

**MEETING MINUTES**

**NEW MEXICO STATE GAME COMMISSION  
Blue Hole Convention Center Civic Center Room  
1085 Blue Hole Rd.  
Santa Rosa, NM 88435**

Thursday, June 23, 2016  
9:00 a.m. – 5:00 p.m.

**A P P E A R A N C E S**

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

**A B S E N T**

Game Commissioner Thomas Salopek

[Audio starts during Roll Call]

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya?

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle?

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Thank you. Well my son's here today. I'm going to have him come up and do the Pledge of Allegiance for us.

[Pledge of Allegiance ends.]

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

VICE CHAIRMAN MONTROYA: So moved, Mr. Chairman.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. What we'd like to do at the beginning of these meetings is go around the room and introduce ourselves. Why don't we start over there?

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners and Director Sandoval.  
(inaudible).

GUEST SPEAKER: Good Morning, Commissioners. I'm Chris Chadwick. I'm with the Department of Game And Fish.

GUEST SPEAKER: Mr. Chairman, Commissioners, my name is Lance Cherry. I'm the Chief of the Information and Education Division.

GUEST SPEAKER: Good Morning, Chairman, Commissioners. I'm Donald Hamel [Phonetic], Deputy Director with the New Mexico Department of Game and Fish.

GUEST SPEAKER: Mr. Chairman, Commission, Laura Riley. I'm the Deputy Commissioner at the State Land Office.

GUEST SPEAKER: Good Morning Mr. Commissioner and Commissioner. Alexa, thank you for letting me speak here. My name is Aubrey Dunn, New Mexico State Land Office.

CHAIRMAN KIENZLE: Good Morning.

GUEST SPEAKER: Good Morning, Chairman, Commissioners and members of the public, Stuart Liley, I'm the Chief of Wildlife Management for New Mexico Game and Fish.

GUEST SPEAKER: Good Morning, Commissioners. I'm Larry Bedford [Phonetic]. I have a ranch 20 mile east of Santa Rosa.

GUEST SPEAKER: Good Morning, Commissioners. I'm Donald Sultzmeyer [Phonetic]. I'm a Hunter Education Instructor here in Santa Rosa and I own a business here in town.

GUEST SPEAKER: Good Morning. Commissioners. My name is Paul Barella [Phonetic]. I'm the Chief Administrator (Indiscernible) Division.

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, members of the public, my name is Jim Cummins, I'm the Assistant Director over Resource Divisions of the Department of Game and Fish.

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, members of the public, my name is Jessica Fisher, I'm the Shooting Program Coordinator for the Department of Game and Fish..

GUEST SPEAKER: I'm Michael Kienzle, I'm the Chairman's son.

[Laughter]

GUEST SPEAKER: Good Morning, everybody, Matthew (Indiscernible).

GUEST SPEAKER: (indiscernible) with Department of Game and Fish.

GUEST SPEAKER: Steve (Indiscernible). I don't have a title.

GUEST SPEAKER: I'm David Beavis [Phonetic] (Indiscernible).

GUEST SPEAKER: Good Morning, Mr. Chairman, Members of the Commission, Director Sandoval, my name is Eric Pride in the Support Fish Program (Indiscernible) Department of Game and Fish.

GUEST SPEAKER: Chairman, Commissioners, George Palmer [Phonetic] Department of Game and Fish. I'm the (Indiscernible) in Regional Habitat (Indiscernible).

GUEST SPEAKER: Chairman, Commissioner, Good Morning. My name is Donald (indiscernible). I'm the Assistant Chief of Wildlife Management Division of Game and Fish.

GUEST SPEAKER: Good Morning, I'm Leonard Rice (Indiscernible)

GUEST SPEAKER: Good Morning. Commissioners, I'm Tony Jacobsen, the Hatching Manager at Seven Springs Fish Hatchery.

GUEST SPEAKER: Good Morning Mr. Chairman, Commissioners, I'm Rueben (Indiscernible) the (Indiscernible) Program Manager for New Mexico Game and Fish.

GUEST SPEAKER: Good Morning, Mr. Chairman and Commissioners. I'm Russ (indiscernible) and I coordinate the Construction and the facilities Operations for the Department of Game and Fish.

GUEST SPEAKER: Good Morning, Mr. Chairman, Director Sandoval and Commissioners, I'm (Indiscernible) Martinez, Assistant Manager at the (Indiscernible) Spring Hatchery.

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, Director, I'm (Indiscernible) I'm the Manager of the Willow Springs Fish Hatchery.

GUEST SPEAKER: Good Morning, I'm Andrew Dell [Phonetic], I'm the (Indiscernible) Hatchery Manager.

GUEST SPEAKER: Good Morning, Commissioners. How are you? Good Morning, Director. Good Morning, public. I am (Indiscernible) Program Coordinator for Game and Fish.

GUEST SPEAKER: Good Morning, Mike Jones from Iowa, (Indiscernible).

GUEST SPEAKER: Good Morning, Joel (Indiscernible).

GUEST SPEAKER: Good Morning, George Hall [Phonetic], Vice President of the Council for Operators and (Indiscernible).

GUEST SPEAKER: Jessie Novak, I've worked with JFW Ranch.

GUEST SPEAKER: Good Morning, Kari Romero, New Mexico Council of Outfitters and Guides.

GUEST SPEAKER: Good Morning, Mike (Indiscernible) Game and Fish.

GUEST SPEAKER: Good Morning, Commissioners, my name is Michael Perry (Indiscernible).

GUEST SPEAKER: Good Morning, my name is Greg (Indiscernible), I'm with the New Mexico Department of Game and Fish. I'm a Ranger [Phonetic] for the Northern Field Operations.

GUEST SPEAKER: God Morning, Commissioners, (Indiscernible) Guide in the Field Operations Business.

GUEST SPEAKER: Good Morning, my name is Alan (Indiscernible).

GUEST SPEAKER: Good Morning, my name is Jim Paul [Phonetic]. I'm a Santa Rosa District Officer.

CHAIRMAN KIENZLE: How about over on the end here?

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, Director Sandoval, members of the public, I'm (Indiscernible) Specialist for the Game and Fish.

GUEST SPEAKER: Good Morning, I'm Dan Williams [Phonetic] of the District (Indiscernible).

GUEST SPEAKER: Good Morning, I'm Sandra Dechero [Phonetic]. I'm the Executive Assistant to the (Indiscernible) Game Commission.

GUEST SPEAKER: Good Morning, I'm Carl Moffatt [Phonetic], Media Relations Coordinator..

CHAIRMAN KIENZLE: Thank you and good morning. Thank you, Commissioner Dunn for being here today, we appreciate it. Can I get a motion to approve the minutes of the May 12, 2016 meeting in Silver City?

COMMISSIONER ESPINOZA: So moved.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. On to new business, Agenda Item No. 7: State Land Office Presentation of 2017-2018 Hunting, Fishing and Trapping access Lease. Commissioner Dunn? If you think I'm waving at you it's because I'm fighting off a fly.

COMMISSIONER DUNN: Good Morning, my name is Aubrey Dunn, New Mexico State Land Commissioner and we appreciate the opportunity to be here. With me I have Deputy Commissioner Laura Riley. You know, I think first off I just want to thank the Game Department and especially Donald, who really worked with us over the last year to try and get our current easement in place and the signage and there's a lot of work on both sides and I want to thank everybody for what's gone on there. What I thought I would do, this is kind of the presentation I give when I go around the state because it's surprising how many people don't know what the Land Office does and what our function is. I'm sure you do but sometimes there's things that I discovered after I became Land Commissioner that I find interesting about the job and how it relates to the state. So, we kind of just wanted to go through that today if that's all right, real quickly.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER DUNN: As an overview, you know we have about nine million surface acres, thirteen million trust acres. Our money goes mainly to public schools; about 90% of it does that and then other institutions. You know we also, one of our task is not only to create income but then as to protect the land for future generations and I really didn't realize it but the Land Office really came from Thomas Jefferson and what Thomas Jefferson did, he's the one that came up with our meets and balance system of our survey system and so in that, you know that's where we got the 36 sections in a township.

Really, Thomas Jefferson's contribution was, he wanted, he was really the father of the Land Grant Institutions and so whenever he came up, his thought was is that every state as it came into the Union would get one section of state of one section of land for every township to go to education. The reason he did this is because he wanted to have an educated public and he thought an educated public would be our really, our means to have a democracy. So that's why that each state got, I believe it was Section 16 back in the beginning. Most of the states have liquidated their State Trust Lands. So when you get into the Western States, as we came in last, we're the ones that got the benefit of it.

So, as you see by this map, we got four sections of every, when we finally came in we got four sections. So when you look at, where our money goes, it goes to schools, hospitals, universities and other institutions including the Penitentiary. How do we get the lands? Actually, there was a Land Commissioner before the 1900's and he was at the same time as there was a governor for the area, before we became a state and we we're given two sections at that time, 16 and 36.

When we finally became a state in 1910, we got two more sections, Sections 32 and 32. When



we talk about in-Lieu Lands where the Forcer Service Land Grants and Native Lands, where then those were split up.

So when you look at New Mexico, this map shows all the blue, light blue are State Trust Lands and the only really mistake in this, when you look at White Sands Missile Range which is the pink, all that State Land is out of there. So, there's no State Trust Lands within White Sands Missile Range. The orange is Native Lands, the yellow is BLM and the green is Forrest Service. So we're scattered all throughout the state. To go back to that, one of things why Southeast New Mexico has so much State Trust Lands is because we had to be traded in in-Lieu Lands out of the Native Lands and the Land Grants.

So here's our list of our beneficiaries and you know, the main one being common schools. So you'll look at what we did last year, our year-end is the same as yours which is in a few days, end of the month. Last year we made seven hundred and thirty-nine million dollars. 96% of it came from oil and gas and 4% came from what we call renewables. This year however, we're only going to make about five hundred, just short of five hundred million dollars due to the down turn in oil and gas and we project the same for next year. That's down from a high of over eight-hundred thousand in 2014. So we're down over 30% at the Land Office. These are what, where we make our money, field operations, grazing, oil and gas, commercial resources and right-of-ways. Where does our money go? As you see, 91% of it goes to public schools out of the Permit Fund and then when you get to the Maintenance Fund, we have two funds. That's where the funds we receive from the Game and Fish Department go, 75% of that goes to public schools. This year we're going to make about seventy-three million dollars in the Maintenance Fund. That's up over last year and that's where we take our money from. So we operate on about a fifteen million dollar budget.

What are responsibilities under the constitution? You know, we have pretty broad discretion but we're there to generate income for the schools and still maintain the land for future generations. This is pretty much what it says. We can't really trade off, we can sell our land but it has to be for appraised value in the same way when we lease it. It needs to be for appraised value. So when we look at what we're doing, we're trying to do what's best for our generation, our beneficiaries over the generations to come. So we both are looking at conservation and trying to manage the assets for profit. I guess what we'd like to talk about today, we would like to go ahead and ask for a three-year agreement to extend our current one from now to 2013. I think we've had a pretty good success in getting it done or 2020. I'm sorry, she's here to keep me straight, 2020. I know that we're going to start putting signs out, I believe next week. We've got the signs. I think the only thing I'm concerned about the signing deal, is there are a lot of lands that have no fencing so there might be a highway that goes through sections of State Trust Lands or a county road that goes through State Trust Lands and all those are going to be open also. So the signage is really only going where there's fences and it would be my only concern, is that people think the only place they can hunt is where there's a sign.

So I think we need to be clear when we go through this, that if there's a county road or a state road that trisects State Trust Lands and there's no fencing, that the public's aware that they still have access to those lands. I think that's from what I've seen of the process. You know we're only signing where there's a gate and people want to have a road. So I don't know whether the easement needs to be included or not. Go ahead.

LAURA RILEY: On that aspect, we have identified those sights on the (Indiscernible-coughing) and the maps that will both, on the Game and Fish Site and our site. All of the sites are

identified, not just those that are signed. So if the public looks at those areas they will know there is access as identified on those sites, on the maps.

COMMISSIONER DUNN: I think we've had a good experience in doing this. We've spent a lot of time from our side trying to identify locations and how we access State trust Lands and Game and Fish has worked very well with us and we appreciate what's been going on. We did go ahead and as part of it, tried to find out how much time we spent on Game and Fish issues and we have about, we have twelve offices, almost fourteen District Resource Managers throughout the state. So we sent them a questionnaire asking what they did and about half of them talk about that they've met with Game and Fish Staff on more than a quarterly or annual basis.

12% meet at least quarterly and then about 12% meet annually. The people in the Albuquerque office and the high urban areas don't have quite the interaction as say they do in other areas. So we asked, you know, what they responded to and about 849 hours they came up with that our people deal on our rules and statute violations. They have about 728 hours totaled in general lease complaints and then they spend, the group that answered the survey spent about 529 hours on access issues relating to Game and Fish Hunting. About 140 hours on professional guide and outfitters and these are just our DRM's, it doesn't include the main office.

We've spent over 200 hours on mapping the GIS points under the current access we're talking about and then we had 150 hours on other interactions with Game and Fish Departments on signage and other issues. That's kind of where we are. We'd kind of like to go ahead and get a three-year deal together at the current price and that would, the reason why I want to go the three years, it does go through my term but it would have to be signed prior to my term ending. So that's why it would be three years. So, do you have anything to add, Laura?

LAURA RILEY: No. I brought the lease today.

COMMISSIONER DUNN: Oh, and I brought my seal. So if you guys will vote on it we can get it done and go on.

CHAIRMAN KIENZLE: Commissioners, questions?

COMMISSIONER RYAN: Is there any area of dispute or anything that's hung up between your office and the department, anything that you can't agree on right now?

LAURA RILEY: No. The department had submitted the 7-800 sites. We've went through them, the access sites. We have narrowed it down and I don't know where Donald is but we have about 90 sites that our DRM's and your Conservation Officers are meeting on and trying to work out but I think we have a very positive relationship going on there and everybody's taking each other's thoughts and concerns in consideration and as those sites are cleaned out they will be either added to the access list or identified why they were not. But as of this point, I think things are very positive. I mean I would welcome you to ask Director Sandoval or Donald because that's who I've been working with.

COMMISSIONER DUNN: I think one of the things that came up, one of the changes we would like to include is on the trapping issue on State Trust Lands, we're getting more and more recreational permits out and so we'd like some signage whenever trappers have traps out. Kind of like Athis [Phonetic] does on control that they do on other lands. So the idea, if we had some signage at the gate or where the entrance is prior to where people go in trapping it would be nice for people because we have people with dogs and everything. Especially as you get closer to towns but even out in remote areas, they're walking dogs. So that's a concern we have. I think that's really the only change. Let's see, I thought it was in this presentation. So, I think the

three-year, we want to do the same agreement. The only thing is we would like to add some things about trapping and access points, it would be a concern we have. Just from a safety standpoint.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, thank you Commissioner Dunn and Laura for the presentation. The State Land Office folks have been working very well with us. We've spent a lot of time figuring out where those points are and how to get the signs out there. So that's gone very well. As Commissioner Dunn did point out, one of the changes, proposed changes, is the signage for trapping. I think that's something that we're still trying to work through. There are some concerns about where those signs would be required to be placed, whether it's at the entrance or next to the actual trap sites. So I think we're still working through that but we're in that dialog right now. So we're still working on that but there's been a huge amount of effort on both sides and it's worked out very well.

CHAIRMAN KIENZLE: Commissioner Ramos?

COMMISSIONER RAMOS: Chairman Kienzle, Commissioner Dunn, I have a good couple concerns with that and I know public access is always the huge one on State Land, locked-land on that. I know we're in the fee and everything but we still don't have access you know, to that. One of my biggest concerns is the issue down south by Animas where that road closure that's happening down there that's going to keep us from, you know accessing that state land down there. What does their agreement have in there? What are your efforts on that part and thoughts?

COMMISSIONER DUNN: Well as far as access to State Trust Lands that are land-locked, I think there's one way you can do it. You can go in and you can say we're not going to issue

grazing leases unless you give us access across your private land. I don't think that would be a prudent thing to do when you look at private ownership.

COMMISSIONER RAMOS: Yes, sir.

COMMISSIONER DUNN: So I wouldn't be in favor of withholding grazing leases unless we had access across. I think that, you get into a fine line at that point and you know then at that point that person whoever has a grazing lease could say, listen, we're not going to pay you for your lease and you can't get it anyway. So, I think the open gate policy that Game and Fish has we're in favor of, even the point where you're paying for access to State Trust lands through private lands.

We're in favor of that and I think promoting that would be the way to handle it. I think its fifty cents an acre for land locks State Trust Lands and a dollar for private lands. So we would be in favor of encouraging that. We're not going to penalize people on their grazing lease I don't think to make the forced entry into State Trust lands. I think that's a very fine line to walk on private property rights.

COMMISSIONER RAMOS: And I'm right there with you on that but you know, I just feel that the pressure that I get from sportsmen I that you know, they don't have access to it and yet we're paying for that property, land locked property and it's almost like, maybe we need to massage our policy's on being able to fly over private property to get to these state land locked areas as well. I just still have concerns.

I'd like to see more efforts on both sides to try to work and come up with a better system to encourage these private owners to allow that access into that state land lock and maybe even

massage the possible camping, you know once you get in there rather than having to go through the private property again. You know those types of rules as well.

COMMISSIONER DUNN: You know, there's two ways you can handle it. One, you could cut those things out of the easement where you're not paying for them. You know and not have them hunt it at all. That would be one way to do it.

COMMISSIONER RAMOS: And I'm right there with you. To me, if it's locked to the public and the public can't hunt on it, really nobody should be able to hunt on it as well and that goes for trapping and everything as well although, I don't think that's what's best practice for you know, that type of habitat.

COMMISSIONER DUNN: Yeah, I think in visiting with the grazing community, I think many of them would be in favor of if you didn't want to have hunting, not to have hunting at all. So I think, in some ways you might limit your ability to hunt those areas if you took that stance. As far as you know, if we were to take out part of the land then that would get into what, we would need to appraise everything and I'm not sure we want to. I'm afraid that it would be a higher value then what we're talking about currently if we went in to reevaluate the whole thing without lands without access. But I think, do you remember how much land is accessed? I think we have a large portion of land that is available.

LAURA RILEY: In what we determined, I think and this is really rough numbers, but in the work that Donald and Director Sandoval and I did, we roughly came up with of the nine million acres I think two-thirds of it is probably accessible from some type of public road or other. Now, whether those are two-thirds prime hunting areas I don't know that exact number but we did determine a large chunk of the nine million acres is accessible in some form or another. It comes

back down to how far is a hunter willing to walk? I mean, there's access. There may not be vehicular access. There's a lot of parameters in trying to determine what is accessible lands and what's acceptable for to anticipate a hunter or recreationist to do to get on those properties.

COMMISSIONER DUNN: Commissioner, does that help or not?

Commissioner Ramos: Yes, it does. One last question and I know land swapping and things like that. Have you surveyed your leases or private owners that have maybe one section right in the middle of a bigger, where the public, I mean it's not even worth walking where you could possible swap some properties to give maybe some other access points to bigger properties as well?

COMMISSIONER DUNN: Mr. Commissioner, Chairman and Commission, we have land owners all the time asking to block land and if you look at that King Bee Lions and White Peak, that was part of the goal in that process. But there's a lot of people that do but now with the Supreme Court ruling and King Bee Lions, it's almost impossible for us to trade out land. I mean it's very hard.

LAURA RILEY: Commissioner Ramos, in respect to that, the department has a program that we work well with on. I think they call it unitization, is that correct Director Sandoval, where we actually do trade out the hunting rights on private for state lands in order to block some of that out in terms of just the hunting access.

COMMISSIONER RAMOS: All right. Thank you and thanks for being here today, sir. We appreciate you.

CHAIRMAN KIENZLE: Commissioner Espinoza?



COMMISSIONER ESPINOZA: Thank you. First, I want to thank you guys for being here and then just all the effort that I hear gone into it and your willingness to offer the three-year deal. I have a couple of questions. Is the agreement that, the deal that you've got on the table now, is it for the most part regarding the camping and everything that was in the original one that we've signed? Is it pretty close to that same agreement?

LAURA RILEY: Commissioner Espinoza, essentially as we have on the screen, there was only very minute changes made. It was changed from a one year to a three year agreement. We added an additional paragraph to deal with the trapping, the notification of the trapping areas because we felt like that was a safety issue. Then there was change made in terms of how the payment schedule would go forth because for one versus three years. But other than that there was no other changes made to the easement.

COMMISSIONER ESPINOZA: Next question regarding the habitat projects. You touched a little bit on it last meeting regarding what you guys had planned with the department moving forward. Can you touch base on that a little bit?

LAURA RILEY: Commissioner Espinoza, Mr. Chairman, we have worked with the department on the Paddys Hole Restoration and Fire Remediation Project up in the Luera's. In addition, I have worked with various departments and Mr. Lilly in getting access to you guy's contractors. Currently, if you have a contract or doing some type of study on State lands, they're given a natural resource right of entry. There's no charge associated with that. We just do the right of entry to make sure we know who's out on our lands but again, that's part of what we committed to in the easement and we're allowing those activities to go on daily. I just signed one yesterday.

COMMISSIONER DUNN: Could I add further, Commissioner Espinoza? We also got a million and a half approved by the legislature this last year to go back to forest restoration and clean up of illegal dumping. The idea would be that we could partner on that with you all as far as habitat restoration which we would like to see it mainly go to forest restoration and watershed restoration. So we have, I think it's the most money the agency had in quite a while to back on the ground, which is one of my goals as Commissioner. So we hope to partner with Game and Fish on those types of activities.

COMMISSIONER ESPINOZA: Have you been in conversation with the department regarding that million and a half to bounce it off against other projects for federal funding as well?

COMMISSIONER DUNN: Commissioner Espinoza and Board and Mr. Chairman, in our initial offer letter we talked about matching funds with the department up to \$500,000 I think the last year of the deal but we can do more than that if we need be. Actually, this year we had to spend kind of an emergency on Moon Mountain in Ruidoso where we had the fire, \$132,000 in just restoration from a flood aspect to protect the community. So we spent, I think almost \$200,000 of our salaries in restoration this year, over and above the money we had appropriated.

COMMISSIONER ESPINOZA: Donald, you were the one that's been working with him I presume? Could I put you on the spot a little bit?

DONALD: Sure.

COMMISSIONER ESPINOZA: I just wanted to get your perspective for the department standpoint how you feel about the agreement moving forward?

DONALD: So Mr. Chairman, Commissioners, I can tell you within this past year working with Laura, we've been moving just like we said we did. Last year when we had this in front of us we knew there was going to be some obstacles, one of that being the points, obviously the access points, being able to identify them. There's so many that it puts a pretty, it's been a kind of burden with our officers and the DRM's to go out there. We have made successes obviously with signing some gates. There's going to probably be a few more that we got to go out there and just ground truth a little more. I think we can get there from where we're at with our relationship.

I think we had some issues that we worked through as far as our contractors going out and doing surveys on a property which aren't necessarily Game and Fish Officers but I think again, having these meetings, once we established there was an issue on the ground we identified that, we met and it seems to be moving forward. Everything that is in the agreement is the same as last year, we might have included it in other places that way there isn't that misunderstanding. So everything I think up to this point, I mean there is a window that we're going to go into this hunting season that we might run into but I'm fully confident that between the department and the State land Office we can overcome it and a lot of those are going to be the same access issues that we've had, probably the last twenty years that I've been on. So we'll just have to work through those the best we can. The one thing that is new is obviously is going to be the trapping as far as signs.

We recognize that. I know we have some trappers, signing is not a big, they're a big fan of, especially within a certain distance of it because it really limits the amounts, whether you can catch certain species. So, I know we have some concerns about the distance, if you're going to put a sign. If it's an access I think those are discussions that we're continuously still going to

have as a department but we know that's a concern of them. So I think it's one of those issues that we're going to still strive to kind of work our way through on the distances and stuff like that. I apologize, did that answer your question, Commissioner?

COMMISSIONER ESPINOZA: I think so. So you feel good about the agreement moving forward then?

DONALD: Yes. Well I think the agreement is much the same as last year. I mean there's really, other than the trapping section it's the same agreement that we had last year. I got the flies flying around me too here. So it's verbatim, I think me and Matthias took some time and looked through it thoroughly. We did give them some feedback on just some minor corrections and stuff like that. So, that's where I see it.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, if I may? I think we still have you know, the devils in the details in working out the trapping signage part. I think we need to do some more work on that before, I guess we're comfortable with the language on that part. It's still going to be something that we need to have some dialog on with the state Land Office.

COMMISSIONER ESPINOZA: To add on that, so the agreement that Laura's waving right there is not really ready until we have that trapping language in place?

DIRECTOR: Mr. Chairman, Commissioner Espinoza, I think there's still some pieces to that trapping language and then for your consideration of course, is the three-year versus the one-year versus whatever you all choose to decide on the length. But for us, working out the details on the trapping is where we're working right now to update that agreement.

COMMISSIONER ESPINOZA: Well, just one final comment and I'm encouraged about the three years. You know that was kind of our sticking points last time we voted on, that we wanted to have it for the term. I mean we understand that you can't go beyond your term so I'm encouraged about that. You know if we just need to work on the trapping language to get it finalized, then I'm in favor. Thank you.

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RICKLEFS: Mr. Chairman, Director, Commissioner Dunn, I can see why that language would be delicately put, a point of discussion.

DIRECTOR SANDOVAL: Yeah.

COMMISSIONER RICKLEFS: Too close to the trap even though the State Trust Lands do not have public access but people are there by permit of course and signs close to the trap would cause some public people to disturb the sets. So I could certainly see why that would be a point of discussion.

COMMISSIONER DUNN: May I?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER DUNN: Commissioner and Chairman or Commission, I think from my standpoint if we want to not worry about signage next to the traps, we'll just say we want signage at the access point going in and call it a day and go on. So then there's no argument.

LAURA RILEY: Commissioner, Mr. Chairman, ideally what we did is, we definitely thought there ought to be signage and I had just left the point blank in terms of how close to the trap because I'm not a trapper and I didn't know and so essentially that was a number I anticipated

the department filling in anyway. It was not something that I was trying to even tell the department. But we definitely thought it needed to be on the access point so people entering that property knew to be aware, that there were traps in the area.

DIRECTOR SANDOVAL: So Mr. Chairman, Commissioner Dunn, Laura, I think that is something that we we're hoping we'd be able to do as Commissioner Ricklefs pointed out, as you sign closer to those traps there becomes a concern in the effectiveness of the ability to trap but then also, it clearly points out where those sets are.

COMMISSIONER RYAN: So, since the Land Office is willing to agree to just signage on access points, does that seal the issue for the department? We can agree on that? Is that what I'm hearing?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, yes. If we make that change to that agreement, that part of it, the department would be comfortable with signage at the entrance access point.

COMMISSIONER RYAN: Okay. I mean I think we have an agreement then.

COMMISSIONER RAMOS: Chairman Kienzle, Commissioner Dunn, could you wrap my brain around the camping issue? You know and does that allow some backpacking as well or are they allowed to just camp at the access point? Refresh my memory on that and what is the agreement to us?

LAURA RILEY: The agreement Commissioner, Mr. Chairman, the agreement sets forth that camping is authorized in areas where camping is a practical necessity for the exercise of this easement for licenses of the State Game Commission when permitted by and at the discretion of

the Commissioner in consultation with the Director of the Department of Game and Fish.

Whether camping is a practical necessity it shall be within the sole and exclusive discretion of the Commissioner and also in areas where camping is not a practical necessity for the exercise of the easement, only as permitted by the surface lessee and additionally at the pre-approved camping locations on easement lands which locations are identified by legal description in Exhibit A, which I have a copy of this.

At this point, we have designated areas. Donald and I have been working and we're going to get the Conservation Officers and our DRM's out there to actually stake the sites. Once that's done, we will actually have GPS points that indicate where the campsites will be. The sites are signed. We've already ordered the signs and so those camping sites will be available and they will be put both, on our web site and your web site.

COMMISSIONER RAMOS: Right. Let me tell you where I was going with that question. Current ruling is that we can't fly and hunt in the same day within the 24 hour rule and that's why I was hoping that on these land-locked areas we could fly in and camp and stay overnight and you know, begin your hunting after that 24 hour. I'm hoping that on our end we would have some allowable, you know and that's what I would like to have that discussion on our end.

LAURA RILEY: Excuse me, Commissioner, Mr. Chairman, your allowed, the language on the camping is fourteen days. So you can be in on any site fourteen days and then it goes back to allowance of being in, I think its seven days prior to when the actual day starts.

COMMISSIONER RAMOS: Like scouting?

COMMISSIONER DUNN: I think your question Commissioner and Chairman and the rest of the Commission, there's a specific campsites, period. So if you have a land locked area that's not currently identified then there is no camping there.

COMMISSIONER RAMOS: So there is no camping there?

COMMISSIONER DUNN: Not unless it's in one of the designated areas.

COMMISSIONER RAMOS: Okay. Right and that's where like a backpacker, I mean if I'm going to put all efforts and maybe even pay a property owner to have access or whatever, you know it's got to be worth it to me.

LAURA RILEY: On that aspect, if you are paying a property owner, if you have permission from the grazing lessee, you're allowed to camp on site.

COMMISSIONER RAMOS: You're allowed on that.

LAURA RILEY: That is over and above the agreement between us.

COMMISSIONER RAMOS: But let's say I'd rather fly in, land and spend the night there for seven days, fourteen days, and there's not an access camping site that's been identified?

LAURA RILEY: That could be, Commissioner and Mr. Chairman, in number one under allowing camping which allows areas of practical necessity at the discretion of the Commissioner. So potentially a hunter could petition the Commissioner beforehand and that could be allowed as well.

COMMISSIONER RAMOS: Okay, so there is a step that we could grant that permission to do that?



LAURA RILEY: Yes, sir.

COMMISSIONER RAMOS: Okay and it kind of goes with the no trace policy and procedures with guides and outfitters, things like that?

LAURA RILEY: Yes, sir.

COMMISSIONER RAMOS: Okay.

COMMISSIONER RICKLEFS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

VICE CHAIRMAN MONTROYA: Commissioner Dunn, thank you for being here. I think at the last meeting that you were at I mentioned at that time that we do quite a bit of work for the State Land Office, law enforcement wise and since that time I have visited with a couple of the Sargent's in some of the areas and even last night, I got an idea that just in the Whites Peak area, which is kind of a thorn in our side for access, etc., and for you all too, we spend nearly a man-year a year on the enforcement of access, etc., on that thing and a lot of the things that we do there are a benefit to the State Land Office. At the last meeting I mentioned that I would like to know if there was any consideration from the State Land Office for those activities that we do on state land and I wonder if you have talked amongst each other or come up with some kind of a response to that.

COMMISSIONER DUNN: Commissioner Montoya and Chairman and the rest of the Commission, actually that's what we did and we did poll our people. There was only in visiting with our grazing section in the last two years, there's only been one citation issued for theft of state property and that was a rock issue on Padia. There have been, to our knowledge there have

been no other sighting's other than game related transactions. So most of the work that's being done by the Game Department is actually in regards to hunting, not State Trust issues. So I think prior to and I think Commissioner Lyons might have done it, we had a joint (Indiscernible) agreement where you did law enforcement on State Trust Lands and that no longer exist. So when the Game department is involved with State Trust Lands, it's mainly to enforce Game Department Rules, not our rules.

So after going through it and then discussing with staff and that's why we did the survey at (Indiscernible) DRM'S. You know, we're spending a lot of time on Game Department issues from our standpoint so we think it's pretty well an equal trade out. The amount of time that we're spending and versus the amount of time the Game Department is spending. Usually when there is an issue then we're called in addition to the Game Warden and we both go out on the transaction. So I think maybe in years past there was a lot more law enforcement done because there was an agreement between the Land Office and Game and Fish as far as police power on State Trust lands and that agreement doesn't exist anymore.

VICE CHAIRMAN MONTROYA: Okay, thank you.

COMMISSIONER RAMOS: One last comment, back to the access and the camping, is there any way to advertise the steps and procedures to grant that permission for the backpacker, the one does fly in or gets that?

LAURA RILEY: Commissioner Ramos, Mr. Chairman, the easement itself is a public document. We at the office have it on our web site. If you as the Commission or the Department wish's to clarify that and make that more public, that's fine although, as we discussed and I don't, it's for hunting access, not backpacker recreational access. We do have another permit

that allows that and that does not allow camping but I think that's at the departments discretion how they want to handle it on their end.

COMMISSIONER RAMOS: Okay, like if I was wanting to do it I just want to be legal to be able to do it. So therefore, who would we contact, our office or your office? Let's say that I wanted to go mule deer hunting for these three days and I wanted to spend the night there and backpack in to be able to do that. What would be the steps that I would follow?

LAURA RILEY: To be honest with you, since I've been there we've not had this issue so I really can't give you the steps. Although the paragraph in the easement does say it's permitted at the discretion of the Commissioner in consultation with the Director of Game and Fish. So I think it needs to be something as a joint effort. I think and Director Sandoval and Donald and I have talked about, there's been some issues and not specific to this paragraph but in other areas about handicap hunters and how we make sure and have some leniency in dealing with that as well. So potentially the hunter could contact Game and Fish. They could contact us and we could work it out.

COMMISSIONER RAMOS: So maybe if we could embed that into this agreement where it's in discretion of the Director and/or the State Commission Office.

LAURA RILEY: It says that already.

COMMISSIONER RAMOS: Okay. I just want to make sure that's in there because I know we will be getting some calls on what's the process? Who do I call, etc. and that's why I kind of wanted it to be more public on a web site or something, the steps to follow and go from there.

LAURA RILEY: I would encourage the department to deal with that.

COMMISSIONER RAMOS: Okay, thank you.

CHAIRMAN KIENZLE: I got a question. So, we talk about State Trust Lands, exactly what kind of lands are those? I mean some you haven't leased to commercial, lessees, so tell me about the different kinds of State Trust Lands that are covered by this agreement.

COMMISSIONER DUNN: Mr. Chairman and Commission, the Trust Lands we're talking about are those that aren't under a business lease and I would say 90% of our lands aren't covered under a business lease. The majority of the business leases, some of them are on ranches that have other activities other than just straight grazing. You could have a business lease but the majority of the business leases are tied to a business type transaction.

CHAIRMAN KIENZLE: So this agreement would cover those lands that is subject to your business leases? Okay, got that. You mentioned recreational access, there's a permit available for that? If you get a permit like that does it allow access to any of the business leased trust lands?

LAURA RILEY: Mr. Chairman, Commission, our business leases are excluded from all of our activities, mainly because it's a health and safety issue. 90% of our business leases are tank batteries and areas where we don't want people interacting with the activities that the lessee has going on right there. The recreational access permit is for a year. You send that application into the office. It's for the individual and family members. Currently the fee is \$25.00. We're evaluating our fee schedule right now and it allows daytime access. It does not allow hunting. It does not allow camping and it does not allow off-road activities. It's hiking, nature walks, photography, those type of things are allowed under the (Indiscernible) permit.

CHAIRMAN KIENZLE: And the land that you can access through that kind of permit doesn't include land that is subject to a business lease?

LAURA RILEY: That is correct.

CHAIRMAN KIENZLE: Director, how many, you may have an exact number or you may be able to estimate, but how many public hunters do we have taking advantage of State Trust Lands in a season?

DIRECTOR SANDOVAL: Mr. Chairman, approximately, I believe it's 70% of our hunters at some point use State Land and we have a total of about 90,000 hunters licensed every year whether it's for a single species or for multiple. So, you know you're probably talking anywhere from 50,000 to 60,000 people with the potential of interacting out there on State Land.

CHAIRMAN KIENZLE: Okay. I don't have any other questions. Anyone else? Yes, sir.

COMMISSIONER: Under the nine million surface acres, the State Land Office controls mineral state under the entire nine million acres?

COMMISSIONER DUNN: Mr. Commissioner and Chairman, actually there's thirteen million mineral acres.

COMMISSIONER: Mineral estate but under the surface?

COMMISSIONER DUNN: Under the surface I would say 99% of the minerals under the surface.

COMMISSIONER: I'm just curious about access. Does the mineral estate have dominance if you lease a land locked portion of State Trust Land?

LAURA RILEY: Mr. Commissioner, Chairman, there's a whole other set of laws that deal with accessing the mineral and the mineral estate does have dominance but it still does allow our lessees to trespass on private land to access the mineral estate.

COMMISSIONER: I see.

LAURA RILEY: We have no ability to force a private land owner to allow access across his property.

COMMISSIONER: Okay, thank you very much.

COMMISSIONER DUNN: And to further the clarification, or the BLM.

COMMISSIONER: Pardon me?

COMMISSIONER DUNN: The BLM is blocking us on access also.

COMMISSIONER RYAN: To me it sounds like we have a really good agreement in front of us. Something that's better and addresses the issues better for hunters than we've had in the past and I think that should be applauded to both your office and the department and I'm thrilled about the tree year. I think we have an agreement on the trapping signage and I'd just like to see this get finalized.

CHAIRMAN KIENZLE: Any other questions or comments? This is not an action item for us today so we'll pick it up again in August but it sounds like we're pretty close.

COMMISSIONER RYAN: Can we set it for action in August?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, yes we'll have it there in front of you.

CHAIRMAN KIENZLE: Garret, public comment for a minute.

GARRET VENEKLASEN: Good Morning, Mr. Chairman, Members of the Commission, Commissioner Dunn, I think we're getting closer to the value for this lease. It's great to see the department has done a lot of work on this and I know that the Commissioner Dunn has also worked hard on this. Commissioner Ramos, I really appreciate all of your comments, especially about this. I want to remind everybody about Arizona. In Arizona it's just like National Public Lands, you can go backpack and camp and do whatever you want on State Trust Lands in Arizona and we would love to see New Mexico do the same thing.

So your comments are especially appreciated Commissioner Ramos. And again, I want to remind the department that you all have the power to shut down hunting on land locked state land and I think that's a way to bring this to the table and get private land owners to start working with the department to get access into those land locked lands. And the Wedding Cake Ranch is a really good example. There's a fifty year moratorium on use and I think we're going to talk a little bit about this later today with Bighorn Sheep. Those are places that nobody should be able to hunt on, period. But I think it's a really good point and we'd like to see you pursue that. I think this practical necessity portion of the agreement and the petitioning the Commissioner, I think it's going to be very erroneous. I think people are going to find it really difficult to get into the back country. And so, although it sounds good, I think it's not going to work very well so if this could be worked on but we would like to see New Mexico be like Arizona where people can use State Trust Land like you can National Public Lands. Thank you very much.

CHAIRMAN KIENZLE: Anything further you would like to say Commissioner Dunn?

COMMISSIONER DUNN: No, at this time I think I just want to thank the Commission and Mr. Chairman and Director Sandoval for the consideration given to us at the meeting and that we're open to discuss items. You know as far as the comments that were just made, we're very strong components of private land and I think that's what our nation is founded on. I worry that we've turned into a country where private property no longer matters and I think some people view, much like in the book, Atlas Shrugged that private land is really there to be held for the benefit of the populous. I don't think our country was based on that. I think private land is one of the main structures of our democracy and as we turn more and more of the lands into public lands, I think it's going to be a huge hurt on our country as a freedom as we go forward. So once you take away private property rights, I think you've actually damaged our country greatly and you know, I think if you look at Atlas Shrugged as a way that public views private property, I think it's a very dangerous slope we're getting on. But thank you Commission and Director for our time here.

CHAIRMAN KIENZLE: Thank you.

COMMISSIONER DUNN: We're going to head out.

CHAIRMAN KIENZLE: Thank you. All right, Agenda Item No. 8: Awards of Excellence and Dedication to Wildlife Management.

MALE SPEAKER: Mr. Chairman, Commissioners, if you don't mind I'm going to turn my back to you a little bit here so I can face the audience. As many of you know or don't know, the department has approximately 300 employees throughout the state. They work in various divisions including our Fisheries Division, Wildlife Management Division, our Law Enforcement folks, Information Education, ITHR, really providing a range of functions for the



benefit of the State of New Mexico. Beginning about three years ago the department realized it is important to recognize some of our employees for their efforts.

We've got people that all across the state that do a really fantastic job but there are those that you know, at least over the course of the previous year really stand out and shine and so the Commission has asked us to recognize some of those employees here in a public forum and so that's what I wanted to do here, to present that today. The categories that we look at our primarily under Conservation, Support Services and we've developed a Rising Young Officer of the Year Award. In addition, we also have a Team Work Award.

I would like to begin with addressing our outstanding conservation recipient this year and that would be George Farmer, come on up.

[Applause]

MALE SPEAKER: Just stand here a second George. You know George has done a fabulous work. George is the Southeast Area Regional Biologist. He goes out there and does a tremendous amount of habitat work. He's done fabulous work on our Prairie Chicken Area, clearing vegetation, really promoting that program and in addition to that, George is an officer. He's a Conservation Officer and one of those folks that really wear numerous different hats but you know he's been with us a long time and I just want to congratulate you. Thank you, George.

[Applause]

MALE SPEAKER: Okay, the next group award is going to our outstanding Support Services Award and I can see her hiding over there but Mikayla [Phonetic], could you please come up here?

[Applause]

MALE SPEAKER: I like the look of surprise. Mikayla Wolfs [Phonetic] has been with the department for about a year now, maybe a little bit more. We've had a real, last few years we've lost employees through attrition. We've had some hiring freezes take place and so there was a really rocky time that we've been going through and we brought in a handful of employees or a handful, we brought in a whole lot of employees but it's clearly Mikayla is one of those is one of those good ones that we want to keep for a while. She works as our Financial Specialist in our Information Education Section. Not only is she into the numbers crunching and making sure that we pay our bills on time but she is out here in every event that we can do. She's become a Certified Hunter Ed. Instructor, OHV Instructor. She participates in NASP and is here every day helping the Commission run these meetings every time that we have them. We are so happy to have her but mostly I'm happy because she manages to keep the Information Education Budget balanced which is very good news for Lance Cherry. So, congratulations.

[Applause]

DIRECTOR SANDOVAL: You don't get to leave yet, Mikayla.

MALE SPEAKER: Excuse me, I don't mean to put my back towards you all but this last one is a little bit tricky. This is a Team Work Award and this is kind of a big team but to begin with I'd like to if I could, Roddy Gallegos could you come up here for a moment? Roddy is our Assistant Chief in Fisheries. He runs our Hatchery Program. Roddy has been with the department for a few years. This is his second career but Roddy's got over thirty-six years working for the Department of Game and Fish and that alone deserves an award as far as I'm concerned.

[Applause]

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MALE SPEAKER: But again, this is a Team Work Award and so I told you this would be tricky. What we wanted to do is recognize Roddy, his hatcheries and all the hatcheries out there for the fabulous job that they've been doing the last few years. You know fishing, we are the department of Game and Fish and those folks that are out there doing the day to day work in those hatcheries are the ones that make sure that when we go out there we can catch some fish. That we can spend some quality time with our families. They're often the unrecognized ones but they're the ones that keep the wheels turning truly with the department, at least a huge chunk of it. Over this last year we've had a lot of new staffs and new blood coming to our hatchery system and they've come up with some really neat programs, increased our efficiency and our production in our hatcheries and came up with a plan to, our Big Trout Program and really what they do is they rear in the process and this is a lot trickery then it may sound but they throughout the year they'll in their production of trout they'll actually rear some big fish and this started out as an idea in one community and its really spread state-wide and so when we go out a certain percentage of our fish that go into those lakes and streams, every once in a while you're going to get a chance to catch really gigantic trout and those are the ones that we see in the newspaper, people taking pictures, come out over our web site and so that program has been implemented throughout the hatchery system and that's just one of many things that they've done over this last year. So what I would like to do for every representative from the hatcheries, could you please come up here because this is truly a Team Work Award. I think you know who you are.

[Applause]

MALE SPEAKER: Congratulations, if you guys would turn around real quick. As Director Sandoval pointed out, I did forget one important one. We have a re-award this year and it's our Rising Young Officer of the Year Award. Many of our veteran officers have years on and

they've had a chance to really, you know make their bones and so there's a number of ways that they can get recognized but when you first start out in this agency it takes a little bit of time and your often times just don't have, people aren't exposed to your activities as much as otherwise would be but we want to recognize those efforts and these are the ones that we think that are going to do great things in the future moving forward. This particular officer, I was actually in as part of the recruiting program when we hired him but he's been around a while. He works in our Hobbs District. Alan Pose [Phonetic] if you could come up.

[Applause]

MALE SPEAKER: Alan actually came over from Sherriff's Department. He was certified when he got here so this is one of our guys that really was able to hit the ground running. He brings that experience but also a passion for the resource. He's involved in Hunter education, our communities, working with children but he also likes to catch poachers and that's something that's all near and dear to all of us. So, Alan congratulations.

[Applause]

ALAN: Thank you very much.

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission, if I may? It is truly an honor to work with these folks but everybody within the department, you all have heard me say this before and we don't get wildlife done without these folks. It's really incredible to be able to work with such a passionate group of people who stand firmly in the purpose of wildlife. So thank you all very much for your dedication to the resource.

[Applause]

CHAIRMAN KIENZLE: Thank you, that's great. Anything else on No. 8? Okay, something happy to something sad. Agenda Item No. 9: Gold King Mines Spill Update.

ERIC FREY: Good Morning, Mr. Chairman, Members of the Commission. My name is Eric Frey, I'll be giving you update on the department's response to Gold King Mine Spill. Just to get everybody up to speed, I'm sure you've heard a lot about the gold mine spill but here's a map showing the location. The gold mine is located in Southeast Colorado, just above Silverton, Colorado. The spill was created by an EPA contractor that was doing mine reclamation. They accidentally purged a mine shaft plug that had about three million gallons of mine waste behind it. That mine waste spilled into Cement Creek which led into the Animas River and you can see that yellow line, that's the affected area. It came down through Southern Colorado into New Mexico and eventually ended up in the San Juan River. Something that Mr. Sloan pointed out when he presented this last fall was that there was some concern from the public initially that the World-Class Tailwater Fishery is affected but just to reiterate that, it was not. That was outside of the area. You can see Navajo Dam on the right bottom.

That's where the Tailwater Fishery is blown out so it was not affected. A little bit of (Indiscernible) on the events and the department's response, on August 5, 2015 the spill occurred. Like I said, it was about three million gallons of this mine waste that came down the Animas River. Immediately after the spill we had department staff on site monitoring the situation. You know, looking, listening for reports of injured, wildlife fish kills, that kind of stuff, taking some water quality, working with the other agencies and stakeholders on the response of the spill. We actually had two reports of fish kills. One was a dead sucker that was found in the San Juan.

We took it in necropsy. We couldn't associate its death associated with the mine spill. And then we had a few blue suckers that were killed that were actually behind a diversion ditch. When the spill came down they shut the diversion ditch off to keep the waste out of the ditches. So they shut them off, fish need water, the fish died without water. So, on August 8<sup>th</sup>, we actually, the department issued a press release and recommended a catch-release until we could evaluate the heavy metal contamination in the fish. On August 14<sup>th</sup>, department staff, we drafted a white paper to outline the potential effects of the mine spill on wildlife. It was published on the NMED web site. On August 25<sup>th</sup> we did our first collection of fish macroinvertebrates tissue and we did heavy metal analysis.

As soon as we got the results back and we actually put a rush order on the sport fish species like Brown Trout, Catfish, Rainbow Trout, the things we were concerned the anglers may be eating. We put a rush order on that at the lab. We got the results back. We worked with the Department of Health and based on those results the contamination levels were pretty low. Actually, so low that they didn't issue any kind of advisory so based on work with the Department of Health and the results, we actually on September 4<sup>th</sup> we lifted the catch-release recommendation. Then we actually on October the 7<sup>th</sup> we reinitiated our Rainbow Trout stocking in the Animas River. Then lately, in March 8<sup>th</sup> we did a six month post still.

We did the same thing when it collected fish in macroinvertebrates to analyze them for heavy metal contamination. There was a ton of samples. There's 360 fish samples and several macroinvertebrates samples so it took a while for the lab to analyze them and we finally got the results back in June 1<sup>st</sup> and we're currently working with the Department of Health to analyze those samples and I'll go over the results here in a minute. Just a little more details about how we collected the fish and macroinvertebrates. We collected at five different locations, three on

the San Juan and two on the Animas River. We collected muscle and liver tissue on fish.

Muscle tissue is a concern for you know, humans consuming the fish. We want to know what the metal samples were. The liver, your liver is kind of the first filter, it filters your blood. So that's where the metal is going to be picked up right away. So we can take liver tissues and pick up the metals right away. We collected seven different fish species and we collected them from different trophic levels and that basically means we collected them from different layers in the food web.

So we collect things like Speckled Dace and Blue Suckers who consume algae. They're kind of your primary producers and then we also collected fish like Catfish and Brown Trout that are the top predators in the system. So we can look at different bioaccumulations throughout the trophic levels. We also collected macroinvertebrates. These are things like stoneflies, mayflies, caddisflies, that kind of stuff. They're really a good indicator of metals or toxicity levels in a system. Usually the first thing to go is your macroinvertebrates so we wanted to monitor those guys. This map displays the sample sights so you can that two on the Animas River, AR 1 and AR 2 and then there were two sights that were in the affected area in the San Juan, that's SJR 2 and 3. SJR 1, which is outside the contamination area that was actually our control site. So we could use it independent of what's going on in the contaminated area.

This table, I know there's a lot of numbers here but this is some of the results and this is a percentage of our detection level. So basically, like any aluminum. If you look at the first column, that's immediate post spill so this is an August sample. On aluminum we were able to detect, we detected aluminum in only 7% of the samples. The rest at 93% were aluminum levels were below detection levels. And then you can see during the six month sample it actually went down and only 4% of our samples we were able to detect aluminum. There were some like

manganese, selenium and mercury. They were significantly higher. You know almost all the samples we were able to detect some of these metals but keep in mind these were actually pretty low. You know we detected metals in all the salvos, there were mercury in almost all the samples but they were relatively low. And you can see, the total detection with the first sample is 42%. We detected metals in 42% of our samples and then six months later only 18% of our samples had some detection of metals. Here's a graph that shows the average metal concentration in fish muscle tissue.

On the left is parts per million, that's kind of a normal use they use for concentration in heavy metals. On the left is immediate post spill so this is our August sample and then our six month post and you see, most the metals went down. If we look at this initially it's like, oh yeah, well we picked up metals immediately after the Gold King Spill and then six months later it dissipated out and they're lower. The problem is their control site showed the same result. I think this is probably related to temperature. Fish are cold-blooded and so is their metabolism, it's controlled by temperature. So in August these fish are feeding a bunch, they're more active, they're intake of more food for more metals. During the March sample, it was in the winter, the waters cold, they're not as active, they're not feeding as much so those metals probably dissipated out. Especially since our control site showed the same thing.

We're going to go back this August and do a one-year post. If the metals go back up and it shows the same trend in our control it's probably true but we're going to monitor to see. But you can see most of the metals with the exception of manganese and aluminum, we're really low, we're near zero. So some of the conclusions to date, heavy metals were below public health risk for fish consumption, like I said, working with the Department of Health and NMED, they felt there was no reason at this time to issue an advisory based on our samples. The fish and



macroinvertebrates populations and biodiversity appeared normal. We're not missing any species that weren't there before this spill. They seem to be in healthy numbers. We're not really missing any of the species of macroinvertebrates. They seem to be represented what should be there. The fish condition and health appeared normal.

Part of taking the samples, we take several hundred fish and we dissect them, do necropsy on them and they all appear to be healthy. They have, all their organs are healthy. They have great fat deposits. There don't seem to be nothing to cause any concern. And as I stated before, the metal concentrations did decrease after six months post-spill. We'll see what happens after one year. But the long-term effects are still unknown and especially on, we have several endangered species that are in the lower San Juan where a lot of that stuff settled out. So we're unsure what's going to happen long-term, the things like the Colorado Pipe Minnow and Razorback Sucker, the native fish community downstream. Some of the ongoing efforts, like I said before, we're going to do a one year post-spill fish collection. We've already got that scheduled for August. We're going to continue to work with New Mexico Environmental Department and Department of Health and other stakeholders.

For example, next week I'm actually going to present our data to the, there's a Gold King Assistant Advisory Board that's got eleven members and they're everything from Public Health Doctors to Water Quality Experts and we're going to present our data. So we'll continue to work with the groups that are responding to the Gold King Mine Spill. I know that was quick and does the Commission have any questions?

COMMISSIONER RYAN: I just have one. So, you're saying the six month post-spill numbers are the same as your control numbers?

ERIC FREY: Mr. Chairman, Commissioner Ryan that is correct. Our control shows the same trend as the other samples, they did reduce from initial to six month post.

COMMISSIONER RYAN: Just for presentation perspective, when you come up and do a year look-out update for us, if you would show those control numbers on the screen too, that would just help. Thank you so much.

ERIC FREY: Okay.

CHAIRMAN KIENZLE: I have a question about I think what I read in the newspaper. Has the Environment Department filed suit on this? And the AG has too? From your perspective, have we given you what you need from us for that suit or is there any? Have we worked with whoever has files suit?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioners, yes. We are working very closely with Secretary Flynn and his whole staff on this.

CHAIRMAN KIENZLE: Okay. Keep in touch with them because all of this, this is extra work the way I see it and it's not free. So, sooner or later someone other than us is going to pay for the extra cost to us let alone whatever the environmental damage is. So keep us posted as you guys learn more. Feel free to put it on an Agenda so we're kept up to date.

ERIC FREY: Mr. Chairman, we would be happy to come back and give an update after our one year post sampling.

CHAIRMAN KIENZLE: Right on. Any questions? Robert?

COMMISSIONER ESPINOZA: Just one question really. So what your results are saying is we're pretty much back to where we were prior to the spill?

ERIC FREY: Mr. Chairman, Commissioner Espinoza, one of the dilemmas is we didn't have any pre-spill samples for metal contaminants. It's not something we normally do other than we do monitor mercury in some of our lakes for the fish consumption advisories but we went in as soon as we possibly could with the first sample. So I can't really say they're back to normal but they are below any kind of advisory levels. So, we just didn't have any base-line pre-spill in the fish samples to know what the conditions were. New Mexico Environmental Department has taken a ton of water quality data and based on the water quality data it's returned to pre-spill condition as far as the water quality and metals in the water. But as far as the fish, we just didn't have the samples right before the spill. You know we took them as soon as we could right after the spill.

COMMISSIONER ESPINOZA: Have you done any sampling now in the spring because I live up there and there's a lot of comments regarding the spring run-off turning up the sediment and stuff. Have you done any now?

ERIC FREY: Mr. Chairman, Commissioner Espinoza, we did that sample in March. So with our monitoring plan we worked with New Mexico Environmental Department. We decided, you know as quickly as we could we deployed in August. We're doing that six month sample that we did in March and the one year but we haven't done anything after March of this year.

COMMISSIONER ESPINOZA: All right, thank you.

CHAIRMAN KIENZLE: Garret?

GARRET VENEKLASEN: Mr. Chairman, Members of the Commission, Garret VeneKlasen, New Mexico Wildlife Federation. I think it's really important to talk about some facts about the mine. I went up and visited the mine and looked at Cement Creek. It's a draining mine which

means that the creek runs at about, I would say 5CFS. The creek is the color of Tang. The creek has been draining into the Animas for many, many years and so the issue, in 1975 we had the exact same incident. It happened naturally, it's like a pimple. The mine drains because there's a series of springs in the mountain side. The water builds up in the mountain and it bursts. I think the EPA was trying to address this issue because it had happened naturally before. It will happen again regardless of whether the EPA tries to fix it or not. I think that's really important.

Remediation costs tons and tons of money. They estimated it's a twenty-one billion dollar issue west-wide, addressing draining mines. There are solutions. I think reform, responsible pragmatic reform of the 1872 Mining Act will allow groups to remediate and find money for remediation and would allow agencies to limit liability to the agencies themselves to actually remediate these mines. So there are solutions to this but the problems still exist. And you know, blaming the EPA on this I think is not the solution to the problem. So I think it's really important to talk about this. We have these issues in New Mexico and some of our streams, lots of our streams in New Mexico, finding ways to limit liability so that groups and agencies can remediate these problems. I think is the solution and we're going to see this problem again if that mine is not remediated. I think it's really important to know that. Thank you very much.

CHAIRMAN KIENZLE: Any other questions, comments? All right. Thank you. Let's take a quick break. We've been at this for about an hour and a half, so about ten minutes. Agenda Item No. 10: Revocations. You are not Colonel Griego.

TY JACKSON: Not Colonel Griego. Good Morning, Mr. Chairman, Members of the Commission, Director Sandoval. My name is Ty Jackson, I'm the Captain of Field Operations and I will be standing in for Colonel Griego this morning. Agenda Item 10 this morning is an action item in front you for Revocation of Hunting and Fishing Licenses. I've got a couple

different groups here that we can go over and I'll stand for questions at the end. The four different groups basically that we're going to talk about or that I'm going to go over for you, Group One is going to be a revocation of individuals who have not contested their hearing or that have not requested a hearing and have accumulated twenty or more points in the past three years. Number Two is a group of individuals who have been granted a stipulated agreement with the department and I'll go over that. Group Number Three is individuals that are being reciprocally revoked as part of the Wildlife Violators Compact and Group Number Four is a group of individuals who are going to be subject to revocation for violations of the Parental Responsibility Act.

Group Number One, we have 28 individuals in front of you today. These individuals have been cited and convicted of wildlife crimes in the State of New Mexico, accruing twenty or more points. These individuals have been sent a notice of contemplated action per the Revocation Rule and have not requested a hearing. Therefore, the recommendation is the, I believe on all of these it's going to be a three-year revocation recommendation from the department.

Group Number Two, the stipulated agreement, there are five individuals who have been offered a stipulated agreement with the department. If you look in the Revocation Rule 19.31.2.13©, it gives the Game Commission the authority to enter into stipulated agreements with individuals when it comes to revocation of their hunting or fishing privileges. Again, there are five of these individuals in front of you. These five, all five have been agreed to by the department and by the individual themselves and we can go over that in detail if you have questions about that, here in just a moment.

Group Three, there are 31 individuals who we have in front of you for revocation, reciprocally. Essentially, these individuals were revoked in another state and as part of the Wildlife Violators Compact. We are obligated to revoke them here. Group Number Four, 240 as part of the Parental Responsibility Act, these are individuals who are not current on their child support essentially and I believe you're familiar with those. With that, I will stand for any questions that the Commission has as part of this and I believe there is several different motions for these.

CHAIRMAN KIENZLE: So this is a little different then the last time where it looks like no-one has appealed or sent a letter saying or in opposition to whatever action we might take. So it's a little smoother then it was the last time we took this up. Commissioners, do you have any questions or comments? Yes, sir?

COMMISSIONER RICKLEFS: On the stipulated agreements, reading these, how does that effect on your other states? I get one year with no revelations then, is that the same for another state?

TY JACKSON: Mr. Chairman, Commissioner Ricklefs, the way that these will work is they are not actually revoked. They've entered into an agreement in which if they do not violate for a period of one year, that their points will essentially go away. They won't be revoked so they will not also be revoked in any other state.

COMMISSIONER RICKLEFS: But if they make a violation within one year, then it goes into a three year?

TY JACKSON: That's correct.

COMMISSIONER RICKLEFS: Thank you.

CHAIRMAN KIENZLE: Anyone else?

COMMISSIONER ESPINOZA: Mr. Chairman, just one quick question. Explain that stipulated agreement. I'm a little cloudy on it. If somebody appeals not to the department, not to the Commission, then you guys kind of work it out and if there's circumstances that would warrant it, that's when you grant it?

TY JACKSON: Mr. Chairman, Commissioner Espinoza, the way that the stipulated agreements are is we periodically get individuals who accrue twenty points. However, due to circumstances, they may, essentially they don't necessarily deserve to be revoked for that entire period when you look at the totality of the circumstances. So, in this case, these individuals fall into that. Generally, those recommendations are asked for by the officers who were the citing officers. Therefore, once we get that in the Field Operations Division, the officers make a recommendation if that's the case and we will reach out to the individuals. If they don't agree to it, they're not bound, the individuals themselves, they're not bound to it. It's agreed to by both parties.

COMMISSIONER ESPINOZA: So that gives an individual and a method to, if their circumstance is like that rather than reaching out like we did last Commission meeting with the appeal to the Commission to get a lighter sentence so to speak. Like you said, especially if the recommendation of the officer, he was the one who was first hand. Do you get many of those I guess is my question?

TY JACKSON: Mr. Chairman, Commissioner Espinoza, no, we do not get many of them. Basically, those individuals request a hearing just like any other person. Once the hearing request comes in the officers are notified that we're probably going to have a hearing on this and

typically those officers come back and say it would be good for this person to have a stipulated agreement which can be a variety of different things as far as time limits or anything. These are all standard. I believe all of these are one year no violations and they will not be revoked.

COMMISSIONER ESPINOZA: Thank you.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER RAMOS: So it's the hearing board officer, hearing officer is the one that makes this recommendation not the court system, correct?

TY JACKSON: Mr. Chairman, Commissioner Ramos, actually in stipulated agreements, this is a recommendation from the department directly.

COMMISSIONER RAMOS: Okay. So it doesn't go through that hearing process?

TY JACKSON: Correct.

CHAIRMAN KIENZLE: So I think under the circumstances since we don't have anyone who's sent in comments and opposition to whatever action the Commission might take, I think we can do these as a group. So can I get a motion on Group Number One?

COMMISSIONER RAMOS: Mr. Chairman, I move to revoke the license privileges of 28 individuals who have accumulated twenty or more violation points in a three-year time period as presented by the department.

COMMISSIONER ESPINOZA: Second.



CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Can I get a motion on Group Number Two, please?

VICE CHAIRMAN MONTROYA: Mr. Chairman, I move to approve the stipulated agreements concerning the revocation of license privileges of five individuals as presented by the department.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Seconded by Commissioner Ricklefs. Group Number Three.

COMMISSIONER RICKLEFS: Mr. Chairman, I move to reciprocally revoke the license privileges of thirty-one individuals under the Interstate Wildlife Violators Compact as presented by the department.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Group Number Four.

COMMISSIONER RAMOS: Mr. Chairman, I move to authorize the department to administer the suspensions pursuant to the Parental Responsibility Act on behalf of the Commission,

including the issuance and service of notice of contemplated action to each individual listed that is out of compliance with the Parental responsibility Act.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. What's your rank?

TY JACKSON: I'm the Captain of Field Operations.

CHAIRMAN KIENZLE: Captain, thank you and I appreciate the work the department has done on ramping up this process. I think before all we saw was Parental Responsibility Cases and it looks like you've got some of the bugs worked out and we'll be seeing more of these. So, thank you, Captain. Let's see, Agenda Item Number 11: Discussion on the Use of Technology While Hunting. Ralph, you got anything to say on this?

RAY SANCHEZ: Good Morning, Chairman, Commissioners, Director Sandoval, my name is Ray Sanchez; I'm the Major for the Northern Field Operations. I'm going to be stepping in for Colonel Griego today. Agenda Number 11, we're going to discuss the use of technology while hunting. Technological advances have raised concerns about the use of some trail camera devices while hunting. Recent developments, technologically wise, remote imaging technology have raised concerns about the use of some of these types of camera systems during the hunting process, specifically, trail cameras, some cellular enabled cameras and Wi-Fi enabled cameras. Basically, those last two are live action cameras.

When they take a picture they send it to your phone. They send it to your computer and you can watch what's happening at that time. Trail cameras are essentially different because they have a card you remove. You can download some pictures and things like that. So those live action cameras, cellular enabled cameras and Wi-Fi enabled cameras are what people have some concerns about. Some starting points for discussion, this is a discussion Item only. This would take a change in Commission Rules regarding the manner and method of take which would be required concerning the use of cellular and Wi-Fi enabled cameras. Also, one thing we can look at is we can retain the current Commission stance on using these cameras which is really; we don't have a stance there. They're not unlawful right now. So with that, I'll take any questions, suggestions or any guidance that the Commission wished to provide.

DIRECTOR SANDOVAL: Mr. Chairman, if I may. This was something that Commissioner Ramos and I'm sure he's going to visit on it but we do appreciate the opportunity to as hunting technologies evolve, these types of conversations are important just as we did with the Drones. It's difficult for some of us to get our brains wrapped around. What this means and what the implications are but I do appreciate the opportunity for the department to have this discussion with use so we can.....

CHAIRMAN KIENZLE: Let me do one thing. What's the current rule on what (Inaudible-static)?

RAY SANCHEZ: We don't have a rule. That is, makes any type of game technology unlawful at this point. There is no current Commission Rule.

CHAIRMAN KIENZLE: So they're all unlawful?

RAY SANCHEZ: They're all lawful. They're all legal, yes, sir, Mr. Chairman.

COMMISSIONER RAMOS: Mr. Chairman, Mr. Sanchez?

RAY SANCHEZ: Yes?

COMMISSIONER RAMOS: Anyway, I'll tell you, I really tried to wrap my brain around with all these angles and to dissect it on what's fair with technology and where we're going. I mean from long range shooting to, you name it, all in there. But to me it's all about fair chase and if it was my only and this is my own personal opinion, I'd do away with all trail cams, you know. But on the other hand, I do respect the scouting efforts of all people, also private property owners using trail cams to monitor livestock or wildlife within their property. But I think to simplify this, I think my biggest thing after I really looked at all angles and perspectives and seek out opinion from sportsmen and people that do use trail cams, I think where we need to go is to see how we can set up a rule where we can't utilize Wi-Fi, cellular or satellite type of technology to notify a hunter that, hey, there's a big bull. You know these trophy hunters are seeking out trophy animals and to me that's not a fair chase. If a guy wants to spend the gasoline to drive out there to monitor that camera and pull up the SD Card and come download it on their computer, I totally respect those people and what they do but as far as notifying your cell phone, boop, I just a, oh man, oh God, that's a new animal that just came in and by golly he's there right now, let's go. Let's get out there and let's go kill him. To me that's not fair chase and I'm all about you know, more fair chase.

RAY SANCHEZ: Mr. Chairman, Commissioner Ramos, yes, sir, I understand. So you're talking more the live action type, type trail cameras or cellular and maybe the Wi-Fi enabled devices, correct?

COMMISSIONER RAMOS: Yes, that is correct.

CHAIRMAN KIENZLE: I think we're going to have to shout with the air conditioning. Any other questions or comments? Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yeah, I'm going to kind of take a, and I appreciate Commissioner Ramos and his stance and his beliefs. I do have an issue just like I did back with the Drones you know, about technology and where we're advancing and everyday there's a new gadget. I attend quite a few of the, like the shot showed, you see thousands of vendors with new technology and you know, where do we stop is my question? And what is fair chase? You know if you go to the Boone and Crockett Club, SCI, they define fair chase in there. They mention nothing about technology or trail cameras. So, you know I'm opposed to creating a new rule that, I just don't think we need new rules that would address that. I guess you guys as Law Enforcement Officers, my question is run me through a typical scenario of how you would enforce or investigate a violation and how much time that would take away from your schedule to write a citation for that? Then more importantly I guess even then is, you know, would that violator, what would it cost the violator? Would it be a misdemeanor? Would it cost him one point or twenty points?

RAY SANCHEZ: Mr. Chairman, Commissioner Espinoza, those are good questions. Most of our investigations are lengthy investigations. It would take an amount of time to sit so to do some surveillance or watch where somebody using one of these cameras. It's similar to what we do with a lot of our investigations. Without that being in rule, it would be up to the Commission to determine what the point system would be if somebody was found guilty of this. It would be up to the Commission to decide what it would be as far as points. It would still be a misdemeanor which would be punishable to \$50 to \$500 and/or six months in jail. It's the same as the rest of our crimes, our wildlife crimes.

COMMISSIONER ESPINOZA: And again, see I just have a kind of an issue to you guys spending time to pursue a violator on a trail cam or a Wi-Fi cam and taking away from time that somebody, like all these revocations that you had you know, investigating that. That's a real crime to wildlife and our sportsmen, hunting out of season or illegal take. So I want to go on record I stand opposed to any new rules that would, for technology as such.

COMMISSIONER RAMOS: Mr. Chairman, Mr. Sanchez, if I could go and rebuttal that one. First of all to me, all our hunter education talks about (Indiscernible) and ethical hunting and to me that's what the foundation is, why we're here today and to me it's getting out of hand and to me, yes, I understand to prove a case and utilizing our time otherwise with our law enforcement but I just strongly feel that ethics is a big thing here and it would be nice seeing New Mexico being the leader with this type of ethical standard out in the industry. We're not in Pennsylvania or New York where you know your hunting 40 acre tract of property where you want to monitor it and maybe trophy manage, you know tracts like that. Again, I feel solid on ethics on this and I think that's where we need to be the leader in the forefront.

COMMISSIONER RYAN: I would like to know the general consensus from the Conservation Officers on how you feel personally about the issue. Whether this is something you're seeing that's being taken advantage of by the public and that you would like to see some rules and tools enable you to crack down on it or is it, where are you on this?

RAY SANCHEZ: Chairman, Commissioner Ryan, I do believe this is my stance on it and some of the officers that I've talked to stance on it. It is somewhat unfair to have a cellular or a Wi-Fi enabled device to send something to your phone when you're sitting there in an office or sitting in your home. I believe typical game cameras where you go pull an SD Card and you download

some pictures and you do things like that and people use those all the time for wildlife management for scouting trips and things like that. Technology now-a-days, when their sitting in your office and you realize that the big elk or the lion is there and it sends a text message with the picture to your phone. That's something we have to decide. That's something you have to decide I think is really do you want to allow that in the State of New Mexico or whether we don't. There are some states who real-time camera devices such as this, Colorado passed a law in January of this year that makes the real-time Wi-Fi enabled, cellular enabled devices unlawful. Regular game cameras that people are downloading pictures and getting the SD Card that is still legal in Colorado. Nevada is in the process of developing some laws as well. I believe Montana has some laws in the book as well so there aren't many states in the Western U. S. that have developed laws or are developing laws currently regarding this. That's my opinion. I can let Captain Jackson speak for himself.

CAPTAIN JACKSON: Mr. Chairman, Commissioner Ryan, I would just echo essentially the same thing. It's new technology, it's ever evolving and it is something that at least warrants a discussion I believe. Game cameras as a whole have been around for years and years. They're not a new thing. I don't personally see that as the issue. The issue is the real-time getting of those images, the real-time knowledge that's happening out there. It is a little bit similar to the computerized hunting which is unlawful in the State of New Mexico although it wouldn't necessarily fall under that. It definitely warrants consideration due to the new technology that just wasn't around and hasn't been around ever before. This is brand new.

COMMISSIONER RYAN: So let's talk about when you're actually checking a hunter. You've got checking their license, you're looking at the animal and what kind of probable cause, are you needing to then go look at a cell phone to see if he's downloaded an app. And used it recently?

So I do have a concern about, you know of course if they're discussing it you're going to know and have plenty of probable cause to search that cell phone but I wouldn't think they're going to be generally very forthcoming with that kind of information. Of course, if you find a camera that has that capability, that's one thing but with New Mexico being as huge as it is and few officers as we have, what are you all's thoughts on actually search and seizure of personal cell phones?

RAY SANCHEZ: Mr. Chairman, Commissioner Ryan, it would be no different then what we currently do with cell phones. I mean we currently have a few officers in our state who are, we took a pre-guess search warrants. We typically search those cell phones. We have the ability with a capable of officers to basically run the cell phone through a program, a computer program, conduct a search that's signed by a Judge and then we get the information from that. So that would be the time involved in that, sometimes it can be an exhausted process, time wise. So that would be not much different then what we currently do with a lot of cell phone investigations because most people, they're taking pictures with their cell phones. They're taking video with their cell phone.

They're posting things on social media, so it's something we currently do. Now on field check, if I believe your question that was kind of the way you were headed. A field check may be a little bit you know, without getting consent to look at the phone right there in the field and having somebody show you the pictures, yeah, it's going to be, there's not much we can do there. You know we can ask. We can ask to see some pictures and 99% of the people are going to show us some pictures, that's not a problem. When we run across maybe some road blocks there's that 1% that doesn't but it would be no different than the way we currently work. We do things the right way and we get warrants and we have investigators search those cell phones or



get facebook holds or whatever we need to do to make sure that we're looking at the pictures that we need to be examining.

COMMISSIONER RYAN: Thank you.

VICE CHAIRMAN MONTROYA: You know, I really believe that when we put laws on the books that sit there and maybe are marginal and are difficult to enforce and they're going to be difficult to keep track of and how much time it's going to take. Where I really give that a lot of thought and ask ourselves the question is, is this something that we really have to have? I'll agree with you that if we feel like we have to have it, let's go ahead. But let's analyze this in a different sense and saying time wise, the benefit that we're going to have and the time that we're going to spend on this versus the time that we had spent on something else, where is our time better spent? That guy that gets a text to his computer from a Timbuktu that says there's a big bull, how are you going to, other than finding that camera and trace it back which is going to be difficult, they're not going to put them out in the open?

That's going to take a lot of time and the cases in which the violation exist, 100 times you might catch 1% or whatever, we need to weigh those things before we really jump into it. It's needed. It should be done when it gets to the point where we can't live with it but let's give it some more thought along those lines and what are we going to give up if we take on this task? It's probably something that we need but let's just think about it along those lines.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Go ahead, Ralph.

COMMISSIONER RAMOS: Mr. Chairman, I looked at this as well but to me I think if we did have this in place, I think 90% of the sportsmen or rule followers, you're going to have that small percentage that are always testing their limits and having this technology if, let's say if we were to go in and do a search warrant and you have this technology, there's some additional evidence to prove your case on what's going on with these violators, this 10% or 5%, whoever is out there. So to me, this is another tool, not only to support ethics, you know with the general public but also a tool to be utilized by our law enforcement agency here.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER ESPINOZA: Mr. Montoya brought up a good point. You know, we as a Commission, we're obligated to look at a lot of aspects when we initiate a rule and one of the big one is, who does it benefit and how does it benefit our sportsmen and our resource of wildlife? This rule, I think I'm in agreement. It doesn't benefit but a select few that, I guess it wouldn't benefit but a select few that would be using it for that purpose because there's not a lot of people that can afford these cameras. The cost of one of those Wi-Fi or cellular enabled cameras is upwards of \$400 or \$500 or \$600 or \$700. I don't know about anybody in this room but for me, I would not put one out on a public water hole unless I had a private land to where I know it was secure. I just wouldn't put it out there.

You know I have personally had trail cameras taken off of, I thought that was pretty secure and they were gone. You know there's that kind of people out there so I don't think you're going to get very many people even without the rule that are going to be putting them out there on public land. Now private land where they're secure, I could see that. But I just don't see the benefit of

this rule that it's going to benefit very many people and I think again, the cost to the department for the one, you know one out of a hundred is going to be tremendous when we can really catch the violators, spend that time to catch the violators that really are devastating our wildlife.

COMMISSIONER RYAN: You know, I'm sure after that we had airplanes we had to come up with a rule that, hey you can't fly over and use the technology of airplanes to be locate animals and then hunt them shortly thereafter. So, you know this is going to be a constant issue and it's definitely an ethics issue and I'd like to see the department have more discussion about it within itself and its officers and how the application of some sort of rule would actually work. I mean is it really probably more of a situation where you've got a violator of another rule and while your investigating that and you seize their cell phone, you've discovered that they also have the app. And we're taking on more points to their violations.

I would like to hear more department feedback from that. I would like to have this as a discussion Item again and hear from the officers what they think and be able to address concerns like Commissioner Montoya raised on actually time spent. Is this really something you're going to go out there and search for everyday? Is this any more time on the officer or is it really just going to be a tag-on kind of thing if you happen to see the camera, somebody consenting to the search or there are witnesses saying that that's what's going on, something specific like that. I would just like, I'd like more feedback and discussion.

RAY SANCHEZ: Mr. Chairman, Commissioner Ryan, we'll poll our officers and we'll get more feedback for you and then we can come back and present something for you with some answers to some of those questions.

CHAIRMAN KIENZLE: Anything else from the department? Any other questions from Commissioners, comments? Garret?

GARRET VENEKLASEN: Mr. Chairman, Members of the Commission, Garret VeneKlasen. I'm really excited to see you guys actually taking this up. I think the ethics question that you really covered Commissioner Ramos is really the, sort of the creaks of this and I think that the Commission is sort of a fire wall for creating a standard of ethics to make sure that our hunting community remains true in the public eye. I think that's really, really important. If the public perceives our community as this lazy bunch of people that is abusing technology to harvest animals in an unethical way, I think we really need to think about that and I'm really glad that you guys brought this up. Real-time cameras, that's no different than an airplane. It's the exact same issue and I think not only should you take this seriously but I think that I would encourage you all to move on this issue and to ban these cameras immediately. It's no different than an airplane. For poaching and we know we get \$20,000, \$25,000 for some of these heads. If you're a professional poacher and you have a poaching ring, you could use these cameras and be so efficient and it would be so hard for these hard working officers to catch you in the act. I think we need to think about all these things really seriously and I really encourage you all to move quickly on this and ban these cameras. Thank you very much.

CHAIRMAN KIENZLE: Any other questions or comments? Okay. Thank you. Agenda Item No. 12: Discussion on the Use of Magnification/Clarification Devices on Archery Equipment.

DIRECTOR SANDOVAL: Mr. Chairman, while they're getting that ready I thought I would just put in there that Colonel Griego is not here today because his son actually made it to the

National Bull Riding Finals so just a shout out to Caleb and to the Griego Family. That's why he's not here today. He's with his kids.

COMMISSIONER: Where is that at?

DIRECTOR SANDOVAL: Lebanon, Tennessee.

TY JACKSON: Mr. Chairman, Members of the Commission and Director Sandoval, again, my name is Ty Jackson. I'm the Captain in the Field Operations and I will be standing in for Colonel Griego on Agenda Item No. 12. This is a discussion Item only. This Item is discussion on the use of magnifications/verifier devices on archery equipment. Under our current Rule 19.31.10.7E, under the definition of a bow it does prohibit or it does state that sites on bows shall not project light nor magnifying. In this case the word that we will be dealing with is magnify. Some hunters have expressed difficulty seeing their site pins. Whether it's due to vision issues or older age, whatever the case may be, they have a difficult time seeing items relatively close to their face. For those not familiar with the way that modern archery equipment works, I just put in this slide just to show you essentially what part of the bow we're talking about and we're talking about the peep, which is the rear site essentially of a bow. Magnification or a verifier device is used to see your ends more clearly and if you think of a bow in the sense of like a rifle with open sites, your pins are your front site. It has a lens that essentially screws in, you can kind of see it there in the bottom.

It screws into the peep and it functions very similar to reading glasses. Basically it just makes things a little bit more clear, those items close to you. It allows the shooter to see the pins more clearly. It doesn't magnify the target which is an important distinction but it does slightly magnify the pins. The distinction here versus a clarifier and there's some pretty minor

differences here but they're kind of important. A clarifier, when you look this up is something that you use, it's basically two pieces. It's another piece of optical equipment on your sites or on your rifle scope or whatever the case may be. A clarifier magnifies the target versus the pins, which are actually closer to you. What a verifier does is, essentially that center picture there, it just brings into clarity those pins which are about 2 ½ to 3 feet from the shooters eye.

COMMISSIONER RYAN: Can you go back to that real quick?

TY JACKSON: Yes, Ma'am. So essentially the discussion Item today before you is to debate whether or not you would like to continue to get more information for us to come back with a presentation, potentially look at amending the rule which basically will just require amending that definition of bow or take no further action which will be totally up to you. And I guess at this point I'll stand for any questions that the Commission may have.

CHAIRMAN KIENZLE: Ralph?

COMMISSIONER RAMOS: Mr. Chairman, thank you and thanks for putting this on the Agenda, Director and Chairman Kienzle. Mr. Jackson, I'll tell you, I think when we start looking again at technology, you know there's always pushing that threshold and what can we get more and more distance with archery and things like that. You know what, to me it's about getting a lot of hunters out in the field whether whatever disability they have or I guess ethical behavior that they want to go it and I'm not going to say that forty yards is a long shot because you know, on an elk hunt, to me that's about a good average shot, you now.

But to me the key thing here is that we want to give the hunter the opportunity to be able to make a clean ethical shot and if a clarifier or even if a lens on a site, to just give you a better picture to make that clean shot due to whatever your own personal standard is. I mean we've come a long

way from traditional long bow hunters and we still allow that but there's compounds that progress every year and daily. Now, on the other hand, I'm all in favor of having some kind of a lens to give you more clarity. I mean I'm up here reading, gosh, that's why we have transitional lenses and things like that. I think we need to look at that. The other thing is, I'd like to also bring up is cross bows and telescopic sites and right now the market that's out there, it's hard to find a cross bow with pins in anymore, even to purchase that. Now, we currently allow cross bow hunting during Archery Season for special limited reasons, disabilities that goes on. I'm not for allowing cross bow hunters during that archery season although, if there's that disability, why not? It's not like we draw tags every year and to me giving them the most ethical shot opportunity based on their equipment, you know, where we at? Now again, it kind of goes back to what we were talking trail cams. 90% of the people, sportsmen, are rule followers. There's that 10% that are always testing it. I can see cross bows you know shot after hours out of a vehicle, things like that, hard to make a case for our law enforcement. But as far as the general 90%, gosh, why not allow things like that?

TY JACKSON: Mr. Chairman, Commissioner Ramos, one of the issues that may come up just as a, I'm sure your aware, is just the, essentially the fairness. A lot of archers are going to view cross bows, potentially negatively just because they're not required to make that significant movement during the draw in close range to animals. That's typically been one of the things that we've seen. So, whether or not we allow that is up to you all but that is something that may come up.

COMMISSIONER RAMOS: You know and the thing about a cross bow is we can use it during a muzzle loader hunt or a rifle hunt or if a guy wants to use a telescopic site for that type of hunting, why not allow them to do that? That's kind of more or less what I'm looking at, not to

be competing with the archery compound or traditional bows season. To me it's about during that firearm season, why not? We allow in-line muzzle loaders that shoot out to 500,600 yards now-a-days. Again, I don't want to get into arguing amongst sportsmen of what, you know if Bill wants to go out there with a musket, you know that's his prerogative. On the other hand, if I want to go out there and use one of these in-line muzzle loaders to shoot out at 500 yards, you know that's where we can go. The other thing is whenever hopefully, when it's presented in front of us, I would like to see a little more detail as far as, like here it says current rule states that sites on bows shall not magnify or project light. Okay, so does that mean project light on game or project light on your equipment? You know you can take it so many ways and if it's going to help someone, again like this verifier to give you a clear picture of both the animal and your pins to make a clean shot, I'm in favor of that.

TY JACKSON: Mr. Chairman, Commissioner Ramos, I appreciate that and yeah, I would agree that anytime that we can make these clearer, that's a beneficial to everyone so that people know what is legal and not legal, both from the law enforcement and from just the general public stance. To your point on cross bows, currently under the definition of a cross bow, magnification is currently allowed. So if a person is allowed to use a cross bow during a muzzle loader hunt for example, they would be able to use a magnification scope. It's not prohibited. The only thing that is prohibited on a cross bow would be the projection of light, in other words, a laser or something like that.

COMMISSIONER RAMOS: Oh, okay. So it's already in place? It's allowable.

TY JACKSON: Yes, sir.

COMMISSIONER RAMOS: Thank you.



COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER ESPINOZA: I just want to, you know this goes along like Commissioner Ramos said. Technology, you know this didn't exist probably two or three, four years ago. Every year, every minute, every day, somebody is developing something new. This is going to be more ethical for people that can't see. You know somebody that doesn't need it probably wouldn't spend the money for it. But somebody that's going to need this, you know I wear glasses. Ten years ago I didn't wear glasses but I wear them now and so this will help. That's again going along with the technology that this will make people more ethical, make a cleaner shot. We all know in archery a one pin difference will miss a shot or more drastically, wound an animal. This will help. So I'm in favor of it but I want to emphasize that technology is evolving and we should allow some of it to be used, if not all of it. You know we need to take a hard look at every one of them and this is one that makes a lot of sense.

TY JACKSON: Mr. Chairman, Commissioner Espinoza, your correct. This does not enhance your bow. In fact, if your eyesight is 20/20, having one of these would actually be a hindrance, not a help. It is designed just like your reading glasses. You wouldn't wear them if you have 20/20 vision.

COMMISSIONER ESPINOZA: Yeah, I would like to see this again a little more in detail and as an Action Item at some point in time.

CHAIRMAN KIENZLE: Any other questions, comments at this time? Garret? Anything else from the department on this one?

TY JACKSON: No, Mr. Chairman. Thank you.

CHAIRMAN KIENZLE: Thank you, Captain. Agenda Item No. 13. Get comfortable. Update on Perspective Modifications to Electronic Tagging Requirements for Big Game and Turkey.

MICHAEL PERRY: Good afternoon, Commissioners, Director Sandoval, my name is Michael Perry and today I will be talking to you about discussion Item No. 13 which is the update on modifications of the tagging requirements for big game and turkey. Does anybody have a fly swatter?

COMMISSIONER: yeah, you want it?

MICHAEL PERRY: Again, as this is a discussion Item, first we wanted to talk to you about what the current tagging requirements are as they are posted in front of you on the computer. For big game and turkey, licensed hunters of any big game species shall immediately punch or completely fill and blackout the area designated for the appropriate species on the license. They must do this immediately upon arriving at a vehicle camp or a place of storage.

The pro's of a current licensing system and the tagging system are, it is an easy access system that allows for people to perform at home printing, which is a very big convenience. There's a user friendly system also with a carcass tag because if it's forgotten, misplaced or destroyed, they can simply print another one or use one of the copies they have in their dash (Indiscernible) or their wallet. Some of the con's that were noting in the systems is hunters have expressed some of those sportsmen with multiple carcass tags may be printed which could be problematic.

Therefore, this gives people the assumption that carcass tags are at this current time, uncontrollable. The department is committing to progress this system if you deem necessary on the current carcass tag. Some of the starting points for discussion is that it could evolve this in

future meetings or simply put, if the department issued control of a carcass tag, an electronic phone application or tagging reporting system or we could entertain just retaining the current tagging system as we have it in place. Those are the discussion Items and if you have any questions for us at this time we'd be happy to answer them or jot them down and come to you again.

CHAIRMAN KIENZLE: Is this a solution in search of a problem? Is this proved to be a problem in the practice?

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission, this is something that the Field Operations has had several conversations with the Director about, we're getting more and more information about individuals who are actually going out and printing multiple licenses and using it to their advantage, being that unethical hunter. So we're starting to hear more and more. We haven't necessarily been able to pinpoint or put a case together on it but that's because of the nature of them being able to have these copies at their fingertips.

So, as much as I and everybody knows the Game and Fish, that I'm a huge proponent of paperless and trying to make things as convenient as possible. What we're hearing input is more and more individuals are taking advantage of the system. Like I said, we have not been, necessarily put a case together on it but that's partly due to the nature of the fact that those carcass tags are being able to be printed, so this really in response to the input from our constituents over concerns of individuals going out there and abusing the system.

CHAIRMAN KIENZLE: Go ahead.

VICE CHAIRMAN MONTROYA: You know, we have tags that you all worked with before that weren't printable. Is there a way of going back to that system and keeping the system that we

have today because the system and punching up a license is great. I think we've got to keep that and if there's a real problem that we got in the field, let's work on that part of it and see if can't get a system that we can print out our license but it will only do it once or something like that to satisfy what you all are asking because I think it's needed. I think it's needed. I can go either way with it and I don't know what the number of people that are abusing the system. Whatever system you have, there's going to be some scrounges out there that are going to abuse it and work it in their direction. This is a good example of it. It's easy to do and anybody could do it. However, is there a way that we can get around it and still keep the system that we got, that's the big question? Is it doable? If it is, let's go with it.

MICHAEL PERRY: Chairman Kienzle, Commissioner Montoya, if I could answer that question a couple of ways. As one, you know we are dealing with a technologically advanced system. For example, my son, he's hard pressed to carry a driver's license but I made him take a picture of his driver's license and put it on his phone because he never leaves without his phone. So he's always got his driver's license, his hunting license, all that stuff on his phone because he always has his phone and that's the kind of a generation that we're talking about a little bit. So we're talking about two things, is the tagging and then that next electronic type generation.

Where we get resource and look at other states and other states do have the printer all in licenses as we do and I don't think, I think an evolution of both processes, the old versus the newest is probably what we're looking at in this scenario in the name of exceeding the bag limit.

Currently, other states do allow you to print your own licenses at any time and I think we're a huge advocate of that as the Director said. We've done very well with that system and our constituents enjoy that system. So I think we would continue to print your license at any time. The other issue is the potential for over-bagging the potential of using too many carcass tags.

So the department or field operations right now working with the department is looking towards, do we need some kind of controlled carcass tag in that that carcass tag itself is controlled not necessarily. You can still print the license in your home and those are the discussions that we're really talking about right now, is what kind of system would we like to partake in?

VICE CHAIRMAN MONTROYA: In our field text, your printing up this guy's license number and you're printing up his harvest and in essence, when you punch that up in your system, in your pick-up, that voids that tag and it comes up again and you got him. Can we refine on that system? Can we, how is that working?

MICHAEL PERRY: Mr. Chairman, Commissioner Montoya, that's not exactly, we don't exactly have that capability at this point. In other words, to void license if we check them with an animal in the field, that's just not a capability we have at this time.

VICE CHAIRMAN MONTROYA: Not voiding it but it comes up the second time, bingo, you've got a hit.

MICHAEL PERRY: Correct. We just don't have that capability at this point for a variety of reasons. First of all, our officers don't, they will shortly, but they do not all have computers in their trucks at the moment. Cell service is an issue in different areas, in the Gila's this is a huge issue. Not to mention the system is not exactly designed for us to essentially go into the system and say that, yes, they harvested an animal on this date. It would take some changes to the current system. So I'm not sure if that answers your question or not.

VICE CHAIRMAN MONTROYA: Well, I'd like suggestions on what you all think we can do to maintain the system we have and be able to cut into the violations that are taking place on duplicate licenses that are printed. There's something out there. What are the other states doing?

MICHAEL PERRY: Mr. Chairman, Commissioner Montoya, most states have for these species that they require some sort of carcass tag, they have a controlled carcass tag. So in other words, the agency does control that. They don't just allow you to print those at home however many you want. The issue, to give you essentially a real world example of what field operations staff run into, law enforcement staff run into in the field is, for example, if we set a road block up and Joe Smith comes through with a deer, he can have fifty of his licenses printed in his truck. He can have one in his backpack and one in his truck and one in his wallet and that's all great. The problem is that he has fifty carcass tags. So every animal that he brings through our road block every single day, unless he is actually physically checked by the exact same officer who remembers him, there's really no way for field operations to catch him in the field at that time. Perhaps on the back end we can but it takes quite a bit of looking. Again, as Director Sandoval mentioned, we have somewhere in the neighborhood of 90,000 hunters in the state.

That would require going back and specifically looking at that individual harvest report combined with potentially a search warrant or some other knowledge that we know that they took several animals. Every animal coming out of the field unless the person just forgets essentially has a carcass tag on it, every single one. So field op.'s to be able to catch that individual illegally taking his second or third or fifth or tenth animal, as long as he's within his hunt dates, it's extremely difficult because every animal has the legal paperwork with it.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: Mike, me and you have had a discussion and I think, you know I like the paperless system. You know I think that again, technology, we've evolved and I

applaud the department and the Director for creating that. You know I think it's convenient to our customers. We can ramp and rave all day long on that. But I think we have created, inadvertently a system that allows the criminals to be more criminal if that's possible. Also, we've given the ability for honest people to possibly, with opportunity, present themselves to become a criminal so I think carcass tags are a way to go. Especially, I think other states have seen that. Have you done some research? I've gotten comments from a couple officers that's given some suggestions, if we issued a carcass tag to a licensed hunter, they still can print their license at home but what would be the cost to the department? Would it be several thousand dollars? Would it be hundreds of thousands of dollars? Just to print a license, carcass tag, you know I drew a cousteau [Phonetic] hunt in the burrows and I have a license number. They issued me a carcass tag through the mail. That would be one possibility that I think, you know maybe like we use on bear and cougar right now.

Once they're used, they can't be re-used. That's pretty evident of that, something of that nature. Obviously, there's an additional effort but I think it's warranted. Again, there's a benefit to that. The other issue is the convenience in that. I've got recommendations on this, two suggestions rather is you know we all have gotten our license or whatever at home. We couldn't go hunting in the old days. We couldn't go hunting. We had to go to an office to get our license reissued. In these days you know, like you said, I take a copy of my license. I take a picture on my phone and it's easy. We can still go hunting if we forget it at home. But with the carcass tag, you know if I forget it, then S.O.L., but you know, let the officers have duplicate, not duplicate, that's the wrong word, but an additional carcass tags that if I'm out in the Gila and I get ahold of an officer out there and said I forgot my carcass tag, he issues me a new one with a new number that kind of voids my old number and I can now go hunting Saturday morning because I got me a

new carcass tag. I think that's controllable and it offers our customer a convenience of the paperless and still gives you guys the ability to control carcass tags. If you go into a camp and you see something that if it doesn't have a carcass tag then you look. If it's got a carcass tag you can check that number. You know, even if I'm out wherever, you can cross reference that carcass tag and my license number and know who it is. I think there's ways to do it without having a huge cost to the department. I know you've looked at that Mike based on our conversations. So you know I would like to see the next presentation go through those possibilities with hard cost involved.

COMMISSIONER RYAN: I really am glad that field op. have brought this issue up in front of us. We've been talking about in conjunction with some other various issues today, trying to make a field check efficient for our officer's time during the hunt, that's he's moving, you now if you've got a legal take then we're moving on to the next one. I think in my mind, walking up to the hunter and the officer can visually see the carcass tag right there, check that off, checking the license, moving on down the road and then if you don't see a carcass tag then that's an easy to discuss. I forgot it. I don't have it. Where is it?

You know, find out what's going on. So, from that standpoint and being able to have probable cause in the hands of our field officers, to be able to have that right away on the tagging issue I think is really important and as far as stopping poachers, I also like the idea of it being a carcass tag and not a head tag so that it follows the carcass. You know you can't catch everybody but you know when the meats taken to be butchered, the butcher is going to be checking before he takes it that there's a tag with it and so that's just another level of accountability that helps support what the departments doing in making sure that we're having legal harvest.



I think, I mean I'm in favor of going back to the old school tag issued by mail, honestly is kind of where I'm falling on it. I would like to see the cost involved but I think when you compare with time for the officers and how few there are of you. Continue to print the licenses. I think it's working. I think everyone enjoys it but you know, you need to have a carcass tag and it worked for years and it supported your work in the field. So I like the hybrid of being able to print the license and hey, if I forgot the tag at home, that's something I'm going to discuss. I mean it can happen to anybody and I'm going to tell you, look, I forgot it and I'm going to bring it into you Monday morning and we're going to talk about it versus a poacher who's taking multiple animals that can't produce that tag. So, it helps. I mean it helps you weed out the good ones from the bad ones who honestly forgot it and those that are taking more than their bag limit. That's where I fall on it. Thank you, Mike.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RAMOS: Major and Captain, I finally figured out your titles. I appreciate that the department has done the piloting with all the technology and you know this current system that we have. I would like to, if we're going to go with a tagging, I think I would like to see the type of tag that's sticks on based, kind of like they had over in the White Mountain, Apache Reservation. Last month I was able to harvest a bear with that. Also it had more specifics as to where and how to use it.

I know back here in New Mexico it's either with a meat or with a head and with the license current system, you can use them both, whatever. I would like to see some specifics on that. Also, long term storage of meat, you know, if it does go to the Taxidermist well why not have

that license stamped on the back of the head or whatever. You know I think, you all are the experts on that. What would you like to see that would make it easier for you to conduct investigation or just to support people in what's happening with that. I think the multiple licenses versus the single tag. I'm right on board with that. Again, the duplicate, we used to purchase a duplicate if you lost it. So I think that's the main thing on the tagging but who's going to have them, the warden, is it going to be the Wal-Mart or the officers? If you lose one, I would like to see it where it's documented in our system where multiple tags can be caught right away as an indicator. Again, I'm really looking forward to you all and your next presentation where we come and we act on it. One last thing...

MICHAEL PERRY: You always have that one last thing.

COMMISSIONER RAMOS: I know. I'm sorry. I would like to still continue the research on technology because I think we need to stay on top of that. I understand cellular service in remote areas isn't always there but if we can really massage it where it works for both and have a hybrid like Beth said, I think that's our ultimate goal. Thank you.

COMMISSIONER RICKLEFS: It's worried me that we don't have a non-reproducible tag for game animals. In the past a hunter was pretty careful with his license. He knew he could it replaced but it was something that you carried and knew where it was and now they can just print multiple. A suggestion, I don't know if this is a computer or this is the technology suggestion. Is there any way to limit the number of licenses printed? You can print it one time. If you lose it you still got to go through the steps to get it reproduced or second license but make it more difficult or on that first one that he prints has a code that does not come up again. If he loses that

one he can print one but it doesn't have the code so he's going to have to come to you to get a new license.

MICHAEL PERRY: Chairman Kienzle, Commissioner Ricklefs, there's a lot of ways you can go with that. I guess question but one that rings true in my mind is the technology that's out there. Yes, there probably is technology available that you can print a license one time. I think the issue with that is if you can put a license on a carcass tag one time, you still possible could create duplicates on your own copy machine or something of that nature later.

COMMISSIONER RICKLEFS: There are things that can't be copied from a copy machine.

MICHAEL PERRY: Potentially there are, I mean we've (Indiscernible) talked about it in the past Commissioner Ricklefs where you can print your boarding pass at home but when you get to the airport, that is gone through a scanner and then its voided and you can't use it again. So, that's kind of a different system that we're not capable of performing yet. So I think the technology is out there for those types of movements and we're just going to have to go to the drawing board and see how we can make it customer friendly, Game Warden friendly and certainly, combat the unlawful take where too many takes of wildlife critters right now. So those are interesting questions and we will address those at our next presentation.

The other question that keeps coming up if I may is cost associated with some kind of carcass tag and again, that's going to depend on the type of tag that we go to. Is there something where the department buys some kind of machine and we print them with the license number on them that matches your hunting license? Is it some kind that we'll buy from a private vendor that's plastic and has a different color? Is it like the Christmas tree tag that you tag your tree with that you can get from the forest service? So there's all kinds of options. But the reason we wanted to try to

visit with you guys today is, do we want to go down the road of a Department controlled tag.

And it sounds like, if I may paraphrase, we're hearing that is a favorable option to be presented at another Commission meeting.

COMMISSIONER: I'm pretty favorable with that except for it means there may be a lag time between the time he buys his license and he gets whatever it is that you come up with. And most hunters should know two weeks in advance but private land hunters often don't know until the next day and they show up to buy a license. How's he going to get it, whatever it is we come up with in one day? That seems like a difficulty to me.

CHAIRMAN KIENZLE: Good luck.

COMMISSIONER RYAN: I don't know about you all, but I constantly have computer and printer issues, like every day. And I have I.T. people dealing with it every day. And it's a cost I have to deal with, with my business, and it drives me absolutely crazy. So I just know, I mean I'd love the opportunity to let's just say print one license and that's it. But like what if you print and then, so often like me, my copier or printer decides to go haywire? Now I've got to show up down at the District Office and try to explain that my printer didn't work and, I don't know, just throwing that out there.

CHAIRMAN KIENZLE: Garrett? Any other questions or comments?

COMMISSIONER: Mike [Phonetic], maybe when you're doing the research to look at the options for carcass tags, I've been to reservations, use these a lot, is multiple tags, one that goes on the antlers and one goes with the carcass to the butcher, stays with the antlers until the

taxidermist, stays with the butcher. So those are the peel-off type, kind of like luggage tags. So just as a suggestion to look at that.

CHAIRMAN KIENZLE: Good luck. Anything else from the Department on 13?

MALE SPEAKER: Nope.

CHAIRMAN KIENZLE: OK. We'll be seeing you again I think.

MALE SPEAKER: Thank you.

CHAIRMAN KIENZLE: Stewart. Oh, my gosh, 14 through 19.

COMMISSIONER: Just say your name one time.

CHAIRMAN KIENZLE: We are going to do 14 and 15, and then I think we are going to break for lunch.

STEWART LILEY: Mr. Chairman, members of the Commission, I am before you on this agenda item on potentially allowing some over-the-counter hunts for javelina. For those of you in the back, though it is going to be a little difficult to tell, I just want to go over a little bit of harvest report because there are sometimes questions about how many javelina are we actually harvesting across the state and really we've broken javelina into two different areas in the state, what I'll refer to as the Boothill which is GMU's 19, 23 through 27, kind of that southwestern portion of the state, and then the rest of the state. What we find is that in the rest of the state where we would expect the javelina, not as much to the north, we have 10 to 15 percent lower success rates on those hunts versus a much higher success ranging up to 36 percent. We do have a high amount of undersubscribed javelina hunts each year that go through the draw. In fact

some of those undersubscribed hunts go as much as 83 percent undersubscribed. We see that mainly with the bow hunts. The bow hunts are statewide excluding the Boothill and then the 14 percent gain in the rifle hunt excluding the Boothill. Those hunts have been offered through a secondary sale that the Department has to conduct. We did that yesterday, I believe. But some of those even secondary sale javelina hunts go unsold for the rest of the season. So they are never used. Last year only, I believe it was 25 percent of the archery statewide tags were sold. So even after the secondary sale, whereas the rifle hunts statewide sold 87 percent. So I guess the recommendation from the Department would be on those hunts, excluding the Boothill, that we do an over-the-counter for those, not holding for the draw, not having to go through the draw audits, etc., that takes up a lot of time. (Indiscernible) as an over-the-counter hunt that would be a maximum licenses. We would recommend what are draw licenses numbers are right now for each one of those, the archery and the rifle, to be the max licenses allowed to be sold annually for that species and that's statewide. As we went through this youth-only, excuse me, over-the-counter discussion for javelina, we also wanted to consider, is there some youth hunting opportunities that were not presently available for youth hunters for javelina that we could maybe offer. Unlike the rest of the javelina hunts, youth-only is the only one that was fully subscribed in the draw and we actually had more applicants that we had licenses for youth-only compared to the rest. Youth-only hunt does allow a hunter to hunt statewide and is not separated out Boothill versus the rest of the state; it is statewide. Our recommendation would be to actually increase that draw license number for the youth-only hunts, we don't think we will have a population level effect on javelina but we want to make sure kids get tags in their hands and have an opportunity to go out there and hunt. One of the other big things that came onboard the last couple of years is the Double V Ranch that now is under the State Game Commission control.

Part of that ranch does have javelina and has sufficient population of javelina as we are developing the management plans for that, and developing management incentives [Phonetic], we would look at it as maybe a unique hunting opportunity for a limited draw entry for youth-only to get in there and hunt javelina and have kind of a unique hunting experience for javelina. And with that, I would take any questions.

CHAIRMAN KIENZLE: Commissioners?

COMMISSIONER: Sorry about that. Chairman, Stewart, first of all I want to thank you for putting this on the agenda as well. I know it's been a concern. But I appreciate your comments you have already generated on the largest historical range of the javelina being in that Boothill, the 19, 23 to 27, and leaving that as a lottery, you know, drawing type, and really continue managing them the way we are versus over the over-the-counter elsewhere, and I think it is very important that we do that. I know that it took me, gosh, 11, 12 years to draw to draw elk permits and stuff but boy I could hit that javelina every year and I really relied on that and I think a lot of people still do. So I just think what you're doing here is a good thing.

COMMISSIONER MONTOYA: Don't forget the seniors. We've got youth hunts. Let's consider a senior or two. Some of these guys are seniors.

COMMISSIONER: Speak for yourself, Bill.

CHAIRMAN KIENZLE: Musket Montoya.

COMMISSIONER: Musket. Alright.

COMMISSIONER: Did you write that down?

CHAIRMAN KIENZLE: So, when will we see this again?

DIRECTOR SANDOVAL: In August, Mr. Chairman, in August.

COMMISSIONER RAMOS: Stewart, when you're looking at the over-the-counter, I'm sorry I just had a brain freeze here, are you looking at possibly extending those hunts like during the November deer hunt where someone can have multiple opportunities to harvest if they draw a deer license and then also purchase an over-the-counter javelina hunt and might coincide those hunts together, you know, to have some allowables in there for that?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that is something we could definitely consider when we are developing and come back to you for August and give you the pros and cons of something like that. We will definitely bring that back to the Commission in August for a discussion point.

CHAIRMAN KIENZLE: OK, see you again in August. **AGENDA ITEM NO. 15: Final Consideration of a Proposed Amendment to the Bighorn Sheep Rule (19.31.17 NMAC).**

STEWART LILEY: As stated, this is an action item. This was brought in front of you at the last Commission meeting in Silver City. What the Department is proposing here, like all other species rules, we do have a section for population management to address just that. Management issues that arise outside the regular course of rule development, harvest limits harvest dates, etc., for example if we have (Indiscernible) herd we have a genetic issue we are trying to take care of where we have potential father-daughter matings, we want to be able to offer these up to hunters. That's the biggest thing why we are proposing this bighorn sheep rule. It wasn't currently in there. The Department would take those management actions but it would be Department



management action and wouldn't be an opportunity for a hunter to have. The other thing would be if there is a disease risk in a herd, if we know there is, let's say, diseased animals coming in from another herd, an adjacent herd, we'd like to be able to have, if we are going to go in and do a removal action, we'd like hunters because there are few limited opportunities for bighorn hunters to take advantage of that rather than the Department actions. As we discussed at the last Commission meeting, this is, bighorn sheep is a big issue and we don't take it lightly and we did insert into the language in the rule that would require the Director and the Chairman to approve on a population management hunt to happen before we were able to allow that. Again, the big things we see with this coming on is going to be more on disease management issues or quick response when needed and kind of healthy genetics and re-establish sheep populations. With that, I'll take any questions.

CHAIRMAN KIENZLE: Commissioners, any questions? This basically makes the rule consistent with other species?

STEWART LILEY: Mr. Chairman, that is correct. This would be inclusive of all species now.

CHAIRMAN KIENZLE: Is there any reason why this wasn't in there before?

STEWART LILEY: Mr. Chairman, I think it was because we never had a need for population management before in sheep. For example, desert sheep, we weren't even hunting them when they were a state listed species. Now we are actually hunting them. Rocky sheep were never at a level where we had to do a big response like this where we actually have population growth, connectivity between, and establishment of new herds as this.

CHAIRMAN KIENZLE: (Indiscernible) time for this rule?

STEWART LILEY: Mr. Chairman, that is correct.

COMMISSIONER RYAN: Are these new applications that come when the Department announces it is going to have a management hunt, and then you apply then? Or, are these people that put in for bighorn sheep, didn't draw, and now they're just still in the pool for the management hunt? How does that work?

STEWART LILEY: Mr. Chairman, Commissioner Ryan, exactly on your second point. What it would be is, those that already applied during the draw, were unsuccessful, will have a ranking in their application number like we currently do and the (Indiscernible) lowest ranking number gets offered the hunt first, for example, like we do for deer or elk currently now.

COMMISSIONER RYAN: Does that need to be, I mean that seems to be understood by you, but it's not set forth in the wording here.

STEWART LILEY: Mr. Chairman, Commissioner Ryan, if you look at your briefing document under C, a deadline will be set, it's an application rule when you talk about population management hunts and so that ties back into the application rule where this language is exactly the same in the rest of the species rules, so that application deadline is referring to the draw hunt application.

COMMISSIONER RYAN: The draw hunt. OK. So that's all defined somewhere else, like applications and deadlines, and . . .

STEWART LILEY: Mr. Chairman, Commissioner Ryan, that is correct.

COMMISSIONER RYAN: OK.

CHAIRMAN KIENZLE: And, if you recall, I did suggest that like some of the other rules, that the Director needs to get the Chairman's approval either, how do we phrase it in here? Is it verbal?

STEWART LILEY: Mr. Chairman, yes it is the Director but the verbal concurrence of the Chairman or Designee which is the same, follows throughout the rest of our rules where we have that concurrence agreement.

CHAIRMAN KIENZLE: So there is kind of a failsafe on this, if you will. So I'm comfortable with it.

FEMALE SPEAKER: Great.

CHAIRMAN KIENZLE: Any other questions or comments.

COMMISSIONER: Need a motion.

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

COMMISSIONER RICKLEFS: I move to amend 19.31.17 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with the State Records and Archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Well, despite my tendency to ironman through these things, we've only made it through about half the agenda. So we will break for lunch, and why don't we come back here, it's noon, why don't we come back at 1:15? All right.

[Break for lunch/return from lunch]

**CHAIRMAN KIENZLE: AGENDA ITEM NO. 16: Potential Development of Youth Hunting Opportunities in Northeast New Mexico. Stewart**

STEWART LILEY: Yes, Mr. Chairman. Before I get started I'd like to introduce Mr. David Ramos [Phonetic] on my right here. Mr. Ramos is now the new ranch manager at the Wedding Cake Ranch that we are going to be discussing here at this agenda item. Before I begin, I would like to kind of give an orientation for those of you that may not know where the Wedding Cake Ranch is. It is in the very northeast part of the state on the Dry Cimarron. The outline there is the ranch. It straddles the dry Cimarron River there up in the northeast. One of the things we have been working with, with Mr. Ramos since the new owners acquired the property is trying to develop some youth hunting opportunities on the actual deeded [Phonetic] property of the Wedding Cake Ranch. One of the big things we have discussed and one of the things that is pushed from our Information and Education Division are these hunting skills camps. We have done some of these, similar to this, I believe it was down on the Armendaris Ranch. It's where kids really get an understanding of safe firearms handling, understanding of hunting skills, and also wildlife education. The Wedding Cake Ranch really situates itself as a really unique experience with many different species of wildlife to teach children about, to teach them the importance of habitat management for wildlife, and just general experience overall. Mr. Ramos has agreed to kind of start fostering that opportunity with the Department to set up these camps

on an annual basis and really try to work kid through them and show them a really unique experience. One thing that Mr. Ramos has also done, and we really applaud, is this year they held a turkey hunt for those individual youth that scored 100 percent really on their hunter education test and took them out on a fully guided turkey hunt on the Dry Cimarron. And I'd actually like to read a quote from one of the father's sons that said, "This opportunity didn't only provide Casey [Phonetic] with an opportunity to hunt, but also gave him an appreciation for the wildlife and wildlife habitat. He had an opportunity to see white-tail deer and mule deer, elk, and Rocky Mountain bighorn, dove, waterfowl and, of course, turkey. Wow. Talk about an experience." So again, we really thank David and his operation and allowing these hunters up there, teaching them about wildlife management, allowing them the opportunity to really go out there and have a nice, fun experience. We are working with David to start it again, those 3 turkey hunters in spring, we would like to continue that through. Mr. Ramos has tentatively agreed to that, and we are going to continue through on those turkey hunts through the upcoming season, supporting that youth hunting opportunity there. The Dry Cimarron also hosts a unique opportunity. It is one of the few areas in the state where we have a constant white-tail deer population and mule deer population running through both the lower lands, the Dry Cimarron River. Starting last fall, Mr. Ramos, some of those kids that were fortunate enough to draw the youth-only white-tail deer hunt up in the Northeast, he allowed them to come on the deeded property and harvest their white-tail deer and there's multiple pictures but in essence of time I wanted to show them to you. But I would say there were a lot of happy kids that were able to come onto that deeded property that were able to get a chance to actually harvest, especially in an area where it is almost all private land up in that Northeast. This fall, he would like to continue to work through the Department on both not only the white-tail but mule deer and offer

up to maybe 3 buck tags also on the property for allowing youth to harvest a buck up there and also some bow tags. One thing that Mr. Ramos has been working on and will continue to is kind of a rebuilding of that elk herd up in the Northeast. We have had kind of a dip in that elk population recently. They are working hard on habitat management towards it, and harvest management, and maybe as time comes on and it progresses through time, we've been in discussions over allowing some youth hunting opportunities for cow elk, or maybe even bulls at some later point in time. Not only in terms of hunt management, there's also been some tremendous habitat management that has been going on. Of interest to the Department, this is the area where we did release bighorn sheep about 2006, I believe. What you have in front of you is a map of three different landowners in the Dry Cimarron that really have the majority of the sheep habitat. Right there is a depictive graph of what we consider sheep habitat given slope and current habitat conditions. What we see there is really the bulk of the habitat extends to the northeast which really corners the Colorado border and that's why it stops abruptly on north, and the Oklahoma border on the east. Our goal is to extend that sheep habitat to the south-southwest. Mr. Ramos and the neighboring landowner (Indiscernible) on the Pacheco Ranch have that opportunity to really expand down in this area and there is a lot of nice sheep habitat and also in this area we will work with them in trying to figure out what's the best practical approach to really expand that, to try to get that sheep herd as it expands moving farther into New Mexico, hopefully providing more opportunities for New Mexico hunters through time rather than expanding to the north and northeast into different states. Besides sheep habitat management, Mr. Ramos has also been very actively involved in restoration of the Dry Cimarron River itself. It's said there are large stretches on the Dry Cimarron that is void of any woody vegetation that used to be present there. Mr. Ramos, I believe, planted 5,000 different trees this fall along the

Dry Cimarron, different species of trees and shrubs, trying to benefit wildlife is really what the main goal is, try for bank stabilization, winter forage for different varieties of species, of palatable for that wildlife to get them through the winter. One of the big things that also comes into play on the Wedding Cake Ranch is, right now we currently have an agreement to harvest sheep, bring public hunters on to harvest sheep on the two adjacent ranches. The Wedding Cake Ranch is coming in for, would like to enter to that agreement with the Department to harvest sheep. Currently by rule, we do have Dry Cimarron open for sheep hunting and we just need to enter into an agreement that between the Department and the Wedding Cake Ranch. They have agreed to a 50-50 split on tags. Public hunters would get 50 percent of the tags, and private hunters would get 50 percent of the tags. It would give full access to all the private deeded property on the Dry Cimarron and really as we expand this herd to the south-southwest, and through habitat management we really think we could get upwards, we are hoping, as long as the herd stays stable and keeps growing like it has that we might be able through time offer almost 6 bighorn sheep in the Dry Cimarron annually, 3 public hunters and 3 private. Right now, we are at 1-to-1. We think next year we could definitely go to maybe 2 and 2 for 4 total hunts, and the Wedding Cake Ranch is an integral part of doing that. I think right now the last census we are on there, I believe we counted 80 bighorn roughly on the Wedding Cake Ranch and in the surrounding areas there is more. One of the other big things and aspects outside of just habitat management is, there was a concern before about the feeding of those sheep in the Dry Cimarron. Mr. Ramos has agreed to halt all feeding of sheep in there, realizes that habitat management is the way to go rather than through a feeding (Indiscernible) and it's going to be a pro for the Department, pro for the sheep herd. We did view that as a big risk to that sheep herd in the Dry Cimarron of having concentrations. As we spread out habitat management we think it

is really going to offer a lot more opportunities and allow that sheep herd to grow. So, with that I will take any questions, and I think Mr. Ramos will, too.

CHAIRMAN KIENZLE: Commissioners?

COMMISSIONER RYAN: Mr. Ramos, just thank you so much on behalf of the Department and Commission for all the work that you all have been doing and have agreed to do. This is a really special area and close to the hearts of the Department and just want to applaud your efforts and thank you. Just can't say thank you enough for this. Really appreciate it.

GUEST SPEAKER: Commissioner Ryan, thank you.

COMMISSIONER RAMOS: Mr. Chairman.

CHAIRMAN KIENZLE: Oh, I'm sorry, Ralph.

COMMISSIONER RAMOS: (Indiscernible), I do want to echo that thank you. I was privileged to know the previous owner and, you know, the work that he did out there to bring the sheep and the habitat there. You've just taken it to the next level, I understand and so with that, thank you because that area has such potential for the sheep as well as all the other wildlife and thank you for opening the doors to those youth opportunities. I think that once we start that we are going to get other landowners around the area. It has always been my goal to see that vision and, you know, open the door. So, hope you'll be a shining example of how this could work and other landowners can say I want a part of that. So, thank you.

COMMISSIONER ESPINOZA: Commissioner Espinoza. Thank you.

COMMISSIONER: It's good to know that we are not going to concentrate sheep under a feeding program because it really gives us things to worry about. We almost ran amok last year



with the pneumonia thing. And it's good to hear we're not concentrating them anymore, so thank you.

COMMISSIONER: I just want to thank you again. It's great to see and open this dialogue and again taking it to another level, and for being a leader for even the access to the state land and other things that are in there. Thanks for using your open vision. We appreciate you.

GUEST SPEAKER: Thank you again. And we are certainly hoping that we will be a role model in that area and some of the other landowners will come on board and, you know, open up more opportunities for the kids.

COMMISSIONER RYAN: Due to the remoteness of the area, you know there's always talk and stories coming out of that area regarding poaching and people going across to the Colorado border, or Oklahoma or Kansas. And, of course, we don't have enough personnel to possibly be able to patrol that area for what's going on during a hunt so it's really you guys on the ground and what you're seeing all the time. And so we appreciate having that relationship with you and hopefully that's just one other item that's going to be even better going forward.

MALE SPEAKER: I think having a strong presence there makes a difference to poaching, when people see people on the ground, and they just added another house up there. There is going to be another staff member living on the highway. And you know that is primarily where it would happen, so we will keep our eyes and ears open.

CHAIRMAN KIENZLE: Garret? You sure? OK. Any other questions or comments from Commissioners? So what's the next step on this?

STEWART LILEY: Mr. Chairman, what we'll do is, we will work through on the agreement. Again, the Commission has already taken an action to allow hunting in the Dry Cimarron. Normally those agreements on the sheep hunting are just between the Department and the landowner but if the Commission so desires to see it come before them before we do an agreement, we can. But we are going to work through the next year to hopefully get the Dry Cimarron and the Wedding Cake Ranch in specific into an agreement with hunting. We will continue through on developing the youth hunting only programs on there, and keep working with Mr. Ramos on habitat management as well.

CHAIRMAN KIENZLE: So does the agreement you're talking about, does that come in front of us for approval.

STEWART LILEY: Mr. Chairman, no. Those have been signed typically just by the Director. The Commission has already approved the hunting of bighorn sheep in there for private landowners.

CHAIRMAN KIENZLE: How long do the agreements run for?

STEWART LILEY: Mr. Chairman, they are permanent agreements right now. In the agreement it states that the Commission has the authority to change license numbers, close hunts based on population, etc., so it would be just like any rule. So if we have hunting occurring there and an active agreement then we could hunt. But if for some reason we decide, come to the Commission and we close hunting in there, it basically terminates that agreement.

CHAIRMAN KIENZLE: Thank you. Any other questions or comments? OK. Thank you.

MALE SPEAKER: All right.

MALE SPEAKER: Thanks very much.

CHAIRMAN KIENZLE: **AGENDA ITEM NO. 17: Update on the Potential Reintroduction of Bighorn Sheep in Game Management Unit 34.**

STEWART LILEY: Mr. Chairman, members of the Commission, just kind of an update here. This has been kind of an ongoing process for a few years on where we are going to go with desert sheep in the future. Before we get started, just a quick map for a refresher for those of you who haven't seen it in a while. The red there is where we have current populations of Rocky Mountain sheep and the blue is where we have current populations of desert sheep. You'll notice one little dot in the southwest portion near the Arizona border. That is our captive breeding facility, Red Rock. So that population, we hope, not necessarily will ever grow because it is a captive population. I guess I'm a little excited to keep going down the track of where we keep expanding desert sheep. Sheep keep growing and we have a much higher population now than we did when we delisted the population about 4 years ago. Our hope was to get up to that 700 mark. We have tipped over a thousand desert sheep now in the state. So a lot of hard effort, work, and blood, sweat and tears truly went into that. We do have some really big up and coming populations that I want to point out, and that's the Hatchet Mountains. Last time we came in front of you, we asked for our next augmentation to go to the Hatchets to really shore up that population and maybe step away from transplants. As you'll see there, we're running almost, between 225 and 265 sheep in the Hatchets. So that last translocation really did help shore that up. Where we would like to go with the next translocation, we don't necessarily want to start a new population right now. We learned that putting, spreading ourselves too thin when we have populations that kind of get these cyclic patterns, it is better for us to get over this hump. And that hump, we feel, is about [Indiscernible/cannot discern 50 versus 15] years on the ground and

we get past that hump. To do that, what we are looking at is our next translocation will be this fall at Red Rock. We are looking at the northern end of the Peloncillos. The majority of the sheep in the Peloncillos are centered in here and we get very little movement to the north. We have a band of sheep that have been hanging on in that northern end of the Peloncillos for about 5 to 6 years. Now we just want to augment that, and I think it would take off the Peloncillo population right away. The next one we're looking at doing this augmenting, the Ladron population at the next translocation, probably two years from now. That population is our smallest current extant population in this state right now, hoping to get, again, over that threshold. One of the big question marks that we will continue to have is how many are we going to be able to transplant every year. Really, it depends on if we are solely relying on our captive breeding facility or if we could bring wild population into the mix. For example, the Fra Cristobals are one wild population where we can actually translocate out of the wild and use it as a source. Right now we are at the population size where we don't feel we can translocate out of that population yet. We are hoping in the next 2 years to bring it on, and maybe some of these other wild populations. The big question is where to go next after that. The three (Indiscernible) locations of question, and we really don't have a ranking order necessarily, but is down here in this Cowboy Rim country, Animus historic sheep range. We still have some animals kind of coming in and out of the Animus but no extant population right now. The Cowboy Rim, excuse me, San Mateo country, some beautiful sheep habitat, no current populations in there, or the Sacramentos. The one nice part about the Sacramentos is that it would be our one isolated sheep population. As we have discussed before, disease risk is huge for sheep. Our fear of creating this population right here is now we just create another population where disease could spread through. If we hid it in the Peloncillos, run through three different sheep herds and potentially have some serious

negative consequences on the whole state population. Here we know is a potential metapopulation. Too, we do know of some sheep that have come out of the Fra Cristobals and actually got hit on the interstate at I25 trying to cross. So that's a potential, whereas this population would be truly an isolated population from a disease risk standpoint. That said, the issue with GMU 34 is definitely Barbary sheep. We brought this in front of you three years ago—excuse me, four years ago—when we first discussed the potential re-introduction there and it was, what do we do with the current extant Barbary sheep population in there. What we decided to do, and what the Commission agreed to at that time, our recommendation was to go over-the-counter with Barbary sheep on the western escarpment of the Sacramento's in GMU 34 specifically. We have seen, and this in front of you is a clipping from this year's harvest report that will be released online here in a couple of weeks, the number of over-the-counter statewide hunts, this one right here, the 575, that number has gone up pretty significantly since we did that west side. We, last year, estimate we harvested approximately 120 sheep on that west side escarpment. And so we think three over-the-counter hunting of Barbary sheep and (Indiscernible) time as we augment the future populations, if we are going to go into those Sacramento's with an augmentation, we think we could keep limiting, not eliminating but limiting, the Barbary sheep population, put desert sheep in there, have those species co-exist in the western escarpment and be, have hunting opportunities basically there. We think the western escarpment, and this is kind of a map right here of the western escarpment with the Barbary sheep on the left. We think that could hold roughly 500 sheep. We don't know (Indiscernible) 500 desert sheep or is it 250 Barbary, 250 desert sheep. No one has really studied that interaction really heavily between those two animals. Our proposal is if we do go to the Sacramento's with desert sheep we would do that. We'd in fact put GPS radio collars on both species to see that

competitive effect on it, see where we could maybe get at densities of sheep, both Barbary and desert sheep, on that mountain, and see if they can co-exist where we would have an isolated population but yet still be offering Barbary sheep hunting opportunities and hopefully, through time, offering desert sheep opportunities as well. So, I will take any questions.

CHAIRMAN KIENZLE: (Indiscernible).

COMMISSIONER: I encourage you to do it. I looked at that country a lot and wondered why we don't have sheep in it now. But I understand why, so the potential is there. Let's do it.

COMMISSIONER RYAN: One of, I think it might have been the very first meeting I attended of the Commission last year, this was one of the topics we discussed and there was lots of sportsmen, public comment, concerned that the Barbary sheep tags would go down and not be, you know, just not have the opportunity to hunt. And so, it sounds like you are still at the same stage of trying to see if and how the numbers can co-exist and not be mutually exclusive to either one. I guess that's what I'm still hopeful for, that we could have both and hunter opportunities still remain for the Barbary sheep.

STEWART LILEY: Mr. Chairman, Commissioner Ryan, one thing I'd like to point out, after that meeting that you are discussing, the Department put up a white paper on our website and I could pass out the link after the meeting or put it out on the table out here, that talks about a potential sheep transplant there and our goals and that exact thing, it is not going to be just one or the other, mutually exclusive, that we would look at the co-existence of those species and see how we can manage both. And so it kind of gives the timeline and the rundown of how Barbary sheep even got to the mountain range, how many, it talks about desert sheep history on that mountain range. There were confirmed desert sheep in the Sacramento's at some point in time.

So it kind of goes through the lowdown and I encourage anyone—and again I'll give you that link to read that. It kind of gives more of a rundown on our management plan.

COMMISSIONER RYAN: So there's not anywhere in the nation where there's been any study about the interaction or whether they hang together or try to keep separate or . . .

STEWART LILEY: Mr. Chairman, Commissioner Ryan, we do know of co-existence of Barbary sheep but not a full-on study trying to get at what is that co-existence looking like. Is there dominance behavior from one species to the other, or what are the numbers, is one going to over-compete the other? So, no. They do co-exist in some small pockets on private land in Texas and even in some areas in Mexico.

CHAIRMAN KIENZLE: Anyone else? So what's the next step?

STEWART LILEY: Mr. Chairman, what we will do this fall, again, is try to augment our Peloncillo population and then the following time we could capture we would like to augment our Ladrons. Before we come to start a new population we would come back to the Commission and weigh the options of the three different locations that we just presented to you and kind of get direction from the Commission on which population would make the most sense to start at that time.

CHAIRMAN KIENZLE: So, we'll see this again?

STEWART LILEY: Mr. Chairman, that is correct. Hopefully, sooner than later. But we will see how many sheep we can grow as fast as we can.

CHAIRMAN KIENZLE: Thank you. Any comments on 17?

COMMISSIONER RYAN: No.

CHAIRMAN KIENZLE: **AGENDA ITEM NO. 18: Update on Mexican Wolf Recovery Planning.**

STEWART LILEY: Mr. Chairman, members of the Committee, just as you stated, give you an update on what has happened with the current efforts of the recovery plan so far to date. Before I begin, I'd like to kind of talk about what is the current recovery plan for the Mexican Gray wolf submitted by the U.S. Fish and Wildlife Service in 1982. The big aspects of that plan is that it did not have any delisting criteria in that plan, and there were no population goals at that time. In fact, what the plan stated as the goals was to conserve and insure the survival of Mexican wolf by maintaining a captive breeding population and re-establishing a viable, self-sustaining population of at least 100 Mexican wolves in the middle to high elevations within the Mexican wolf's historic range. So again, in a recovery plan there should be delisting criteria and some kind of population goals and attainable goals that once they meet those stages there's next steps to take. And ultimately, those steps become turning over into state management control. This plan that's currently out there does not have that. That said, there have been previous attempts to update that plan. All those attempts have so far failed to date. In 1995, the Fish and Wildlife Service tried to re-initiate a plan to update that recovery plan. This is again before wolves were even on the ground in the United States. The Service states they stopped the planning process at that point to more pressing issues such as (Indiscernible) the documents to actually get wolves on the ground. That's why they stopped the plan at the 1995 time period. In 2003, the Service decided to re-initiate recovery planning efforts. At that time, the Service, U.S. Fish and Wildlife Service, stated that they created three distinct population segments of wolves across the nation, the Northern Gray of gray wolves the Northern Gray Lakes, the Rocky Mountains, and the Southwest distinct population segment. Some environmental groups sued the Service at that time



saying that the distinct population segment listing was not a valid listing of the species and they won their case. At that time, the Service disbanded any recovery planning efforts because they were trying to do it under the distinct population segment. The next re-iteration of trying to update the recovery plan was in 2010. The Service went through almost two years of recovery planning and abandoned recovery planning and the statement from the Service on abandoning the recovery planning was because of litigation forcing them in a settlement agreement to update the current 10(j) rules for the current experimental population. So, they disbanded that. In November of last year, we got notice from the U.S. Fish and Wildlife Service that they were going to update what work had been done on the 2000 [Phonetic] plan and try to go through it with what 2000 [Phonetic] plan had gone through and finish the 2010 plan and finish it off. They were going to try to hold one recovery workshop, recovery planning workshop, in December of last year. The four states—Arizona, Colorado, New Mexico, and Utah—were invited to that workshop. They hoped to run the data by us and then be able to finish plans shortly thereafter. At that December workshop, we as states and the rest of the science panel on the recovery team noticed that there was still a lot of data that needed to be updated in the biology of the Mexican Gray wolf to have the most scientifically defensible plan for the species. The Service at that time decided to hold two more workshops and, in fact, they decided to have four more workshops by the time it's said and done. In March of this year, we went to Wickenburg, Arizona to further update the science behind the plan and then in April we traveled to Mexico City to meet with the delegation of Mexico and scientists in Mexico working on Mexican wolf to get a better understanding of what is going on in Mexico pertaining to the recovery of the species. This is important—well, let me apologize before I move on—another big aspect of this is that the Service has now court settlement to finalize the recovery plan by

November 2017. So now they do have a hard, fast deadline to them to actually finalize this recovery plan. One of the big aspects of the recovery plan is where on the landscape our wolves, can they sustain wolves. During the 2010 planning efforts, the science team had made the determination that habitat in Mexico was not suitable for recovery of the species.

CHAIRMAN KIENZLE: In Mexico or New Mexico?

STEWART LILEY: In Mexico, in old Mexico, excuse me. So at the first workshop, we brought in some of the science behind what was the underlying, the parameters that determined that Mexico was unsuitable for habitat. At that same time, we brought in some Mexican biologists from the University, the National University in Mexico City. They presented some information to us. What you see here is a quick snippet of where they find a suitable habitat throughout the Sierra Madre Range in the State of Mexico, ranging from Senoro, Chihuahua, to Durango all the way south to basically to Oaxaca as they found different areas of suitable range for Mexican wolves. Optimistically they thought they could have up to 800 wolves in the country of Mexico. We are still working with that University researcher on developing the habitat suitability models for Mexico and what Mexico is going to constitute towards the recovery of the Mexican gray wolves. It is important to note why Mexico is such an important part. The Service must, if they are going to establish an experimental population of any species and move it outside of historical range which the states ascertain or (Indiscernible) and continue to, the historical range for Mexican wolves ranges south of the Mogollon rim in New Mexico. It wasn't a species that co-existed or wasn't up north with *nubilus* or even *occidentalis* even farther north. By all accounts from different researchers, it puts the core range of our habitat and the main range of that habitat in Mexico with some of the periphery habitats south of that Mogollon Rim in New Mexico and Arizona. The Service, if they are going to move out of historical range, by their rules it states that

historical habitat of the species must have been unsuitable and irreversibly altered or destroyed. So that's why it is important right now to ascertain what is habitat suitability in Mexico within the wolves' historic range. Not only is it where the Mexican wolves are going to go but what is the population number needed to be in terms of kind of lessening the extinction risk or what they call it is a population viability model the Service runs on it to see how many populations and how many numbers in each population. The 2010 (Indiscernible) of the data was using a lot of data out of the northern range of Yellowstone actually, surrogate data into the Mexican wolf population. Because it was a fairly young population on the ground, they didn't necessarily have the parameters on birth rates, death rates, migration rates, etc. When we take a look here, this is kind of broken up into the different time periods when they tried to initiate different recovery plans. What you will see from 2010, again this is when they last attempted to do the recovery plan, we have a whole different stage in Mexican wolf growth, and we have a whole different perspective of what this population is capable of doing into the future. You will see a high growth period, a growth of almost 30 percent a year, what we had seen in other wolf populations in the West. One of the really important parameters that goes into this model is what is the importance of inbreeding in this population. I am sure we have all heard about it and it has been in the news as this population was founded from seven wolves. It had a small founding population and to what extent is inbreeding depression going to have in this population. In 2006, the data was run again about up to this period. Very few wild born litters had happened by that point. I think it was about 36 wild-born litters, roughly in that area. And what at that time they were showing was maybe inbreeding or inbreeding depression was affecting litter size of wild-born wolves. As we expand and go through the full data set, we more than doubled the data set on wild-born litters now. One of the big things we have analyzed at this point, the states have

gotten ahold of the data and we've analyzed it through a state perspective and taken it through our biometricians and statisticians working in concert with the Service. What we see with the entire data set is, we don't necessarily see an inbreeding depression. We see no relationship between an inbreeding coefficient in the dam or the sire, the mother or father, and what the litter size is going to be in the wild. It has a pretty big effect on population performance which then leads to how many populations, how big a metapopulation, and so forth. So we are still through the data analysis phase. We are working with the service through our biometricians, our statisticians, our biologists will continue to work through. And really what we, we are going to have another meeting, a workshop, here in August to try to get at updating the data to the best available science as we develop this plan and hope to have a robust, substantial recovery plan. Another big thing that the states are trying to drive home, and we've been working with government officials in both SEMARNAT and CONANP in Mexico. Those are the two agencies that are in charge of wildlife in Mexico and working on a bi-national plan with Fish and Wildlife Service. Currently, right now the plan is written separately. Mexico has a plan and the United States has a plan. The States feel that it is important that we combine this into one bi-national plan that states recovery goals in both countries and how each country is going to contribute towards the recovery of the Mexican wolves rather than doing it separately and having two different plans signed by two different governments trying to manage a species that doesn't recognize an international border. And so with that I would take any questions.

CHAIRMAN KIENZLE: Go ahead.

COMMISSIONER: Stewart, could you go through that all over again? [Laughter] Could you go back to that first slide, the one about two back that showed the inhabited areas in Mexico? Is that what they consider the original historic range or is there a color scheme that I'm not . . .

STEWART LILEY: So what that map is, it is potential range right now given current conditions on the landscape, green being the highest potential to support populations of Mexican wolves, red being support populations but not at as high a density, and yellow being in that in-between. What we had originally, the thought processes were the Mexican wolves ranging all the way about here in the United States, that's about the Mogollon rim, south all the way, some believe all the way to Oaxaca. So if you know the country of Mexico, Oaxaca is where it starts to take the bend on the ocean. And so that's about what they think historical range for the Mexican wolves are. There is some debate on the Sierra Madre Oriental which is on this side of, were Mexican wolves there, present or not, and whether the function of moving to the Oriental once pressure in Mexico happened on the Sierra Madre Occidental, did they move to the Oriental. But really what it shows is where currently as of this was made in January, I think, where they thought the Mexican wolf habitat in Mexico is. This is still being further refined. One of the big steps we took when we were down in Mexico City is meeting with the person in charge of permits for UMAs and Commissioner Montoya I think you'll be familiar with it, UMAs are the permitting process for hunting in Mexico. You have to obtain UMA status on your ranch, private property. Once you obtain UMA status, you work with the Federal Government on hunting permit survey data, etc., compiling and working with the government of Mexico to compile all that UMA data, that survey data of mainly white-tail deer, Coues deer across that range, primary prey for Mexican wolves, to insert into that. So this map will change. What you'll see here in these kind of gray or tan (that really doesn't stick out on this) are the natural protected areas so they are national parks basically. And so they have multiple natural protected areas within Mexico that we find as suitable habitat and again this will be further refined as we go on and

hopefully by August we will have a range map throughout Mexico where we think recovery could happen.

CHAIRMAN KIENZLE: Let me jump in here real quick. So the elephant in the living room obviously, the Department went to court. There was a preliminary injunction that was entered by Federal District Court with regard to wolves. I take no pleasure in that. What that tells me is that the process of collaboration has completely broken down. So I'm hoping maybe this allows us to maybe reset things and so towards the end of this agenda item, I'll call for some sort of motion on this. But I am hopeful that we can now sit down with the Service and try and find a collaborative way to go forward instead of being combative with one another because I, as I read the judge's decision, that seemed to be part of it, that we do have a Federal system. We both have a seat at the table and we need to sort of shake hands and move forward with this. So, if I understand your presentation correctly, the Department is committed to the recovery of the wolf in some way, shape or form and is really looking for the Federal Government to come up with whatever their plan may be. Is that right?

STEWART LILEY: Mr. Chairman, that is correct. The other thing is, we are committed to working on putting the best available science into this recovery plan from using our staff, etc., to help them analyze and areas where they maybe didn't have the biometricians on staff in the Southwestern region where we do have those, that staff capabilities to help them analyze that data, to have a better look at the whole totality of the data and get at that answer and collaborate towards a plan that maybe everyone could agree on, not every single point and aspect of that plan, but a plan that was developed with, in concert with, the four states and the Federal governments of Mexico and the U.S. that actually spells out the path forward for Mexican wolves.

CHAIRMAN KIENZLE: And are we making progress towards that end?

STEWART LILEY: Mr. Chairman, Commission, yes, I think we are making progress. I think by having four additional workshop planning meetings that weren't scheduled, that we are having a seat at the table. We are working collaboratively towards getting a robust plan developed.

CHAIRMAN KIENZLE: Is that November 2017 deadline, does that seem feasible to get it done?

STEWART LILEY: Mr. Chairman, members of the Commission, one of our fears was, so we didn't sign off on that settlement agreement because we thought it was pretty quick for the Service given the amount of data and time that goes into these analyses. Just this habitat map alone, the underlying commitments from the researchers from Mexico to do this took a lot. That said, I think we will have a draft plan that will hit sometime early next year that hope, and again we will go through these next two recovery workshop meetings in August, November, and I think we will get a product out there that will suffice and will be a good plan that we can agree to.

CHAIRMAN KIENZLE: All right. Sounds like you are making progress. Commissioners, further questions or comments? So, I would entertain a motion for the Commission under my signature to send some form of letter to the Service inviting the Commission and the Department to sit down at the table and visit on what a collaborative effort going forward might look like. And I would entertain a motion to that effect.

COMMISSIONER RYAN: So moved.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor.

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Any opposed? The motion carries. Oh. I've got two public comments. Garrett, and then Michael Dax

GUEST SPEAKER: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. We just, one thing we don't want to see is the Department spending money on lawsuits. Money's tight. We'd like to see that money spent on habitat. We'd like to see the money spent in better ways, and we don't want to see it thrown into a lawsuit that we don't think the Department can win. So, it's good to see that there is an effort of collaboration and we would like to see the agency continue to do that, both with Mexico and U.S. Fish and Wildlife Service. But we just don't want to see agency money squandered on a lawsuit. That's all. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Mr. Dax.

GUEST SPEAKER: Mr. Chairman, Commissioners, thank you for the opportunity to speak. My name is Michael Dax. I am a representative for Defenders of Wildlife. A couple comments. I like the idea of working collaboratively. In 2015, the state signed off on the new 10(j) rule and then the first opportunity possible denied the Fish and Wildlife Service the opportunity to re-introduce more wolves. And that was in the 10(j) rule. So I thought we had reached a point right there, the state was on board. But with this lawsuit I guess that might not be the case. I was also interested to hear about analyzing the data through the state perspective and as far as I understand scientific data there's not a state perspective or a Federal perspective. There's just the data. And I want to make sure that when we are talking about genetic depression, when we are talking about habitat,



that we are all working from the same set of facts. And then finally, we have that habitat map sitting up there. One thing that I don't see that I'd like to see would be a map of public lands in Mexico. One of the reasons why New Mexico and the states, Arizona and New Mexico are better equipped to recover Mexican wolves is because we have much more public lands than Mexico does which makes the challenges much greater. And so, when thinking about where the opportunities lie to truly recover Mexican wolves, public lands in addition to the prey base is a very important factor. And I want that to continue to remain in the conversation as we move forward and just remind everyone that we have the Endangered Species Act up here in the United States which means we have the responsibility and we should not be pushing that on Mexico. That is our responsibility and we should take it on.

CHAIRMAN KIENZLE: Thank you. Any other questions or comments? OK. Are you released yet?

STEWART LILEY: Not yet.

CHAIRMAN KIENZLE: You've got one left. **AGENDA ITEM NO. 19: Discussion Regarding Options for Providing Premium Hunt Opportunities.**

STEWART LILEY: Mr. Chairman, members of the Commission, as stated premium hunt opportunities. One of the things that was discussed at a previous Commission meeting was how the Department can look towards creating a hunting opportunity similar to what we have in our enhancement tags. What I'll go through a little bit on this presentation, too,, is what exactly that enhancement program is and then also at the end I'll kind of finalize and give some potential avenues that the Department has discussed with the subcommittee that was Commissioner Ramos and Commissioner Espinoza and members of the Department that have kind of come

forth and come up with some of these plans. There is a little bit of misconception out there about what our enhancement program is. It is statutorily driven. It is a program established in 1990 with bighorn sheep. Basically what it was, was created the special hunting tags that address limited funds for wildlife management throughout New Mexico. What we currently have right now is 20 tags auctioned or raffled annually to raise money specifically and exclusively for the habitat management of those species. And there are some criticisms about these tags, and the criticism has come in the form of, there is not an opportunity for the common individual to be able to get one of these tags. We do offer a raffle tag for a lot of these, but again they do go for high prices. Right now, as of the end of this fiscal year, we will have raised \$9,000,000.00 through the sale of the enhancement tags. We then match that with PR funds almost amounting to \$40,000,000.00 of on-the-ground management of wildlife in the state that would not have been there had we not had these enhancement tags. Our average auction for one of these tags brings about \$100,000.00 annually. So again that's where the criticism under, 'It's a rich man's only' or a 'rich woman's sport', the average raffle because we do have a paired raffle for many of these, brings in almost \$40,000.00 for the raffle. One of the things that I wanted to stress is what we would not have been able to do had we not had these, the opportunity to auction and raffle all these tags. All of our elk calf mortality studies that we have done to try to reverse declining trends in elk population on the Valle Vidal, Valles Caldera, and now Mount Taylor, is funded through the sale of those elk tags annually. One hunter is basically paying for the entirety of elk management in the Valle Vidal, or elk research management in the Valle Vidal, but if you guys recall when we really opened the elk rule, the Commission was able to offer 20 more tags to elk because we were understanding now what that declining trend was. So it is a benefit backed out to sportsmen. That money funds research needed to be able to manage the herds; that

in turn leads to more licenses through time. Also, bighorn sheep, not only in adult survival, one of the biggest studies that really helped fund, was understanding the ultimate causes behind adult mortality in bighorn sheep and the lion-bighorn sheep relationship and desert sheep. That has now allowed for lions—excuse me—desert sheep to come off the state endangered list and offering right now this year a record amount of desert sheep tags in the state, again funded through the sale of those. Also, we are starting to fund a lot of deer-lion predator studies, trying to get, and also habitat use studies by deer, trying to understand what are those relationships of deer, what are the declines, how are we bringing that back. That's funded through the sale of the statewide deer tag is how we're funding those programs. Habitat improvement—we have a section completely devoted to habitat development within the Department. That section, and the revenue generated through the auction and sale of those was created through that. That section is funded through the sale of those tags but also by the PR money that comes through with that, when we first created it. Millions of acres have benefited because of those auction tags. And translocations, again bighorn sheep, not only understanding the reasons for adult mortality but also translocating to new areas. Our bighorn sheep program is run probably 80 percent or more just on the auction and raffle of those tags. They are hugely important. All the translocations of the deer and pronghorn recently, all the research that went in behind it we funded through those auction tags. That said, I think there are opportunities and we have discussed some opportunities with the subcommittee of how can we have a paired tag or something that the average person that doesn't necessarily have millions of dollars sitting in their piggy bank to go hunting each year, how can we have that opportunity to afford a similar season, a similar opportunity to harvest one of these animals that you see up here. And one of the things the subcommittee has discussed and we kind of, the Department's recommendation I guess would be trying to create a

paired tag in the draw. And so, during our regular draw right now, we have for elk almost 400 hunt choices, what we would do is offer one hunt choice during that of elk, I let's say 600, I don't know what the hunt code's going to be. But that hunt code would mirror what that auction or raffle tag looks like. Every hunter in the state that wants to put one in for the draw in New Mexico has the opportunity to select that as one of their hunt choices. We also recommend doing that with deer and then maybe seeing how the program works and how it progresses and maybe offer that up for other species as we go on. Again, being able to offer that opportunity to someone who doesn't necessarily buy raffle tickets or someone who doesn't have the opportunity to pay for that big enhancement tag. And so with that, I would take any questions.

CHAIRMAN KIENZLE: Commissioners?

COMMISSIONER: Mr. Chairman and Stewart, I also want to applaud the subcommittee work. It has been interesting. You know, it seems like when you jump in with that topic, you don't know about all the legislative things that we have to follow. And we are definitely looking at that. I know we have dissected it. Again, all the key points you talked about today that it's brought, you know, with the money that's been generated, it definitely impacts, you know, all the wildlife and habitat. But again my key point was to allow the blue collar, the common individual to benefit from this. And I believe we are getting close to where we want to go with that, where it's not just that lucrative, you know, person that can't afford that option tag having the same opportunities as the rules will allow us to do. Very fair on both ends.

COMMISSIONER ESPINOZA: Again, Stewart, same thing. During our discussions in the subcommittee, I think once we put this out, it'll be the talk of New Mexico to where anybody and everybody can draw a tag to kill any one of those animals with the same restrictions and

opportunity that these guys who spend a hundred thousand, two hundred thousand dollars for these tags. I'm extremely excited to be a part of the subcommittee and where the Department is going. I ask, my question is, when will you bring this for, you'll put it out for public comment sometime here soon and bring it before us?

STEWART LILEY: Mr. Chairman, Commissioner Espinoza, I think yes, we would start the process of what rules we would need to amend and bring it back to you in August as what that language looks like, take public comment. I don't think we'd want to act in August, but bring it back to you guys in August as discussion of what we've heard since then, and then maybe try to act before the end of the year if we were going to, either in October is probably what we would look for. So that might be available for next year's draw.

COMMISSIONER RAMOS: So, it can be possible for this next draw?

STEWART LILEY: Mr. Chairman, Commissioner Ramos, that is correct.

COMMISSIONER RAMOS: Outstanding.

CHAIRMAN KIENZLE: Any other questions?

COMMISSIONER RYAN: Mr. Chairman, if I may, I just want to acknowledge Commissioners Ramos and Espinosa's work on the subcommittee and everybody who brought that information. You know, as everything, the devil is in the details. And you know it took us some time to go through all of that and appreciate the effort. This is a unique opportunity for us to be able to offer a hunt in parity with what is happening with both the auction tags and the raffle tags.

CHAIRMAN KIENZLE: Garrett.

GUEST SPEAKER: Mr. Chairman, members of the Commission. Garrett VeneKlasen, New Mexico Wildlife Federation. It is good to see the Department making this effort and we just wanted to acknowledge that and again the devil is in the details. But it is great to see average folks with average wallets having the same opportunity. So thank you all for making this effort. Thanks.

CHAIRMAN KIENZLE: Anything else? **AGENDA ITEM NO. 20: Citizen Advisory Committee Appointment Process for Habitat Stamp Program.** We will take a short break after this agenda item.

DONALD AUER: Chairman, Commissioners. Good afternoon. Really quickly, I'd like to introduce, if you haven't met him already, Reuben Teran. He is our Habitat Stamp Program Coordinator and he has been with the Department for approximately a year and a half. In that time, he has really moved the Department in a positive direction. We have received a lot of positive feedback from our partners in the public and his handling of the program. And with that, I'll pass it on to Reuben to talk about the process for the appointment of citizen advisors to the habitat stamp program.

REUBEN TERAN: Mr. Chairman, Commissioners, Director Sandoval, thank you for having me here today. I'm just going to give an overview of the process for this Habitat Stamp Program. You guys are hopefully very aware, the Habitat Stamp Program right now has 35 committee members that sit on these committees and they are appointed by the State Game Commission. They are currently serving three-year terms and all current appointments are set to expire here at the end of the year, December 31st, 2016. The map that you see in front of you is the current regions for the Habitat Stamp committees. There are five committees statewide. Each committee

does have seven members, five members representing sportsmen and sportswomen, one representing non-sporting conservation and one person representing public land permittees or lessees. The overview of the role of the Citizen Advisory Committees to write input and advice on project proposals, planning documents and overall program direction. They do sit down and prioritize proposals for funding with Habitat Stamp funds. That's a meeting that takes place once a year. They do provide citizen oversight and report those activities back to their constituents and peers and the general public (Indiscernible) wide representation but also promote cooperation within the program. So the appointment process that just hasn't gone through yet, I just wanted to give you an idea what the Department has planned. Solicitations for potential applicants to serve on the Citizen Advisory Committee will be implemented through the Department's website, email, distribution lists, word of mouth, and some Department news releases as we get those put together. Second part of that, the applicants, the applications will be compiled by Department staff. I just wanted to remind the Commission that the last time we went through this process, a subcommittee was appointed through the Commission and the Department is recommending that the Commission create a subcommittee of the Commission to review applications and recommend candidates to serve on the five regional Citizen Advisory Committees as was done in November of 2013. Following those appointments after they've been, I guess, discussed and vetted in whatever format they are going to be doing, the Department will bring the recommended candidate list to the full Commission for discussion and approval no later than the November 2016 Commission meeting of this year so we can get those finalized. And final appointments that the Commission does so elect will be filed with the Governor's Office and the Department of Finance and Administration secretary as well, as per rule. And with that, I will take any questions or clarification.

CHAIRMAN KIENZLE: Questions or comments? I think you were the man in the middle, right.

REUBEN TERAN: Both Robert and I, yes sir.

COMMISSIONER RAMOS: Chairman Kienzle, I do have a question. Both Commissioner Espinoza and myself served on that subcommittee which helped to select all those individuals. And refresh my memory. How did we come up with that list, and was it through our website and all of that, as far as soliciting input. And are those same individuals that are appointed right, will they be able to serve like a second term with that as well.

REUBEN TERAN: Mr. Chairman, Commissioner Ramos, to answer your first question, I think I might have to let Donald talk to you about how the process went by or how you did the process last time since I wasn't on board with that. I know the solicitations went out, I think there was about 79 applicants that came in. And my understanding from the discussions that you met with Department staff. I believe those meetings were open to the public as well, and you guys discussed those and ranked them. The way we are going to be doing it is have a form set up right now, or developed, to solicit where representatives can pick the region that they want to represent and which constituency group. I guess based on how those fall out throughout the state, right now it would kind of be my general understanding of how we could kind of parcel those out across the state.

COMMISSIONER RAMOS: So, will some of those be allowed to continue?

REUBEN TERAN: Right, OK. Mr. Chairman, Commissioner Ramos, right now, I have had some interest from the existing Citizen Advisory Committee members to serve again. Right now, typically they've served about two 3-year terms. Some of them have been on longer than that.



Right now there's nothing hard and fast that says they cannot serve more than two terms. So I guess, yes, right now some that are serving have been on the committees for 5-plus years right now.

CHAIRMAN KIENZLE: So, are we being asked to appoint a subcommittee today or are we going to do that at a subsequent meeting?

FEMALE SPEAKER: Today.

CHAIRMAN KIENZLE: Today?

MALE SPEAKER: Mr. Chairman, yes, today we would ask for a subcommittee to be formed so we could begin the process of soliciting applications.

COMMISSIONER RYAN: How often does the committee meet?

[Multiple speakers, indiscernible]

COMMISSIONER RYAN: It's up to the Committee? Just wondered how busy they were and how many projects they had going, and . . .

REUBEN TERAN: Chairman, Commissioner Ryan, the subcommittee that would be appointed here would probably meet maybe once or twice in the next month or two or before November, to get those appointments . . .

COMMISSIONER RYAN: Oh, I'm sorry, I meant the Habitat Stamp Committee itself.

REUBEN TERAN: Oh, OK. Excuse me. Yes, the Committees themselves usually meet twice a year. We'll have the projects, kind of evaluation, project coordination, meeting with all the Federal agencies and the Citizen Advisory Committees. That's usually in the springtime. We just

had those meetings through April and May. And then we have inter-agency coordination meetings that take place between the Department, Bureau of Land Management, U.S. Forest Service, to talk about proposals and we do invite the Citizen Advisory Committee members to sit in on those as well to get an idea of what projects are coming up and kind of the habitat conditions in the regions. So to answer your question two-fold: two, I guess required, meetings and then site visits throughout the year as well.

CHAIRMAN KIENZLE: So, do you two want to do it again?

COMMISSIONER ESPINOZA: I'm good with it.

COMMISSIONER RAMOS: I'm good with it pending the dates. If we can get the dates on that and is there going to be a prescreening process that we go through which will lead us into the final candidates to select from?

REUBEN TERAN: Mr. Chairman, Commissioner Ramos, once we get all the applications, the Department staff will kind of go through and organize them. Again, break them out probably by region, and at that point I think we will just, as a Committee, you know if the Commission so decides, we can just go through all of them and appoint those. I'm not anticipating that there will be more than 1 meeting to get that done but maybe Donald can speak to that a little bit better.

DONALD AUER: Chairman, Commissioner Ramos, we could definitely just have the one meeting and if it is the subcommittee's request we could sort of go through and bring, prioritize those applicants per region and bring recommendations to the subcommittee, if that's, you know, your request.

COMMISSIONER ESPINOZA: Donald, refresh my memory. But if I remember the last time, you, the Department gave us the applicants. I don't remember if we got a package or electronically, kind of the way you said you ranked them and we were able to kind of go through them prior to the meeting. We met in Albuquerque. We went through each region and we selected them. It was just like a 3 or 4 hour meeting. It wasn't very long, was it, Ralph?

COMMISSIONER RAMOS: We had that meeting in Albuquerque and we had a list applicants and we went through that list and selected from that particular list. And this was 4 or 5 years ago that we did that. So, evidently it has changed a little bit. But that worked well then.

COMMISSIONER ESPINOZA: Yes, it worked well. I'm good with that.

CHAIRMAN KIENZLE: So, you guys up for it?

COMMISSIONER: Sure.

CHAIRMAN KIENZLE: So, we don't need a motion, do we?

DIRECTOR SANDOVAL: No, Mr. Chairman. We don't need a motion. But I believe we had three commissioners on the last.

COMMISSIONER RYAN: Since Commissioner Salopek isn't here, we could always appoint him. [Laughter] That's what he gets for not being here.

CHAIRMAN KIENZLE: I think that's a fine idea.

COMMISSIONER: I would have to second that one there. I will vouch for him. [Laughter]

CHAIRMAN KIENZLE: Absent some extraordinary circumstances out of Commissioner Salopek's control, he has volunteered, OK, for the job.

COMMISSIONER: He'll be delighted.

CHAIRMAN KIENZLE: So, it is Commissioner Espinoza, Commissioner Ramos, and Commissioner Salopek subject to a squealing by him. Does that help? Gets you what you need?

MALE SPEAKER: Perfect.

CHAIRMAN KIENZLE: Anything else on 20? Let's take a quick break, then we'll get to the last ones on the list.

[Return from break]

CHAIRMAN KIENZLE: **AGENDA ITEM NO. 21: Prospective Initiatives for the 2017**

**Legislative Session.**

GUEST SPEAKER: Good afternoon, Chairman and Commissioners. I am here today to present to you precisely that for the 2017 legislative session. So, typically odd-numbered years, sessions of the 60-day sessions. This last 2016 we got through with the 30-day session. So this coming year, every year we come before you, before the Commission, with the proposed initiatives that the Department wants to sponsor for the next session. For this upcoming session, the Department is looking at taking on two initiatives. One of them you are probably going to recognize is the enhanced penalties for wildlife violations which is the wanton waste which brings it up felony and it will be particularly looking at those trophy type poaching violations where only the head is taken and the rest of the body is left to waste. The other one that's just kind of popped up out of this last 2016 legislation is a bill was passed, Senate Bill 270 which allowed for the use OHVs on paved streets, and I'll get into some of the details as we go through the presentation. So, just a little background and a little information. Like I said, I believe you guys have this. On than

Wanton Waste felony bill that we have had in the past, it is real specific to certain species. Those species are going to be antelope, bighorn sheep, deer, elk, Ibex and Oryx. And the violation is going to be for those who are actually killing out of season or killing in season that do not have a license. The other part of that is just taking those specific, just the head, I think this had been before the legislature three times in the past, so this will be kind of a fourth go at this for this upcoming legislation. The new one I was alluding to earlier, that Senate Bill 270 was passed and this allows the operation of off-highway vehicles on paved streets. This bill allows certain communities and towns to adopt resolutions which would allow the operation of off-highway vehicles on paved streets with certain restrictions. Under that new bill that was passed basically amended the part of the OHV rule. There were five specific requirements for licensing and operation of these OHVs on the streets. The problem was they only addressed that specific portion of the statute and, if you look at the penalties that are assessed for any of those violations, that lives in a separate statute. So typically violations are penalty assessments which allows us to say if you are driving an off-highway vehicle and you're under 18 years of age, you are going to pay a penalty assessment of \$10.00 plus administrative costs. Well, what they didn't, what we saw is that by not addressing penalties when they passed those new five provisions, we have no real ability other than the maximum Class 4 penalty to enforce when we see these violations now on paved streets. So what we are hoping not to do in reality,, we see that once they pass the city ordinance, the local officers can, you know can cite [Phonetic] into municipalities and I think can potentially get a violation of maybe not having mirrors which is one of the stipulations. They could potentially just have a penalty assessment that might be, you know, \$50.00. Our officers are not allowed to enforce municipal laws so that would restrict us to do that maximum of \$257.00 penalty assessment. So if we see some inequalities in payments, we would be looked at

as the bad guy if we were in these communities and our only option is offer that higher penalty assessment. So what this bill we are bring forth actually with your approval we will bring it to the Governor's office if you guys approve to address that so we can have that kind of balance, identify what those penalty assessments should be more in relation to what we feel might be covered in the municipality. So we're looking at, what, Farmington, a couple of municipalities, Red River currently has them so we are currently working with them along with the motor transportation division to kind of identify what we feel these penalties should kind of fall. We don't think it's extreme for some maybe some of them are warranted especially for safety issues but we are working to see that and hope to come into the legislative process. So obviously we need Commission approval for these two legislative initiatives to move forward. They would then be adopted before the Governor's office or the Executive Branch for their approval and then the initial drafting of legislation. The session dates that I found is, pre-file is always going to happen around December 15th, or start anyway. And then the session starts actually January 17th at noon and then ends on March 18th next year. Hopefully, I didn't go too fast. If you have any questions or comments, I will oblige.

CHAIRMAN KIENZLE: Commissioners, any questions or comments?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER MONTOYA: I move to adopt the Department's 2017 legislative initiatives and allow the Department to submit to the Governor's office for approval.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

DIRECTOR SANDOVAL: Oh, Garrett, sorry. It was down under my paper. I apologize.

CHAIRMAN KIENZLE: Garrett?

GARRETT VENEKLASEN: Yes.

DIRECTOR SANDOVAL: Sorry, Chairman.

CHAIRMAN KIENZLE: That's OK. Thank you. **Number 22: Final Draft Rule Presentation of the Commission's Appeal Process.**

GUEST SPEAKER: Mr. Chairman, Commissioners. Not a whole lot to say that hasn't been said. We've discussed this rule before. The Department, on instructions from the Commission, drafted a proposed rule which essentially provides a framework within which appeals to the Commission can be made and will be heard. To reiterate what we already talked about before, the scope of the rule is fairly narrow. There are five specific rules that presently allow an opportunity for appeal to the Commission. So, we've made some minor adjustments to each of those rules as well to harmonize the language in those rules with the provisions of the proposed 19.30.16. What the rule does, as we discussed before, is just provides a framework within which the appeals will occur, provides who may appeal, the deadlines for initiating an appeal, some of the more mundane procedural components of filing, administrative record, timing of events, burden of proof, hearing officer, the timing of decision and the order. To skip forward here, this slide here again presents the general timeline within which an appeal will occur under the rule, what the

rule does initially, 20 days from the Department's decision the notice of appeal must be filed with the Commission or its secretary, and from the date of the initial filing a hearing will be scheduled at the next regularly scheduled Commission meeting that's at least 45 days out and then the schedule builds from there. Fifteen days from the initial notice of the appeal, the administrative record must be filed by the Department and 15 days prior to the hearing the appellant must present any record materials which they think need to be included in the administrative record. And then the hearing occurs and the Commission can either decide at the hearing on up or down call on the appeal or can make that call at the next Commission meeting. And then from there, findings, facts, and conclusions of law due 30 days from the Commission at which the Commission's decision was made. So it is a relatively quick moving process. That's the gist of it. It is fairly straightforward and simple. I understand there may be some interest in addressing issues of discretion that may or may not exist in there so I am interested in hearing some of the Commission's additional thoughts on this rule, where they see opportunities for improvement. This is just to tidy up and follow up on some of the procedural pieces regarding this rulemaking. We haven't received any comments on the rule. And so the recommendation going forward is to adopt the proposed rule and adopt the proposed revisions those five rules that currently allow an opportunity for an appeal, again subject to an additional feedback from the Commission today. So, interested in hearing what you have to say, Chairman and Commission. That's all I have.

CHAIRMAN KIENZLE: So, Commissioners, I took a look at the proposed rule. And if you recall this process was started at my request. I would entertain a motion to defer this until our August meeting. I want to take one more look at this and kind of think through a dry run as to



how an appeal would actually be conducted under this new rule. So I would entertain a motion to defer final action on this until our meeting in August.

COMMISSIONER MONTOYA: So moved, Mr. Chairman.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Thank you. Mr. Varela, money. Is this where dams comes up?

DIRECTOR SANDOVAL: Yes.

MALE SPEAKER: (Indiscernible)

PAUL VARELA: Mr. Chairman, Members of the Commission. Item Number 23 before you today is related to capital projects in Fiscal Year 2018 capital project plan. A few things about capital projects. The capital project budget is separate from our operating budget request. The request before you today includes: hatchery improvement and renovations; State Game Commission property's improvement and maintenance; San Juan River quality waters projects; OHV; recreation training facility; shooting ranges; and other Department facility renovations. All capital projects, if they are approved, are good for four years, the funding is good for 4 years. In your books you should have a larger spread sheet which shows our capital project plan for the next five years. It'll be (Indiscernible). This next slide focuses on the Fiscal Year '18 capital budget request. The Department is required to submit a 5-year capital project plan to the Department of Finance and the Legislative Finance Committee which is why you have that larger

spread sheet included through the Fiscal Year '22. However, legislature only appropriates on a yearly basis which is why I'm focusing on Fiscal Year '18. So the Fiscal Year '18 capital budget request includes six projects prioritized by the Department. They give each descriptions and the amounts and the funding sources farther to the right on the spread sheet. The first project is the Glenwood and Red River Hatchery renovation project. The total requested amount is 3.6 million; of that, is 3 million as game protection fund. The second project is the management of State Game Commission properties which is 4 million dollars and does not include any game protection fund. The third project is related to the San Juan River quality water habitat improvement projects. The requested amount is 2 million dollars; of that 500 thousand is game protection fund. The fourth requested project is related to shooting ranges; the Department is requesting a million dollars of which 250 is game protection fund. The fifth project in FY18 is the Department of Game and Fish facility renovations statewide to our various properties which is requested at 400 thousand of which 200 thousand is game protection fund. And the sixth project in the FY18 is related to OHV recreation parks which is approximately 300 thousand; and, that 300 thousand is requested out of the trail safety fund. The total Department request is 11.3 million, and approximately (Indiscernible) million of that is game protection fund, and 4.45 million is Federal aid. The next step in the process is we request the State Game Commission approval for the entire 5-year plan which will be submitted to the Department of Finance and the Legislative Finance Committee on July 1st. Later in the fall, in September, October, the Department of Finance and Legislative Finance Committee will meet and have a hearing with the Department and they will make recommendations based on our request. Once they have made their recommendations, it will appear in the capital outlay bill which goes before the State

Legislature and once it is passed it is either signed or vetoed by the Governor. And with that, I stand for any questions.

CHAIRMAN KIENZLE: No dams this year, it looks like. Did we put that off for another year?

DIRECTOR SANDOVAL: Mr. Chairman, if I may, the reason why is we already have current capital appropriations. We are working through trying to spend those down and getting the appropriate EAP and O&M manuals in place before we actually, we will be back with dams.

CHAIRMAN KIENZLE: So it seems. It seems like a waste of money to me. Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Your second item, the improvement and maintain wildfire mitigation, so forth, can you spend some of that money on timber improvement projects.

MALE SPEAKER: (Indiscernible)

PAUL VARELA: Mr. Chairman, Commissioner Ricklefs, yes.

COMMISSIONER RICKLEFS: Good.

CHAIRMAN KIENZLE: Commissioners, any further questions? This is an action item, correct?

PAUL VARELA: Mr. Chairman, yes, this is an action item.

COMMISSIONER RYAN: Chairman, I make a motion to approve the Fiscal Year '18 through Fiscal Year '22 capital plan as presented by the Department.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

PAUL VARELA: Thank you.

[Background speakers, Indiscernible]

CHAIRMAN KIENZLE: Let's see. **Number 24: Update on the Revision of the Statewide Wildlife Action Plan.**

MALE SPEAKER: Oh, sorry. There you go.

JAMES COMINS: Good afternoon, Mr. Chairman and Commissioners. I am here to provide you with an update on the State Wildlife Action Plan, also known as the SWAP. This was item was before you back in April, during the April Commission meeting. Since that time, we've actually held three meetings with stakeholders. The first one occurred on May 10th, obviously of 2016. And we met with representatives from the gas and oil industry including representatives from (Indiscernible), NMOGA, and Devon Energy. On May 17th, we met with Sam Smallidge who is with the Range Improvement Task Force, and on June 6th we met with representatives from New Mexico Department of (Indiscernible), New Mexico Cattle Growers Association, and New Mexico Farm and Livestock Bureau. Some of the concerns they expressed during those meetings included the number of species that were on the revised species of greatest conservation need list. If you guys remember, we had removed 200 species from that initial list. It was down to about 255 from 455, and they expressed concerns on those numbers. They also expressed concerns about monitoring the number of species that would still be on that list. They also, as some of the other concerns, talked about the prioritization of the species or species of

greatest conservation need. Some folks, it's kind of interesting, liked the tiering [Phonetic] and other folks wanted to do away with the tiering and go to a categorizing of those species, and to make it appear as if it was less threatening or if we explain what those categories were it may come across as less threatening to folks that may actually read the document. There was also a concern of certain species that were on that list. Some groups felt that threatened and endangered species didn't need to be on that list and the specific species was lesser prairie chicken and the dunes sagebrush lizard. Obviously the tone and the language of the document and the global warming section of the document was a concern for gas and oil. Moving forward, we have another meeting scheduled with the gas and oil industry that is to take place on June 30. Sam Smallidge has actually offered his assistance in drafting the SWAP. Agriculture representatives have offered to draft the section, the agriculture section within the document which we agreed to have them do with the understanding that we may actually go in and revise that. And we are just waiting on it now. I actually talked to Mr. Alderete [Phonetic] but we are waiting on their comments regarding revised list that they are going to provide us, actually removing some of those species from the list, with their concerns about certain species on the Species of Greatest Conservation Need list I should say. I just also wanted to give you guys a time line. This is what we submitted to U.S. Fish and Wildlife Service as far as the draft revision provision for the SWAP. We hope to have a draft SWAP out for public review by July 29th. The public comment period is going to be August 2nd through August 31st. We hope to address the public comments in the draft SWAP by October 7th. We hope to have a complete final review and edit of the draft SWAP by November 10th and then again present it to you on November 17th for final approval. And with that, I'll stand for questions.

CHAIRMAN KIENZLE: Any questions?

COMMISSIONER RICKLEFS: Yes, Mr. Chairman. First I want to commend the Department in general in reaching out to these organizations. I think they made it clear and we all need to make clear that nobody is going to be 100 percent satisfied with the list. Jim, could you go over the reasoning why you feel that the Endangered and Threatened Species should remain on the list.

JAMES COMINS: Mr. Chairman, Commissioner Ricklefs, we actually fund a number of projects that involve threatened and endangered species. One species that comes to mind is The Gila trout. I believe we used some of those funds. Mike (Indiscernible) is in the room and he can tell me the exact amount but I believe there is about 240 thousand of (Indiscernible) funding to help with the recovery of the Gila trout. Another project that we recently funded was on the Mimbris River, that was about 300 thousand. And that habitat work actually went to a number of species of greatest conservation need or species that fell within that list, I'm sorry, with some of those being threatened and endangered species.

COMMISSIONER RICKLEFS: And what I guess is pretty adamant that they'd rather not have the lesser prairie chicken on there because of the work that is being done through (Indiscernible) and the CCCA's so far. I appreciate the outreach and the opportunity for the Ag industry to move forward on rewriting and editing that agricultural portions of that. I'm interested in it myself in looking closer at the timber portion of it and I intend to do that before we get too much farther. Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Jim, again, I want to thank you again for reaching out to those groups. We've gotten lots of public support for them being able to get heard and again I encourage that you use them and their comments and rewrite it and use it in there. But one

question on the species list. For whatever reason, it seems like every person I talk to asks me how come there's so many on there, or the number, maybe 'so many' is not the proper term, but the number you've come up with. Have you reviewed that list again, and does it look like you might take any of them off at all, or does it look like that number is going to be the number you are going to recommend?

JAMES COMIN: Mr. Chairman, Commissioner Espinoza, what I can tell you is they recently did a review. They talked about 11 mollusks coming off that list. I haven't seen which species those are. Obviously there's a scoring system that goes along with determining what species are on that list. I just haven't had a chance, and I haven't been here. I've actually been on vacation for the last couple of days. But to sit down with Matt and his crew and figure out which 11 mollusks may come off the list, and we also talked about, then, one bird that may come off the list as well.

CHAIRMAN KIENZLE: I have a question. So we've heard from oil and gas, agriculture, cattle growers. What about other stakeholders, tribes, maybe Garrett's organization. What's been done to make sure every stakeholder has the opportunity to weigh in on this?

JAMES COMIN: Mr. Chairman, so prior to the, what I'll call the April update, we had met with Defenders of Wildlife, Sierra Club. We met with the Southwestern Environmental Center. As far as tribes go, we have not reached out to any of the tribes. To be honest with you, I didn't even think about that. Everybody has an opportunity to comment during that 30-day comment period. But as far as those groups, the stakeholders we've reached out to, I think we've got those. As far as Garrett goes, I did invite him to the meeting and actually sent him a draft copy of the revised Species of Greatest Conservation Needs list.

CHAIRMAN KIENZLE: Director, you want to send just some sort of notice to the tribes? I would recommend it, just a courtesy.

DIRECTOR SANDOVAL: Will do, Mr. Chairman.

CHAIRMAN KIENZLE: It doesn't have to be Shakespeare, but I think it would be a good idea. Any other questions, comments?

COMMISSIONER: Well, I think we're getting there and it looks good.

CHAIRMAN KIENZLE: Thank you for going through this process. And I wish we had gone through this process the first time around but we are making progress. So it looks like this comes up for final action then in November. Is that correct.

JAMES COMIN: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: So I'm going to hold you to that. So I think we want to get this process done and over with and you've got a lot of other things on your plate. So I'd like to get this wrapped up. Anything else on this one? OK. Thank you. Oh, I'm sorry. Commissioner Ricklefs.

COMMISSIONER RICKLEFS: I would be interested perhaps in the next meeting, in the book or it could be sent to us, where this money has been spent say in the last five years. That would be what projects it went to and so forth, just a summary, not too much detail.

JAMES COMIN: Mr. Chairman, Commissioner Ricklefs, I believe Commissioner Espinoza asked for essentially the same thing during our meeting and where we are going to actually use this money in the future. And I plan on presenting that in November. But in the meantime I'll be happy to . . .



COMMISSIONER RICKLEFS: . . . prior to that I would be interested.

JAMES COMIN: Absolutely, sir.

COMMISSIONER RICKLEFS: Thank you.

COMMISSIONER ESPINOZA: One request, Mr. Chairman. Jim, you said that you'll have a draft out by July 29th if I heard you correctly.

JAMES COMIN: Mr. Chairman, Commissioner Espinoza, that is correct.

COMMISSIONER ESPINOZA: Could you get me, and I'm sure all the rest of the Commissioners would love to see that on the 29th.

CHAIRMAN KIENZLE: Email it around, I guess. Or send us a link when it's posted up?

FEMALE SPEAKER: Absolutely.

CHAIRMAN KIENZLE: That's probably the easiest thing to do, because it will be a few hundred pages is my guess. OK. Anything else on this one? Thank you.

COMMISSIONER: Public comments?

CHAIRMAN KIENZLE: I'm sorry, I keep forgetting that. My old age?

COMMISSIONER: I'd seen the cards.

CHAIRMAN KIENZLE: Yes. Thank you for reminding me. Teresa Seamster [Phonetic].

GUEST SPEAKER: Thank you, Director Sandoval, and also the Commissioners. I just really have to commend the Department for reaching out. They have been very diligent on this process and there are a lot of people who are competing for all wildlife in this state, a lot of people

competing for the habitat, a lot of people who have their own personal agenda for taking one action or another. What the Department stands for is the quality of their research and I think you should be more appreciative of how admired if you will and how dependent some of the organizations are on the research that comes out of this Department. There is no one else out there that does it to that depth. And it costs nothing to have species on the Species of Greatest Conservation Need, or the Species of Concern as it used to be called. Having them there allows the Department to send funds and to look at the habitat, the critical habitat that impacts so many different industries in a positive way. The wildlife is treated as the canary in the mine. And you can get a very good baseline on how well the habitat and the rest of the grasslands, the forests, the streams and rivers, are doing. I think from our standpoint we just have to again say thank you for reaching out and getting lots of different inputs, lots of different concerns. We feel that having the money that could have been allocated this year, not be allocated, was a real drawback. So we are very glad to see this process moving along in a very predictable way that other organizations can kind of count on. By next year, we will have some kind of a State Wildlife Action Plan. So thank you very much.

CHAIRMAN KIENZLE: Thank you. Garrett.

GARRETT VENEKLASEN: Mr. Chairman, members of the Commission, Garrett VeneKlasen, New Mexico Wildlife Federation. We, too, appreciate all the work you guys have done. Unless I heard this incorrectly, it sounds like oil and gas and agriculture are essentially having some sort of editorial control over the document. And I just want to urge the Department, if that is true, to retain all editorial control over the document and make sure that science drives the document and not anecdote. Because when this process all started it sounded as though anecdote was going to

start to replace the very exhaustive work that the Department's biologists had implemented into this document. Just one of our concerns. Thank you very much.

CHAIRMAN KIENZLE: Mr. Dax.

GUEST SPEAKER: Chairman and Commissioners, Michael Dax with Defenders of Wildlife. I just have two comments. One, on the point of including endangered species in the SGCN, another reason why to do it. We talked about collaboration, wanting to have a role in the recovery of animals like Mexican wolves, well putting funding into them and doing projects on the ground to help these species I think is a great way to maintain that collaborative role and be equal partner with the Feds and other organizations who want to see them recovered. And then finally, with the lesser prairie chicken, right now its endangered status is uncertain. A court case last year took it off the list. Now there are multiple riders in Congress that seek to prevent lesser prairie chickens from being listed for the next 10 years without any other review. So we don't know if those funds will be there long term. So by having it in the SGCN, it would provide insurance in case some of those Federal funds do go away somewhere down the line. Thank you.

CHAIRMAN KIENZLE: And I'm appreciative that the Ag folks and oil and gas are going to contribute something to this but if I understood you correctly the Department maintains final control over the final product. It's not like we just pored over whatever information they provide us and drop it into the plan. That's my understanding.

JAMES COMIN: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Right. Let's make sure that it's our document in the end and not, certainly we don't want to be captive of any particular organization.

MALE SPEAKER: Agreed.

CHAIRMAN KIENZLE: Any other questions or comments on this? OK. We've got some work to do between now and Thanksgiving. So, get to it.

JAMES COMIN: Thank you, Mr. Chairman, Commissioners.

CHAIRMAN KIENZLE: Got some volunteers lined up.

MALE SPEAKER: We've got an army of volunteers.

CHAIRMAN KIENZLE: Ready to go? **AGENDA ITEM NO. 25: Volunteer Rule, Final Rule Presentation.**

GUEST SPEAKER: Mr. Chairman, members of the Commission, I have come before you today to present the final volunteer rule proposal for your consideration, 17-1-14 NMSA 1978 gives the authority to the Commission to allow the Department to develop a wildlife conservation volunteer rule which would provide guidance to recruit volunteers, train volunteers, and utilize volunteer services. Some considerations in the volunteer program would be to allow registered volunteers to ride and/or drive in Department vehicles, allow registered volunteers utilize department computers and equipment, allow registered volunteers to receive per diem mileage, expense reimbursements, and establish criteria for background investigations. A policy and operations manual will be developed throughout this process in addition to the rule. So, at the Commission's direction at the last meeting, we've added some more language to the existing rule to hopefully address the Commission's concerns. A new definition was added that will help lay the foundation to the other language that was added in the rule. The 19.30.15.7.H, a public employee definition was added which is defined in 1.6.57F of NMAC, and these individuals as defined in NMSA 1978 Section 41.4.3F of the tort claims act. Some additional language that was added per the Commission's directive, we created a section of review and

reporting. In this section, the Department shall provide to the Commission an annual accounting of the wildlife conservation volunteers program. The wildlife conservation volunteers program shall be included in the annual independent audit of the Department and must adhere to the Audit Act 12.6.12 NMSA 1978. Some further language that was added to the rule in under 19.30.15.8.E. A registered volunteer that operates a state vehicle under the terms of this section shall be treated, for the purposes of insurability and tort claims liability as a public employee of the state as described in the Tort Claims Act and the General Government Administrative Risk Management certificate of coverage rule. Public comment was solicited on the rule through Department website, emails to current volunteers and through social media via Facebook. We received 13 public comments: 9 people were in support of the new rule, 3 people have concerns with background checks, and 1 person felt volunteers shouldn't receive per diem. With that I will stand for any questions.

CHAIRMAN KIENZLE: Let me just say you added, or you made some fine sausage here after a fashion. So I think we've done a pretty good job with this rule. You did include the annual accounting I had asked for. And I am also concerned about per diem and mileage. So that annual accounting will be important to me. Again, this is other people's money and we have to be good stewards of that and spend it wisely. So, if for some reason the annual accounting shows this as getting out of control, I'll be unhappy. So let's be wise and prudent on how we spend other people's money on volunteers. Now I understand when someone says, I'm a volunteer, maybe you ought not to get paid, but again there isn't a free lunch either. So I think they are helping out in some respects and providing additional pairs of hands which is helpful. But keep an eye on it. That's important. Commissioners, any questions or comments? Anything else you want to add to this rule? I know we have tinkered with it a little bit.

COMMISSIONER: You know, one thing I might add, and you hit on it a little bit, is that this program has got volunteer expenses and so forth, and you've got to be really, really careful that doesn't get away from us because it would cause some real problems. So, scrutiny and double scrutiny isn't going to hurt anything.

CHAIRMAN KIENZLE: The worst thing that happens is that volunteers say, I won't volunteer. But there is definitely risk here. So work hard to manage that risk.

GUEST SPEAKER: Mr. Chairman, understood.

CHAIRMAN KIENZLE:

COMMISSIONER RAMOS: Mr. Chairman, I move to approve the new Wildlife Conservation Volunteer Rule 19.30.15 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Congratulations.

GUEST SPEAKER: Mr. Chairman, thank you.

CHAIRMAN KIENZLE: Ah, near and dear to my heart. **AGENDA ITEM NO. Update on Development of Shooting Ranges in New Mexico.** Mr. Cherry.

LANCE CHERRY: Mr. Chairman, Commissioners, it is near and dear to my heart also. I come before you today to present an update on the Department's development of shooting ranges in New Mexico. And I'm pleased to report that we have really good news regarding that development on our primitive shooting ranges on Department-owned properties since our last meeting.

MALE SPEAKER: All right.

LANCE CHERRY: So, since that last meeting, we completed our compliance with the New Mexico State Tribal Consultation Act. We sent letters out to all the potentially affected tribes and pueblos on April 27th, and received no responses expressing concerns about the proposals for those ranges. Following the 30-day wait period for tribal consultation, we completed our SHPO process which is the New Mexico State Historic Preservation Office's process for compliance. On June 6th we got our letter approving the projects. So, the future site of the Tres Piedras primitive range, which was purchased in

1940 to provide a restoration area for sage grouse and prong horned antelope, will sit in the heart of 32 hundred acres of high prairie along the Rio Grande gorge. And I can say what a spectacular view this one will have. The new range will have a footprint that is approximately 3.5 acres and will be located 4.6 miles from the crossroads at 285 and US64 in that Tres Piedras area. You can see from the map, this gives you a general idea of where that sits from the highway and how that range will be oriented on that piece of property. The future site of the Urraca primitive range, originally purchased to provide wintering and feeding grounds for elk, will sit on the western slope of the Sangre de Cristo Mountains on a 13,870 acre piece of property. Primary purpose of this property will remain for elk, wintering elk, and if necessary, will retain the rights to close it during those seasons. Again, this range will be approximately 3.5 acres and it sits about 12.5 mile north of Questa. So this gives you a general idea of where that is on that wildlife area, and how that range is set. If I'd had a little bit more slide, you'd see the beautiful skyline behind it. So this one will be quite a beautiful range. The plans, just to recap a little bit so that you know what these range plans look like and what exactly we're building, it's going to be a primitive range, so it has a minimal impact on our resources and it will be desirous to consolidate recreational and (Indiscernible) shooting that occurs in and around surrounding areas. The primitive shooting ranges will be a single 200 yard lane with 10 firing point lines approximately 60 feet by 20 feet deep; that's a concrete pad that sits at the end of it. And we definitely, real important to us, is that these ranges will follow the Environmental Protection Agency's best management practices for lead [Phonetic] in outdoor shooting ranges and will meet or exceed the NRA standards for range construction, and will comply with all range safety rules. So, perhaps my most favorite piece, put together a little visual so you can get a real good idea of what this range would look like constructed with the nice straight lines of brush adjacent to it (we know that grows all over the place). On closing, these programs are tracking. They are right on track. I am really excited about the new fiscal year coming on line so we can complete the planning process and begin construction on this, and looking forward to showing you pictures of ranges here in the near future. So with that, I will stand for questions.

CHAIRMAN KIENZLE: I'm pleased. I really don't have any questions. Just keep doing what you're doing and push forward. It's great. Great progress.

COMMISSIONER ESPINOZA: I just have one question. Lance, I first want to comment, to compliment you. I think this Commission has been looking for this, for that particular drawing you've got there, for a year or more. So, but after they're built, do you have any plans for maintenance, trash pickup, etc.?

LANCE CHERRY: Commissioner, Commissioner Espinoza, we do. We actually have lots of ideas of how we are going to continue to maintain these of which, and probably what will be used as a model for these particular ranges, is getting the local 4-H clubs and some of the local wildlife related organizations to help us maintain those ranges. These are definitely going to be signed up as your 'pack it in, pack it out' kind of model so that we follow that same kind of process that people are already familiar with when they are doing back country camping and those types of activities. But we will be looking to make those partnerships with local civic groups of that nature.

CHAIRMAN KIENZLE: When do you expect the first one to be open?

LANCE CHERRY: Mr. Chairman, honestly I believe that thing will be open no later than September but I am trying everything in my power to get that open before your Commission meeting.

CHAIRMAN KIENZLE: But sometime this year, you think?

LANCE CHERRY: Absolutely.

CHAIRMAN KIENZLE: OK. Right on. That's great news. Any other questions or comments? No? Keep it up. It's great work. Excellent. **AGENDA ITEM NO. 27: Update on Hunters Helping the Hungry.**  
Mr. Cherry.

LANCE CHERRY: Mr. Chairman, Commissioners, I come before you to present an update on the Hunters Helping the Hungry program. The Hunters Helping the Hungry program was initiated in 2013 in response to House Memorial 78. And the program is administered and operated by the Road Runner Food Bank. It is a nonprofit organization dedicated to helping New Mexico's hungry and serves approximately people weekly. During this last license year, we worked to obtain funds for this program and get the seed money put in place. We also had 10 processors obtaining their certification from the New Mexico



Environment Department. This program is focused specifically on deer or elk harvest and during the hunting season, hunters are able to donate any portion or all of their game meat to this program. Just to give you a little idea of how the program works, hunters in the field will field dress their animal and deliver it to the nearest processor. They won't be charged processing fees when they drop them off but they are given an option to pay those if they would like to make that additional donation. A processor processes it and will contact the Road Runner Food Bank who arranges pick up and then the food bank coordinates and distributes that meat to those who are experiencing hunger. So this year, we are real excited to give this thing a big splash now that we have the funding in place. We've got some processors in line. And so, we geared up a real strong media marketing plan for this. We are planning on saturating messages on all fronts, and we will blanket all the traditional media sources including press releases, email blasts, social medial and embracing our website to create a much stronger presence. We already have plans in place to buy radio campaigns and jump on our annual billboard and Johnny board campaigns to get that brand out in front of people so that they understand what that program is. Taking the message to the street, we are going to push that program at the New Mexico Outdoor Expo which is coming up here in August. We've already booked ourselves for the gathering of county days at the New Mexico State Fair. We are planning to do Ag Fest, New Mexico Outdoor Hunting and Fishing show, and probably one of the neatest things that has arisen in this as we've worked with different partners is the SCI [Phonetic] Sportsmen Against Hunger is going to work in conjunction with us in this program to throw a big media day at the Rock at NoonDay. So we are going to create a big media opportunity so that we can show what that food does and what the impacts really are and why it's really important.

Additionally we have been entertaining taking this next year's outdoor adventure show and potentially at the Governor's Special Hunt Auction and branding it out with the Hunters Helping the Hungry message and campaign. And so again, creating additional exposure and also showing folks that there is this really great program that they can be a part of. And speaking of being a part of it, there are a variety of ways folks can get involved. First of all, there is the general donation of the harvest itself which hunters can donate, any portion or all of their deer or elk harvest. Processors can contact the food bank and get

themselves on the list of approved processors. They will walk them through that process and help them obtain that. And then individuals and organizations can make monetary donations either directly to the food bank itself or a web page has already been set up and is in place which will allow them to go online at RRFB which is roadrunnerfoodbank.org. And if they click through the Take Action, they can find the Hunters Helping the Hungry Program and will be able to land on this type of page where they will be able to make a donation. Of course, anyone can contact the Department and we'll help them through that process, too. This program is very important to us. So, in closing, I'd like to publicly say thank you to the Road Runner Food Bank for the help and working with us on this program and we are really excited about what this program can do for many hungry New Mexicans who depend on the generosity of others. So with that, I'll stand for questions.

CHAIRMAN KIENZLE: As I recall, one of the times we visited on this, maybe it was in Albuquerque, we were having problems with the Environment Department approving processors, I think. Did that all get smoothed out?

LANCE CHERRY: Mr. Chairman, early in the program, it was new to even them. But all of that has been smoothed out. It's not that difficult.

COMMISSIONER ESPINOZA: Lance, in your presentation I see that it says here that, and I remember this being an issue, a roadblock with Road Runner, that they were only allowed to give to food banks or soup kitchens. But now you're saying they (Indiscernible) going to be able to distribute to needy families as well?

LANCE CHERRY: Mr. Chairman, Commissioner Espinoza, they still distribute their food through their already set up relationships and most of those are soup kitchens and those types of approved types of distribution sources. It's not my understanding that any of this would go directly to a household. They have to maintain some control over how the food is prepared and cared for before it goes out for public consumption.

COMMISSIONER ESPINOZA: So they're still not allowed, I know there was an organization or a company in San Juan County that was wanting to donate a large portion, a large amount of money but

they wanted it to go to some of the local families there on the Navajo Reservation and Road Runner said they couldn't do that. And that is still correct, then?

LANCE CHERRY: Mr. Chairman, Commissioner Espinoza, that would still be correct. Admittedly for the program, it has been complicated and difficult for us to obtain money from a lot of the support sources that had initially indicated they would support. We filed countless grants and a variety of ways to get additional funding in place. So even early in the process with that program, often if folks were talking to them, funding wasn't really set in place. And so I would imagine there would be opportunities for the program to grow in the future. But at this point, we are really just starting off with the initial foundation of that program.

COMMISSIONER ESPINOZA: Thank you.

COMMISSIONER RICKLEFS: Say a hunter hears about this program through one of your media outlets. How does he find a list of the processors that he could go to?

LANCE CHERRY: Commissioner Ricklefs, the way that they can find that list of processors is, it is readily available, right now it's available on the Road Runner Food Bank site. But part of the initial big splash that we are going to put out is enhancing that section of our existing website as well. So that type of information is going to be cross-shared between both their site and our site. We are going to make it as easy as possible for people to find what they need to find so that they can participate in this program.

COMMISSIONER RICKLEFS: I think that's important. If I was a hunter, I'd go to the Game Department site first and that would be handy to find it there.

CHAIRMAN KIENZLE: Any other questions or comments? OK. Keep moving forward. **AGENDA**

**ITEM NO. 28: Presentation for Approval of Area Office Designs for Albuquerque and Roswell Offices.**

DONALD JARAMILLO: Good afternoon, Chairman and Commissioners, Director Sandoval. I am here to present agenda item number 28 for the basically initial designs for the area operations of Albuquerque and Roswell. The slide presentation I got, I think I kind of preloaded all your books. You're going to have these kind of fold-out pictures because I don't know if your eyes, I know we were talking about clarifiers

and verifiers earlier, if they're like mine, they're kind of hard to see. So when I pull this up on the screen, it might be a little bit. So, for the past five years I've been involved with this, obviously the Department has worked to kind of secure the properties. The area offices especially, typically right now we only own one area office and that is Raton. We are looking for the remaining three. The next one that was in line at that time was going to be the Albuquerque area offices where the lease is about to expire. The, Roswell is coming up right after that one. So what we did is obviously through the Commission. You guys approved and we purchased that Albuquerque property and we're in the process now of securing the property at Roswell, working with the city. I did talk to the local captain there, Andy Gray [Phonetic], and he says we are moving forward with the city. They are still excited to have us. Part of these area offices were to have that destination kind of feeling, where we're bringing families and kids into the areas to provide more than just an office to purchase a license kind of a destination. So these areas, these properties that were purchased are pristine for that. I mean, the office, the property in Albuquerque there at (Indiscernible) and Paseo Del Monte, right up along the Bosque will allow us those opportunities to bring those destinations. So by you moving forward and if you approve of purchasing those properties, now we're in the next phase which is actually bringing those offices to fruition, to bring those activities that we brought to you before. Before you is a conceptual plan of what we see as an area office. Our idea behind the area office for this plan is that it is kind of a cookie cutter plan where this building can be kind of modified certain ways, basically by length on the right side as you've got it up there. It could be a little bit bigger, a little bit smaller as needed for the area. This one in particular, we are talking about Albuquerque so we are looking at the layout for Albuquerque. If you look at some of the notes, and I know it's hard to read so I say this: It's about an 11 thousand square foot office. I think there are 34 office in this as well as two large meeting rooms, one larger than the other with the ability to kind of put a divider between it but also to be able to remove that divider so we have an area almost 1500 square feet, similar to something like this where we could actually have Commission meetings in the future, planned that out in the area offices. Part of the office of that foyer, a lot of what we see in our current office positions is we don't have an area for the public to use restrooms without going back through our building. So a lot of planning went

through. You see we have a foyer where it will be secured by doors, and where you have a receptionist area. We're hoping to have those receptionist areas, especially in Albuquerque. We do run a lot of our I and E [Phonetic] programs out of there so it would be available for hunter education and actually have a seat at the table in that foyer to address public's concerns as they come in there, as well as an area, day-to-day operations when they are going in there looking at their licenses and stuff. So if you could see that layout, it's about 11 thousand square feet. I think we've got 34 offices in there. I think currently right now, we have about 30 personnel there so we are allowing for some kind of, some growth in these offices. As we go and move forward with Roswell, that would be adjusted accordingly and we would plan out (Indiscernible). I'll move on to the next slide. So, the next slide, what we're looking at today is the approval for the conception of these offices. In reality what we're looking at is three separate buildings. So it's going to be the main office, it's going to be a warehouse, and it's going to be storage. Because that's a lot of what we have out in the field currently, where it just sits out in the sun. We are really looking at protecting our equipment. We obviously go in front of you, and your Commissions, as we ask for this money to buy projects or equipment or stuff like that, that we want to be able to protect it. So the next slide before you that I've got up on the screen would be the actually the warehouse version of that, where at each division we got, you know, each division has a section of that warehouse. Obviously field operations with freezers and secured lock up for that. Wildlife Division will have its own separate roll up door where they can bring vehicles in and store them and store certain equipment. This (let me look at my notes real quick), I believe this one is going to be, the warehouses of approximately 8 thousand square feet building. And this would obviously sit somewhere on the property behind the main entrance of our office that you have seen previously and would have security and would have facilities that would actually have power, electricity, and stuff like that to run those freezers and heating and cooling. And the third, and I'll jump to this picture, this is kind of what we envisioned the office in Albuquerque to look like, at least the façade, I think. Obviously the location in Albuquerque is currently (Indiscernible) for sale and (Indiscernible). We kind of want to blend in with the community there. So we do have this kind of a block out-structure. It is going to be a single story dwelling. We are not looking to build a 2-story or 3-

story, or anywhere trying to outshine the neighborhood or anything like that. We really want to blend in, be good neighbors. So, this is kind of, you see the front of the office there up on top, kind of a back of the building, and then you're going to see, kind of the bottom, it's going to be that covered storage, secure covered storage area that we will talk about last. And on this page, you're going to have kind of some of the costs associated with this. So this is a big project. We talked about almost 8.8 million dollars for all these three structures when we move forward which the Department has already, has capital outlay money in the funding set aside to go ahead and move forward with these projects. So we are in this process where we want to, you know, we've had this coming before the Commission and that next process is bring this to fruition to bring in those destination areas to these cities while our public is here before you today. So this would be getting this approved, this conceptual design approved and then moving forward with getting contractors to actually, architects, and stuff like that to start basically putting a shovel down and hopefully start moving some dirt on these. And with that, I will leave it on that. The last page is blank. But I will stand for any questions.

CHAIRMAN KIENZLE: So, this Albuquerque facility, does it allow for growth, if you will, over the next 20 years? Is it going to fit our needs for the longer term?

DONALD JARAMILLO: Mr. Chairman, I believe so. I think what we do, we have certain divisions, obviously they are living in about a 7 thousand square foot facility right now with our staff now in Albuquerque. I think we accounted for those positions. I don't think we're being too restrictive on the area office, the size of the offices themselves. I think there are actually regulations that we have to meet on the size of those things so I think with the additional spaces in there, there is some wiggle room in there to add if we do but I think we have planned accordingly and I believe we are in sync with where we need to be with this design.

CHAIRMAN KIENZLE: All right. Commissioners, any questions or comments? Yes, sir.

COMMISSIONER MONTROYA: On page 1, I think it's pretty well designated, but when you look at page 2 and you've got 3 storage freezers for evidence, but you don't have any secure evidence lockers. And I talked to you about this earlier. If you don't have that, you're going to have evidence shoved in

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every closet and everything else. And I think in one central location for law enforcement to have confiscated guns and whatever else they've got is going to be pretty important, and would be handy. So, you know, everything looks good except I think there should be a sizeable evidence locker in either picture 1 or picture 2, probably, where ever it's appropriate.

DONALD JARAMILLO: Mr. Chairman, Commissioner Montoya, I think if we look at the warehouse section of that, I'm not sure if I'm on the right page. It would be after the page with the actual descriptions. Where we are sharing that warehouse, it's a pretty significant warehouse. We're talking about 8 thousand square feet. So a part of that where you see in the left hand corner which we called law enforcement vehicles, that would be that kind of stage, there would be several rooms. There are actually four rooms dedicated for that evidence storage, for freezers as well. So they will be obviously wired and will have clean air and be sure we don't lose that vital evidence. But there also will be those four lockers that they can use as obviously secure for our evidence needs. So yes, they are a little separate from the main building but I think they would still fall under our evidentiary statutes, and I'm swatting flies left and right here, but I think hopefully I've taken into consideration all things, but thank you for mentioning that.

COMMISSIONER MONTOYA: Just a suggestion.

COMMISSIONER RAMOS: Is this going to be kind of our standard model that we try to use from here forward?

DONALD JARAMILLO: Mr. Chairman, Commissioner Ramos, absolutely. I think that part of this is, if we do it for one place the costs for when we do it in Roswell and the cost if we do it in Las Cruces, once we got the architect we are not having to go through that same process, and I believe this is what we are looking at for the future, at least from my angle.

COMMISSIONER RAMOS: That goes along with furniture and everything that's rolling in there as well, infrastructure, wireless technology, servers?

DONALD JARAMILLO: Yes, Mr. Chairman, Commissioner Ramos. A lot of what you see here is going to be the basic infrastructure of the actual building itself. When it comes to furniture and stuff like that, I

believe, and I could be wrong, perhaps the Director can help me, but I think that is going to be an additional cost when we start furnishing them. But absolutely this bringing the power, bringing the sewer, bringing the water, bringing the gas into the line and actually doing the brick and mortar kind of stuff to get this building stood up. After that, I think we would have to look, as far as the furniture we are going to have to use and stuff like that. I would have to check into that if that is something you would like to, I could probably bring it back to you or contact you off line.

CHAIRMAN KIENZLE: Any other questions?

COMMISSIONER ESPINOZA: Just one question. Donald, who did the design work? Who's the architect?

DONALD JARAMILLO: Mr. Chairman and Commissioner Espinoza, I think it is in cooperation. Fortunately this building is being funded federally, through Federal funds (Indiscernible) cooperating with the Fish and Wildlife Service. They actually supplied some of the initial designs that you see right now. Our Department has obviously played a role in that part but we will be working with Fish and Wildlife and the initial designers. And then it goes out to an architect, and I assume that would be something that would be contracted to (Indiscernible). But again, Fish and Wildlife will play a role in this whole process. So part of the dollars spent on this is going to be Federal dollars.

COMMISSIONER ESPINOZA: So, you'll actually go out for bids to an architectural firm to actually draw the building plans?

DONALD JARAMILLO: Mr. Chairman, Commissioner Espinoza, I believe so.

COMMISSIONER ESPINOZA: So, these cost estimates came from a combination of Fish and Wildlife.

DONALD JARAMILLO: Mr. Chairman, Commissioner Espinoza, yes, I think a lot of them are verified because we have to meet certain standards within (Indiscernible) so it's based on probable square footage much like you'd do on any other kind of commercial building but with that Federal nexus in it. So yes, I believe those numbers will be coming, provided through us to the initial architect with the Fish and Wildlife Service on the cost.

COMMISSIONER ESPINOZA: Thank you.



COMMISSIONER RAMOS: I'm sorry, one last question. Do we have a lab, like for our forensics and DNA testing and things like that, or do we send that to Santa Fe?

DONALD JARAMILLO: Mr. Chairman, Commissioner Ramos, as far as DNA when we're talking about evidence and a lot of our biology stuff, we do have a lab in Santa Fe that does some of that but actually the testing itself, I think we send that off to labs across the West. I think our main lab is going to be in Wyoming.

COMMISSIONER RAMOS: We don't do it within . . .

DONALD JARAMILLO: As far as, Mr. Chairman, Commissioner Ramos, yes, as far as the ground doing the scientific stuff, but not in our Department.

COMMISSIONER RAMOS: Thank you.

COMMISSIONER MONTOYA: What's HB, H2 in red letters? Hardboard?

DONALD JARAMILLO: Mr. Chairman, Commissioner Montoya, HB on page 2 (Indiscernible) talking about the warehouse design, from experience with construction, which I'm not saying (Indiscernible) I think that's going to be like a hose bib [Phonetic] so that would be like an outside faucet where you got some . . .

COMMISSIONER MONTOYA: OK, good enough.

DONALD JARAMILLO: . . . water to wash vehicles and stuff like that.

MALE SPEAKER: Probably related to fire.

[Laughter]

[Indiscernible, background speaker]

CHAIRMAN KIENZLE: This is an action item. Can I get a motion on this?

COMMISSIONER RAMOS: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RAMOS: I move to approve the Department's conceptual design of area offices.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

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ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

COMMISSIONER RAMOS: I move to adjourn into Executive Session closed to the public, pursuant to, Section 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline, pursuant to Section 10-15-1(H)(8) NMSA 1978, to discuss the property acquisition in Chavez County. and pursuant to Section 10-15-1(H)(7); on matters subject to the attorney-client privilege relating to threatened or pending litigation: State of Arizona v. Sally Jewell, No. 4:15-CV-245-JGZ, U.S. District Court for the District of Arizona; State of Oklahoma et al v. U.S. Department of Interior, Docket No. 1:15-CV-00252-EGS; Case Number: CV-16-00462-WJ/KBM New Mexico Department of Game and Fish v. United States Department of the Interior et al; APNM v. New Mexico Game Commission No. D-101-CV-2016-01227 (First Judicial Court); APNM v. New Mexico Game Commission No. 35441 (New Mexico Court of Appeals); in which the Commission and/or Department is or may become a participant.

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos?

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek?

[No response]

DIRECTOR SANDOVAL: Vice Chairman Montoya?

VICE CHAIRMAN MONTROYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle?

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: You all may stay here. We are going to move to the other room

[Return from closed session]

CHAIRMAN KIENZLE: The Commission adjourned into Executive Session closed to the public. During the Executive Session the Commission discussed only those matters specified in its motion to adjourn and took no action as to any matter. Public Comment? Jessie Novak

(Indiscernible, background speakers)

CHAIRMAN KIENZLE: Go ahead.

GUEST SPEAKER: My name is Jessie Novak. I work with JFW Ranch Consulting. And I wanted to bring to your attention about the Lucky List.

FEMALE SPEAKER: I'm sorry, could you step closer to the mike? I'm sorry, I cannot hear you.

GUEST SPEAKER: There you go.

FEMALE SPEAKER: Thank you.

GUEST SPEAKER: I want to bring to your attention the lucky list. I know years ago we were able to go to the headquarters up there and just pay for it and we'd get a disk that we could contact the hunters. Well, in the past few years, it has been where we cannot solicit the hunters anymore. We can still buy the list but we had to sign a form. So what we're trying to do here is find out some solution that we can do where we could maybe have a check like Lanny [Phonetic] says in the email here, have a check on the applications where they could check and say, yeah, it'd be OK to contact them so we could get in contact with them. Because there's no way we can contact the hunters to, you know, solicit for their hunt. So we're just trying to get a way to get around it. I wasn't really going to talk. I was waiting for Mr. Raminger [Phonetic] to be here, but he didn't make it so you have me. But anyhow, if we could do something, we just want to figure out some way we could maybe do that.

CHAIRMAN KIENZLE: Thank you. Are you looking at this issue?

DIRECTOR SANDOVAL: We are, Mr. Chairman. Mathias and I have looked over that. I will have Mathias answer a little bit more about the law but it specifically does not allow for solicitation. I'll let Mathias talk a little bit more about that.

MATHIAS SAYER: Yes, Mr. Chairman, Commissioners. The issue that we ran into with this is that the list is a product of state data base and state law prohibits the release of, certain uses of, state data bases. And those uses include solicitation, advertisement, political advertisement, a handful of uses. And historically the Department was producing some of that information and it was brought to our attention just within the last 10 months that there were a host of individuals

who did not appreciate the solicitations and required us to dig deeper into state law which is what motivated the change in approach and change in response to some of the requests for public records that we were responding to.

CHAIRMAN KIENZLE: So any list that's provided, well are we providing any lists today to anyone?

MATHIAS SAYER: We are providing lists. However, we require that individuals who request that list sign a data base use restriction form which does restrict the uses of that information.

CHAIRMAN KIENZLE: And what information is on the list?

MATHIAS SAYER: The lists of individuals, I believe the licenses that they've purchased, unit information I believe, and then contact information. We've also begun redacting contact information at this point.

CHAIRMAN KIENZLE: So, you'll get a person's name and maybe a hunt code but you wouldn't get an address.

MATHIAS SAYER: Not any longer, Mr. Chairman. Historically yes, but again it is a combination of different state laws but the Inspection of Public Act, case law, and there's a statute on state data bases.

CHAIRMAN KIENZLE: So, Mr. Novak, what is it you wanted to see then? What is your request?

GUEST SPEAKER: If there is some way that we would be able to, like Colorado, they have it to where they can contact the people but on the application they put in a little square where you could check it and it would allow the people to get the information that do check it.

CHAIRMAN KIENZLE: I'll visit with the Director on that. I didn't understand your comment before but now I understand it in light of what I've heard. So let me visit with the Director and I'll sort it out.

GUEST SPEAKER: Thank you. Thank you very much.

COMMISSIONER ESPINOZA: Mr. Chairman, I've got a quick question on that. So, Jessie, what you're saying is if I had a box that kind of allowed me to kind of opt in and allow it, it says it's OK for me to let the Department put out my name, contact information for whoever wants to use it for whatever purpose.

GUEST SPEAKER: Correct.

COMMISSIONER ESPINOZA: Would that be legal?

FEMALE SPEAKER: Consent.

COMMISSIONER: Because it's my option at that time.

MATHIAS SAYER: Well, I'll have to look at it, Mr. Chairman, Commissioner Espinoza and Commissioner Ryan, though the tricky thing and this is where I'll have to look, is the statute in question here speaks to use of state data bases not of, you know so it doesn't address this piece so I'll have to look at it and see how that kind of, how they relate, and if that's where the Commission and the Department want to go, how we can make that work and interpret these statutes in such a way that we can achieve that. But right now, not looking at the statute but just recalling again its context, it is very broad. And it is just referring to use of state data bases and so we're going to have to look into that part.

COMMISSIONER RYAN: What's sad that there are organizations that in the past few years that have come to abuse that privilege and they are contacting people directly through email solicitation or hate emails. Of course, we Commissioners are getting that a lot but they are contacting, there are instances of contacting just you know through that data base. So we don't want hunters to be, you know, sought out by some of these anti-hunting groups and some of that is happening on Facebook and it's not fun for the individuals who are receiving that kind of criticism.

GUEST SPEAKER: Yes, I understand that. But there's still a lot of the outfitters that were getting the information and they would still contact the hunters. Then there is like JFW Ranch consulting. We would not do that. So you have all these other outfitters who are more or less signing the form and still contacting the people. And we were just trying to make it where there is some way if the hunters do not mind being contacted that they could be able to box on their application and they could just put a check in there and it would allow us to contact. We could get a list of the ones that put the check in it. That's pretty much what we're trying to do.

CHAIRMAN KIENZLE: Anything else?

COMMISSIONER RAMOS: I move to adjourn, Mr. Chairman.

CHAIRMAN KIENZLE: I don't think Garrett is here to make any more comments, right.

GUEST SPEAKER: Thank you very much.

CHAIRMAN KIENZLE: Thank you, Mr. Novak. Garrett's not here. OK. There's a motion. Do I get a second?

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: We're adjourned.



In Re:

**NEW MEXICO STATE GAME COMMISSION  
Blue Hole Convention Center Civic Center Room  
1085 Blue Hole Rd.  
Santa Rosa, NM 88435**

Thursday, June 23, 2016  
9:00 a.m. – 5:00 p.m.

C E R T I F I C A T E

I, Rose Leonard and I, Cheryl Melgarejo  
DO HEREBY CERTIFY that the  
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I FURTHER CERTIFY that I am neither employed  
by nor related to nor contracted with (unless  
excepted by the rules) any of the parties or  
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Rose Leonard    Cheryl Melgarejo  
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APPROVAL OF MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION  
Blue Hole Convention Center Civic Center Room  
1085 Blue Hole Rd.  
Santa Rosa, NM 88435

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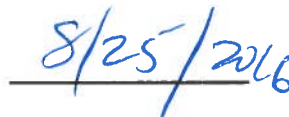
Alexandra Sandoval, Director and Secretary



Date



Paul M. Kienzle III, Chairman



Date

New Mexico State Game Commission

AS/scd