike just said, which is
24 very important, and I assume, Mr. Grubesek, if this is true for us too, if any of us send
25 – okay, let me start this a different way. Like if I have a document I simply want to

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1 provide to all of the commissioners and any commissioner who might want to do the
2 same, we could email that document, you know, like a technical paper we read, to all
3 of the commissioners. But again, very clearly, as Mike has been doing with us, just
4 simply always headline it with do not reply. Is that allowable?

5 UNIDENTIFIED SPEAKER: Yes, it is Madam Chair. And Madam Chair, I would
6 recommend that you would forward the information first to the Director and have the
7 Director distribute it to the Members of the Commission.

8 CHAIR PRUKOP: Okay. Everyone hear that? That sounds like a cleaner way to do
9 it and that way everyone gets everything consistently.

10 UNIDENTIFIED SPEAKER: Correct, Madam Chair.

11 CHAIR PRUKOP: So that would be a procedure that we would follow. If you have
12 information or documents you would like the full Commission to receive as a
13 Commissioner, then always go through Mike. Okay, and then also -- so that would
14 be true then, too, if -- let's say in my role as Chair, if I have a question or a concern
15 and another commissioner's district, am I free to call that commissioner to discuss it
16 and also discuss potential solutions as long as I'm only dealing with that one
17 commissioner in whose district the issue is?

18 UNIDENTIFIED SPEAKER: Madam Chair, that would be allowable. Once again,
19 the concern is a quorum. So if it's just two commissioners discussing something, that
20 would be fine. But if you reach outside of that envelope and contact other
21 commissioners, outside of the public meeting, that is when it gets to be problematic.

22 CHAIR PRUKOP: Thank you very much. Do any other Commissioners have any
23 other questions about this particular matter?

24 COMMISSIONER LOPEZ: Madam Chair.

25 CHAIR PRUKOP: Yes, Commissioner Lopez

1 COMMISSIONER LOPEZ: Mr. Attorney General Guzik [phonetic].

2 COMMISSIONER LOPEZ: So the max we could contact would be three. Is that
3 correct?

4 UNIDENTIFIED SPEAKER: Correct.

5 CHAIR PRUKOP: Well, you're one of them.

6 COMMISSIONER LOPEZ: No, one of those other two. The three of us can talk at
7 the same time.

8 UNIDENTIFIED SPEAKER: Yes, that's it.

9 COMMISSIONER LOPEZ: Thank you.

10 UNIDENTIFIED SPEAKER: And Madam Chair, I will be -- should be able get you
11 that memorandum on the basic legal principles behind the Governmental Conduct
12 Act, the Open Meetings Act, and the Public Records Act probably by the end of next
13 week. That will give you a basic understanding of it and then I can follow up at the
14 July meeting for any training that you would also want to have.

15 CHAIR PRUKOP: That would be very good. Thank you very much. Because we do
16 want to start off on the right foot. So I appreciate this discussion. Thank you for that
17 background.

18 UNIDENTIFIED SPEAKER: And Madam Chair, once again, if you ever have any
19 questions regarding any of those -- any legal matter, the Commissioners are always
20 free to call me.

21 CHAIR PRUKOP: Great. And everyone has your number now.

22 UNIDENTIFIED SPEAKER: Yes [indiscernible] --

23 CHAIR PRUKOP: Thank you very much. Okay, are we ready to proceed to new
24 business, Commissioners? Director is that -- okay. Then moving onto the New
25 Business section of the agenda. Agenda Item No. 7, Revocations. And we have a

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1 presentation by Darrell Cole.

2 DARRELL COLE: Good morning, Madam Chair, Commissioners. Good morning,
3 so you guys are new to this and so I'll just get started. Basically, we're going to go
4 through revocations and suspensions. A little background, if somebody -- well,
5 there's lots of reasons, we won't go through all of those reasons. But we will just get
6 started. If you have questions, please ask me. We have 476 individuals that were
7 suspended until they are in compliance for being out of compliance with the Parental
8 Responsibility Act, which is child support; 28 individuals were suspended for failure to
9 pay a penalty assessment within 30 days; and we had 1 individual that automatically
10 got revoked because he had entered into a stipulated agreement with us and he
11 violated the provisions of that stipulated agreement.

12 UNIDENTIFIED SPEAKER: Madam Chair and Commissioners, just some
13 background on the penalty assessment. We have certain violations that we consider
14 penalty assessment misdemeanors, meaning that those specific violations, the
15 violator has two options. When we contact them, and we have probable cause to
16 write the citation, they have the option of choosing the penalty assessment or going
17 to court. If they choose the penalty assessment option, they sign that they are
18 admitting guilt and they are willing to pay whatever that penalty assessment fine, plus
19 the cost of the license is, at the time. And they have 30 days to submit that fine to
20 the Department and that money goes straight to the Game Protection Fund and then
21 they continue with the activity they are doing. If they choose to go to court, they
22 choose that they are just agreeing to show up to court at a specific date and then
23 they go through the magistrate court process. So that's the difference on those
24 penalty assessments. Sorry.

25 DARRELL COLE: Appreciate it. Because the last Commission wanted these

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1 broken out by groups, we're going to go through these as groups. And if you have
2 questions, feel free to ask. So there's a group of 40 individuals who did not request
3 hearings. So basically, the process is if when you commit a violation each violation
4 is, by statute and rule, assessed a certain amount of points. If you receive 20 or
5 more violation points within a three-year period, then your privileges are subject to
6 revocation. So once a month we run a list of people that have accrued 20 or violation
7 points, we send them a notice of contemplated action advising them that they have
8 the 20 points, or more, and they are subject to their privileges -- their privileges are
9 subject to revocation and afford them the opportunity to request a hearing with a
10 hearing officer to determine if there may be, in fact, mitigating circumstances. So we
11 send out these notices of contemplated action. They have -- from the day they
12 receive it they have 20 days to request a hearing if they would like. If they do not
13 request a hearing then we bring those people straight to the Commission, at the next
14 regularly scheduled meeting.

15 UNIDENTIFIED SPEAKER: Madam Chair, Commissioners, it's also important to
16 know that no individual is assessed any points unless they're convicted in a court of
17 [indiscernible] being the magistrate or the district courts. So they get no points until
18 we have that conviction.

19 DARRELL COLE: So in Group 1 is 40 individuals who were sent a notice of
20 contemplated action and did not request a hearing. And we will entertain motions to
21 accept.

22 CHAIR PRUKOP: I was just going to ask. Do you want us to act on each group
23 individually as you proceed through the list?

24 DARRELL COLE: Madam Chair, that would be up to you. We'll do it the way you
25 would like to do it. This is the way we did in the past. If you want to go through the

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1 whole list and do it at the end. It may be better if we do it by group because when
2 you guys revoke somebody, we have to send out a written decision to them that the
3 Chair will sign. That's already written out -- we can rewrite it, but --

4 CHAIR PRUKOP: So is that a little clearer process in your mind to do it because
5 each group has its own reason for that decision?

6 DARRELL COLE: Yes, Madam Chair. But that is open to how you guys want to do
7 it.

8 CHAIR PRUKOP: Let's ask the Commission as a whole because whatever we
9 decide today, I would prefer we end up doing it each time. So do Commissioners
10 have a preference as to how they would like to proceed now and in the future on how
11 we approve or disapprove the recommendation?

12 UNIDENTIFIED SPEAKER: Madam Chair, I would prefer to address these one
13 group at a time as presented.

14 CHAIR PRUKOP: Any other thoughts?

15 UNIDENTIFIED SPEAKER: Madam Chair, I agree with that. I have a couple of
16 questions about this when it is appropriate for this first group as well.

17 CHAIR PRUKOP: Okay.

18 UNIDENTIFIED SPEAKER: Madam Chair, Commissioners. There's times, even
19 though there's just 40 this time, there may be times when there is 60 or 120, and as
20 you are going through questions it sometimes gets confusing when we go into Group
21 3 and 4 that you are trying to remember what we discussed in Group 1 for that
22 motion.

23 CHAIR PRUKOP: Okay. It seems like there's consensus that we'll do it group by
24 group. And then, yes, if the Commissioners have any questions at each groups
25 discussion, we'll take those questions at that time.

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1 DARRELL COLE: Yes, Madam Chair.

2 CHAIR PRUKOP: So you just completed Group 1?

3 DARRELL COLE: Yes, Madam Chair. And maybe for clarification, I'm going to go
4 back to the rule for the previous -- the Parental Responsibility Act, the Interstate
5 Wildlife Violators Compact, penalty assessments, failure to appear, and civil
6 assessments. Each one of those are addressed in rule that the Department has -- or
7 the Director has the authority to suspend those people and then we just notify you of
8 those numbers. So we don't need to make a motion or a vote on those particular
9 ones. Moving back to Group 1, the 40 individuals who did not request a hearing.
10 And I will stand for questions.

11 CHAIR PRUKOP: Okay, so we're considering Group No. 1 as has been presented
12 to us. Questions from the Commission at this time on Group No. 1?

13 COMMISSIONER SOULES: Yes, Madam Chair. I'm not sure whether the public
14 has been able to look at this list, but what's clear to me is the recommendation is
15 three years for almost all of these revocations and there are a couple of them that are
16 five or seven years; it looks like those are repeat offenders. And there's one that's
17 only one year and I had the opportunity to speak with Mr. Griego about that and I
18 wonder if you can clarify for the audience what the different levels are for, why they're
19 not all the same, and what those differences might be.

20 DARRELL COLE: Yes, Madam Chair and Commissioner Soules. Did I pronounce
21 that right?

22 COMMISSIONER SOULES: Yes, thank you.

23 DARRELL COLE: Yes, and Colonel Griego, you jump in at any time you would like.
24 But it seems, basically, over the years and under old rules it stated that a person
25 could be suspended up to three years or revoked for up to three years. There is also

1 a rule that allows the Commission to basically set any amount of time based on the
2 flagrancy of the violation. And also, there are rules that establish people that have
3 been -- there's an enhanced timeframe for second revocations, enhanced time
4 frames for third and subsequent revocations. Some of the lesser ones is based on
5 the situation. We understand that each violation is different and so we take a look at
6 a totality of the circumstances in making those decisions. I typically or always defer
7 to the officer because he's the one, or she's the one, that's the closest to that case
8 and they know what's going on and the circumstances surrounding that.

9 UNIDENTIFIED SPEAKER: Madam Chair, Commissioner Soules. The bottom line
10 is that if -- depending on how egregious the violation is or repeat offenders, they may
11 get additional where you will see instead of three years, it's the five years or the
12 seven years. The one in particular where it's one year, that was a trapping violation
13 and statutorily we're only allowed to trap -- or we're only allowed to suspend or
14 revoke a trappers license for the year in which the violation occurred and that's
15 statutorily, it doesn't matter how egregious that violation is, we're stuck with statute
16 on that one. That's one of the statutes that we might have to address legislatively to
17 bring that into compliance with the rest of our revocations based on how egregious
18 the violation is or if it's a repeat offender or we could extend that timeframe.

19 DARRELL COLE: Also, if you will notice on there, Madam Chair and Commissioner
20 Soules, Commissioners, if you notice on that list also some of those violations are
21 criminal trespassing while hunting, fishing, or trapping. That's statutorily mandatory
22 minimum three years. And so that's where the three years come from on that.

23 COMMISSIONER SOULES: Madam Chair, one more question.

24 CHAIR PRUKOP: Yes, certainly, Mr. Commissioner.

25 COMMISSIONER SOULES: So thank you very much for the clarification. I guess

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1 my other question would be I appreciate the breakdown of what the violation was and
2 things like that. Would it be a major chore for you to put down the number of points
3 that they have accumulated here as well? I think that would be useful.

4 DARRELL COLE: Madam Chair, Commissioner Soules, that would be no effort at
5 all. We just add another column in there with those if you would like.

6 CHAIR PRUKOP: That's probably a very good suggestion. Just to see the relative
7 nature of these offenses.

8 DARRELL COLE: Yes, ma'am.

9 CHAIR PRUKOP: Other questions from the Commissioners on Group No. 1? Yes,
10 Commissioner Henry?

11 VICE CHAIR SALAZAR-HENRY: I have a question, Officer Cole.

12 DARRELL COLE: Yes, ma'am.

13 VICE CHAIR SALAZAR-HENRY: I guess if we're talking about adding more
14 information, and you guys probably hate me because I like more information, but I try
15 to get it before I get here, but it would be nice to know in which of these cases
16 statutory requirements and which are rules that have been established to divvy out
17 one, three, five, whatever. Because my assumption is if the rule governing this was
18 adopted by some previous commission, gets amended periodically based on
19 recommendations from the field officers on what they're seeing out in the field and
20 what's happening in the courts. So if I could know that, then we know that that's set
21 in statute, don't bug him kind of deal. So I appreciate that.

22 UNIDENTIFIED SPEAKER: Madam Chair, Commissioner Salazar-Henry. Yes,
23 that's not a problem.

24 CHAIR PRUKOP: Other questions from the Commission? If not, we're ready to
25 vote on Group No. 1 as presented and discussed. All those in favor of accepting

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1 Group No. 1 as presented, please signify by saying aye.

2 COMMISSIONERS: Aye.

3 CHAIR PRUKOP: Opposed, nay.

4 UNIDENTIFIED SPEAKER: Ma'am Chair, do we need a motion on that?

5 CHAIR PRUKOP: Oh, I'm sorry.

6 COMMISSIONER VESBACH: I move to accept the Department's recommendation
7 as presented by the Department and revoke all license privileges of these four
8 individuals for the length of time recommended.

9 CHAIR PRUKOP: Thank you, Commissioner Vesbach. I got ahead of myself.

10 COMMISSIONER SOULES: And I second that.

11 CHAIR PRUKOP: Okay, we have a motion and a second to approve Group 1 as
12 presented and discussed. Any further discussion? Hearing none, all those of favor
13 of approving the revocation on revocations as recommended on Group 1, signify by
14 saying aye.

15 COMMISSIONERS: Aye.

16 CHAIR PRUKOP: Opposed, nay. Okay, Group 1 is accepted as presented.

17 DARRELL COLE: Thank you, Madam Chair. Madam Chair, Commissioners, Group
18 2 is the revocation of three individuals that accrued 20 or more points within a three-
19 year period. We sent them a notice of contemplated action and they did request a
20 hearing. When a hearing officer has a hearing, they submit a hearing officer's
21 results. We send that to the respondents, and they have -- once they receive it, they
22 have 14 days to file an exception to the findings, the hearing officer's findings. All
23 three of these individuals had hearings and they did not file any exceptions.

24 CHAIR PRUKOP: Okay, Commissioners any questions about Group No. 2? Again,
25 three individuals as listed in the chart that we received. Hearing none, do I hear a

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1 motion to approve Group 2 as presented?

2 COMMISSIONER CRAMER: Madam Chair, I move that we accept the hearing
3 officer's recommendations as presented by the Department and revoke the license
4 privileges of these three individuals.

5 CHAIR PRUKOP: Thank you, Commissioner Cramer. Do I hear a second?

6 COMMISSIONER BATES: I'll second.

7 CHAIR PRUKOP: Thank you, Commissioner Bates. Any further discussion?

8 Hearing none, all those in favor of approving a motion as stated, signify by saying
9 aye.

10 COMMISSIONERS: Aye.

11 CHAIR PRUKOP: Opposed, nay. Okay, Group 2 recommendation is accepted.
12 Thank you very much. Moving on to Group 3.

13 DARRELL COLE: Madam Chair, Commissioners. Group 3 is one individual who
14 requested a hearing. At the end of the hearing the Department and the hearing
15 officer recommending no revocation.

16 CHAIR PRUKOP: Any questions from the Commissioners on the one individual
17 listed in Group No. 3? Hearing no discussion, may I have a motion on this group?

18 COMMISSIONER LOPEZ: Madam Chair, I move to accept the hearing officer's
19 recommendation as presented by the Department and not revoke the license
20 privileges of this individual.

21 CHAIR PRUKOP: Do I hear a second?

22 VICE CHAIR SALAZAR-HENRY: Second.

23 UNIDENTIFIED SPEAKER: Second.

24 CHAIR PRUKOP: We'll give that one to Commissioner Henry. Any further
25 discussion? Hearing none, all those in favor of the motion, signify by saying aye.

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1 COMMISSIONERS: Aye.

2 CHAIR PRUKOP: Opposed, nay. Thank you very much. Moving on to Group No.
3 4. Eight individuals.

4 DARRELL COLE: Madam Chair, Commissioners. Group No. 4 are eight individuals
5 who entered into stipulated agreements with the Department. So they, obviously,
6 were convicted in a court and we sent them a notice of contemplated action. They
7 requested a hearing and based on the information about the case and the officer's
8 recommendation, we entered into stipulated agreements with those individuals.

9 UNIDENTIFIED SPEAKER: [inaudible]

10 DARRELL COLE: A stipulated agreement basically is -- it can range from a lot of
11 times we will offer the respondent kind of like probation. If you go one year without
12 committing any Game and Fish violations at the end of that one year, we consider the
13 matter over. The kicker in that is if they do commit a violation, it's automatic three-
14 year revocation beginning on the date that that violation occurred. And as an
15 example was the one individual that we in that very first -- not Group 1 but prior to
16 that, that committed a violation within the one year and that automatically triggered
17 his three-year suspension.

18 CHAIR PRUKOP: And again, that's in the rule. The automatic three-year
19 suspension?

20 DARRELL COLE: No, Madam Chair. The rule states that we may enter into a
21 stipulated agreement. And so the stipulated agreement ranges from anywhere from
22 that to a lot of times we will negotiate -- there's one individual, I believe he's in this
23 group here, that accepted -- instead of rolling the dice with the hearing officer and
24 getting three years, he accepted a one-year full revocation. And so it ranges from
25 one-year or two-year or three-year probation through one-year full revocation to

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1 three-year full revocation.

2 UNIDENTIFIED SPEAKER: Madam Chair, basically a stipulated agreement is an
3 agreement with the Department and a violator that, although they committed a
4 violation and were convicted criminally, that the officer and the Department feels that
5 there is some mitigating circumstance in there that they are not deserving of two- or
6 three-years revocation. It might be a probationary -- it's just an agreement because
7 there was some mitigating circumstance. Although there was a violation that was
8 beyond just accident, but there was some mitigating circumstance that we feel that
9 whatever that timeframe, whether it's one or two or none, just puts them on notice
10 and that documentation, if they do violate again, that we will move forward with
11 whatever the agreement says.

12 CHAIR PRUKOP: I thank you, but my real question was about whether or not the
13 automatic three-year revocation was in rule. That's probably actually in the
14 stipulated agreement that if you violate this then you automatically get three years.

15 DARRELL COLE: Madam Chairman, Commissioners. Yes, that is correct.

16 CHAIR PRUKOP: Okay.

17 DARRELL COLE: That's the stipulation.

18 CHAIR PRUKOP: Right. Okay, any further questions on this group from the
19 commissioners? Yes, Commissioner Lopez.

20 COMMISSIONER LOPEZ: Thank you, Madam Chair. I do have a question on the
21 individual with the one-year revocation. I won't mention the individual's name
22 because we're in a public hearing, but how do they secure a resident license
23 [indiscernible]? Is it like they say they live in Texas or they say they in -- or they live
24 in El Paso and they say they live in Las Cruces and they get the license -- they use a
25 different address, or how do they do that?

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1 DARRELL COLE: Madam Chair, Commissioner Lopez, that is correct. There are
2 certain requirements to purchase or apply for resident licenses. And there's different
3 ways of violating that. But in this case, the individual, I believe, lived in New Mexico,
4 moved to another state -- several states away, and continued applying for resident
5 licenses as a nonresident. And instead of coming back and having a hearing he
6 elected to just take a one-year full revocation stipulated agreement.

7 COMMISSIONER LOPEZ: Thank you.

8 CHAIR PRUKOP: Any further questions? Hearing none, may I hear a motion on
9 this group?

10 COMMISSIONER BATES: Madam Chair, I move to accept these eight stipulated
11 agreements as written and agreed upon by both the Department and the violator.

12 CHAIR PRUKOP: Thank you Commissioner Bates. A second, please?

13 COMMISSIONER CRAMER: Second.

14 CHAIR PRUKOP: Thank you, Commissioner Cramer. Any further discussion?
15 Hearing none, all those in favor of the motion as stated, please signify by saying aye.

16 COMMISSIONERS: Aye.

17 CHAIR PRUKOP: Opposed, nay. Then we're moving on to what, I believe, is the
18 final group, Group 5, involving one individual.

19 DARRELL COLE: Madam Chair, that is correct. This one individual -- there's a lot
20 of history on this one here, but the past Commission -- we were behind in our
21 revocations; we were catching up. The past Commission -- we sent out notices to
22 hundreds of people and the past Commission rescinded those, they put a hold on
23 those. So we sent letters out saying, okay, everything is on hold, you will hear back
24 from us when we get the okay to move forward. We moved forward; we sent this
25 gentleman another letter. The reason he didn't get his letter -- he didn't get his letter;

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1 therefore, he didn't request a hearing. Therefore, the Commission suspended -- or
2 revoked him. Come to find out he's an elderly gentleman and he had been having
3 issues, I believe he lives there in Santa Fe, he had been having issues with people
4 stealing his mail. I can sympathize with that as I am a recent victim, \$573 worth of
5 mail theft, so they opened up a post office box -- his children opened a post office
6 box for him and so we did not know that; therefore, the letter came back. So we feel
7 it's only right that we address this and rescind his revocation. We went ahead and
8 offered him a stipulated agreement which he did sign. Which we offered 40 or 50 of
9 those back in the initiation of this whole process.

10 CHAIR PRUKOP: Thank you for that explanation. Any other questions from the
11 Commission about this one individual? Hearing none, may I hear a motion on Group
12 No. 5?

13 COMMISSIONER LOPEZ: Madam Chair?

14 CHAIR PRUKOP: Yes, Commissioner Lopez?

15 COMMISSIONER LOPEZ: I move to accept the Department's recommendation to
16 rescind the current revocation for the individual and except the stipulated agreement
17 as written and agreed to by both the Department and the violator.

18 CHAIR PRUKOP: Thank you. Do I hear a second?

19 VICE CHAIR SALAZAR-HENRY: Second.

20 CHAIR PRUKOP: Thank you, Commissioner Henry. Any further discussion?
21 Hearing none, all those in favor of approving the motion, signify by saying aye.

22 COMMISSIONERS: Aye.

23 CHAIR PRUKOP: Opposed, nay. Thank you very much.

24 DARRELL COLE: Madam Chair, Commissioners, thank you.

25 COMMISSIONER CRAMER: Madam Chair?

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1 CHAIR PRUKOP: Yes, Commissioner.

2 COMMISSIONER CRAMER: I have a question.

3 CHAIR PRUKOP: Certainly.

4 COMMISSIONER CRAMER: Mr. Cole, I just have a question as a hunter. Of all of
5 these that we suspended or revoked, were they able to put in for licenses this year?

6 I mean, this is formal now.

7 DARRELL COLE: Madam Chair, Commissioner Cramer, that is correct. The statute
8 only allows the Commission -- the Commission has the only authority and the final
9 authority in revoking somebody's privileges. So until they have been voted on like in
10 this meeting today, they are not suspended or revoked, and they have all of the
11 privileges granted to them. So there are people that are probably on this list today
12 that legally applied and drew. They will be notified that their licenses and tags are no
13 longer valid, and they must return those to the Department per statute and rule.

14 COMMISSIONER CRAMER: That was my follow-up question. Do you submit those
15 tags, like the elk tags, that they came back in, are they put out to the public then
16 later?

17 DARRELL COLE: Madam Chair, Commissioner Cramer, yes. If we can. So when
18 the draw is done each -- they're done in a sequence and there's a sequence number
19 so our licensing division goes in, they take that next sequence number, they contact
20 that person and say, "A license came available, you are next in line. Do you want it?"
21 If they want it we will sell it to them and we refund the original violator.

22 COMMISSIONER CRAMER: So there's still hope.

23 DARRELL COLE: Madam Chair, Commissioner Cramer, thank you.

24 CHAIR PRUKOP: Thank you very much, gentlemen. Moving on to Agenda Item
25 No. 8, Approval of Land Transfers. We have two items to consider under this agenda

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1 topic. Presentation is made by Assistant Director James Comins. Nice to have you
2 up here, Jim.

3 JAMES COMINS: Good morning, Madam Chair.

4 CHAIR PRUKOP: Thank you very much. I would just like to start out by saying that
5 on both of these issues -- there's certainly interest in both of them, plus, again, for
6 many Commissioners this is the first time we will be hearing about this. I know you
7 have a presentation prepared and I just want to make sure that it starts with a history
8 of where these issues -- how they developed and why we're arrived at this point
9 today. So thank you.

10 JAMES COMINS: Yes, Madam Chair, I'll do my best to give a brief history on each
11 one. You ready, Madam Chair?

12 CHAIR PRUKOP: Yes, go right ahead. Thank you.

13 JAMES COMINS: Madam Chair, Members of the Commission. I'm here to present
14 two land transfers that were approved during the 2019 legislative session. The first
15 land transfer involves Mesilla Valley Bosque State Park located near Las Cruces,
16 New Mexico. As you may be aware, the previous Commission received this property
17 from the Energy Minerals and Natural Resources Department in June of 2018 and
18 the transfer, what I'll describe is, was not well received by the communities of Mesilla
19 or Las Cruces. A month later the New Mexico Legislative Council filed a lawsuit
20 challenging the transfer of this property. Senate Bill 533 directs the Commission to
21 return the 13.39 acres back to the Energy Minerals and Natural Resources
22 Department. I don't know if that history was enough, but at this time I will open it up
23 for questions.

24 CHAIR PRUKOP: I guess what I would like to know, and perhaps the
25 Commissioners would as well, is why did this ever happen? Where did this idea to

1 do the transfer, the initial transfer, come from? And what was the foundation of that?

2 JAMES COMINS: So I believe, initially, and Christy Tafoya from State Parks is here,
3 so she may want to fill in some of the breaks -- I'm sorry, some of the gaps. So I
4 believe the reason for the transfer was State Parks started looking at the visitation
5 there at the Mesilla Valley Bosque State Park and realized it was not cost effective to
6 keep the park open or keep the park running for themselves. They were actually
7 losing money on that park. And so the idea came up that they would go ahead and
8 transfer that property to the Department of Game and Fish and the Department of
9 Game and Fish -- I should say the Commission, could utilize that building as a
10 potential area office for the Southwest area.

11 CHAIR PRUKOP: Okay, thank you very much. Any other questions for Jim at this
12 point in time? Otherwise, he will go forward with his presentation.

13 JAMES COMINS: So Madam Chair, what I'd recommend is we make a motion on
14 this first transfer. So that we don't get confused later when we start asking questions
15 about looking Laguna del Campo.

16 CHAIR PRUKOP: Okay, so before we move to that then let's open it up for
17 discussion with the full Commission. It is true that the Director did send us a copy of
18 the statute, via email, to give us a little bit of background about what happened in the
19 state legislature. We have other materials here in our board book that also explains
20 where we are and there actually is another copy of the Act in the board book. So
21 with that, Commissioner Lopez, I believe you can go first.

22 COMMISSIONER LOPEZ: Thank you, Madam Chair, and thank you Mr. Assistant
23 Director. I do have a question for the Director of State Parks. Good seeing you
24 again, Ms. Tafoya.

25 CHRISTY TAFOYA: Thank you.

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1 COMMISSIONER LOPEZ: So I know when I was in Las Cruces [indiscernible] in all
2 of that area. I think big Stan Ellis [phonetic] used to run that park back in the day.
3 [indiscernible] has State Parks, are they going to start using this facility again to get
4 more revenue or are they going to be, kind of like, in the same situation they were
5 before legislation was passed?

6 CHRISTY TAFOYA: Madam Chair, Commissioner Lopez, good morning and thank
7 you. We at State Parks really do value our partnership with the New Mexico
8 Department of Game and Fish. We manage several properties across the state for
9 Game and Fish. This year during the legislative session we did receive more funding
10 overall, which is something that we can help to push towards getting the Mesilla
11 Valley Bosque State Park back up and running. I think that the partnership with the
12 community as well as Game and Fish, I think that we can get that facility back up and
13 running and work with our volunteers and get it to full speed.

14 COMMISSIONER LOPEZ: That's all I have. Thank you.

15 CHAIR PRUKOP: Other questions? Yes, Commissioner Soules.

16 COMMISSIONER SOULES: Thank you. Yeah, I guess my question would be if
17 we're going to transfer this back and there was a concern about whether it was
18 making enough money to be self-sustaining, is that common among all of the state
19 parks? My sense would be not many of them generate that much money, but I'm
20 ignorant, I don't know.

21 CHRISTY TAFOYA: Thank you, Madam Chair, Commissioner Soules. We are 75
22 percent self-generated revenue in New Mexico state parks. However, a big part of
23 our mission is education and resource protection. And so we have to balance the
24 business side of who we are with the education and outreach pieces that aren't
25 necessarily revenue bearing all the time. So I do feel that we can balance that at

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1 Mesilla, particularly working with partnerships and with the schools and with the local
2 community.

3 COMMISSIONER SOULES: Okay. So as a follow-up to that, what you're saying, I
4 guess, is that you envision this facility being used for education and open to the
5 public and things like that, but you don't have a plan for a new structure or something
6 along those lines in order to visit that facility; is that correct?

7 CHRISTY TAFOYA: Madam Chair, Commissioner Soules, if this did transition back
8 at this time since we're kind of in limbo, Game and Fish doesn't require a fee
9 structure, but we do. And so there would be a \$5 [indiscernible] fee that we would be
10 charging for folks to get back in there.

11 COMMISSIONER SOULES: And that's consistent with what it was before; correct?

12 CHRISTY TAFOYA: Madam Chair, Commissioner Soules, yes.

13 COMMISSIONER SOULES: Thank you.

14 CHAIR PRUKOP: Other questions from the Commissioners? Yes, Commissioner
15 Henry.

16 VICE CHAIR SALAZAR-HENRY: Good morning, Christy.

17 CHRISTY TAFOYA: Good morning.

18 VICE CHAIR SALAZAR-HENRY: I know that it's been a very difficult -- it was a very
19 difficult decision to have to even contemplate letting go of the park and the
20 sportsmen were caught flat-footed. We didn't know we wanted the park, so we were
21 all surprised that this was going to be a prize for us. So I'm glad that it's going to be
22 moving back and that it will be back open and I'm hoping that you are planning a way
23 in which to engage the mayor of Mesilla Valley and the Las Cruces City Council
24 Mayor and others, and the conservation groups that fought for this park like
25 Southwest Environmental Center, to help you develop a plan for keeping it afloat.

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1 And I'm hoping that you will -- are you working toward something like that and will
2 you be proposing a new fee structure at some point in time to help support the park
3 system?

4 CHRISTY TAFOYA: Madam Chair, Commissioner Henry, thank you for those
5 comments. And yes, indeed, to your first point we will engage local community, local
6 leaders. I think the planning process is going to be very important to keeping that
7 park moving forward. We do have a management plan process where we have five
8 more management plans for our parks, and I think really laying out that framework
9 and how we're going to interface with all of the community and with the local leaders
10 is going to be very important. So yes, we're committed to doing that. We're also
11 currently taking a fee study of the New Mexico State Parks. We haven't changed our
12 fees since I started 21 years ago with State Parks and so we are going to be taking a
13 look at our fee structure; we're going to be putting together a committee, and we
14 actually have been asked through a memorial through this legislative session to take
15 a look at our fees on where we may not have fees and where we may increase in
16 fees, so thank you for asking that question. Thank you.

17 VICE CHAIR SALAZAR-HENRY: Thank you.

18 CHAIR PRUKOP: Thank you. Good morning, Christy.

19 CHRISTY TAFOYA: Good morning.

20 CHAIR PRUKOP: I want to say a few things about Mesilla Valley State Parks since I
21 was Secretary of Energy Minerals and Natural Resources when the park was created
22 during the Richardson Administration and I'm the one who dedicated the park. So I'm
23 actually very happy to see it go back to State Parks. And a couple of things, when I
24 was secretary State Parks had to generate 60 percent of their budget through
25 enterprising undertakings. Now, which is difficult to do, and now hearing that the

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1 number is 75 percent, it's kind of astounding and since we have two legislators in the
2 room, at least, I want to make the point that every time we give away new state park
3 free passes, it hits that 70 percent opportunity to raise those fees. So that's one
4 point. The second point is the State Parks Department, by rule, can raise its fees,
5 except that whenever they do do that, they get hit over the head by the legislature
6 and the public for raising fees. And yet I do feel that State Parks, in its history, has
7 been underfunded. And so, Christy, I wish you a great deal of luck with the fee study
8 and where that may end up and I know -- you all are looking at consolidating things
9 and some out of the box ideas about how to be more successful with that, so I wish
10 you luck. The other thing I would like to point out that considering these two land
11 transfers this morning, this particular land transfer involves a State Statute where the
12 agency, our agency, is directed to return the park to the State Parks Department. So
13 saying that, the Commission doesn't actually have a lot of latitude in approving this,
14 which is a different situation with the next property that we'll take up, but I did want to
15 point that out. We're dealing with two different forms of the legislation in this topic.
16 So with that, I'll ask if there are any further comments from the Commission?

17 COMMISSIONER VESBACH: Just one, Ma'am Chair.

18 CHAIR PRUKOP: Yes, Commissioner Vesbach.

19 COMMISSIONER VESBACH: The only discretion it appears we have here is on
20 timing of this and do you have any timing concerns at the State Park; are they ready
21 to take the property?

22 CHRISTY TAFOYA: Madam Chair and Commissioner Vesbach, yes, we're poised
23 to take this property back today.

24 COMMISSIONER VESBACH: Thank you.

25 CHAIR PRUKOP: And I do have three comment cards from the audience on this

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1 particular agenda item. I have a feeling they're all for the next item; is that correct?

2 Okay, so we'll go ahead and take action on the first part of this agenda topic, which
3 deals with Mesilla Valley State Park. Yes, Commissioner Henry.

4 VICE CHAIR SALAZAR-HENRY: Before -- I'd like to make the motion to transfer
5 this back from New Mexico Department of Game and Fish to Mesilla Valley Bosque
6 Park, but I'd like to preface it also with a thank you from Director Tafoya and
7 especially Senator Mary Kate Papen [phonetic] and Representative Nathan Small
8 [phonetic] who heard the public's concern about this and immediately took action to
9 resolve this. And would also like to thank Director [inaudible] for keeping all of the
10 information that the legislature needed to get this done in line. So I'd like to make the
11 motion to approve the transfer of the state park, Mesilla Valley Bosque State Park,
12 back from the New Mexico Department of Game and Fish back to the New Mexico
13 State Parks Department.

14 CHAIR PRUKOP: Thank you. Do I hear a second?

15 COMMISSIONER CRAMER: Second.

16 CHAIR PRUKOP: Seconded by Commissioner Cramer.

17 DIRECTOR SLOANE: Madam Chair?

18 CHAIR PRUKOP: Yes.

19 DIRECTOR SLOANE: If I might, does that motion include authorizing the Chair to
20 take any actions necessary? Just in case we miss something other than having to
21 sign the deed over?

22 CHAIR PRUKOP: Okay, so you have a suggested motion here. Thank you for
23 reminding us of that.

24 COMMISSIONER CRAMER: Okay, I'll restate my motion. Is that all right?

25 CHAIR PRUKOP: Yes. Proceed, Commissioner.

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1 COMMISSIONER CRAMER: I move to authorize the Chair of the Commission to
2 take actions necessary to transfer them to Mesilla Valley Bosque property to the
3 Energy Minerals and Natural Resources Department.

4 CHAIR PRUKOP: Okay, that's our first motion. Do I hear a second?

5 COMMISSIONER CRAMER: Second.

6 CHAIR PRUKOP: Commissioner Cramer seconds it. So we'll take action on the
7 first motion first. Do I hear any further discussion on the motion as stated? Hearing
8 none, all those in favor of adopting the first motion on this item as presented, signify
9 by saying aye.

10 COMMISSIONERS: Aye.

11 CHAIR PRUKOP: Opposed, nay. Do I hear a second motion? Is that right – oh, I'm
12 sorry, never mind. [indiscernible]

13 DIRECTOR SLOANE: [indiscernible]

14 CHAIR PRUKOP: I'm correcting myself. Thank you. Okay, so with the matter of
15 Mesilla Valley, now State Park, we conclude our business on that action. And now
16 we're ready to move on to Item No. 2, which is Laguna del Campo.

17 JAMES COMINS: Ma'am Chair, Commissioners, the second land transfer pertains
18 to the Laguna del Campo property, also known as Burns Lake, located near Los
19 Ojos, New Mexico. Laguna del Campo has been a fishing lake since the early 1970s
20 and is restricted to youth and seniors only. In 2010 the Office of the State Engineer
21 added new rules and regulations regarding dam design, construction, and safety. As
22 a result, the Department completed an overall assessment of the Laguna del Campo
23 Dam. In 2016 the Department conducted an alternative study and came up with
24 three alternatives in order for the dam to meet OSE standards, or Office of the State
25 Engineer standards. The first alternative was to breach the dam and restore the area

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1 back to a wetland at the cost of \$1.79 million. The second alternative was to lower
2 the crest of the dam, which would have reduced the size of the lake from 10 surface
3 acres down to 1 to 1.5 surface acres at a cost of \$2.45 million. And the third
4 alternative was to restore repair the dam to maintain the current lake level at a cost of
5 \$7.72 million. The Department opted to move forward with alternative number one
6 and held a public meeting in July of 2017. The Department received significant
7 pushback from the Chama Valley community as well as the Tierra Amarilla Land
8 Grant on the decision to breach the dam. In August of 2017 the previous
9 Commission directed the Department to work with the Tierra Amarilla Land Grant and
10 on a potential land transfer. Since that time, the La Puente Ditch Association has
11 expressed a number of concerns regarding the transfer of the property to the Land
12 Grant, including the repair and maintenance of the infrastructure, as well as the water
13 rights associated with the lake. Senate Joint Resolution 2 authorizes the
14 Commission to transfer the property to the Tierra Amarilla Land Grant. And again,
15 this one is different. You're not directed, it just authorizes the transfer.

16 CHAIR PRUKOP: And as I understand it under state statute, part of the reason –
17 well, the reason you need an authorization from the state legislature to divest an
18 agency of real property is if the value of that property is over \$100,000; is that
19 correct?

20 JAMES COMINS: Madam Chair, that is correct.

21 CHAIR PRUKOP: Okay. I know that the Commission has an interest in this agenda
22 item and has many questions since many of us are brand-new to the topic. I also
23 know that there are a number of people in the audience who have a keen interest in
24 this topic and from many different perspectives. I also have three speaker cards that
25 we have public comment requested. I just need to be reminded to make sure that we

1 do that, but I do have them here in front of me. So with that, I'll open it up to
2 questions and discussion from the Commission. Who wants to start?

3 VICE CHAIR SALAZAR-HENRY: I would like to start.

4 CHAIR PRUKOP: Okay, Commissioner Henry.

5 VICE CHAIR SALAZAR-HENRY: Good morning, Jim. There's a couple -- because I
6 don't have any information about this until it came up, there's a couple places that I
7 wanted some just additional information besides the history of this. Was what,
8 specifically, did the letter from the state engineer say had to happen that prompted
9 you to take this kind of review?

10 JAMES COMINS: So Madam Chair, Commissioner Salazar-Henry, the main issue
11 with the Laguna del Campo dam is an inadequate spillway. And so in 2010 I said
12 they adopted new rules and regulations and we examined all of our dams throughout
13 the state. But again, specific to Laguna del Campo, it's an inadequate spillway. And
14 so what they look at is what's and call a PMP or a Probable Maximum Precipitation
15 event, which in a situation where you have that or that occurs, the spillway doesn't
16 have the capacity to support that event; you get overtopping on the dam, which could
17 cause the dam to breach and the dam to fail. The dam is rated -- I'm sorry, is
18 classified as a high hazard dam and that means that, essentially, if that dam were to
19 breach, that there would be the loss of life below the dam, or the potential for loss of
20 life below the dam.

21 VICE CHAIR SALAZAR-HENRY: Mr. Comins, did the state engineer give you a
22 timeline on when fixes should happen to the dam besides figuring out how much it
23 was going to cost? But did they say you have five years to fix it because in the next
24 five years it may be breached or -- what timeframe are you under?

25 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, I don't know if we're

1 necessarily under a timeframe. I can tell you that I believe there is almost 300 dams
2 in New Mexico and there's a number of dams that are deficient, what I'll call deficient,
3 and according to OSE or the Office of the State Engineer, we're one of the more
4 proactive agencies as far as addressing the issues with our dams. But again, as far
5 as a timeline on when it had to be done by, I'm not aware of one.

6 DIRECTOR SLOANE: Madam Chair, if I might?

7 CHAIR PRUKOP: Yes, Director.

8 DIRECTOR SLOANE: I think I remember that there was a date in rule, and I don't
9 remember what it was, but I'm pretty sure we're not compliant with it nor are most of
10 the other state -- dams across the state, most of the other dams across the state. So
11 we're not in compliance, but I don't think many are.

12 CHAIR PRUKOP: Just a quick question. Was that state engineer's opinion issued
13 under the previous administration or under the new state engineer, John D'Antonio?
14 It's just for my --

15 JAMES COMINS: Madam Chair, that was under the previous administration.

16 CHAIR PRUKOP: Okay. And I appreciate -- we appreciate your point, Director
17 Sloane, about the fact that there are a number of issues with dams around the state.
18 They're not easy to address so I'm not surprised that no one's meeting the deadline,
19 but it's definitely something for us to remain mindful and cautious of.

20 VICE CHAIR SALAZAR-HENRY: Assistant Director Comins, can you tell me -- after
21 you did the study and identified the three options: breaching, lowering it, and fixing --
22 modifying the spillway, what were the things that the previous Commission
23 considered -- I'm trying to get at why they thought it was a lot simpler to give away
24 the property than to try to fix it. That's all. Not that -- nothing more than that. What
25 was that background information?

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1 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, so the other things
2 we looked at were the other lakes within that trauma area, I'll say. So you have
3 Alvarado [phonetic], you have Haran [phonetic], you have -- I'm sorry, what's the one
4 up on --

5 DIRECTOR SLOANE: Hopewell [phonetic] [indiscernible] Trout Lakes.

6 JAMES COMINS: Yes, [indiscernible] Trout Lakes, so on and so forth. So there's a
7 number of lakes that provide fishing opportunity within the area. The other thing we
8 looked at was a number of angler days, or average number of angler days per year.
9 Laguna del Campo is, I believe, the lowest used Commission owned property. When
10 I say used, specific to fishing within the state, and we also looked at the economic
11 benefit of that lake compared to our other lakes are at the state. And again, it was
12 the lowest as well.

13 VICE CHAIR SALAZAR-HENRY: So Assistant Director Comins, does that lake and
14 the property surrounding that lake provide any other benefits besides just fishing? I
15 mean, is it a wetland area for other wildlife, is it a resting area? I mean, is there
16 anything else other than just a local fishing place? I know Parkview, the Los Ojos
17 hatchery is above that, and actually -- I'm learning about some of that stuff, but
18 apparently fish escape from the hatchery and go into the lake and everybody likes
19 that? So can you tell me what are the benefits to wildlife might be around there?

20 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, obviously there is
21 other benefits to wildlife, you know, the lake does provide those benefits, whether it's
22 to migratory birds, whether it's to local birds, so on and so forth. Based on its
23 location, I don't know if it big game species water there. I wouldn't think so, but you
24 never know in [indiscernible].

25 CHAIR PRUKOP: If I could interrupt Commissioner Henry's line of questioning, I

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1 remember in the days when Charlie Paynter [phonetic] was around that that part of
2 the state was also an area where he looked at potentially endangered or threatened
3 reptiles, but particularly amphibians. Is there anything like that associated with Burns
4 Lake?

5 JAMES COMINS: Madam Chair, not that I'm aware of, no.

6 DIRECTOR SLOANE: Madam Chair, there are [indiscernible] toads up at Trout
7 Lakes which may or may not be present in the area, but I know they're in the general
8 vicinity.

9 CHAIR PRUKOP: Okay, thank you. Go ahead, Commissioner Henry.

10 VICE CHAIR SALAZAR-HENRY: Assistant Director Comins, can you just clarify to
11 me, we're just transferring the property was what the proposal is. We're not
12 transferring water rights? And we're not transferring management of the lake? Or
13 are we transferring all of that?

14 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, so we're not
15 transferring any water rights to the lake. When you talk about the management, I
16 guess I'd ask you to clarify that.

17 VICE CHAIR SALAZAR-HENRY: Okay, so we still own the water in the lake. Who's
18 going to keep putting fish in the lake, letting fishermen in, is that all part of the deal?
19 Is what I'm trying to figure out. What comes with giving it away?

20 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, that is correct. That
21 would be the responsibility of the TA Land Grant.

22 CHAIR PRUKOP: Can I interrupt right there and for the benefit of the full
23 Commission, going back to your presentation and expanding on parts of it. And
24 especially because we all received this letter from La Puente Community Ditch, which
25 raises a lot of these questions about water rights, who maintains what, how we, you

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1 know, return water to the ditch without diminishing that water to the ditch, et cetera, et
2 cetera. Can you explain to the full Commission and to the public here how we
3 propose to go about making this transfer, what the legal documents will look like, how
4 the Department is going to protect itself from any future liability and unintended
5 consequences, how are we dealing with any rights or privileges that the public will no
6 longer have if it's transferred to the Land Grant, et cetera. That's kind of the nature of
7 all of our questions is how is all of that going to be handled, especially in legal
8 documents that we can rely on to guarantee some of the interests of not only the
9 Department, but other stakeholders.

10 JAMES COMINS: Madam Chair, there is a lot of questions there.

11 CHAIR PRUKOP: Yes, indeed.

12 JAMES COMINS: Let me just direct you to the map that I put up on the screen here.
13 Again, the Commission -- all the Commissioners received the letter from the La
14 Puente Ditch Association so we built this map that we can point to those specific
15 locations that are referenced in that letter that you guys received. So I believe one of
16 the questions that was asked in that letter was referred to the 1939 agreement that
17 the Department -- I'm sorry, that the Commission has with what I'll call the La Puente
18 Ditch Association. Part of that agreement requires the Department to return the
19 water that goes into -- its reference is a different lake in the agreement, but to return
20 the water that goes into the lake back into La Puente Ditch and that ties into
21 essentially the area in blue is the La Puente Ditch. The, what I'll call purple dotted
22 line, is a pipeline that's referenced. [indiscernible] is what's being left out of the
23 transfer. You can see the location of the head gate and you can also see the
24 location of the track that's referenced in that letter. But again, part of that letter
25 requires the Department to -- or part of that agreement, I should say, requires the

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1 Department to maintain that ditch, the La Puente Ditch, that goes through what we
2 currently own or what the Commission currently owns.

3 CHAIR PRUKOP: All of which is within the green line?

4 JAMES COMINS: Yes, that's correct. So everything within the green line is what is
5 being proposed as being transferred to the TA Land Grant. What's interesting about
6 the letter, and I had conversation with Michael Thomas about it yesterday, is that we
7 can -- if you look at the deed, we're essentially transferring everything to the TA Land
8 Grant but the La Puente Ditch Association may have some say in that because we
9 have the agreement with them. And I think that's what's being pointed out in that
10 letter and why they're referencing the 1939 agreement. I don't know if we've worked
11 out the specific details on that because, again, we just received that letter two days
12 ago and they certainly made some interesting arguments there that we hadn't
13 considered as an agency, and that something that we'll have to look at. So to
14 answer all of your questions, I don't know if I can do that right now. Because it
15 becomes very technical as we move forward.

16 DIRECTOR SLOANE: Madam Chair, if I may?

17 CHAIR PRUKOP: Yes, Director Sloane.

18 DIRECTOR SLOANE: At the end of the draft deed we did subject the transfer to
19 easements, restrictions, and reservations of record to grantee's assumption of
20 maintenance of all existing infrastructure.

21 CHAIR PRUKOP: Can you point us -- can you stop right there and point us to that
22 language?

23 DIRECTOR SLOANE: Let's see, it's on the -- essentially the last page of the draft
24 warranty deed which is partway through your packets. I'm not sure on how best to
25 describe that.

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1 CHAIR PRUKOP: Okay, so -- and the pages are not numbered, but it's the very last
2 paragraph after all of the physical description of the property; is that correct?

3 DIRECTOR SLOANE: Yeah. So it's subject to easements, restrictions, and
4 reservations of record subject to grantee's assumption of maintenance of all existing
5 infrastructure and subject to the land being publicly accessible for lawful fishing
6 without additional fees and further lawful recreational purposes. So that was an
7 attempt to address some of the concerns. I think that are being raised today.
8 Whether they do that sufficiently or not is open for debate.

9 COMMISSIONER CRAMER: Madam Chair?

10 CHAIR PRUKOP: Just one second. Commissioner Henry, are you complete with
11 your questions?

12 VICE CHAIR SALAZAR-HENRY: No.

13 CHAIR PRUKOP: Okay -- Commissioner Henry, go ahead.

14 VICE CHAIR SALAZAR-HENRY: I just -- Assistant Director Comins, can you tell
15 me, specifically, when we transferred this property from Game and Fish hands to the
16 Tierra Amarilla Land Grant, what specifically will happen with fishing there, with the
17 dam there, access there? Who's in charge? Who's paying for it all? Who's
18 responsible for any breaches in the dam, pipeline bursts for the Ditch Association?
19 Can you do that?

20 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, I can. So ultimately
21 -- well, if we were to transfer that property to the TA Land Grant, they would
22 ultimately be responsible for that. Now, in regard to the pipeline that flows into
23 [indiscernible] property, the Department would be responsible for still maintaining that
24 because that is not associated with the transfer at all.

25 VICE CHAIR SALAZAR-HENRY: Okay, even though it runs through the green line,

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1 it's within the green line?

2 JAMES COMINS: Well, I believe in the letter he referenced the pipeline that runs
3 through the portion of his property. Now, I'm not overly familiar with that section and
4 Director Sloane might to help answer that question, but that's my understanding of
5 that. As far as fishing goes, again, it's noted in the deed that they would have to
6 provide that. But again, they would ultimately be responsible for maintaining the
7 dam, taking care of the dam, so on and so forth.

8 CHAIR PRUKOP: Go ahead and ask.

9 VICE CHAIR SALAZAR-HENRY: So Assistant Director, so does that mean they
10 would have to pay import and go through an importation process to import fish into
11 the lake? And can they change what's in the lake to any kind of fish they want to
12 enhance what they believe would be their responsibilities to keep it open for fishing?

13 JAMES COMINS: Madam Chair, Commissioner Salazar-Henry, I believe that what
14 we've discussed with the Land Grant, or what has been mentioned during
15 conversations regarding this transfer, is the Department would continue stocking that
16 lake. We actually have a policy in place that if we're going to stock a water, that it
17 has to be a public water. If they decide to move forward and turn it in to a Class A
18 lake, obviously there is a permitting process there that would have to come to the
19 agency in order for them to do that.

20 VICE CHAIR SALAZAR-HENRY: But they couldn't transfer that to a Class A lake
21 because they don't own water rights in the lake?

22 JAMES COMINS: That's correct.

23 VICE CHAIR SALAZAR-HENRY: But they still could change what's put in the lake if
24 they wanted to or not?

25 JAMES COMINS: Madam Chair, I don't believe they could because I don't --

1 Madam Chair, Commissioner Salazar-Henry, I apologize. I don't know what other
2 fish species would survive. I believe in the early 1970s we were stocking catfish in
3 there. I don't know how they did because I was born in the early 1970s.

4 DIRECTOR SLOANE: Madam Chair, they would have to receive a permit from us to
5 stock anything on their own.

6 CHAIR PRUKOP: To be clear, is that because this remains a public water?

7 DIRECTOR SLOANE: Well, even a Class A lake requires an importation permit
8 because you can't really obtain fish within the state of New Mexico. So we have
9 some level of control there.

10 CHAIR PRUKOP: Okay, Commissioner Henry, if you have another question.
11 Otherwise, we have a couple of other Commissioners

12 VICE CHAIR SALAZAR-HENRY: No, thank you. I appreciate it.

13 CHAIR PRUKOP: Okay, we'll move now to Commissioner Lopez because he's --
14 and then Commissioner Cramer, because Commissioner Lopez is probably the most
15 familiar Commissioner with this particular piece of property. So Commissioner
16 Lopez, your questions?

17 COMMISSIONER LOPEZ: Thank you, Madam Chair and Members of the
18 Commission. First off, I'd like to thank the Honorable Senator Richard C. Martinez for
19 carrying this legislation to clear up centuries of disagreement [indiscernible] on this
20 one. And I also want to thank Representative [indiscernible] Garcia for being here as
21 a part of the land grants. And coming from this community I have seen the struggle
22 that has happened in color, so to say. And you can see in the picture behind us --
23 and I can [indiscernible] explain if that's okay [indiscernible].

24 CHAIR PRUKOP: Oh, certainly.

25 COMMISSIONER LOPEZ: Well, the state engineer says if there's a loss of life

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1 below that dam on the top --

2 CHAIR PRUKOP: The loss of life potential.

3 COMMISSIONER LOPEZ: -- potential loss of life that actually flows downhill into a
4 ditch, which is going to drain into the Rio Chama. Now, I used to work for the Corps
5 of Engineers; I know a little bit about water, [indiscernible] Lake, and if you know
6 [indiscernible] Lake were to bust today at capacity it will flood [indiscernible] with six
7 feet of water in about three hours. No one is going to die in three feet of water.

8 Okay, this is only [indiscernible] feet of water it's going to flow down and probably
9 wash out maybe a couple of culverts, if and when it were to happen. But we're not
10 going to have any liability because the land grants are going to take over this.

11 They're going to manage all the access we're going to have. We have a ditch here
12 that still going to have access to the water. Now, whether or not we have dry years
13 and good years is up to mother nature, but this year we had good water, so
14 everything is going to be fine. Now I entrust that the land grants they are considered
15 local public bodies within the state of New Mexico under the Land Grant Council.

16 They do have authorization for the state to act upon themselves. They do have their
17 own elections that are open to the public. They recently had their elections and I
18 think by this transfer it's a good idea because one, we're not going to have to deal
19 with it anymore. But it's not going to be close to the public; there's not going to be
20 liability to the Department. They're still going to be able to follow the same exact
21 rules that was codified in the resolution presented by Senator Martinez. You know,
22 we're just -- I hate to say it, we're leaving ourselves of a potential liability but still the
23 public will have access to it. Now, whether or not they want to maintain it, Madam
24 Chair and Members of the Commission, and expand it and put in picnic tables and do
25 whatever they want to do, that's up to them. Now, we do want to have the public

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1 access to it, the little kids, the senior citizens, and, you know, many times in the
2 regional lakes that were mentioned [indiscernible] Lakes don't have good fishing.
3 Look at [inaudible] Lake it's almost -- well, it's getting elevation now. But these areas
4 that we talk about, the seniors and the kids can access them. There's roads up there
5 that are accessible. The climate makes a difference. So if we want to make a
6 difference and allow outreach for our children and youth and heritage, this is the
7 place to do it. We're going to make history if this goes through. We're going to show
8 the administration, the public, the anglers, the land grants, that we're on board and
9 we're not going to stall any longer. And I hope that the Commission can understand
10 that this is a good act, people are still going to have access, the Department is still
11 going to have control of what type of species go in the lake. We're not going to
12 introduce pike which can destroy an ecosystem up there, you know, but there is still
13 going to be some type of oversight as well as public money through the Land Grant
14 Council to fund this stuff. And I agree that there are some issues; you can't keep
15 anybody happy -- everybody happy, I'm sorry, in this world. And there are issues that
16 are at stake regarding water rights and access to the [indiscernible] itself but that's
17 between the Land Grant and the Ditch Association to address and they both have
18 their own attorneys. And if the Land Grant are caught under the General Counsel of
19 Risk Management, that's up to them to decide and to deal with the Attorney General,
20 and to deal the state engineer, and to find out what they need to do to make it better.
21 It hasn't breached since 19 -- what was the date?

22 UNIDENTIFIED SPEAKER: [indiscernible]

23 COMMISSIONER LOPEZ: What was the date that the dam was constructed, do you
24 know?

25 UNIDENTIFIED SPEAKER: I believe it was 1937-ish.

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1 CHAIR PRUKOP: It was '36 or '37.

2 COMMISSIONER LOPEZ: It hasn't broken since. And we've had mass monsoons
3 in that area, we've had droughts. I mean, Hoover Dam was built around the same
4 time and that hasn't broken and that's still considered unsafe by the Bureau of
5 Reclamation sometimes and it's leaking. So with that, I appreciate the audience and
6 the members of the Land Grant who came here [indiscernible] legislature to support
7 this. I agree, it's a very contentious and controversial topic, but I believe that the
8 public is still going to access this; it's going to be managed by a different public entity,
9 by the State of New Mexico, and that's all I have. Thank you, Madam Chair.

10 CHAIR PRUKOP: Thank you Commissioner Lopez. Commissioner Cramer.

11 COMMISSIONER CRAMER: Madam Chairman. Has the Land Grant Council or
12 whatever -- have they seen the latest agreement? Have they seen this deed and are
13 they in agreement with it?

14 JIM COMINS: Madam Chair, Commissioner Cramer, I do not know if they have
15 seen that. I would defer to Director Sloane.

16 DIRECTOR SLOANE: I don't believe we've had the opportunity to send that over to
17 them.

18 JIM COMINS: Madam Chair, Commissioner Cramer, the deed itself is very similar to
19 the joint resolution. So I believe that they've seen something very similar but not this
20 specific deed.

21 COMMISSIONER CRAMER: Okay. Also, just to clarify, so the Game and Fish
22 Department will maintain that [indiscernible] trap on the ditch? They'll clean it and do
23 what they've been doing?

24 JIM COMINS: Madam Chair, Commissioner Cramer, I believe that that would be a
25 requirement of the Land Grant, but we can work an agreement out to where we

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1 would be responsible for that. Because currently, we are responsible and it's my
2 understanding we have to do that on a daily basis.

3 COMMISSIONER CRAMER: I guess as a member of a different ditch association
4 why aren't they cleaning it themselves, I guess? I mean, we have to clean our own. I
5 just kind of wonder why -- how we got in that business?

6 JIM COMINS: Madam Chair, Commissioner Cramer, I do not know. These
7 agreements date back with the [indiscernible] to the 1930s and so it's easy to refer
8 back to those agreements and say this is what it says.

9 CHAIR PRUKOP: Nevertheless, that's a good question.

10 COMMISSIONER CRAMER: And then, I guess, my last question is as a
11 Department person and knowing that hatchery, is there going to be any long-term
12 affect? I mean, can you foresee in the future if we transfer this, is there going to be
13 any long-term consequences that you can foresee at all? On the hatchery.

14 JIM COMINS: Okay. Madam Chair, Commissioner Cramer, specific to the
15 hatchery?

16 COMMISSIONER CRAMER: Uh-huh.

17 JIM COMINS: Not that I'm aware of. I would have to defer to Kirk Patton or Director
18 Sloane. The water that we -- so this is all downstream of the hatchery, so if we're
19 concerned about losing water or that sort of thing, the hatchery is fed up above this
20 location. So I don't believe that we would be losing any water as a result of this
21 transfer.

22 DIRECTOR SLOANE: The other thing I might add is that at one point the lake was
23 used as a brood lake and --

24 CHAIR PRUKOP: Sorry Commissioner, as a what lake?

25 DIRECTOR SLOANE: A brood lake. And at one point fish were spawned out of the

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1 lake. We haven't done that in years. There are a lot of bio security issues
2 surrounding that at this point. We probably would not do that, but that's about the
3 only thing that I can think of.

4 CHAIR PRUKOP: Further questions, Commissioner Cramer? Other
5 Commissioners? Yes, Commissioner Soules.

6 COMMISSIONER SOULES: Madam Chair, Assistant Director Comins, you said that
7 this is perhaps the lowest utilized recreational fishing facility that the state has.

8 There's a Burns Lake in Las Cruces, or there was once upon a time, I don't think
9 there's any water there. I wasn't familiar with this one and, in particular, I wasn't
10 familiar that it was just for youth and senior citizens or seniors, so could you define
11 what those are? I have an interest in whether I would qualify for one of those.

12 JIM COMINS: Madam Chair, Commissioner Soules, I don't know quite how to
13 answer that question. Are you actually looking for an answer?

14 COMMISSIONER SOULES: I would like to know, yes. [indiscernible] so I would
15 represent the youth in this case.

16 JIM COMINS: Right, that's correct. I don't know your age, so I don't know if you
17 qualify.

18 CHAIR PRUKOP: But what is the qualifying --

19 JIM COMINS: Oh shoot, I believe for seniors it's 65 or older in order to be defined
20 as a senior and be able to fish there. There is a second provision there that 14 years
21 or younger, or under 14 years of age, you can have an adult fish with those kids or
22 with those under 14 years of age at that lake. And that's one of the few lakes that we
23 actually allow that, because it complicates things.

24 COMMISSIONER SOULES: I guess my other question, and maybe this is more of a
25 comment, I would like to hear from the interested members of the audience on this

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1 subject. From my perspective transferring property is a very serious undertaking and
2 we've only been commissioners for perhaps two weeks now, and maybe three, but
3 this is very new for me, and I assume for most of the commissioners, and I think it's
4 going to be hard for me to make a duly informed decision just from what we're
5 learning today. You know, some of the questions that have been presented to you,
6 you weren't quite sure what the answer was, so I'm interested in hearing some more
7 but I'm not sure that I'm prepared to take action today.

8 CHAIR PRUKOP: Okay, additional Commissioners? Commissioner Vesbach?

9 COMMISSIONER VESBACH: Ma'am Chair, Deputy Director Comins, I had
10 questions about potential federal funds. Were there any federal funds used to
11 purchase this? [indiscernible] set the Department up for the state paying back
12 federal funds, particularly in light of potentially be in diversion of -- the state being in
13 diversion of the Pittman-Robertson Act funding earlier it's not, you know, a question
14 that could come up. So are you aware, were there federal funds that would need to
15 be repaid if this were transferred?

16 JIM COMINS: Madam Chair, Commissioner Vesbach, it's my understanding that
17 there were no federal funds used for the purchase of this property. I believe it was
18 purchased in the 1930s and I don't believe that PR was in place or Pittman-
19 Robertson, the Pittman-Robertson Act was in place --

20 CHAIR PRUKOP: The PR was created in 1937 and this seems to predate that.

21 JIM COMINS: Right. Yes.

22 COMMISSIONER VESBACH: Thank you. And I had another question about the
23 loss of life classification, that seems like a serious issue. Can you explain a little bit
24 more about that? Commissioner Lopez educated us on what's downstream. I'd like
25 to know a little more about why the state engineer may classify it that way and what's

1 faced there.

2 JIM COMINS: Madam Chair, Commissioner Vesbach, so anytime there's a potential
3 for a loss of life for a dam to breach that's how they classify it. I don't know if you
4 guys saw the article that came out recently, I think it was on Channel -- or on the
5 Channel 13 news and another article that came out, it might have been the Santa Fe
6 New Mexican. In my opinion that article is very misleading because you can have
7 high hazard dams that are completely safe, but the public hears high hazard, and
8 everybody freaks out. And so again, it's just that potential for loss of life. Here's
9 another good example, it's my understanding that our dam -- or your dam at Clayton
10 Lake it is now classified as high hazard because someone built a house along the
11 river downstream. Prior to that it wasn't high hazard. And so it's just that potential for
12 loss of life. Now we also get into, and we should probably have a separate
13 presentation on our dams, that would be my recommendation to you. But we have a
14 condition rating for each one of our dams. And again, when we look at Laguna del
15 Campo it's rated as poor and it's not because the dam is going to fail, it's because we
16 don't have the adequate spillway to support a PMP event. So you really have to look
17 at what the issues are within those dams instead of just looking at the rating and the
18 classification. Does that make sense?

19 CHAIR PRUKOP: Let's see, Commissioner Vesbach, any more questions?

20 COMMISSIONER VESBACH: Yeah, I did.

21 CHAIR PRUKOP: I assumed you probably did so go right ahead and then we'll get
22 to others.

23 COMMISSIONER VESBACH: Okay. Ma'am Chair, Deputy Director, so is there
24 anything specific, then, downstream that you can point to that you are aware of? I'm
25 just trying to get a good handle on this.

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1 JIM COMINS: Ma'am Chair, Commissioner Vesbach, not that I'm aware of. I'm
2 assuming that there some houses or something that they're referencing downstream.

3 DIRECTOR SLOANE: Madam Chair, Commissioner, there are two residences
4 downstream. It may be a quarter of a mile to the river and as you go down this little
5 canyon there are two residences on the north side of the canyon that, based on the
6 study, that would be inundated.

7 CHAIR PRUKOP: And are these permanent residence?

8 DIRECTOR SLOANE: Yes.

9 CHAIR PRUKOP: Commissioner Vesbach.

10 COMMISSIONER VESBACH: Ma'am Chair, Deputy Director, have those residents
11 had outreach to them?

12 JIM COMINS: Madam Chair, Commissioner Vesbach, not that I'm aware of.
13 Director Sloane may be aware of that.

14 DIRECTOR SLOANE: Not specific to them, no.

15 COMMISSIONER VESBACH: Okay. And then so the next question was in the
16 draft, the quick claim deed we have provided to us, it says that grantee's assumption
17 maintenance of existing infrastructure. I take it that the Land Grant hasn't seen that,
18 Tierra Amarilla hasn't seen that. Would that tie their hands in terms of they have to
19 maintain the dam? Because the Department investigated three different options.
20 Would Tierra Amarilla Land Grant still have those three options under this draft?
21 Quitclaim deed? Or would they be required to maintain it as is and go with the most
22 expensive upgrade option?

23 JIM COMINS: Madam Chair, Commissioner Vesbach, that would be their decision
24 as to what they want to do with that. You know, they could hire their own design firm,
25 they could do their own alternative study, they could come up with their own

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1 alternatives how they wanted to proceed with bringing the dam into or up to OSE
2 standards.

3 COMMISSIONER VESBACH: Just point out that, you know, the draft deed says
4 maintenance of all existing infrastructure is required. So if it were to be restored to a
5 wetland, how would that meet that requirement?

6 JIM COMINS: Madam Chair, Commissioner Vesbach, I guess I don't understand
7 your question. So we were looking at the ways that we could bring the dam into
8 compliance with OSE standards. If we were to breach that dam, we still own the
9 property, not the TA Land Grant. If we were to breach that dam and create a
10 wetland, there is no longer a dam in place; therefore, it would meet OSE standards.

11 COMMISSIONER VESBACH: So my question was --

12 DIRECTOR SLOANE: I think I understand --

13 COMMISSIONER VESBACH: [indiscernible]

14 DIRECTOR SLOANE: Oh, so your question is the dam would be considered an
15 existing infrastructure and so I guess I would hinge on how our interpretation -- the
16 interpretation of existing infrastructure --

17 COMMISSIONER VESBACH: So as written this may or may not -- we're a little
18 unclear if this would require the Land Grant to maintain the dam and kind of limit the
19 options.

20 DIRECTOR SLOANE: Certainly. I mean, maybe we could word it a little bit better
21 and, except the dam or something like that, but I think there's also an intent to ensure
22 that the dam is safe upon our transfer.

23 COMMISSIONER VESBACH: And that's what I'm concerned about as well. This
24 may limit it to the most expensive option to maintain its safety. And then my last
25 question, and it was more of a comment about, you know, we had this letter from La

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1 Puente Community Ditch Association which says the ditch is on the National Historic
2 Register [indiscernible] place and we only got this Wednesday night. So we had,
3 basically, one day to see it and I'm sure we won't probably operate that way and
4 won't be in a position in the future of having no time to review a very serious concern;
5 however, I wonder if you could, Deputy Director, just go over one more time, like, do
6 you feel that those issues have been addressed in the letter that we received
7 yesterday for all intents and purposes?

8 JIM COMINS: Madam Chair, Commissioner Vesbach, I do not. I think that there's a
9 number of interesting questions that we'd have to work through. Specifically what I
10 mentioned earlier about the 1939 agreement is to -- if we're going to turn over the
11 maintenance, that we're required to do now to the TA Land Grant, what say does the
12 La Puente Ditch Association have in that? They have to have some because it's an
13 agreement between the Department and La Puente Ditch and now we are giving that
14 to someone else so they have some standing there.

15 CHAIR PRUKOP: The Commission has a long-standing commitment, legally, that
16 we need to honor.

17 JIM COMINS: Madam Chair, that is correct.

18 COMMISSIONER VESBACH: Madam Chair, Deputy Director, thank you. And I
19 know a lot of people put a lot of work into this and I just want to recognize that and
20 thank everyone for all the work they put in to solving a very tough problem and also
21 thank you for bearing with us in getting up to speed as a new Commission.

22 CHAIR PRUKOP: Okay, other comments from the Commission? If not, I have
23 some questions. I also had the question that Commissioner Vesbach had about how
24 this land was acquired but it makes perfect sense that it wasn't purchased with
25 federal money since Pittman-Robertson Act wasn't even passed until 1937 and then

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1 still had to get implemented, so it's pretty clear that it wasn't federal aid money. So I
2 wanted to know that and this might be a question -- well, my other question,
3 especially given everything that we've heard and about the dam and whatnot, is why
4 does the Land Grant want this property? What is the reason for their requesting this
5 transfer?

6 JIM COMINS: Madam Chair, I believe that's a better question for them.

7 CHAIR PRUKOP: Okay. Well, I was actually going to ask our AG rep if it's okay if I
8 ask a question of a representative of the association.

9 UNIDENTIFIED SPEAKER: Madam Chair, you can ask the question. It's up to
10 them if they want to answer.

11 CHAIR PRUKOP: Okay. So that would be my first question. If the leading
12 representative for Tierra Amarilla Land Grant could stand up, please? Thank you, sir.

13 UNIDENTIFIED SPEAKER: [indiscernible]

14 CHAIR PRUKOP: Yes, thank you. I remember that from when you introduced
15 yourself. Kind of going back to the very beginning of all of this discussion, it is still
16 not clear to me why the TA Land Grant would like this piece of property.

17 UNIDENTIFIED SPEAKER: Well, it's within the Tierra Amarilla Land Grant common
18 lands. We have been in the struggle for regaining our common lands, traditions, and
19 cultures for over 175 years and this was a great opportunity and a first step that we
20 were ever allowed to have a legal election of the Tierra Amarilla Land Grant and so
21 that's the reason why. It's the first step.

22 CHAIR PRUKOP: Okay. I understand that. One of the questions that has raised
23 concern among some of our community and the sportsmen and others in the state is
24 do you have any other plans to look at other pieces of Game Department property
25 that you might attempt to acquire?

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1 UNIDENTIFIED SPEAKER: Yes, we do. Everything that was based under the
2 Catron and Arlington [phonetic] titles, deeds, anything that is held in common, that's
3 on common land, we're attempting to regain those properties back.

4 CHAIR PRUKOP: And which properties might those be?

5 UNIDENTIFIED SPEAKER: We have the Humphries [phonetic], the Sergeants
6 [phonetic] and the Rio Chama.

7 CHAIR PRUKOP: Okay. That, obviously, raises concerns for this Commission, this
8 Department, and many of our constituents in the audience. And we do have a
9 concern about setting a precedent; it's a very serious concern. And it kind of gives
10 me great pause hearing that to want to take any action today on this item. But I
11 would turn to our AG representative and perhaps our house attorney to ask, if we
12 proceed with this matter, to me this quitclaim deed is not enough protection for the
13 Commission, the Department, or our diverse public to make sure that our needs and
14 the public's needs will be met. One of my questions is, are there other binding
15 documents that could become a part of any agreement to transfer these lands
16 besides the quitclaim deed that make this a good deal for the Department and the
17 Commission and our publics who have concerns about Department lands, and can
18 that in any way preclude further action against the Commission for other properties
19 that have significant value to many, many people in the state, not only hunters and
20 anglers, but as wildlife viewing areas and other very unique properties with wonderful
21 wildlife populations, et cetera. How can we go forward on this matter without
22 exposing ourselves in the future?

23 UNIDENTIFIED SPEAKER: Madam Chair, I've been diligently working on this for
24 the last 30 minutes. I would have to defer to the Department Council on that
25 question. I do believe there are others instruments available, but Madam Chair I

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1 haven't had the opportunity to research that yet.

2 CHAIR PRUKOP: And so we're putting you on the spot.

3 UNIDENTIFIED SPEAKER: There may be some way to do like some kind of long-
4 term --

5 UNIDENTIFIED SPEAKER: Come have a seat, Michael.

6 UNIDENTIFIED SPEAKER: Excuse me, the only thing, Madam Chair and
7 Commission Members, besides the deed, the only other thing I can think of and I
8 know this is early in the process, is possibly some kind of a long-term license of land-
9 use agreement that would make it clear that the Commission is going to deed the
10 property or convey it but subject to certain understandings about who's responsible
11 for this or that or keeping it publicly accessible. As the Director said, we tried to take
12 account of some of that by putting certain things in the deed, that they would be
13 taking it subject to certain conditions. Obviously, as someone noted earlier, this is
14 just a legislature authorizing the Commission to do this. It's not requiring, as in the
15 case of Mesilla Valley, so that's more of a policy business decision for you all. But it
16 may warrant, obviously, more discussing this with the Land Grant about the
17 conditions under which the Commission would feel comfortable conveying the
18 property.

19 CHAIR PRUKOP: Thank you. In addressing the audience, if I could speak on
20 behalf of the Commission right now. Senator Martinez, we know this is very
21 important to you; we know it's important to the Land Grant. I hope you understand
22 that we are very concerned about the precedent that might be set here, and hearing
23 what the Tierra Amarilla Land Grant had to say, I doubt that there are very few -- I
24 doubt that there are very few people in this room who would support any further
25 transfers of those very important wildlife management areas out of this Department to

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1 the Land Grant. It would raise a hoorah all over the state and in the state legislature,
2 I'm sure. So as this new Commission sits here trying to figure out what the best
3 action is for today, again, knowing that this topic is important to many people, we
4 need to be extremely concerned about doing our due diligence on this and not
5 getting ahead of ourselves and not being clear about how we can be comfortable as
6 a Commission and as representatives of this whole public out there in moving
7 forward on this action. So part of what I'm thinking is that we table this item for today
8 until we figure out how we can legally clarify and get on paper, working hand in hand
9 with the Land Grant, to develop agreeable language and considering the Ditch
10 Association's concerns about separating out very clearly what the Department will
11 still be responsible for in our 1939 agreement with the Ditch Association and what the
12 Department is free to negotiate with the land -- with the Tierra Amarilla Land Grant
13 and then come back here with much more clarity about what the Department's
14 continuing responsibilities are with the Ditch Association and how they Department is
15 going to proceed with the quitclaim deed but also an additional legal paperwork that
16 would be binding between the Tierra Amarilla Land Grant and the Department as it
17 transfers this property. So as Commissioner Soules and Vesbach indicated, and I
18 think might be true of others, I don't find myself in a position today to approve a
19 motion to move forward with this, but I leave that to the Commission, the full
20 Commission, to either offer a motion and see how the vote goes, or offer a motion to
21 table the item with the understanding that we're going to continue to work on in full
22 faith with the Ditch Association and more importantly with the Tierra Amarilla Land
23 Grant to see how we pin down how this transfer would actually occur. So that the i's
24 are dotted, and the t's are crossed and there are no unintended consequences.

25 UNIDENTIFIED SPEAKER: Madam Chair, may I speak?

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1 CHAIR PRUKOP: Yes, and I believe you're one of the ones -- we do want to hear
2 from the public comment on this and yes, Steve, you are on here. So yes, go ahead.

3 UNIDENTIFIED SPEAKER: We went through joint house resolutions -- twice. It
4 passed. There was no opposition by the Game and Fish. We went through all of the
5 houses and the committees, every question -- all the issues were brought up and, in
6 fact, on the resolution. There was no opposition. We cleared every house with no
7 opposition. Unanimous votes by all the committees. No opposition by the State
8 Game and Fish. They understood what was happening. They understood
9 completely. They had no questions. They did not oppose it. So we want and urge
10 you to help us regain this property to help our communities, to help our handicap go
11 back up onto this lake, for our children to go out into nature and see the ospreys
12 come down to take the fish, to learn how to put a hook -- a worm on a hook, to go
13 and just explore the wildlife that's there, the opportunities for our community. That
14 lake is our community. Our local stores, our local -- everybody that buy fish, they buy
15 tackle, they buy beer, they buy Cokes, they buy everything from our community, from
16 our local stores. It's an economic process that helps us. It's the only thing in our
17 community that helps us. Everything has been stolen from us. It all was stolen from
18 us. Our Land Grant, our community land, they were all stolen. And we can go
19 deeper on that. You have to understand what the Land Grant means to our culture.
20 Our forefathers were the pioneers of that area. I am a part of that for what my
21 forefathers did. My children, my grandchildren, we have the opportunity -- we want to
22 give the public for anybody. The Game and Fish agreed that they would supply the
23 fish. We said yes. We haven't heard from the Game and Fish. They don't work with
24 us, we've asked them to work with us, they didn't work with us. Now they're coming
25 up with this? They should've opposed this when we had the meetings. Why didn't

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1 they bring that up then?

2 CHAIR PRUKOP: My answer to that, Steve, is that this is not the Game and Fish
3 Department itself raising these questions and trying to understand this issue, it's the
4 new commission. And I don't know, nor do I think any of the other commissioners
5 here know what the previous commission felt or thought about this or even if they
6 even cared, but we, obviously, have a responsibility to do our due diligence on this. I
7 hear what you're saying and so we will take it under consideration as we decide what
8 we're going to do today. And I guess under the topic of public comment, I appreciate
9 your comments and I would like to know if you have anything to add? Otherwise,
10 we'll give Senator Martinez and Representative -- well, Leonardo -- oh, yes and the
11 representative a chance to also speak. Because we're concerned about your
12 comments, we understand the cultural importance and history of the Tierra Amarilla
13 Land Grant and all the history that's in north central New Mexico. So we're not
14 insensitive to that, it's just that in today's time we're in a slightly different position than
15 years and years ago about how we protect the public's interest.

16 UNIDENTIFIED SPEAKER: Madam Chair, I would like to add that we are also, and
17 have always been, stewards of the land. We still practice it. We've never let it go. In
18 fact, we plan to improve it more with all of our kids going to college and what have
19 you, they are learning wildlife management, they are learning all kinds of stuff to
20 come back to our communities to help us. We have the help. Our kids are coming
21 back, and this is one opportunity for them to take. It's the beginning. Thank you.

22 CHAIR PRUKOP: That's an important point and we appreciate it. Thank you very
23 much.

24 UNIDENTIFIED SPEAKER: Thank you.

25 CHAIR PRUKOP: Senator Martinez, would you like to present now? Normally we

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1 limit to two minutes but in your case --

2 SENATOR MARTINEZ: I'll be short, Madam Chair. And I believe that probably
3 Representative Miguel [phonetic] can give us a little more history on the land grants.
4 I also serve on the Land Grant [indiscernible] and Committee but I'm no longer the
5 Chair; I Chaired it many, many years ago and there is a lot of history. But let me just
6 tell you, first of all, I want to start by thanking Director Sloane and his staff for working
7 with all of the land grants in my district. My district is comprised by 33 unincorporated
8 communities. I have a village, a city, and a town in my district. I have the most land
9 grants throughout the state of New Mexico that are in my district, and I also represent
10 two tribes which is the Pueblo [indiscernible] and the Pueblo of Santa Clara. So I've
11 got a very unique district and a very poor district. And I think that when you
12 mentioned earlier that we were setting a precedence, we're not setting a precedent
13 because the Department of Game and Fish has worked with the land grants prior to
14 this; this is not the first land transfer that has gone on. I believe the ABQ Land Grant
15 was also given from the Department of Game and Fish their cemetery that was taken
16 away from them. And I think that Mr. Palaco [phonetic] kind of misstated when he
17 said that there were other pieces of property or locations that they were after. You
18 have to realize that the plight of the land grants is to acquire some of their property,
19 but legally, they don't want to force anybody to give it back to them, the Department
20 or the State of New Mexico, especially if there's incidents that federal funding was
21 used to purchase those lands. They're willing to purchase them if they can. All they
22 want, probably, is the right of first refusal. That's all they're asking for so they can get
23 those lands that legally were theirs and illegally were taken from them. So in this
24 session also I introduced legislation where the Land Grant -- the ABQ Land Grant,
25 will be purchasing the old -- is called the [indiscernible]. It was the old [indiscernible]

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1 Museum. So we've acquired the money through federal funds -- or state funds
2 should I say, not federal, state funding with the help of the governor and myself and a
3 lot of my colleagues, so we're going to be purchasing that for the Land Grant, for
4 economic development in that area. So we're really excited about that. Actually,
5 we've got more money than what we needed so we're going to be able to do some
6 improvements to that particular piece of property. And it's important to the land
7 grants that they get it because if that piece of property leaves to someone from out of
8 the State of New Mexico we're never going to see it again. So that was very
9 important to me, as the representative, to assist them and help them in getting the
10 money to purchase it. So that's going to be purchased at a very reasonable rate.
11 But I guess this issue has been vetted or we've been talking about it over the last
12 couple of years already and the Game and Fish has agreed that they will transfer the
13 land. They have no use for it. Rather than close it, they're going to give it back to the
14 original heirs of that property. So it's stipulated in the deed exactly the responsibility
15 that the Land Grant will incur. So they understand the responsibility and the liability
16 of taking over the property. I don't understand why all of a sudden there's a large
17 concern because they are aware of it, it's stipulated in the deed, I don't think that we
18 need to go any further. I don't think that the Land Grant or myself haven't seen the
19 actual deed, but if it was [indiscernible] after the resolution, the resolution did
20 stipulate what would go on the deed. We did go through several committees on the
21 Senate floor and the House floor with not a dissenting vote, I don't think there was a
22 single dissenting vote. Everybody agreed that the property should be transferred if
23 the Department of Game and Fish didn't want it, that it should be transferred back to
24 the Land Grant so that they can maintain it and possibly enjoy it and maybe even
25 make a little bit of money on it by charging a fee or to. It's free right now, it's only for

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1 elderly and for anybody 14 and younger. And of course disabled. So if you're
2 disabled and you're not an elderly person you can utilize it also. So I implore you
3 guys to make this happen because I think it's very important. It's not just important to
4 myself. I don't live in Tierra Amarilla, I live in [indiscernible] but I represent all the
5 way to Chama. My district starts in Chama and it goes all the way to San Juan
6 County. I have a huge district. Four counties. But the heart of my district is the
7 Tierra Amarilla and the Land Grant. I mean, if anybody knows it's -- everybody
8 considers it or refers to it as God's country. So really, I think this is a monumental
9 situation where the Game and Fish is working with local land grants and ensuring
10 that these lands are given back to them. They understand the responsibility they are
11 taking on; they understand that they're going to have two [indiscernible] on it, they
12 understand the liability. And I think they are prepared to do it. We've been
13 discussing this for quite a few years, and I think it's time. I really don't see a need to
14 prolong it. I think that today we're here, I don't think that Director Sloane or Deputy
15 Director or the Council would have even brought it forward if they hadn't already read
16 it. So I thank you for your time. I appreciate you. I'm sitting here and now I'm
17 realizing what you guys probably feel when you go before Summit Judiciary.

18 [indiscernible]

19 CHAIR PRUKOP: Thank you very much, Senator, your comments are very much
20 appreciated, and thank you for joining us today.

21 SENATOR MARTINEZ: Thank you.

22 CHAIR PRUKOP: Representative Martinez is next. Oh, I'm sorry. Garcia. I got it
23 wrong, sorry. He actually didn't sign up. I do have a Richard --

24 REPRESENTATIVE GARCIA: Thank you Madam, Chair and Members of the
25 Commission. Congratulations [indiscernible]. I don't think we're going to get

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1 deterred from the focus on the transfer, the [indiscernible] to the Tierra Amarilla Land
2 Grant and it's not a precedent setting decision. The Commission has already
3 transferred their property to a land grant, 32 acres in the ABQ Land Grant back in
4 2008, 2009.

5 CHAIR PRUKOP: I'm sorry, did you say 32 acres?

6 REPRESENTATIVE GARCIA: Yes.

7 CHAIR PRUKOP: Thank you.

8 REPRESENTATIVE GARCIA: And this lake has a similar history. The ABQ Land
9 Grant in the late 1800's or early 1900's calls for 30 some acres to the parish priest.
10 And the others refer to that parcel of land as EL Rancho [indiscernible – too close to
11 microphone], the Priests Ranch. And for some reason it transferred over to the
12 Department of Transportation and then ended up in the hands of the Game and Fish.
13 I have appropriated some money to do certified title abstracts on state-owned
14 properties within our what used to be colonized of our land grants. We targeted the
15 ABQ Grant [indiscernible] led by Robert [indiscernible]. state historian. He saw a
16 breach in terms of the fact that there was a break in terms of the title to where there
17 was a quitclaim deed and [indiscernible] saw that, they saw that the title they had
18 wasn't a good title. So they made the effort to make it good because the elders of
19 the ABQ Grant relinquished ownership. It was always in the heart in their minds;
20 always wanted that parcel back because it was part of [indiscernible] it's part of their
21 ancestral land holdings [indiscernible] this is a partial that at one point in time
22 [indiscernible] by the worst corrupt landowner in the history of the world, Thomas
23 [inaudible]. And it was the [indiscernible] Land Grant [indiscernible] to gain control of
24 those common lands, of those land grants in New Mexico. The Tierra Amarilla Land
25 Grant [indiscernible] implemented his blueprint. The first one. And it was his

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1 proposal. He basically came to garner [indiscernible] acres of common land. Little
2 strips of farmland that [indiscernible] stayed in the hands of the original heirs. So this
3 parcel is so significant in terms of that history that these land grant heirs of the Tierra
4 Amarilla Land Grant basically established communities, established roadways,
5 established bridges, established farms, established ranches [indiscernible]
6 sustainable to the communities. Eventually that came to an end [indiscernible] with
7 Thomas [indiscernible] in terms of losing control of those common lands. So this
8 parcel has meaning in terms of reestablishing those values, that dedication to family,
9 to community, to well-being, to sustainability. And the Land Grant is not by
10 themselves [indiscernible] what they want to do with the lake. They want to open up,
11 they want to improve the parking, they want to improve the boat [indiscernible], they
12 want to open up the fishing to all the population. But most important, Madam Chair
13 and Members of the Commission, this lake is a community lake. It's a destination
14 site. Individuals at one point that own and live in [indiscernible] it they still have
15 families in that area [indiscernible] and they engage in that [indiscernible] at the lake.
16 So that cultural element still exists even those heirs of the ABQ Land Grant live in
17 southern Colorado [indiscernible] but it's still meaningful to them because it
18 reconnects them to their culture and their history and their values. And that's why
19 this transfer is so significant. Because we're really establishing that connection of
20 those traditional values and traditions that historically have occurred in our Spanish
21 land grant communities. So I just wanted to mention that because it is so significant.
22 And the Land Grant was so dedicated to [indiscernible] thousand dollars to the
23 [indiscernible] visitors center, a conglomeration of about four land grants
24 [indiscernible] that parcel what was in the hands of – that is in the hands of
25 [indiscernible]. And that's what the legislature [indiscernible] executive is going to do

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1 with these projects [indiscernible], we're going to assist them, we're going to be there
2 to provide [indiscernible] to pursue their vision and pursue their dreams. So thank
3 you, Madam Chair. Thank you, Commission.

4 CHAIR PRUKOP: Thank you very much for your very meaningful comments. I think
5 they did add perspective to this discussion. We have three more people who would
6 like to speak on this topic. Here's what I would like to do. I very definitely appreciate
7 our two legislatures input and give them deference because they have history and
8 action on this. What I would like to do, though, is take the next three public
9 commenters on this and limit you to only two minutes, because then after that we're
10 going to take a break so that everyone can use the facilities and the Commissioners
11 can reflect on what they've heard and then we'll come back to act on this particular
12 topic. So I have Leonardo from the back of the room and, Mr. Director, would you
13 please keep the clock on this? Okay, thank you. We'll start when it gets to the top.
14 It's Leonardo -- I'm sorry, I can't read your last name. It might be Martinez or else it's
15 T-U- something. I'm sorry, if you help me pronounce it.

16 LEONARD MARTINEZ: Good morning, Madam Chair and Members of the
17 Commission. My name is Leonard Martinez [phonetic], I'm the President of the New
18 Mexico [indiscernible]. I'm here to stand before you to support the Tierra Amarilla
19 Land Grant, their acquiring this lake. It's really ironic that the lake is named after T.D.
20 Burns, a little bit history about T.D. Burns. T.D. Burns was basically a henchman for
21 Thomas [indiscernible] in that area and so this is a social -- it's life gone back. Makes
22 a full circle back to the Land Grant where it should have never left in the first place.
23 One thing I would like to reach out to the Commission is to reach out to the New
24 Mexico Land Grant Council, which is also a state agency, and have them present
25 before you what land grants are, where they've been, and where they're going, so

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1 you guys can get a better understanding of who we are. It's always funny when we
2 show up for these meetings, there's always extra security because it's Land
3 Grant/[indiscernible].

4 CHAIR PRUKOP: Not sure that's true.

5 LEONARD MARTINEZ: But I would like to thank our [indiscernible] also for their
6 hard work and dedication because they are like us. We are the stewards of the land
7 and are there to protect it also. But again, I would like to again reemphasize this
8 property is properly vetted, it's not setting any precedents, return it back to the Land
9 Grant of Tierra Amarilla. Thank you, Madam.

10 CHAIR PRUKOP: Thank you very much. Next is John Crenshaw, I believe with the
11 New Mexico Wildlife Federation.

12 JOHN CRENSHAW: Madam Chair, thank you, I'll pass.

13 CHAIR PRUKOP: Okay, thank you. And then I also had Oscar Simpson [phonetic].

14 OSCAR SIMPSON: Congratulations, Chairman.

15 CHAIR PRUKOP: Thank you.

16 OSCAR SIMPSON: I'm Oscar Simpson, on the State Chair of New Mexico
17 Sportsmen. Because of the issues raised by the Commission and my concerns too, I
18 highly advise that you postpone and give the public plenty of opportunity to look at
19 the pros and cons and thoroughly vet all of the information and basically have some
20 good stuff on the website, the Game Department's website, so we can actually look
21 at this. And all of the details of the letters of the lawyer representing the Ditch
22 Association and whoever else. That way the public has a good opportunity to make
23 informed comments. Thank you.

24 CHAIR PRUKOP: Thank you. Those are all the public comment cards that we
25 have. We will take a quick 10-minute break, and we are going to time that, so I need

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1 all the Commissioners back in their chairs at --

2 [BREAK]

3 thank you, everyone, for taking your chair. And I'm going to start out by making a
4 recommendation -- a suggestion to the other members of the Commission and then
5 we can discuss it. One idea for consideration today is to conditionally approve the
6 transfer of the Laguna del Campo property to the Tierra Amarilla Land Grant with the
7 notion that we would ask the Department and the attorneys involved to continue to
8 work with the Land Grant to work out the language in the draft quitclaim deed and
9 any other legal documents that the attorneys might recommend that we would want
10 to consider to nail down different aspects of this so that there are no unintended
11 consequences and that would come with also a meeting with the La Puente Ditch
12 Association, La Puente Ditch Association to make sure that their needs are
13 understood and met in some manner, either by the Department or by a pledge and
14 legal documentation with the Tierra Amarilla Land Grant. So that's my suggestion as
15 to how we move forward on this. But I now open it up to discussion to the full
16 Commission for their ideas and thoughts.

17 UNIDENTIFIED SPEAKER: Madam Chair, Members of the Public, I think, you know,
18 what I've learned today -- thank you everyone who has spoken on this and made a
19 comment, this is a way to keep this open to the public and keep this lake available for
20 fishing. This is the best option available and I do agree with moving forward with this.
21 However, there is language in this draft quitclaim deed that even the Tierra Amarilla
22 Land Grant has not seen, and I am more comfortable having that subject of final
23 approval by the Commission just to allow the public to see the final -- that everything
24 is the way that we all want it in theory. If that makes sense.

25 CHAIR PRUKOP: Yes, and that's exactly my concern, especially since the Land

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1 Grant hasn't seen the language yet. But also so that a lot of eyes get put on this so
2 that everyone is crystal clear on what we're doing, how we're doing it, and what the
3 expectation going forward is.

4 COMMISSIONER SALAZAR-HENRY: Madam Chair?

5 CHAIR PRUKOP: Yes ma'am.

6 COMMISSIONER SALAZAR-HENRY: I do also support the notion of a conditional
7 approval until we iron out some things to make sure that it's done the right way.

8 Every which way so that Senator Martinez doesn't stop me in the hall and say, "What
9 the heck happened?" And I understand that two years have been involved in
10 pursuing this piece of property. It was offered up by the previous Commission. I
11 understand they gave specific direction to the Director at the time on exactly what
12 position they supported. But I also believe that we are obligated to make sure that
13 everybody is aware of what went on. And the previous Game Commission had the
14 letter from La Puente Ditch Association, and they chose to ignore it. And we're
15 choosing not to ignore them because we believe that we have an obligation to them
16 as well. And I want to support as much as I can getting this right. And so I would
17 support a conditional approval until all of the things are ironed out with all of the
18 concerns by the La Puente Ditch Association as well as the Tierra Amarilla Land
19 Grant folks.

20 CHAIR PRUKOP: Other Commissioner comments? Commissioner Cramer.

21 COMMISSIONER CRAMER: So how does a conditional approval work? How does
22 that --

23 CHAIR PRUKOP: I would accept some additional comment from the attorneys that
24 work with us but my thought on it is that we conditionally approve this and in the
25 meantime, and hopefully in an expeditious manner, the Department attorneys and

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1 the Land Grant and/or their attorneys and the Ditch Association and/or their attorneys
2 work on the language that would it would take to, again, pin down all the issues so
3 that it's clear on who's going to be responsible for what going forward. And for right
4 now that means in perpetuity until or unless the Land Grant did something that
5 caused this property to revert back to the State as stated currently in the quitclaim
6 deed. Then, once paperwork is negotiated and agreed upon by the entities involved,
7 then that paperwork would come back to this Commission for review and approval
8 and then we would act on a final transfer. Does that make sense, Attorney
9 Grubeseck?

10 UNIDENTIFIED SPEAKER: Madam Chair, Members of the Commission, that would
11 work. It's my understanding the quitclaim deed has not been signed yet so that
12 would give the Commission -- Game and Fish the opportunity to hammer out the
13 details.

14 CHAIR PRUKOP: And Director Sloane, do you have any reason to think that we
15 couldn't do this in an expeditious manner and take it up at the next Commission
16 meeting?

17 DIRECTOR SLOANE: No. I guess it depends when you schedule the next
18 Commission meeting, but I'm certain that we could get it done by the August
19 Commission meeting, and likely before, depending on when in July you schedule.

20 CHAIR PRUKOP: Okay, so we're not certain if we might have a special meeting in
21 July, but I know legal work, and especially going back and forth with the Land Grant
22 depending on people's availability, et cetera, might take a little while. But why don't
23 we say the August meeting, if that works for everyone, and then we will take final
24 action on this matter. Yes, Steve.

25 UNIDENTIFIED SPEAKER: Madam Chair, I would like to know where this meeting

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1 would be because it's so far away from Tierra Amarilla. Either in Albuquerque or
2 Santa Fe is a medium where we feel comfortable.

3 CHAIR PRUKOP: Well, thank you for that comment and we can certainly consider
4 that if we're looking at it for the August meeting, we might do that. Okay, and so what
5 a motion would look like in this regard is something like -- and you can also say so
6 moved if you don't want to have to repeat it. We would be moving, as a Commission,
7 to conditionally approve the transfer of the Laguna del Campo parcel of property as
8 described in the legislative resolution from the New Mexico State Game Commission
9 to the Tierra Amarilla Land Grant met a sed [phonetic] -- is that the correct work?

10 UNIDENTIFIED SPEAKER: [inaudible]

11 CHAIR PRUKOP: Mair said [indiscernible] pending final approval by the
12 Commission of the quitclaim deed and any other associated legal documents
13 necessary to make sure that all of the concerns of the Department, the Land Grant,
14 and in this case, the La Puente Ditch Association, have been resolved in those
15 documents to the greatest extent possible and those documents would then come
16 back to this Commission; we're suggesting at the April 2019 Commission meeting.

17 UNIDENTIFIED SPEAKER: [inaudible]

18 CHAIR PRUKOP: August, I'm sorry, August 2019 Commission meeting for final
19 approval by the commissioners. That's the motion.

20 UNIDENTIFIED SPEAKER: Madam Chair, if I may? I wouldn't reference the
21 description in the resolution. We believe that that's not completely accurate. We
22 believe that it includes the entire boundary of the property and we're actually
23 reaching out to the survey to correct that. So just be aware of that.

24 CHAIR PRUKOP: I amend my proposed motion by saying the property as -- let's
25 see, what should I say? As described in any forthcoming agreements.

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1 COMMISSIONER LOPEZ: So moved.

2 VICE CHAIR SALAZAR-HENRY: I'll second.

3 CHAIR PRUKOP: Okay, it's been moved by Commissioner Lopez and seconded by
4 Commissioner Henry. Any further discussion? Yes, Commissioner Soules.

5 COMMISSIONER SOULES: Yeah, I guess I'm going reiterate a little bit about what I
6 said earlier, and I don't know if it's easy to read back your motion, but I did hear
7 concerns regarding the Land Grant itself, the Ditch Association, and the Department.
8 But I'm also concerned about the public, with regard to this, and their interests and I
9 want to be sure that is in whatever resolution we finally arrive at. And for myself, I
10 still feel it's premature to say that I, at least, am ready to approve this. So if we're
11 going to do a conditional approval, I'm not comfortable that I've heard enough from
12 the public to even take that step. So I just want to make that clear.

13 CHAIR PRUKOP: Okay. So in my view it does not affect my proposed motion,
14 because a proposed motion involves the Department -- the Department, the Land
15 Grant, and the La Puente Ditch Association coming to an agreement on paperwork.
16 That's a process that would go on among them because the Commission would be
17 signing the document and the Land Grant Association would be signing the
18 documents and the public concern is represented by both the Department and those
19 negotiations on those documents and by this Commission in its continued
20 deliberation on those documents and agreements. We have heard from our public
21 today to the extent that we have. I assume there was previous public input, but I'm
22 not certain. But the other point would be that when we come back in August to look
23 at -- and we will have had a chance to study those proposed documents before we
24 actually show up at the meeting, we will once again take up our public hat to see that
25 concerns have been addressed in a workable manner and we will get another forte

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1 right to vote on whether or not you as a Commissioner can accept it. Any other
2 discussion?

3 COMMISSIONER BATES: Madam Chairman, just --

4 CHAIR PRUKOP: Yes, Commissioner Bates.

5 COMMISSIONER BATES: A couple of comments. I've had the opportunity to testify
6 before a number of Senate and House committees and Senator, it is much more
7 pleasant on the side of the table, you are right. We do have a joint resolution,
8 though, so I am comfortable that this has been -- has been pretty well vetted through
9 the legislative process without dissenting votes. I have a lot of comfort there. The
10 Deputy Director also acknowledged there were some letters [indiscernible] the Ditch
11 Association that had some uncertainties. So I think moving forward with a conditional
12 approval makes a lot of sense to me.

13 CHAIR PRUKOP: Thank you, Commissioner. Anyone else?

14 SENATOR MARTINEZ: Madam Chair, can I just add that it goes before committees
15 it went through the Senate and House -- the Senate floor and the House floor and we
16 did allow -- it is the people's legislature, so people were allowed to comment
17 [indiscernible] issues they had [indiscernible].

18 CHAIR PRUKOP: I appreciate that point, Senator. Thank you very much. The main
19 point being, there's been a lot of a vetting of this, which is wonderful to know.
20 Nevertheless, it is this Commission's responsibility to act on behalf of the Department
21 and our publics to make sure, again, that we're doing our due diligence. So has
22 anyone -- do we already have a motion and a second? Yes, we do. Okay, so do we
23 want to do a roll call vote on this? Or just all hands? Okay, so Mr. Secretary, would
24 you just please do a roll call vote?

25 DIRECTOR SLOANE: Let me get to the list so I don't miss anybody. Commissioner

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1 Bates.

2 COMMISSIONER BATES: Yes.

3 DIRECTOR SLOANE: Commissioner Cramer.

4 COMMISSIONER CRAMER: Yes.

5 DIRECTOR SLOANE: Commissioner Lopez.

6 COMMISSIONER LOPEZ: Yes.

7 DIRECTOR SLOANE: Commissioner Salazar-Henry.

8 VICE CHAIR SALAZAR-HENRY: Yes.

9 DIRECTOR SLOANE: Commissioner Soules.

10 COMMISSIONER SOULES: I abstain for the reasons I've mentioned already.

11 DIRECTOR SLOANE: Commissioner Vesbach.

12 COMMISSIONER VESBACH: Yes.

13 DIRECTOR SLOANE: Chairman Prukop.

14 CHAIR PRUKOP: Yes.

15 DIRECTOR SLOANE: The measure passes with six yeases and one abstention.

16 CHAIR PRUKOP: Jim, anything further from you on this?

17 JIM COMINS: No, Madam Chair.

18 CHAIR PRUKOP: Okay. Thank you, Commissioners, for your patience and your
19 good questions on this. Thank you to the Department for all the work they've done
20 thus far. Thank you to the audience for being patient with us as we discussed this
21 matter. Know that we will take it up again in August and will work with the Land
22 Grant and the Ditch Association in the meantime to get everything ironed out.

23 UNIDENTIFIED SPEAKER: Thank you, Madam Chair.

24 CHAIR PRUKOP: Thank you. Thank you for coming. Moving on then, because we
25 do have other agenda topics that are important to deal with today. Agenda Item No.

1 9, Approval of the Fiscal Year 2021 Capital Outlay Request. And Paul Varela from
2 the Department has the honor of presenting all of this interesting information. Thank
3 you, Paul.

4 PAUL VARELA: Good morning, Madam Chair, thank you. Commissioners, Agenda
5 Item No. 9 is the fiscal 2021 capital project plan. The Department is required to --

6 UNIDENTIFIED SPEAKER: We can't hear you.

7 PAUL VARELA: -- the Department is required to present a five-year capital project
8 plan to the Department of Finance and the Legislative Finance Committee by July 1,
9 statutorily. In your books you should have a spreadsheet which breaks down the
10 Departments five-year capital project plan broken out by fiscal year, project priority,
11 and fund, funding source. The main concern is FY 21 in this capital request because
12 the legislature only appropriates one year at a time, although the Department is
13 required to present five years during this capital project plan. So that the next four
14 years after FY 21 are basically a wish list of capital projects that the Department
15 would like to see completed, but those tend to change each fiscal year as we come
16 before seeking Commission approval. So if these projects are approved, they are
17 good for four years. So these next few slides I'm going to go through each fiscal year
18 one by one describing some of the projects that we're requesting. So in fiscal year
19 2021 the Department is requesting one million in Sikes funding. These projects are
20 for habitat restoration and management. Essentially the Sikes Act requires that the
21 Department complete projects with the Bureau of Land Management and the U.S.
22 Forest Service. In FY 22 the Department's request is approximately three million
23 dollars. 1.5 million of that is from the big-game enhancement fund; 1 million of that is
24 for habitat management fund and another \$500,000 is for hatchery improvements.
25 Moving onto fiscal year 2023 the Department would like to request \$9.2 million. 7.2

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1 million of that is from the game protection fund; 1 million is from the habitat
2 management fund and 1 million is from Sikes Act fund. Some of these projects
3 include native trout fish barriers and restoration. The potential building of a new
4 office complex either in Raton or in Las Cruces. And the fourth project would be
5 hatchery building on Rock Lake Hatchery. Moving onto fiscal year 2024 the
6 Department requests in total about \$7 million; 5 million if that would be from the game
7 protection fund; 1.5 million from the big-game enhancement fund; and \$500,000 for
8 the bond interest and retirement fund. Some of these projects include the dredging
9 of Commission owned lakes, design and repair of Eagle Nest Dam, and infrastructure
10 and maintenance on Game Commission owned properties. And the last fiscal year
11 the Department would request \$8.5 million; 6.5 of that is from the game protection
12 fund; 1 million is from the habitat management fund; and 1 million is from the Sikes
13 Fund. Some of the projects include a potential building of a new office complex to
14 supplement the prior year request in either Raton or Las Cruces and another project
15 would be the dredging of Commission owned lakes. So the next steps in this process
16 would be seeking Commission approval for this five-year capital outlay request,
17 which is due, again, to the Department of Finance and Legislative Finance
18 Committee by July 1st. If approved, the Legislative Finance Committee and the
19 Department of Finance would have a Commission -- a committee meeting in October.
20 They would make the recommendations and then that would be presented before the
21 legislature and that would need legislative approval. With that, I stand for any
22 questions.

23 CHAIR PRUKOP: Thank you very much for your presentations. Questions from the
24 Commissioners? Commissioner Henry.

25 VICE CHAIR SALAZAR-HENRY: Mr. Varela, so if we approve a five-year plan at

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1 this point, are we committed to those exact projects in those exact years for those
2 exact things?

3 PAUL VARELA: Madam Chair, Vice Chair Salazar-Henry, no we're not. The only
4 year that is of concern is FY 21 because they only appropriate one year at a time.
5 The next four years are up -- are subject to change and approval by the Commission.
6 So if we decide in FY 22, and we come before the Commission seeking approval,
7 those next out year projects can also change.

8 VICE CHAIR SALAZAR-HENRY: Okay, my next question is can you explain why we
9 would need a northeast area office when we already have a northeast area office and
10 we have none -- not one in Las Cruces? Why that's even a consideration at all? No,
11 don't look at Mike.

12 DIRECTOR SLOANE: Madam Chair, Vice Chair Salazar-Henry, if I may. So we're
13 having a great deal of difficulty recruiting to the Raton area and retaining employees
14 and I have been planning to, but I guess I will do it now, propose to you that we move
15 the Raton office to Las Vegas. Obviously, that's going to take some discussion. But
16 if we did move it to Las Vegas we would need a facility there.

17 VICE CHAIR SALAZAR-HENRY: Mr. Varela, Director Sloane, so you could rent the
18 facility in Las Vegas.

19 DIRECTOR SLOANE: We could.

20 VICE CHAIR SALAZAR-HENRY: Okay. Is there -- I guess, you know, I'm going to
21 pick up from where I left off last time on my comment about the Mesilla Valley
22 Bosque State Park is that we didn't know we were getting that. The sportsmen in the
23 Las Cruces area have been asking for a dedicated facility, they are paying a ton of
24 money in rent, and we were under the assumption that we would go through the
25 same process that had happened in Roswell to get that facility built as well as here in

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1 Albuquerque. And so I'm a little concerned that it's even up for debate, that we're not
2 in the cycle next to address the second largest city in the state with 10 million acres
3 of public lands be managed through that office. And so I would like to know if there is
4 any way to accommodate having some sort of movement on getting a Las Cruces
5 area office in the FY 21 capital outlay process or the upcoming budget to at least
6 secure a location and the design and then to build out in whatever future capital
7 outlay year.

8 DIRECTOR SLOANE: Madam Chair, Vice Chair Salazar-Henry, certainly that's why
9 this item is before the Commission to get direction such as that. I don't know if we
10 need to do -- put that into our capital request. I think that we could potentially identify
11 properties, in particular on the university campus and work with the university to
12 potentially see if we could get that property as [indiscernible] and begin a process of
13 site selection and design without a specific capital request. But if it's the
14 Commission's desire to have a capital request, we certainly could put one in there.

15 CHAIR PRUKOP: Director Sloane, is the Las Cruces office still where its always
16 been? I haven't been down there in a while. What is the current location of the office
17 in Las Cruces?

18 DIRECTOR SLOANE: It's on Northside Drive off of -- essentially at the intersection
19 of 70 and I 25.

20 CHAIR PRUKOP: Okay, thank you.

21 DIRECTOR SLOANE: And we do pay a large amount of rent on that building.

22 CHAIR PRUKOP: Okay. So that's something to be considered. Other questions
23 from the Commissioners about the proposed capital outlay plan for five years,
24 particularly about the first year, which becomes binding, I guess, once its submitted.

25 UNIDENTIFIED SPEAKER: Madam Chair, yes, that's correct.

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1 COMMISSIONER CRAMER: Madam Chair?

2 CHAIR PRUKOP: Yes, Commissioner Cramer. Sorry.

3 COMMISSIONER CRAMER: I just want to point out to Commissioner Henry that it
4 does say office complex for the northeast or southwest so we're not – we're not
5 forgetting Las Cruces. I have a question about the Sikes Act money. Is it flatlined
6 kind of, are we getting the same amount in, or why are we asking the same amount
7 all the time?

8 PAUL VARELA: Madam Chair, Commissioner Cramer, the Sikes Act Fund usually
9 takes in \$1.2 million in revenue. There is approximately \$386,000 that is built into the
10 operating budget. \$1 million is the number that we feel is comfortable to complete
11 the number of projects based on the information from our project managers and their
12 staff.

13 COMMISSIONER CRAMER: Thank you. That's all.

14 CHAIR PRUKOP: Any other questions? Hearing none, do I hear a motion to
15 approve the five-year capital outlay plan as presented?

16 COMMISSIONER LOPEZ: So moved.

17 CHAIR PRUKOP: It's been moved by Commissioner Lopez. Do I hear a second?

18 COMMISSIONER CRAMER: Second.

19 CHAIR PRUKOP: Seconded by Commissioner Cramer. Any further discussion?
20 Hearing none, all those in favor of approving the plan, signify by saying aye.

21 COMMISSIONERS: Aye.

22 CHAIR PRUKOP: Opposed, nay. Thank you. Thank you very much, Paul.

23 PAUL VARELA: Thank you, Ma'am Chair.

24 CHAIR PRUKOP: Moving onto the next agenda item, Agenda Item No. 10, which is
25 the Initiation of the Migratory Bird Rule for 2019.

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1 STEWART LILEY: Good early afternoon, Commissioners. Welcome. So before
2 you now is kind of the rulemaking process. As many of you have been part of the
3 agency before, previous Commissioners, or interested sportsmen, every year we go
4 through different rules and regulations to open up harvest for different species,
5 whether that species be big game animals or, in this case, migratory game birds,
6 which is an annual rule setting process. It's a little different than our other rules
7 where the protected species under state statutes. Migratory game birds have a little
8 bit of a special rulemaking process and it's a cooperative rule setting with the U.S.
9 Federal Government in consultation with the Migratory Bird Treaty Act. So there's
10 many countries involved in the Treaty Act. It specifies the number of days in which
11 we can hunt birds within the United States and how many days Canada can hunt
12 birds. So there is, I guess, a little bit more of a limited scope in which the
13 Commission can make rules. It's dictated through a cooperative effort, like I said,
14 with the federal government and the states. What that flowchart is is kind of
15 describing how the process works for those of you who are unfamiliar. There's a
16 series of population assessment surveys that happen throughout the calendar year to
17 try to determine or ascertain waterfowl populations or in some case web less birds
18 such as sandhill cranes across the continental United States into Canada and
19 sometimes even looking as far into Siberia where some of these wintering grounds
20 are. So those surveys occur at different times through the year. You will see on the
21 left-hand column of that diagram there. There is also, because this is a cooperative
22 effort with the federal government and also with Canada, there is requirements
23 through the U.S. Fish and Wildlife Service on posting timelines in the Federal
24 Register. Some of the timelines have already come and gone for this next year
25 hunting season so what you're getting today is kind of a more hashed out plan than

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1 what you would normally see. When we come in front of the Commission normally
2 you have a little bit of input on the negotiations that we would have with the Fish and
3 Wildlife Service but our season selections were due on April 30th of this year so we
4 selected the seasons for what we were wanting for the water fowl, in consultation
5 with public means we held with sportsmen across the State of New Mexico and
6 recognizing what we said before. There are still some things that are the decision of
7 the Commission such as the number of permits we'll issue for sandhill cranes or
8 different areas in the state that we would open or how long this would be open, we'll
9 get to that here in the next few slides. So what we're looking at today -- and a little
10 backup, this rule needs to be finalized prior to September 1st opening, the mourning
11 dove season, so you will at the August 22nd Commission meeting hear a final
12 proposal from the Department for an adoption of that rule in a rule hearing. There is
13 state legislature that sets the timelines that we must post rules on public websites, on
14 the Sunshine Portal, on our portal, et cetera, to accept comments. At the end of this
15 meeting today we will submit to the New Mexico Register the final rule that we would
16 like to see adopted at the next meeting and take any comments on that. And again,
17 adoption of that rule would happen at the August 22nd meeting. Rules outside of this
18 because of this schedule you'll have more opportunity to discuss it at multiple
19 Commission meetings, but this one has a little bit of a faster timeline. What we're
20 proposing is adjusting our season dates in accordance with the Fish and Wildlife
21 Service's frameworks that are determined through the flyway councils, both -- New
22 Mexico is divided into two council flyways, the central flyway council, which is the
23 west of the Continental Divide, and the central flyway council, east of the Continental
24 Divide. We submitted those to the federal government in April of this year. The
25 frameworks are supposed to be published in the Federal Register by the end of this

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1 month. Again, so every year we change the migratory bird season dates and
2 coexistence -- or in cooperation with the federal government on the allowable days,
3 given the population status of different species of waterfowl. What we were able to
4 do and what we're seeing is an increase of dark geese or Canada geese in the
5 Middle Rio Grande Valley, that's what MRGV stands for, we're proposing extending
6 that -- or we propose extending that season by 17 days this year because of the
7 increase in the birds we're seeing in there. We are proposing a decrease in the
8 number sandhill crane permits issued. We are receiving a less of an allocation this
9 year. We annually receive an allocation from the U.S. Fish and Wildlife Service in
10 cooperation with the flyways on how many of the rocky mountain -- greater Rocky
11 Mount population of sandhill bird -- crane birds we can harvest each year. I'll get to
12 that in another slide but that was a decreased allocation, so that's going to have to
13 relate to a decrease in the number of permits that we can allocate out. We're also
14 proposing extending some days that are allowable for hunting on some wildlife
15 management areas and also some hours on that. I'll get to that in the next slide.
16 And then based upon the population surveys in both the central and pacific flyway
17 there is going to be a decrease in the daily bag limit of pintail of two to one for the
18 next season, just on the population. We're right at the threshold for the status for a
19 two, we're hoping that the next year we can get back to a two. We were within
20 200,000 birds of that threshold across the whole continent, so we were just below the
21 threshold. And then we're proposing moving the last -- the youth sandhill crane hunt
22 a little bit later to take advantage of more birds coming in from the north and wintering
23 in the Middle Rio Grande Valley. As I mentioned at the start of this, we have held
24 public meetings. We held them in Farmington, Las Cruces, and Albuquerque. We
25 had okay attendance. Again, a lot of this is a set by the federal government and in

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1 cooperation with the flyways, so there's actually an opportunity for the public to
2 comment at the flyway meetings and public members do comment at the flyway
3 meetings on regulation setting. Really, the comments supported the dates that we
4 have of pushing the duck season as late as we possibly could, according to the
5 frameworks, which is a January 31st closing date in the south zone this year is what
6 we went forth with. And extending that Middle Rio Grande goose season by 17 days.
7 As it pertains to the Rocky Mountain population of sandhill cranes so there's two
8 different subspecies of sandhill cranes that winter in New Mexico. The Rocky
9 Mountain population mainly winters along the Middle Rio Grande Valley and also in
10 the southwest portion in the Piyas [phonetic] along the Mexico U.S. border, and a lot
11 in Mexico. New Mexico actually probably winters the majority of the entire population
12 of the Rocky Mountain population of sandhill cranes so we're a really important area.
13 If you have been to the Middle Rio Grande, our farms along there, there will be
14 20,000 plus sandhill cranes that are the Rocky Mountains subspecies wintering there
15 in any given winter. Our allocation for this year went from 750 animals that we were
16 able to harvest down to 568. Our proposal is to decrease the permits that we allow
17 for take -- from 534 to 489. Now, that's not the proportional decrease we had in the
18 allocation. What we're doing is our Rocky Mountains come in earlier than the lesser
19 sandhill cranes so those early seasons we have a tendency to take more of the
20 Rocky Mountain subspecies. Later seasons we take more of the lessers, which are
21 more abundant. So what we're proposing is reducing those early seasons by further
22 numbers. So what we can do is decrease our total outtake of that Rocky Mountain
23 population just by reducing some of those early season permits knowing the late
24 season permits, if we don't adjust those, is most likely going to take more of the
25 lesser population. So what we're proposing -- last year with the allocation, again, we

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1 had 750, we ended up taking 678. We have been able to consistently track our
2 permits pretty well with our take. We've never gone over our allocation as well. One
3 of the things we're proposing, and this is, again, one of the things that the
4 Commission can act upon that's not part of the Federal Register, is opening or
5 closing certain areas or times within our state. And what this is is three -- or excuse
6 me, four different wildlife management areas that the State Game Commission
7 currently owns. We're proposing opening to every day of the season when the
8 waterfowl is open and extending the hunting hours. Currently they close at 1:00 p.m.
9 and they are able to hunt on alternate days. We do not have much recreation in that
10 area so in some of these there will be a Saturday a closure and someone comes out,
11 it's the one person that came, and the first person in 10 days that came, and it's a
12 closed area. So we're trying to prevent that closure. Where we have high use of
13 waterfowl hunters, we do want to have that break resting day for birds to rest, roost,
14 and not shoot them off the roost. And so like in the Bernardo [phonetic] we definitely
15 want to keep the space in there. But these we don't have a lot of hunters; we want to
16 offer that opportunity up if somebody wants to be able to make it out there to have
17 that opportunity go out there. So that's what that proposal is. And also proposing to
18 open those -- again, they previously to close at 1:00 p.m. We want to allow it to go to
19 the sunset, which is the federal rule on migratory birds, is a sunset closure. In the
20 central flyway, here is the dates we submitted to the U.S. Fish and Wildlife Service
21 for our ducks -- duck and goose season, and also mourning dove. We're allowed to
22 have what they call the zone splits to take advantage of our northern half of the state
23 freezes out a little bit earlier than the southern half. We're allowed to have what they
24 call 97 days of exposure to hunting. So in the north we do the exposure early and
25 end the season a little bit earlier. You will see there we start October 12th, end on

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1 the 15th. But in the south, we take the exposure days and start the season a little bit
2 later to try to go all the way to the end date; that's the latest possible date that we can
3 hunt according to the Migratory Bird Treaty Act and also allowed by Congress. So
4 Congress actually allows -- sets the closing dates as well. You'll see the rest of the --
5 -- goose seasons we actually get 107 days versus 97, so that's why you'll see a little
6 bit longer season on goose. And then mourning dove we're allowed a zone split and
7 that's actually three splits. So that's why you see those -- a south zone season start
8 kind of closure and a split again. You're only allowed so many exposure dates, but
9 we were trying to get it as late as possible on some of those to get a break in there
10 and let people take advantage of migrating birds later in. The pacific flyway is similar
11 in terms of the dates but one thing with the Pacific is we're able to hunt the full 107
12 days of exposure allowed under the Treaty Act because the birds are more abundant
13 in the Pacific and that's why you'll see those seasons and not a split between the
14 north and south zone because were able to hunt the full season for entire ducks
15 except for scaup which is a species is a little bit of decline. So I will be honest,
16 migratory bird rules are probably the most complex rules you'll deal with. It's
17 probably has the most attention put forth from both the federal government and the
18 states and Canada. We meet -- I sit on the Central Flyway as our representative for
19 the Department, and also serve as a representative on the Service Regulation
20 Committee representing the whole Central Flyway on regulation setting on an annual
21 basis. So there is a lot that goes on. If changes are to zones and splits or dates, it's
22 almost a two-year process to get it through the federal government to take ahold. So
23 if you hear things from constituents on ideas they'd like to see for migratory bird
24 rules, it's better to get to us early so we can start working with the federal government
25 to see if it's even a possibility with the flyways and with the service regulation

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1 committees. So with that I would take any questions.

2 CHAIR PRUKOP: Commissioners, any questions for Stewart? Yes, Commissioner
3 Soules.

4 COMMISSIONER SOULES: Stewart, a couple of things. You mentioned Canada
5 and the United States. Does Mexico also participate in migratory bird treaties?

6 STEWART LILEY: Madam Chair, Commissioner Soules, there is a signature on the
7 treaty. They are not a participant on the regulation setting. Canada is a participant in
8 the regulation setting but Mexico is not. There's an agreement between the U.S. and
9 Canada codifying both our congresses that says we'll only hunt 107 days for
10 migratory birds across Canada and the United States. Mexico does not have that
11 restriction in their congressional restriction. But they are a signatory to the Migratory
12 Bird Treaty Act as well as Japan and Russia.

13 COMMISSIONER SOULES: So a follow-up to that, this is just educational for me.
14 Is the migratory bird hunting in Mexico have a major impact in your view on the
15 numbers that we experience here?

16 STEWART LILEY: Madam Chair, Commissioner Soules, no. We think take is a
17 pretty limited in Mexico compared to the take in North -- North America take, in
18 general, probably happens more in the northern tier states, what I call the northern
19 tiers, the Dakotas, especially in the Central Flyway, and southern Canada is where
20 the majority of harvest happens. Followed into the Lagunas along Texas. The Texas
21 bay area is probably the largest take of the Central Flyway birds. Mexico is really
22 limited in that it's all on private land. You have to be a registered what they call under
23 Uma [phonetic] System in Mexico to even participate in hunting and that's regulated
24 by the federal government in Mexico to even take or harvest within Uma participating
25 lands in Mexico and there's very few on migratory bird.

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1 COMMISSIONER SOULES: Okay. And then one last question that's a little more
2 detailed pertaining to sandhill cranes. I understand the concern is a reduced number
3 of greater sandhill cranes, at least that's the common terminology I hear, and you're
4 saying those are generally here earlier and more in the Middle Rio Grande Valley so
5 the lesser cranes that show up later and have larger numbers in the southwest, are
6 you planning to change the number of permits down there as well if that is primarily in
7 the lesser sandhill area?

8 STEWART LILEY: Madam Chair, Commissioner Soules, so you're correct. The
9 greater show up earlier, or the Rocky Mount population, universally they call it that,
10 they show up first and then we get intermixing of the lessers across both the
11 southwest and the Middle Rio Grande. So we have a lot of -- a mixture of both those
12 populations throughout the winter. They show up almost a month later in general.
13 They leave at the same time. Our recommendation for the southwest hunt is to
14 remain the same, in terms of the number of permits, it was 70 permits last year. We
15 would retain the 70 permits in the southwest. We take very few greater in the
16 southwest.

17 COMMISSIONER SOULES: Thank you.

18 CHAIR PRUKOP: Commissioners, other questions?

19 COMMISSIONER VESBACH: Madam Chair?

20 CHAIR PRUKOP: Commissioner Vesbach.

21 COMMISSIONER VESBACH: Ma'am Chair, Chief Liley. First off, just thank you for
22 the attention to the greater opportunity that we see here, you know, with wildlife
23 management areas and just being attentive to not doing it the same, but looking
24 where we can provide more opportunity, I really appreciate that. And kind of along
25 those lines, I have a question the sandhill crane take. When we look at reducing the

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1 total number of take, how are you looking at the trade-off between the per person
2 limit versus the total number of tags issued? I'm just thinking in the past I've seen the
3 Commission reduce the total number, but not reduce the per person take, so they
4 could have maybe spread out more opportunity and just wondering what you are
5 thinking along those lines.

6 STEWART LILEY: Madam Chair, Commissioner Vesbach, yeah, so the issue that
7 came in is when the season selection dates were due by April 30th our allocation
8 wasn't put forth at that time so we didn't know what our allocation would be. So we --
9 at that time and we have to set our bag limit at that time. We set, hoping that our
10 allocation would be similar to last year, so we did not reduce in there our bag limit of
11 from two birds to one bird so we could still offer the same opportunity. Had we
12 known that our take would have been reduced -- or our allocation been reduced as
13 much as it was, we would have probably looked at that as a reduction of bag limit in
14 some of those hunts, not across the board. The ones where we harvest more, and
15 still offer that opportunity. We're hoping that this was an anomaly in the data. I don't
16 know if it's -- last year, if you remember, was really dry in the Middle Rio Grande. If
17 the birds -- we didn't know if they were going down into Mexico more frequently so if
18 they overflow New Mexico and went all the way and wintered in some of the Lagunas
19 across Chihuahua and that area, which we've seen, and that could have affected the
20 count but then, in turn, affects our allocation. So it could be that by even next year
21 the allocations back up to what we were the previous year just because of a wet
22 winter. It may have been an anomaly in the survey rather than a true population
23 change that directed the allocation, if that makes sense.

24 COMMISSIONER VESBACH: Yet, thank you for explaining that.

25 CHAIR PRUKOP: Any further questions, Commissioner Vesbach?

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1 COMMISSIONER VESBACH: No. Thank you.

2 CHAIR PRUKOP: Great. Others? And so it's my understanding that you don't
3 actually need any action from us today, but that we should expect to have this topic
4 before us again in August for approval of a waterfowl regulation; is that correct?

5 STEWART LILEY: Madam Chair, that is correct.

6 CHAIR PRUKOP: In that case, thank you very much for the presentation. We're
7 moving on now to Agenda Item No. 11, and this has to do with Reserving Two Elk
8 Licenses for Nonprofit Wish Granting Organizations. And, Bobby, thank you for
9 visiting us.

10 ROBERT GRIEGO: Madam Chair, Commissioners, I'm here in front of you for our
11 annual request to reserve two elk licenses for nonprofit wish granting organizations.
12 Under Statute 17-3-13.5 we're authorized to reserve two elk licenses for nonprofit
13 wish granting organizations that have kids under the age of 21 who've been
14 determined by a licensed physician to have a life-threatening illness. And those
15 organizations have to be nonprofits qualified through the Commission. We currently
16 have four nonprofit organizations that are qualified through the Commission. A Hunt
17 of a Lifetime, SafariWish, Catch-A-Dream, and the Outdoor Dream Foundation.
18 Because we're only allowed two elk licenses per year we rotate through those
19 organizations and this year the ones that are up for it are Hunt of a Lifetime and
20 SafariWish. And each of those organizations they get their own kids for the hunt,
21 they pick those kids. That was the kid from the Outdoor Dream Foundation last year.
22 These two authorizations, or licenses, the individual does have to purchase a license.
23 The license is valid from September 1 through December 31. It's any legal weapon
24 type and its anywhere in the state that is open to hunting and the bag limit is typically
25 either sex. And with that, I will stand for any questions.

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1 CHAIR PRUKOP: Great, thank you very much. Questions from the Commission?

2 COMMISSIONER LOPEZ: I have one.

3 CHAIR PRUKOP: Yes, Commissioner Lopez.

4 COMMISSIONER LOPEZ: Good morning or good afternoon. I do have a question.

5 I know that the model license is codified in the state statute. Has there been any

6 instances to possibly reach out to legislatures to increase from two to four or six, that

7 way everybody gets a fair piece of the pie?

8 ROBERT GRIEGO: Madam Chair, Commissioner Lopez, we have not reached out

9 to the legislature since we got this enacted. There, without a doubt, is a demand for

10 it. Each year we give these two -- all of those organizations typically hunt in New

11 Mexico every year, but they have to purchase landowner authorizations which takes

12 out of their budget for spreading these wishes to these children. So yeah, there is a

13 need, but we have not reached back out to the legislature for it.

14 COMMISSIONER LOPEZ: Okay. Thank you, Robert. But I do think the

15 Commission should look at increasing these so everybody can have the opportunity,

16 especially those in need, to enjoy the outdoors and I know that takes literally an act

17 of a Senate and the signature of the Executive, but maybe we could look at that.

18 Thank you.

19 CHAIR PRUKOP: Other questions? Do these hunts, Bobby, typically occur on

20 private land or public land or how does that part work?

21 ROBERT GRIEGO: Ma'am Chair, they typically happen on public land with these

22 kids. We have an outfitter in southwest -- I've been involved with this program for

23 about 22 years and because I was kind of the first officer that started working with

24 these groups -- I was stationed in reserve at the time so it was primarily based out of

25 the southwest and we've had a few outfitters over the years that donated their time.

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1 We had some that charge their time but we've got one outfitter in particular Carlton
2 Armstrong [phonetic] who's been doing it for about 12 years now and donates his
3 time, his lodge, his guides, and they typically do it in the Hila there during that
4 September timeframe where it's warm and those elk are really talking. So yeah,
5 primarily on public land. When they purchase the authorizations they typically go on
6 private land because it ends up being an October/November timeframe and they try
7 to keep those kids where they can have a little better opportunity.

8 CHAIR PRUKOP: And we're talking about resident children?

9 ROBERT GRIEGO: Madam Chair, no ma'am. It can be any child that's sponsored
10 through these organizations. We do get some New Mexico residents, but typically
11 our New Mexico kids that when they get an opportunity for a dream hunt, they
12 typically go to Alaska. It's a lot of the kids from back east that want to come west to
13 hunt an elk.

14 CHAIR PRUKOP: Sure, that makes sense. And I hope some of our kids get to go to
15 Alaska. And do we have any other programs of this sort that giveaway or make
16 available permits under these special circumstances?

17 ROBERT GRIEGO: Madam Chair, we do have some programs where if an
18 individual wants to donate their license. We also have some organizations that are
19 approved through the Commission and those organizations will reach out to kids and
20 take them hunting. This is specifically for children with life-threatening illnesses, but
21 we do have those of the programs.

22 CHAIR PRUKOP: Okay, thank you. Any further questions? Hearing none, can I
23 hear a motion from the Commission on this item?

24 VICE CHAIR SALAZAR-HENRY: Madam Chair?

25 CHAIR PRUKOP: Yes, Commissioner.

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1 VICE CHAIR SALAZAR-HENRY: I move to accept the Department's
2 recommendation and reserve two elk licenses for two applicants to be sponsored by
3 the nonprofit wish granting organizations or the alternate should the primary
4 individuals not be able to participate in the elk hunt.

5 CHAIR PRUKOP: Thank you. Do I hear a second?

6 COMMISSIONER BATES: Second.

7 CHAIR PRUKOP: Seconded by Commissioner Bates. Any further discussion?

8 Hearing none, all those in favor signify by saying aye.

9 COMMISSIONERS: Aye.

10 CHAIR PRUKOP: Opposed, nay. The motion passes. Thank you very much.

11 Moving on to then Agenda Item No. 12, Request to Recognize the Fallen Outdoors
12 as a Qualified Nonprofit Organization to Receive Donated Licenses or Permits.

13 CHAD NELSON: Good afternoon, Commissioners. My name is Chad Nelson, I'm
14 the Licensing Operations Manager for Game and Fish. Bobby just mentioned the
15 other organizations, the other nonprofit organizations, that accept donated hunting
16 licenses and that is what we're here to present today, an application from an
17 organization called the Fallen Outdoors. They are seeking approval to accept
18 donated hunting licenses. The authority for this rests in state law which authorizes
19 the Director to transfer a hunting license to a nonprofit organization which must have
20 been approved by the State Game Commission. A little background on this, the state
21 law allows the Director to grant transfers to a person of the licensee's choosing in
22 cases of death, serious injury or illness, or military deployment. The option that folks
23 have if they do not qualify under that provision is to go through -- to donate their
24 license to an eligible recipient through an approved nonprofit. The law is clarified by
25 19.31.3. Game Commission Rule 19.31.3 which specifies that nonprofit organizations

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1 must demonstrate their history and ability to promote hunting, fishing, and trapping in
2 New Mexico to be approved by the Commission to receive donated hunting licenses
3 for transfer to eligible recipients. Eligible recipients are youth hunters, resident
4 veterans, and resident first responders, so there is hope yet for Commissioner
5 [inaudible]. The Fallen Outdoors has provided the Department with documentation of
6 their nonprofit status. They are considered a charitable organization by the IRS and
7 they have also provided documentation demonstrating their history and ability to
8 promote hunting activities in New Mexico. The Fallen Outdoors is a national
9 nonprofit, they are staffed by active-duty military and veterans for the purpose of
10 providing hunting opportunities for other active-duty military members and veterans.
11 And with that, I will stand for any questions.

12 CHAIR PRUKOP: Questions from the Commission? Hearing none, we do have one
13 request for public comment on this from Justin Clawson, I think it is.

14 UNIDENTIFIED SPEAKER: [inaudible] I only put my name on there because I'm
15 actually the National President of the Fallen Outdoors, so if you guys had any further
16 questions of what we do, I was here to go ahead and answer any of those questions
17 for you guys.

18 CHAIR PRUKOP: Would you go ahead and give us a little bit more background
19 about -- are you in all 50 states? What, exactly, is your mission and vision? And
20 what are you trying to accomplish?

21 UNIDENTIFIED SPEAKER: So the Fallen Outdoors is the military all hunting and
22 fishing team. Like Mr. Nelson said, we're all service members and veterans and what
23 we do is we help provide free hunting and fishing trips for other service members and
24 veterans. We started back in 2009; we're in 43 different states across the country.
25 New Mexico, as of last year, was our newest team to be stood up. Last year we were

1 able to take out just under 100 veterans out hunting and fishing across the state from
2 various trips of deer, elk, we also did a lot of fishing. We get a lot of time and
3 services donated by guides and outfitters who donate their time and services to us,
4 so we've been able to get veterans and service, you know, active duty people who
5 are here, Fort Bliss, Holloman, all of Kirtland Air Force Base. We get a lot of people
6 involved like that. Being in the military, you know, you get out in -- if you are in the
7 military -- I'm originally from Gout, New Mexico. When I first joined, I'm in the Army
8 I'm still currently in the Army, I went down to Fort Bragg, North Carolina. When I got
9 to Fort Bragg the only thing I knew how to do was hunt deer and elk and fish trout in
10 a pond, you know. They're all about bass and white tail, stuff like that, so I didn't
11 know where to go. So what the Fallen Outdoors does for its active-duty service
12 members is what we provide that bridge and, you know, limited in age and limited
13 opportunities because a lot of people who come here, for example, Kirtland Air Force
14 Base here, they come here from other parts of the country and they don't know
15 where to go, they don't know the rules of the Game Commission -- or the New
16 Mexico Department of Game and Fish. They don't know basically any of that stuff.
17 So what we do as residents of veterans and as current military members is, we help
18 bridge that gap and we try to get those guys back into the outdoors. Just because
19 they're in the military shouldn't stop them from hunting and fishing. And for our
20 veterans, you know, a lot of organizations they want to work with veterans who've
21 been hurt on deployments, stuff like that. For us, all wounds are not visible and a lot
22 of people, you know, they've not been able to deploy. You know, a lot of our Navy
23 forces, when they deploy, they're going out to the ocean. A lot of them ain't going to,
24 you know, like Afghanistan, Iraq, stuff like that. So what we do is we help cater to all
25 of our veterans. And here in New Mexico we've been able to do that successfully.

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1 We've been reached out to the veteran's home out in TRC there to come help out
2 and take some of those veterans who are stuck in their retirement home there. We
3 take them out fishing. We get a lot of help and support that way. And what we're
4 trying to do is ask you guys to be approved for this because our mission here is to try
5 to get out as many people as we can and New Mexico, being an all draw state, it's
6 kind of limited us to some species and stuff we can do. So any help we can get to
7 help get our veterans back into the outdoors would be a great help to us, so we
8 appreciate it for consideration.

9 CHAIR PRUKOP: Thank you very much for your comments. Is that -- any questions
10 or are we ready to act on this? Okay, could I hear a motion, please, as presented for
11 this agenda item?

12 COMMISSIONER BATES: Yes, Madam Chair. I move to approve the Fallen
13 Outdoors as a qualified nonprofit organization to receive donated hunting licenses
14 and permits.

15 CHAIR PRUKOP: Thank you, Commissioner Bates. Do I hear a second?

16 COMMISSIONER CRAMER: Second that.

17 CHAIR PRUKOP: Seconded by Commissioner Cramer. Any further discussion?
18 Hearing none, all those in favor of the motion as stated, signify by saying aye.

19 COMMISSIONERS: Aye.

20 CHAIR PRUKOP: Opposed, nay. Great, thank you very much. Appreciate the
21 presentation, and thank you for being here today, gentlemen. And I think there's a
22 lady -- I'm not sure. Okay, moving on then. Agenda Item No. 13, Review of Current
23 Commission Meeting Schedule.

24 JIM COMINS: Madam Chair, Members of the Commission. This is more to open up
25 or have a discussion about potential changes or additions to the current meeting

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1 schedule, or the current meeting dates, and if we make any additions we'll have to go
2 ahead and specify the locations as well. So I'll turn it over to the Commission to have
3 that discussion.

4 CHAIR PRUKOP: Okay, thank you very much, Jim. First of all, we were just talking
5 about possibly taking out -- about possibly considering the location for our August
6 meeting because of continuing to work with the Tierra Amarilla Land Grant and La
7 Puente Ditch Association in consideration of their locations and what not, we might
8 want to look at that August 22 date in terms of whether or not it should be in
9 Farmington. If we didn't go there in August, we could go there another time. And so
10 I'm asking what other considerations there might be on the Commissioners side of
11 things to see how you feel about these locations and whether or not you would want
12 to suggest some changes.

13 VICE CHAIR SALAZAR-HENRY: Since I'm the shy wallflower, I'll go first. The only -
14 - I would like to do a couple of things is in looking at the items that we have to
15 discuss, the bear and cougar rule, the trapping rule, I would like to make sure that we
16 actually are places where our constituents that take advantage of those species that
17 there's trappers that can make this and it's not just people who don't support whether
18 it's trapping, bear hunting, cougar hunting. But I'd just like to make sure that we're in
19 a place where people can get to and provide meaningful input. The only date I have
20 a problem with is the October date, and I would love to move it to the week of
21 October 21st.

22 CHAIR PRUKOP: Other suggestions or conflicts coming from other
23 Commissioners? Which means I should check my own calendar.

24 COMMISSIONER LOPEZ: Madam Chair?

25 CHAIR PRUKOP: Yes, Commissioner Lopez.

1 COMMISSIONER LOPEZ: Thank you so much, Madam Chair. In review that we're
2 going to have in the August meeting, I still want to see if it's possible for the
3 Commission to meet in July to start knocking stuff off our table since we haven't had -
4 - or since the Commission hasn't met since – when did they last meet?

5 DIRECTOR SLOANE: January.

6 COMMISSIONER LOPEZ: January. So we can catch up. I know there's a few
7 issues we want to study more, but come November, you know, there's hearings of
8 the [indiscernible]. In January we have the legislative session starting soon and all
9 these deadlines within the management of state government come in to affect
10 sometime. So I don't know if the Commission would like to meet once a month until
11 we end the year. I know we're closing out fiscal year at the end of this month. Our
12 deadline, I think, is on the 17th to have all POs done and then all items delivered by
13 the 30th; is that right, Mr. [indiscernible]?

14 UNIDENTIFIED SPEAKER: Yes.

15 COMMISSIONER LOPEZ: And then, you know, we start fresh July 1 with all of
16 these requests coming in, so it's up to the Commission that we meet once a month
17 and we could switch those meetings around for the next six months. That's my idea.
18 I mean, I'm good at traveling, I travel for a living anyways. But I agree with
19 Commissioner Salazar-Henry to have the meetings particularly where the issues are
20 occurring. Like the gentleman said, if we're going to deal with [indiscernible] Compo
21 why are we going to have that in Roswell? And vice a versa. They're dealing with
22 antelope, why would we have that in Chama? So that's just some thoughts for
23 consideration.

24 CHAIR PRUKOP: Other thoughts or comments? Yes, Commissioner Soules.

25 COMMISSIONER SOULES: Madam Chair, I guess I direct this to the Director. I

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1 see all the meetings are on Thursdays. Is there some tradition or reason? Do we get
2 better attendance on Thursdays? Depending upon, I suppose, how remote it is, do
3 people prefer to have a Friday to travel afterward? I know for myself a Friday is more
4 convenient, but I really want to be responsive to the public.

5 DIRECTOR SLOANE: Madam Chair, Commissioner Soules. Thursday has been
6 the day that we've had Commission meetings for almost all of my career. I think
7 we've had two or three Saturday meetings, which have been relatively poorly
8 attended, in general. But, obviously, we can have them any day of the week. Today
9 is Friday so -- some of it does have to do with travel and getting folks home, but we
10 can be pretty flexible.

11 CHAIR PRUKOP: Okay, so I guess one thing at a time. In regard to Commissioner
12 Lopez's suggestion about monthly meetings, what do we think of that? And do we
13 have a purpose for meeting monthly?

14 COMMISSIONER BATES: Yes, Madam Chair, I'd defer to the Director in terms of a
15 need for meeting more frequently. If he feels we can meet the timeline with every
16 other month, then I prefer keeping it that way. But if there's a need to addressing
17 urgently [indiscernible].

18 CHAIR PRUKOP: Good question. So Director Sloane, do you have a comment on
19 that?

20 DIRECTOR SLOANE: Madam Chair, Commissioner Bates, because we have two
21 significant rules, bear and lion, and trapping, the dates that are set forth here would
22 allow us to accomplish those before the beginning of the legislative session. I think
23 that, in particular, trapping will be important to make some progress on before the
24 legislative session. We made some commitments during the last session that we
25 would work on it, so I think that, out of necessity, we may need to have meetings

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1 each month. So we did propose potential dates that could work in those months and
2 those are largely based on the number of days between meetings, public notice,
3 publication dates, those sorts of things. Obviously, there's some flexibility there.

4 There are a few there that are not very flexible.

5 CHAIR PRUKOP: So in looking at the list that's on the board right now we have
6 recommendations for August, October, November, January that have been already
7 been presented in previous times, but then we would be adding the additional
8 potential meeting dates?

9 DIRECTOR SLOANE: So we would add July, we would add September, move
10 October, and move January.

11 CHAIR PRUKOP: Okay, so looking at it that way, then Commissioners, we would
12 meet in August on the 22nd at a location yet to be determined, I'll say for now. Then
13 instead of meeting October 3rd we would meet October 14th --

14 DIRECTOR SLOANE: Or that week.

15 CHAIR PRUKOP: Oh, the week of. Then we would meet -- we would add a meeting
16 in September, the week of the 16th. We would then go to November 21st in Roswell,
17 and then we would change January 9 to January 17 for 2020. So you'd need to look
18 at your calendar with those changes in mind.

19 JIM COMINS: Madam Chair, if I may?

20 CHAIR PRUKOP: Yes.

21 JIM COMINS: I think we have to stick with the January 17 date just because of the
22 State Rules Act and the potential to pass a trapping rule. Or go through the
23 rulemaking process with the trapping rule on that date.

24 CHAIR PRUKOP: So it would be firm then that they week of January 17th --

25 JIM COMINS: That specific day because I believe that's a Friday?

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1 DIRECTOR SLOANE: It is. Yes, 31 days.

2 JIM COMINS: Yes. And for the State Rules Act we can't count the day of the
3 hearing as part of the 30 days that we have to [inaudible].

4 COMMISSIONER LOPEZ: Ma'am Chair?

5 CHAIR PRUKOP: Yes, Commissioner Lopez.

6 COMMISSIONER LOPEZ: Ma'am Chair, I'm also in concurrence with Commissioner
7 Soules of having our meetings on Fridays. I am flexible, but I think Fridays might
8 work for attendance. And, of course, everybody's always in a better mood on
9 Fridays. But I do know that we do have travel around the state, but I think that gives
10 the opportunity for the staff, the public, as well as the Commission to plan around
11 those Fridays and stuff to travel. So I'm in concurrence if everybody wants to stick to
12 Fridays and then move those days around.

13 UNIDENTIFIED SPEAKER: Madam Chair, I have a question. Do any of the -- we're
14 not locked into the locations --

15 DIRECTOR SLOANE: That's correct.

16 UNIDENTIFIED SPEAKER: We can still move those around, correct?

17 DIRECTOR SLOANE: Yes.

18 CHAIR PRUKOP: And did I also hear Jim say though that once -- when we're
19 looking at this, can we look at it as a tentative schedule or once we pick a date and
20 the location -- and we have to pick a location? Then that's firm?

21 DIRECTOR SLOANE: So because of the rulemaking, the dates are firm but the
22 locations we can work that out. Although I think Sandra will make faces at me
23 because she prefers to lock in the locations where we actually meet. So the sooner
24 we decide, the better.

25 CHAIR PRUKOP: Okay, so is the idea that if we -- on the first half of this chart,

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1 ignoring October, we might want to modify the locations, but we would keep those
2 dates but adopt the week of October 14th as the October substitute --

3 VICE CHAIR SALAZAR-HENRY: No, week of October 21st.

4 CHAIR PRUKOP: No.

5 VICE CHAIR SALAZAR-HENRY: Yeah, I can't do that date.

6 CHAIR PRUKOP: Oh.

7 VICE CHAIR SALAZAR-HENRY: That's the one I need to change.

8 CHAIR PRUKOP: Oh, okay. Well, October 21st because Thanksgiving this year is
9 not until the last week, right? It's like November 28th or something. So then the
10 notion would be that we might adopt this schedule, adding these additional times, but
11 then the Department would pick dates -- or we would settle on Friday -- Thursday or
12 Friday of those weeks, of those newly proposed weeks. So is it okay with the
13 Commissioners if we change the October meeting to the week of October 21st? Are
14 the majority of the Commissioners able to meet that? Because Roberta has a
15 conflict, Commissioner Henry has a conflict.

16 JIM COMINS: So Madam Chair, if I may. I was just talking to Chief Liley and as
17 long as we have a September meeting, it won't affect our rulemaking process in
18 October. And so if we move that we just need to make sure we have a September
19 meeting.

20 CHAIR PRUKOP: Okay.

21 JIM COMINS: That's correct, right Stewart?

22 CHAIR PRUKOP: Oh, I see.

23 STEWART LILEY: Madam Chair, Members of the Commission. So the plan would
24 be to finalize the bear and cougar rule in November. The bear and cougar rule
25 becomes effective April 1st of next year. In order to meet the requirements -- we

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1 have draw hunts for bear, and in order to do that you're going to have to have a rule
2 finalized by the November meeting. If you move the October meeting to the 21st, the
3 bear and cougar cannot be at the October meeting to have the discussion. So your
4 last time to make any changes to the bear and cougar rule would be in September, if
5 you do that. So what would happen is November you would get a final rule proposed
6 to you, that's at a hearing, because we couldn't meet the posting requirements. If
7 you wanted to change, substantially, the week of October 21st then bear and cougar
8 couldn't be acted on until sometime in December, which would then put it too late for
9 really draw applications and that. So that, I think, is why the week of the 14th was in
10 there. My understanding with the conflicts on that. That's just putting that in front of
11 the Commission is if you do a September meeting, that would be the last time that
12 you would really have the opportunity to discuss bear and cougar unless you want to,
13 potentially, get it late.

14 CHAIR PRUKOP: It actually highlights that we need that September meeting.

15 STEWART LILEY: It would highlight it and just with the recognition that after
16 September the bear and cougar rule would be, more or less, on final posting on the
17 website without changes coming into a November adoption.

18 CHAIR PRUKOP: So if we handle it in September, we're good?

19 DIRECTOR SLOANE: Yes.

20 STEWART LILEY: Madam Chair, that is correct. So my recommendation would be
21 the bear and cougar would be at a July, probably August, and then September, and
22 then finalized in November.

23 CHAIR PRUKOP: Okay. Right now these dates work for me. But you realize we --
24 this ties us down, we really can't go on any cool trips or anything. Okay, so I wish we
25 had a clean list of this because right now it's kind of confusing. But the first item I

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1 want to address is what makes the most sense for where we should have the August
2 22 meeting? Based on our previous discussion earlier today -- well, let me back up
3 from that. Should we have the July meeting in Farmington? And then choose a
4 more central location for the parties involved in a major agenda item for the August
5 meeting? Or what do you all want to do?

6 UNIDENTIFIED SPEAKER: What would be on the July agenda?

7 CHAIR PRUKOP: What's the July agenda, Mr. -- Director Sloane?

8 DIRECTOR SLOANE: So Madam Chair, we talked about potentially having that
9 workshop session where we'd go through a variety of topics. Obviously, we'd have to
10 talk about what those would be. And then introduction of the bear and cougar rule.

11 CHAIR PRUKOP: Okay, so if we did that in July, and part of that session under the
12 Open Meetings Act was a workshop session, meaning we're there for training, the
13 public is more than welcome to attend, but we do not make any decisions or discuss
14 any policy, et cetera, except that then a portion of that day would be an actual
15 Commission meeting? Is that what you are saying?

16 DIRECTOR SLOANE: Unless you would like to do two days, but yes.

17 CHAIR PRUKOP: Well, everybody is saying no to two days.

18 DIRECTOR SLOANE: I'm not advocating for it. I'm just making sure we're giving
19 you enough time for a workshop and the information you want.

20 CHAIR PRUKOP: No, so that works for me. And the Commission has had a long-
21 standing policy of moving our Commission meetings around the state so our
22 constituents can participate, which is wonderful. I like Commissioner Henry's idea of
23 trying to kind of match the subject matter to the location, to the extent that we can do
24 that. So I don't know if we want to pick today the locations of the rest of these
25 meetings that are as yet unidentified, or to let the Department make

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1 recommendations about that to us via email. I feel a little bit compelled to put the
2 August meeting location because of some -- you know, some interests that was
3 expressed here today on where that location is. So how would the Commissioners
4 like to proceed?

5 COMMISSIONER LOPEZ: I'm thinking, Madam Chair, in August we could have that
6 either in Santa Fe or as far north as Espanola, unless you guys really want to go
7 north into the God's country [indiscernible] but that's a trip of flying and hotels in that
8 area, which we do have, but it's pretty -- but do have a more centralized -- maybe
9 Santa Fe or Espanola for that issue. That's when bear and cougar starts, you said?

10 CHAIR PRUKOP: No, July.

11 COMMISSIONER LOPEZ: July, okay. Okay, July. Okay.

12 CHAIR PRUKOP: Stewart, did you have a comment?

13 STEWART LILEY: Madam Chair, Commissioner Lopez, it would be the second time
14 you would hear bear and cougar would be at that August meeting.

15 CHAIR PRUKOP: Because we would have heard it as a portion of the July
16 presentation?

17 STEWART LILEY: Madam Chair, that's correct.

18 DIRECTOR SLOANE: The August 22nd meeting would finalize the Migratory Bird
19 Rule, approve the budget, and introduce trapping rule as well as the bear and lion.

20 CHAIR PRUKOP: I'm thinking Santa Fe for August and then maybe Farmington for
21 July. Although bear and cougar, do they hunt many bear and cougar in Farmington?
22 There's not -- not nearly as much as other parts of the state. I don't know, one of my
23 thoughts is to go ahead and set the August location and let the Department do the -- I
24 don't know, matrix or something, about what you're talking about and where's a good
25 location and then let y'all make a recommendation of locations and dates to the

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1 Commission. Does that make sense? So we would be agreeing, unless a
2 Commissioner has another recommendation, to go ahead and have the August
3 meeting in Santa Fe and all of the others will be reviewed and are yet to be
4 determined. And the Department will make a recommendation on the dates and the
5 locations going forward. Does that work for everyone?

6 UNIDENTIFIED SPEAKER: Madam Chair, can we do two things today? Is move
7 that October meeting to the week of the 14th and --

8 CHAIR PRUKOP: The week of the 21st.

9 UNIDENTIFIED SPEAKER: The week of the 21st and then agree on Fridays are the
10 day we're going to meet. And that would help everybody pretty much know what
11 their obligations are. And which date we want a workshop.

12 CHAIR PRUKOP: I would like all the Commissioners to let us know how you feel
13 about Fridays. Fridays do cut into weekends and travel and stuff like that. That's
14 one reason why Thursdays are easier and that's also true for the public. So, I don't
15 know, let's talk about Thursday versus Friday.

16 UNIDENTIFIED SPEAKER: Madam Chair, you are looking back at me since I
17 brought that up. I'm one individual and I want to let everyone know they moved this
18 meeting to today on my behalf already. So I've already used up one of my cards, I
19 guess, on that. I can make either day. For me, personally, travel is easier when it
20 does include the weekend, but that's not necessarily true for the public. So I don't
21 know how we get public input on this but that's really what I'm more concerned about.

22 CHAIR PRUKOP: Okay, well then if you all will bear with me, I'm going to ask the
23 audience that's remaining here. We did lose some of our crew after a couple of other
24 agenda topics. But would you raise your hand in the audience, as a member of the
25 public, if Thursday or Friday makes any difference to you. Okay, I do see some

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1 hands go up. So then let me ask you this, do you prefer a Friday? Hands up. Do
2 you prefer Thursday? It's a tie [indiscernible] it's actually about four to five, so that
3 didn't help. Thank you.

4 UNIDENTIFIED SPEAKER: What about the Department people?

5 UNIDENTIFIED SPEAKER: [indiscernible]

6 CHAIR PRUKOP: We could definitely alternate, yes. We can definitely alternate.
7 Director Sloane, we also don't want to burden the Department unnecessarily when
8 we know you'll have all kinds of activities going on, too. Is there any tangible reason
9 why either Thursday or Friday is better for the Department?

10 DIRECTOR SLOANE: The only thing I can really think of is the potential that is the
11 last Friday of a pay period and you get extra hours. But it's just something we deal
12 with whether we're working hunts or going to Commission meetings.

13 CHAIR PRUKOP: Okay, it sounds like there might be consensus around alternating
14 Thursdays and Fridays and that would be another thing that would fall on the
15 Department to figure out -- and it would be good if they actually did alternate, and not
16 Thursdays sometimes and Fridays other times. But we will leave that to the
17 Department to configure as well. But Commissioner Lopez has a question.

18 COMMISSIONER LOPEZ: [indiscernible] the constituents have questions, I believe.

19 CHAIR PRUKOP: I don't think we're open for public comment on this yet. Any more
20 thoughts among the Commission? And this agenda item should not be this
21 complicated.

22 UNIDENTIFIED SPEAKER: Madame Chair?

23 CHAIR PRUKOP: Yes?

24 UNIDENTIFIED SPEAKER: And respecting how we're going to do this in July,
25 because some of us are traveling to [inaudible] and all kinds of things in July, I have

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1 two days open. So if you could plan it either the 24th, 25th, and, I guess, I could get
2 away the 26th. That's it. That's what I have. I would be forever grateful. And that's
3 my chip, okay?

4 CHAIR PRUKOP: Okay. I really don't think we're going to take public comment on
5 this. It's enough confusion as it is. But where we're right now is this: As I mentioned
6 before, we have set the August 22nd meeting for Santa Fe. We have changed the
7 October meeting to the week of the 21st. We have a few input on specific days from
8 some of the Commissioners, which is fine, because it is workable. We know we have
9 to have the January meeting on the 17th. The rest of the actual dates and locations
10 we're going to ask the Department to study and try to match an appropriate location
11 based on the topic, the prevailing topics for that Commission meeting, to a location
12 they would recommend. And likewise, select the dates, the specific dates, in those
13 months, and alternating Thursdays and Fridays. Got that?

14 DIRECTOR SLOANE: Got it.

15 UNIDENTIFIED SPEAKER: If possible.

16 UNIDENTIFIED SPEAKER: Comment, Madam Chair, I will be out of the country the
17 week of October 21st.

18 CHAIR PRUKOP: Okay and we're probably going to run into this. So I don't know
19 what to say. We're going to have to -- I'm going to let the Director talk to the two of
20 you and you all figure it out. Yes, Commissioner Lopez.

21 COMMISSIONER LOPEZ: I do have one quick comment that we can reference, has
22 been used in the past in Commission meetings, and Attorney General Grubeseck, you
23 can verify on our policy. We do have the option to appear telephonically. So, I
24 mean, if we can't --

25 CHAIR PRUKOP: From Spain and where are you going to be, Commissioner

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1 Bates?

2 COMMISSIONER LOPEZ: It might be an expensive call, but we do have the option
3 to do that as well.

4 CHAIR PRUKOP: And that is certainly something --

5 UNIDENTIFIED SPEAKER: [indiscernible]

6 CHAIR PRUKOP: Okay, is this enough on this topic for right now? We're going to
7 let the Department send you a list. The only thing we know for certain right now is
8 August 22nd, Santa Fe. I guess January -- well no, January -- well no, all we know for
9 certain right now is August 22nd. It has to be in January, on January 17th. But the
10 Department will send you -- will send all of us a recommended list so you really don't
11 have --

12 COMMISSIONER LOPEZ: In July?

13 CHAIR PRUKOP: Right. So that's undetermined yet.

14 COMMISSIONER BATES: Chairman, is there a timeline on receiving the suggested
15 dates so that we can plan?

16 DIRECTOR SLOANE: We'll get them to you by Tuesday of next week.

17 CHAIR PRUKOP: Great, thank you Director Sloane and thank you for the question,
18 Commissioner Bates. Okay, that was probably our roughest topic of the day. Moving
19 on then to Agenda Item No. 14, which is General Public Comments. And again, this
20 is the notion is you're limited to two minutes each so that we're not here the rest of
21 the day. Anyone from the general public who would like to step to the podium and
22 address the Commission? Okay, we have several. Oh, and I'm sorry I need to
23 apologize and say Joel Gay did ask to comment on the schedule, and I apologize for
24 that, Mr. -- and then we'll get to all of the general comments because we have a
25 stack.

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1 JOEL GAY: Thank you for the opportunity. My name is Joel Gay, I am a Chairman
2 of the New Mexico Chapter of Backcountry Hunters & Anglers and I appreciate the
3 conversation that you all had earlier in the meeting about transparency and public
4 participation. I think that's really important, and I think already we're seeing a very
5 positive sign here about the direction this Commission will be going. In that vein, I
6 would encourage you to expand your view of what would be a good day for Game
7 Commission meetings to include Saturdays. And yes, there have been times when
8 they held a meeting on Saturday [indiscernible] for instance whether there was
9 terrible participation [indiscernible] July. You know, if you have that same meeting in
10 March, I think you'd have better outcome. Some of the biggest meetings the
11 Department has ever had has been in Albuquerque on a Saturday. So anyhow, to
12 the point that Commissioner Soules made, I think it's really important for you to try
13 and get to a place where people can be there. Thursdays, you know, from 9:00 to
14 2:00 or 3:00 in the afternoon is really not helpful. And Friday, I think, is probably
15 better but I would encourage you to think about Saturdays. Thank you.

16 CHAIR PRUKOP: One thing we might do, Director Sloane, is in the conflict that we
17 have with Commissioner Henry and Commissioner Bates, if a Saturday works, let us
18 know.

19 DIRECTOR SLOANE: We'll do.

20 CHAIR PRUKOP: So we can start to take a look at that. Okay, so starting in on our
21 stack of public commenters, can we have Dan Ropert [phonetic] to the podium,
22 please? And Dan is the Public Lands Coordinator for Trout Unlimited.

23 DAN ROPERT: Well, thank you, Madam Chair and Commission Members. I'll set
24 the bar low so others can really shine as they come after me. So thanks for a couple
25 of minutes to talk to you today. I just wanted to share some of the work we do and

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1 how, I think, it relates to the Commission. So our mission is really grounded in
2 protecting and restoring our watersheds, our repairing areas, our streams, our native
3 fish. And probably a one big ask of you today would be to remember that fisheries
4 are important too. I think there are those out there that feel that fisheries are
5 sometimes not an important part -- or not viewed as important by the work of this
6 Commission. So we just want to make that request of you. You know, we see
7 fishing as a really important part of our states growing outdoor recreation economy
8 rivaling that and in many cases of hunting. So folks out there are buying licenses
9 and hiring guides, purchasing bait and tackle, hotel rooms and meals, and much of
10 this occurs in rural New Mexico. Fishing opportunities are also really important to the
11 quality of life for many New Mexicans and so, again, we just ask that you all keep that
12 in mind. There are two species that really drive much of our work in the state, the
13 Gila trout and the Rio Grande cutthroat trout. And since homework assignments
14 came up, I would say if you don't know the stories of those fish, I think they're really
15 good stories to know. They talk about the value of native species and prized
16 recreational pursuits, they include lessons about watersheds and forest health, and
17 the impacts of large fire and a changing climate on our landscape. And it includes
18 stories of successful collaboration between the Department and the public to restore
19 species to their rightful place. One other point I just want to make is I think when are
20 at our best is when our work is grounded in science, we're working collaboratively,
21 and working and engaging landowners and the public in our work and so we just
22 encourage you to keep all that in mind as you go forward and we wish you luck.

23 Thank you.

24 VICE CHAIR SALAZAR-HENRY: Thank you, Mr. Ropert. I'm taking over for our
25 Chair, she had to go make an urgent phone call. Michael Dax from Defenders of

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1 Wildlife. Great to see you, Mike. Good catch.

2 UNIDENTIFIED SPEAKER: We'll expect future speakers to have [indiscernible].

3 MICHAEL DAX: I think I should probably just bow out right there. So I'm Michael
4 Dax, I'm with Defenders of Wildlife. I just want to say congratulations to all of you
5 and am looking forward to working with you. I'm not going to hit you over the head
6 too hard with some of the policies that we'd like to see with the Department, but I do
7 want to say, really appreciate the steps towards transparency. It's great to see email
8 addresses on the website as opposed to just PO boxes. It's great to see today's
9 meeting webcast so people around the state can follow it. I was going to say that in
10 the past the most robust debates we've seen have been over the scheduling of
11 Commission meetings. So it looks like that tradition has continued. But we do look
12 forward to more robust debate. We've seen over the past four years a lot of 7-0
13 votes on controversial issues without a lot of debate, and I think especially when
14 there are controversial issues it is important that we see all of you Commissioners up
15 here wrestling with those issues and understanding that the public has diverse range
16 of viewpoints on those issues and seeing that reflected in the Commission. Also, as
17 far as Commission meetings go, you guys have a lot of important business that
18 needs your approval and permission and all of those sorts of things. But it would also
19 be great to just see presentations on what the Department is doing. For my work
20 with the Department staff I know that there's some great work that the Department is
21 doing that doesn't often get aired at the Commission meetings. And so it would be
22 great to, you know, from just an educational standpoint, to use these Commission
23 meetings for those purposes as well and understanding all of the benefits that wildlife
24 have in New Mexico from economic concerns to ecological concerns. So thank you,
25 again, and looking for to working with all of you.

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1 VICE CHAIR SALAZAR-HENRY: Thank you, Michael. And thank you for pushing
2 the Wildlife Corridors Act. We appreciate that.

3 MICHAEL DAX: Looking forward to working with all of you on that as well.

4 VICE CHAIR SALAZAR-HENRY: Jan Hayes [phonetic].

5 JAN HAYES: Well, thank you for the opportunity to be here today --

6 UNIDENTIFIED SPEAKER: [inaudible]

7 JAN HAYES: I thought I was. Thank you for the opportunity to speak to you today, I
8 really appreciate it. We're going to talk about bears. [indiscernible] garbage

9 habituate bears which becomes a never-ending destructive cycle with the species.

10 Bear biologists [indiscernible] conducted a survey in Arizona that found that 90

11 percent of human bear problems came from available garbage. In the past two

12 summers [indiscernible] Bernalillo County have erected 40 lock it away until trash day

13 signs on [indiscernible] roads along North 14, South 33, and 217 in the Sandia and

14 the [indiscernible] Mountains. Bear watch paid for the signs and Bernalillo County

15 installed the signs. For this project Bear Watch had the support of its 500 members.

16 Bernalillo County, New Mexico Game and Fish, the Forest Service, Protection of New

17 Mexico, and Friends of the Forest. We're now working with Sandoval County to

18 install signs in the Placitas area and in the City of Albuquerque. We hope to install

19 signs along Tramway, east of Tramway. I've also been asked about installing signs

20 in Hamas and Chama in the future. Our hope is that this future [indiscernible] and we

21 see some success from it. The signs will be a daily reminder to residents to be safe

22 and responsible stewards of the areas of bears. Any questions?

23 CHAIR PRUKOP: Thank you very much, Jan. Questions from the Commission?

24 Thank you. Moving on then, Todd Welch [phonetic].

25 TODD WELCH: Good afternoon, Commissioners. I'm Todd Welch from Los Lunas

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1 and the one thing I hope you'll all consider in the future is reenacting the minimum
2 caliber for elk, oryx, and bighorn sheep. Scientifically if you read Dr. Morton Fackler's
3 [phonetic] books on terminal ballistics and wind tunnels, he's one of the experts in the
4 field who I had the pleasure of meeting one time. A .22 centerfire is too small for
5 those species and we want to kill as quickly and humanely, the species, as we can.
6 And some people are going to say, "Well, just because it's legal, we're going to use
7 that." But that doesn't mean it's ethical. So hopefully, we can promote hunting and
8 bring back those minimum caliber restrictions based on science. The other thing I'd
9 like to say is basically on the agendas and the public meeting, I do a lot of stuff
10 through computers, I've sent a lot of emails through computers, we do work as the
11 public and we cannot make it to all of the meetings. I know you're trying to go around
12 the state, but if you promote web access a lot more, you'll get a lot more input. That's
13 it. Thank you.

14 CHAIR PRUKOP: Thank you very much for your comments. Duly noted. Next is
15 Jesse from the New Mexico Wildlife Federation.

16 UNIDENTIFIED SPEAKER: Madam Chair, Members of the Commission, thank you
17 so much for a wonderful meeting today. I've heard a lot of people say a lot of
18 congratulations and I think with the amount of work that you've taken on, the amount
19 of commitment in time and energy and the stress that's soon to follow, I think it may
20 be a thank you would be more appropriate. The New Mexico Wildlife Federation is
21 very active and we're so fortunate to have a strong relationship with the Department
22 of Game and Fish and part of that relationship involves work at the state legislature,
23 working on behalf of the Department, trying to kill the bad bills and promote the good
24 bills. We sent you a formal letter, we sent a letter to all the Commissioners, with
25 outlining some of the things that we'd like to see happen and some of the work that

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1 we want to have done and we look forward to working very closely with you to get
2 those objectives accomplished. And the tone of this meeting was so refreshing
3 compared to so many of the past Game Commission meetings that I've attended. So
4 thank you so much, and I'm really looking forward to this new Commission. Thank
5 you.

6 CHAIR PRUKOP: Thank you, Jesse. I'm probably going to not pronounce this last
7 name properly, but it's Peter Ossorio?

8 PETER OSSORIO: Madam Chair, Commissioners, you get the prize. It's
9 pronounced as if it were Irish, even though it isn't. And I'd like to ask you, on behalf
10 of the Mexican wolves, to immediately rejoin Arizona, the Fish and Wildlife Service,
11 the White Mountain Apache Tribe, and the other partners in cooperators who
12 manage and monitor the reintroduction of the Mexican wolf. In your closed session
13 you are going to see some of the legacy, of not only the withdrawal in 2011 of any
14 support, but the active impediment and roadblocks leading to litigation that happened
15 in a previous time. So I'd like to take you back a little bit to a happier time. It was
16 challenging. The Mexican wolf had just been listed, it had been exterminated -- or
17 extirpated in the United States, trappers were sent to Mexico to try and capture a few
18 remnants in Mexico. The ones that were brought back were brought back to be bred
19 in captivity and it was unclear whether they would ever be able to have a population.
20 And yet, at that time, a team of six people, bi-national, Mexico and the U.S., with four
21 consultants, put together the 1982 Recovery Plan. This those the only plan for 35
22 years for the recovery of the Mexican gray wolf. It wasn't perfect; it predated the
23 requirements of the ESA in many ways and one of the consultants, and the team
24 leader of that plan, were New Mexico Department Game and Fish. Please restore
25 the legacy.

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1 CHAIR PRUKOP: Thank you for your comments. Carrie --

2 COMMISSIONER SOULES: Madam Chair?

3 CHAIR PRUKOP: Yes? Commissioner Soules.

4 COMMISSIONER SOULES: I heard a request there for the Department to rejoin the
5 interagency team, so I have a question. Number one, is that something we can act
6 on in this if it was not on the agenda? And number two, I would like to request that
7 we consider putting that on the agenda for a future meeting.

8 CHAIR PRUKOP: The short answer to that is that, yes, it will be on the agenda for
9 future Commission meeting. So no problem with that. Kerrie Romero.

10 KERRIE COX ROMERO: Thank you, Madam Chair, and Members of the
11 Commission. Again, my name is Kerrie Cox Romero, I'm the Executive Director for
12 the New Mexico Council for Outfitters and Guides. I just wanted to take this
13 opportunity to explain a little bit more about our organization. The Council of
14 Outfitters and Guides essentially advocates the outfitted segment of the hunting and
15 fishing industry and because 98 percent of outfitter clientele consists of nonresident
16 hunters and anglers, we advocate for the fair and equitable nonresident hunter and
17 angler opportunity. Nonresident hunters and anglers provide a primary source of
18 license revenue for the Department of Game and Fish and they also provide
19 essential tourism dollars for the New Mexico state economy. Additionally, outfitters
20 provide over \$5 million in gross receipts taxes to the State of New Mexico annually
21 and they provide job opportunities in rural areas where hunting and fishing is often
22 the only industry, other than agriculture. In terms of regulation, the outfitter industry
23 is essentially double regulated by the Department of Game and Fish. We are
24 regulated through the take of game and general hunting and fishing laws, and then
25 we're also administratively regulated through the licensing and regulation process

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1 that is required of any individual who wants to earn a livelihood as an outfitter or
2 guide. So the decisions made by the Department of Game and Fish, and also by
3 you, as a Commission, are extremely important to our industry and I look forward to
4 working with each of you to ensure the continuance of a healthy and thriving outfitter
5 industry. Thank you.

6 CHAIR PRUKOP: Thank you very much. Jessica Johnson.

7 JESSICA JOHNSON: Hello Madam Chair and Commissioners and Director Sloane.
8 Jessica Johnson on behalf of Animal Protection of New Mexico. If you don't know
9 about us, we're celebrating our 40th anniversary this year; we're a statewide
10 nonprofit. And over those decades we haven't always agreed with the Department,
11 but we've also found opportunities to collaborate, particularly in terms of public safety
12 regarding cougars and coexistence with beavers, and so we're really looking forward
13 to the new Commission stepping in and this being a chance to continue some of that
14 collaboration. I would love a chance in the near future to sit down with each of the
15 Commissioners and talk to you a little bit more in depth with some of our concerns
16 and issues that are top of mind for us. For example, the non-sportsmen public is an
17 enormous untapped constituency for the Department, both in terms of policy and in
18 terms of funding sources. Glad to see that the bear and cougar rule and the trapping
19 rule be taken up this year. The trapping and fur bearer issues are in need of a
20 significant, not mild, but significant overhaul. And we're also interested in working
21 with the Department to better facilitate wildlife rehabilitation and relocation whenever
22 it's possible. So I'll leave it at that in terms of the policy issues. Do want to thank you
23 and echo some of the other comments about accessibility and transparency that this
24 new Commission has taken on board. Even being here today, I appreciated being
25 able to webcast the Commission while I sat in my car and ate an emergency burrito.

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1 And on a personal note, you know, I just want to say wildlife and habitat here in New
2 Mexico has taken on a very personal importance to me because now I'm working on
3 a little baby, so this is not just the burrito. So I really, truly, from the bottom of my
4 heart, want to thank you for your service. Thank you.

5 CHAIR PRUKOP: Thank you, Jessica. And would love to hear your ideas about
6 funding for nongame. Madeleine Carey.

7 MADELEINE CAREY: I'm Madeleine Carey and I'm representing WildEarth
8 Guardians today. Madam Chair, Commissioners, Director Sloane, thank you so
9 much for a great meeting. We're really heartened and in particular by your focus on
10 public engagement and transparency. I think that's been something that New Mexico
11 State Government has struggled with across every entity that it exists in. Guardians
12 has a long and diverse set of relationships with the Department from being a partner
13 on the ground restoration, which I know some of your staff is going out next week to
14 check out on the Canadian, to partnering with you on wildlife action plans and
15 conservation strategies. I know there's a lot of excitement about trying to get the
16 beaver run reimplemented and expanded as well as we also are your adversary in
17 the court and sometimes need to hold you publicly accountable, and we look forward
18 to continuing on to engage you across all of those roles. During this tenure I wouldn't
19 be Guardians if I didn't stand here and say that. And I'd just like to echo some of the
20 issues that were highlighted by other partners, like nongame funding and the
21 nongame constituency. Our department is going to engage in an endangered
22 species recovery, particularly the Mexican wolf, and I look forward to getting to know
23 each and every one of you better.

24 CHAIR PRUKOP: Thank you very much. Dave Parsons [phonetic].

25 DAVE PARSONS: Thank you, Madam Chair and Commissioners, and

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1 congratulations to you all for being appointed to the Commission. I look forward to
2 working with you. I want to raise an issue that hasn't been spoken about much today
3 and that is based on the fact that wildlife in New Mexico is a public [indiscernible]
4 outset and it falls under section of common law called the Public Trust Doctrine and
5 by joining Commission you've taken on a very significant and very serious role in
6 being the public trustees of New Mexico's wildlife, at least those species that you
7 have jurisdiction over. Reading your policy manual I would recommend that there be
8 some discussion of the Public Trust Doctrine. The fact that [indiscernible] what your
9 responsibilities are as the public trustees to all segments of the public and to all
10 wildlife that you have jurisdiction over, because it's a resource that belongs to
11 everyone, but is owned by no one, and we share responsibility to make sure that your
12 decisions serve the wildlife and the public. Thank you very much.

13 CHAIR PRUKOP: Thank you very much. I've actually written two professional
14 papers on the North American model and the Public Trust Doctrine and we can,
15 perhaps, draw from some of that. So thank you for your comment. Colleen Payne.

16 COLLEEN PAYNE: Good afternoon, Commissioners, I might as well come up here
17 and introduce myself a little bit more in detail as well. My name is Colleen Payne, I
18 am with the Mule Deer Foundation and the New Mexico Regional Director, so I get
19 the pleasure of working across the State of New Mexico with our volunteers doing
20 fundraising efforts to put that money back on the ground for habitat improvement
21 projects and [indiscernible] education programs. And I just also want to take a
22 moment to commend the Department for being a tremendous partner with the Mule
23 Deer Foundation in habitat improvement, with wildlife management, with our
24 [indiscernible] efforts and also in the Law Enforcement Division as well. We get to
25 work with a variety of divisions within the Department and we're very thankful for that.

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1 We want to be able to continue that opportunity and I've known some of you for a few
2 years now and am looking forward to working with you further as part of the
3 Commission and partners in wildlife and conservation here for New Mexico. So
4 thank you.

5 CHAIR PRUKOP: Thank you very much. I believe this is Tanner Anderson
6 [phonetic].

7 TANNER ANDERSON: Good afternoon, Madam Chair, Members of the
8 Commission. My name is Tanner Anderson, I'm Regional Director for the New
9 Mexico Farm and Livestock Bureau. Our organization advocates for farmers and
10 ranchers and agriculture across the state. So I want to thank you all for giving your
11 time to serve the state and look forward to working with you. Thank you.

12 CHAIR PRUKOP: Thank you for your comments. And Kevin Bixby.

13 KEVIN BIXBY: Madam Chair, commissioners, Director Sloane, I just want to
14 introduce myself as well. I'm Executive Director of an organization called the
15 Southwest Environmental Center located in Las Cruces. Very happy to see Las
16 Cruces well represented once more on the Commission. We do habitat restoration
17 along the Rio Grande and I encourage the Commission and the Department to take
18 more of an interest in the fate of the Rio Grande in southern New Mexico. We
19 haven't given up hope that it can be a living river and we're doing well in repair and
20 restoration projects. But what I wanted to say to you today, besides introducing
21 myself, is that you face a tremendous challenge. The Commission of the
22 Department, we're facing a biological meltdown worldwide, New Mexico not
23 accepted, and it is -- we've lost 60 percent of our vertebrae, populations have
24 declined by 60 percent since 1970. 60 percent of the vertebrates are gone in our
25 lifetime, worldwide. So protecting wildlife as a public trust resource for the future is

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1 so important, it's a monumental challenge. We want to give the Department, the
2 Commission, the authority, the legal authority you need, to meet that challenge and
3 the resources. Right now the Department and the Commission only have authority to
4 manage 60 percent of the vertebrate species in New Mexico, virtually none of the
5 invertebrates, which really run the world. So we want to give you the authority to be
6 champions for all the wildlife and the funding resources to do that. Thank you.

7 CHAIR PRUKOP: Thank you for your comments. And we do appreciate the
8 comments that are made about funding nongame management. It's a challenge for
9 all of us and is going to take a statewide effort to get that accomplished. And if we all
10 pull together, perhaps we can, especially under this administration. I believe that
11 concludes our public part of the agenda. Our next agenda item is --

12 UNIDENTIFIED SPEAKER: Madam Chair, there is some concern that there is
13 more.

14 CHAIR PRUKOP: Okay. I'm sorry, okay. Does Joel -- you wanted to speak under
15 this topic as well?

16 JOEL GAY: That's twice.

17 CHAIR PRUKOP: I'm going to have to make it up to you. I do get that.

18 JOEL GAY: Actually I was going to say earlier when I was up here that I was hoping
19 that you would also extend the public comment period to three minutes, which is the
20 way it used to be for a long, long time until the most recent Chair of the Game
21 Commission changed it to two. Two minutes is an awfully short time to try to get any
22 idea across, which is why I'm going to go over here. Again, I'm Joel Gaye, I'm the
23 Chairman of the New Mexico Chapter of Backcountry Hunters & Anglers, which is a
24 large and rapidly growing group of sportsmen and women who cherish our public
25 lands, waters, and wildlife. We've already thanked the governor for appointing this

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1 most diverse and forward-thinking Game Commission ever, so today we congratulate
2 you. But now the hard work begins. Many hunters and anglers in New Mexico have
3 a cynical view of the Game Commission because past commissions have done a
4 good job of managing wildlife, but many sportsmen and women believe that we have
5 been treated as second-class citizens. Elk licenses, for example. The number of elk
6 licenses -- the percentage of the elk licenses has declined substantially because past
7 game commissions have put more -- allowed the EPLUS Program to grow without
8 limits and so now only half of all elk licenses in the state go to draw hunters; the rest
9 go to landowners who can sell, give away, or not even use elk licenses. A few years
10 ago a federal judge overturned the turk [phonetic] injunction which gave New Mexico
11 hunters hundreds of additional oryx, ibex, and bighorn sheep licenses, but it was the
12 hunters of New Mexico who demanded the Game Commission to actually get off its
13 hands and appeal that decision. It wasn't in the Game Commission; it was hunters
14 who did that. Past game commissions have twisted state statute, bent state
15 regulations in order to benefit special interests at the expense of everyday hunters
16 and anglers. The list goes on, but the bottom line is that New Mexicans want this
17 Game Commission to put residents at the top of your priority list, not at the bottom.
18 We want wildlife management using the best available science so that if you control
19 predators, we want to reduce our elk herd, backup your decisions with data. We
20 need you to start planning for the effects of climate change on our Game and Fish
21 and then map and protect migratory corridors and cold-water streams that will be
22 essential to wildlife survival. We ask you to manage according to the law as written,
23 not as you wish it was written. If a particular statute does not meet the needs of
24 wildlife habitat, New Mexico residents don't ignore it, go to the legislature. We'll help
25 you. Hunters and anglers want transparency and fairness. We're not looking for

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1 favors, we simply want the Game Commission to adhere to state law and the
2 constitution and to do so with your main constituency in mind. The sportsmen
3 [indiscernible] fund virtually every penny of wildlife management in the state through
4 licenses, stamps, and taxes. Backcountry Hunters & Anglers want this Game
5 Commission of the Department of Game and Fish to succeed and we will help
6 however and whenever we can. Thank you.

7 CHAIR PRUKOP: Thank you. And I do apologize, once again, for stepping on you.
8 Two things about that, we did receive a very lengthy letter from the New Mexico
9 Wildlife Federation on what some of their priorities were and if you would like, Joel, if
10 you and your organization would like to submit a letter with those thoughts on it so
11 the Game Commission has record to consider, that would be just fine. And I offer
12 that to any other organization or individual in the room if you want to put some of your
13 thoughts and concerns in writing, that's perfectly good and gives us something to
14 read and reflect on. And then also, I'll make sure that I notice you immediately the
15 next time. And I believe Jean wanted to speak.

16 JEAN OSSORIO: Yes, I guess my card went into a black hole somewhere. I'm
17 Jean Ossorio and, yes, I'm with Peter Ossorio. I recently spent my 509th night
18 camping in a tent in occupied Mexican wolf territories in Arizona and New Mexico.
19 I've seen 56 of them in the wild so I think I have a little bit of familiarity with the
20 species. As Peter pointed out, New Mexico was involved in the very beginnings of
21 the Mexican Wolf Program but political considerations sort of got in the way and
22 between the time of the first releases in 1998 until 2004, New Mexico was not really
23 involved as a cooperator. From 2004 to 2010, the state was a cooperator and had a
24 seat on the area agency field team and was somewhat active in managing the wolves
25 in the field. But in 2011 the governor withdrew -- and the Commission, withdrew the

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1 Department from cooperator status. From that time until now the numbers of New
2 Mexico wolves have actually continued to grow so that in the end of 2010 there were
3 only 50 wolves in the wild and 21 in New Mexico. By the end of last year, 2018, there
4 were 131 wolves in the wild and 67 of those were in New Mexico. But genetic
5 diversity continues to be a big issue for this subspecies. So it strikes me that given
6 that there are actually a few more wolves in New Mexico than in Arizona right now,
7 and that there are continuing issues that will be important to resolve in the
8 management of the species, and that this population is only going to continue to
9 grow, for the moment at least, New Mexico should have that seat at the table and
10 should be a cooperator. So I'm encouraged and heartened to hear that you are
11 looking at possibly doing that and certainly support that very strongly. Thank you so
12 much. And thank you for the transparency as well.

13 CHAIR PRUKOP: Thank you. And thank everyone for their public comments. Are
14 there any others that we don't want to overlook? Seeing then, we will, indeed, take
15 into consideration whether or not we want to move the time limit from two to three
16 minutes. It may depend on the topic and how many people are in the room from
17 meeting to meeting. But we will, indeed, consider that. Because we know two
18 minutes is short. Unless I hear anything else from the Commission or the Director,
19 our next Agenda Item No.15 is a proposed Closed Executive Session, primarily to
20 discuss litigation of which there is quite a list. The new Commission is very
21 interested to find out what it's all about. So I believe we need a motion to go into
22 closed session and a second and then we will need a roll call vote, is that correct?

23 DIRECTOR SLOANE: Yes.

24 CHAIR PRUKOP: Okay, could I hear a motion, please?

25 COMMISSIONER LOPEZ: Motion, Madam Chair, to go into executive session as

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1 the agenda states.

2 CHAIR PRUKOP: Thank you very much, Commissioner Lopez. A second?

3 DIRECTOR SLOANE: Madam Chair.

4 CHAIR PRUKOP: Yes.

5 DIRECTOR SLOANE: There is a specific agenda item under – specific motion
6 under Agenda Item 14. I think that the AG was about to advise that we really need to
7 read that specific one.

8 CHAIR PRUKOP: Okay. Okay, thank you very much. So for the record, we'll read
9 the official motion. Go ahead, Commissioner Lopez.

10 COMMISSIONER LOPEZ: Motion to adjourn into executive session closed to the
11 public; pursuant to Section 10-15-1(H)(2) the New Mexico statute's annotated 1978
12 to discuss personnel matters related to complaints and discipline; pursuant to Section
13 10-15-1(H)(8) New Mexico statutes annotated 1978 to discuss property acquisition;
14 and pursuant to Sections 10-15-81(H)(7) New Mexico statutes annotated on matters
15 related to attorney-client privilege related to threatened or pending litigation in which
16 the Commission and/or the Department is or may become a participant as listed in
17 the Agenda Item 14, Subsections A, B, and C.

18 CHAIR PRUKOP: Okay. Thank you for that motion, Commissioner Lopez. And
19 was there a second? Did we get to that? We didn't get to that.

20 VICE CHAIR SALAZAR-HENRY: I'll second.

21 CHAIR PRUKOP: Commissioner Henry seconds. Now we'll have a roll call vote.

22 DIRECTOR SLOANE: Commissioner Bates.

23 COMMISSIONER BATES: Yes.

24 DIRECTOR SLOANE: Commissioner Cramer.

25 COMMISSIONER CRAMER: Yes.

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1 DIRECTOR SLOANE: Commissioner Lopez.

2 COMMISSIONER LOPEZ: Yes.

3 DIRECTOR SLOANE: Commissioner Soules.

4 COMMISSIONER SOULES: Yes.

5 DIRECTOR SLOANE: Commissioner Vesbach.

6 COMMISSIONER VESBACH: Yes.

7 DIRECTOR SLOANE: Commissioner Salazar-Henry.

8 VICE CHAIR SALAZAR-HENRY: Yes.

9 DIRECTOR SLOANE: Chair Prukop.

10 CHAIR PRUKOP: Yes.

11 DIRECTOR SLOANE: It passes unanimously.

12 CHAIR PRUKOP: Okay, so we are coming back into session and we have to do that
13 formally. May I hear a motion from a Commissioner, please, to come back into full
14 session?

15 DIRECTOR SLOANE: So I don't think it's a motion; you just have to read the
16 announcement.

17 CHAIR PRUKOP: Oh, okay. Thank you. I appreciate that, Mr. Director. Which tab
18 are we under?

19 UNIDENTIFIED SPEAKER: I think we're under 15.

20 CHAIR PRUKOP: Okay, announcement upon return. This Commission has
21 adjourned -- had adjourned into Executive Session closed to the public. During the
22 Executive Session the Commission discussed only those matters specified in the
23 motion to adjourn and it took no action as to any matter. So while we were in
24 executive session, we did discuss pending Department litigation and have one action
25 to take as a result of that discussion and may I hear a motion from a Commissioner

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1 on the item we would like to act on today?

2 VICE CHAIR SALAZAR-HENRY: Madam Chair, I'd like to move that the
3 Department move forward with settlement as discussed in Executive Session
4 pertaining to case number D-608-CV- 2018-00071.

5 COMMISSIONER VESBACH: Second.

6 CHAIR PRUKOP: I hear a second from Commissioner Vesbach. Is there any
7 further discussion on this and public session? Hearing none, all those in favor of the
8 motion as presented, signify by saying aye.

9 COMMISSIONERS: Aye.

10 CHAIR PRUKOP: Opposed, nay. The motion passes. I believe that's all that was
11 on the agenda. I have lost my agenda. But there are no other business items on the
12 agenda. Do any Commissioners have anything further they'd like to bring up?
13 Otherwise, may I hear a motion to adjourn?

14 COMMISSIONER CRAMER: So moved.

15 CHAIR PRUKOP: Thank you, Commissioner Cramer. May I hear a second?

16 COMMISSIONER BATES: Second.

17 CHAIR PRUKOP: Seconded by Commissioner Bates. Any discussion? All those in
18 favor, signify by saying aye.

19 COMMISSIONERS: Aye.

20 CHAIR PRUKOP: Opposed, nay. Great, this meeting is adjourned.

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CERTIFICATE

1
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21 of this matter.

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DRAFT

**APPROVAL OF MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION**


**June 14, 2019
New Mexico Department of Game and Fish
Northwest Area Office
7816 Alamo Road NW
Albuquerque, NM 87120
9:00 a.m.-5:00 p.m.**



Michael B. Sloane, Director

7/24/19

Date



Joanna Prukop, Chair

New Mexico State Game Commission

07/24/19

Date

MS/scd