

**MINUTES - NEW MEXICO STATE GAME COMMISSION**  
**Wednesday, July 24, 2019**  
**Socorro, NM 87801**

**AGENDA ITEM NO. 1: Meeting Called to Order**

Called to order by Chairwoman Prukop at 9:09 AM

**AGENDA ITEM NO. 2: Roll Call**

All present: Chairwoman Prukop, Commissioner Salazar-Henry, Commissioner Bates, Commissioner Cramer, Commissioner Lopez, Commissioner Soules, Commissioner Vesbach

**AGENDA ITEM NO. 3: Approval of Agenda**

**Motion by:** Commissioner Lopez to approve the agenda as presented.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

**AGENDA ITEM NO. 4: Introduction of Guests**

**AGENDA ITEM NO. 5: Approval of Minutes June 14, 2019, Albuquerque Regular Meeting**

**Motion by:** Commissioner Salazar-Henry to accept the minutes as amended.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

**AGENDA ITEM NO. 6: Workshop (No Commission Action was taken. No public comment was taken during this agenda item.)**

The Department had a discussion with the Commission on the below topics, no Commission action was taken:

- **Update on the Mexico Gray Wolf Program – Presented by Stewart Liley**
  - In 2019 - 12 pups released into dens this summer; Seven in New Mexico.
  - Mexican Wolf Recovery Planning - Written in 1982, 2010 put on hold to in order to develop new 10j rule as settled upon by completion date.
  - 2017 Recovery Plan- Finalized and signed November 2017; Objective and measurable criteria:
  - Recovery in Mexico - Approximately 30 wolves are alive in the wild in Mexico; Annual releases 2011 - 2018; Approximately 45 wolves released since 2011; Minimum of 19 pups documented; One pack with four consecutive litters in the wild.
  - Management hurdles – Livestock depredation (88 confirmed and 6 probable wolf livestock depredations in NM in the first 6 months of 2019); Release of naive adult wolves (have a low survival rate and high nuisance rate); Movement of animals across international border (difficult to happen in an efficient manner given need to coordinate with the Mexican and US governments); Permitting issues.
  
- **The Department's Organization Presented by Paul Varela and Ivie Vigil**
  - Across the agency:
    - Administration - Responsible for general oversight and Department management
    - Field Operations - The purpose of the Field Operations Program is to promote and assist the implementation of law enforcement, habitat and public outreach programs throughout New Mexico.
    - Conservation Services - The purpose of the conservation services program is to manage and conserve the State's public wildlife resources and associated habitats for

- the benefit of the wildlife for hunters, anglers and other wildlife users.
  - Wildlife Depredation and Nuisance Abatement Program - The purpose of the program is to provide complaint administration and intervention processes to private landowners, leaseholders and other New Mexicans so they may be relieved of and precluded from property damage, annoyances or risks to public safety caused by protected wildlife.
  - Program Support - The purpose of the program is to provide an adequate and flexible system of direction, oversight, accountability and customer support to all divisions so they may successfully attain planned outcomes for all Department programs.
- **The Department's Budget Presented by Paul Varela and Ivie Vigil**
  - Timeline
    - July – August - Budget prepared for following fiscal year based on direction provided by the Governor's Office.
    - September – December - Budget request is submitted to DFA and LFC on September 1<sup>st</sup> as a statutory requirement. Budget request analyzed by DFA and LFC and recommendations are made.
    - January – March - Final DFA and LFC recommendations published. DFA, LFC and the Department analyze differences in recommendations. Legislative Session convenes and final budget hearings are held.
    - April – June - Operating budget for FY21 based on appropriation amounts submitted to DFA May 1<sup>st</sup>.
  - Department Funds
  - Federal Funds – Annual Apportionment
  - Department Spending
  - Cash Balances
- **The Department's Draw Allocation Process (Stewart Liley)**
  - License Setting Process
  - Random Draw
  - Quota Statute
  - 2019 Draw - Total of 884 hunt codes in the draw; 566 had the potential to round; 272 hunts had one license added to account for rounding.

**AGENDA ITEM NO. 7: Closed Executive Session**

Motion: The State Game Commission voted to adjourn into Executive Session closed to the public; pursuant to 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 property acquisition; and pursuant to Section 10-15-1(H)(7) NMSA 1978, to discuss matters subject to attorney-client privilege relating to threatened or pending litigation.

**Moved by:** Commissioner Vesbach

**Seconded by:** Commissioner Salazar-Henry

**Roll Call Vote – Approved:** Unanimously; Chairwoman Prukop, Commissioner Salazar-Henry, Commissioner Bates, Commissioner Cramer, Commissioner Lopez, Commissioner Soules, Commissioner Vesbach

**NEW BUSINESS (beginning at 1:30 PM):**

**AGENDA ITEM NO. 8: Revocations**

**Presented by Robert Griego** – The Department presented a list of individuals that meet established criteria for initiation of the suspension process for license privileges per the Parental Responsibility Act, Wildlife Violators Compact, and failure to pay a penalty assessment.

- The following revocations or suspensions have been carried out in accordance with 19.31.2 NMAC.
  - Group 1 - Revocation of 11 individuals who did not request hearings.

**Motion by:** Commissioner Salazar-Henry: I move to accept the recommendations of the Department and revoke all licenses privileges of these 11 individuals for the length of time recommended.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

- Group 2 - Revocation of two individuals who requested hearings and did not file exceptions.

**Motion by:** Commissioner Lopez: I move to accept the Hearing Officer's recommendations, as presented by the Department and revoke all license privileges of these 2 individuals for the length of time recommended.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

- Group 3 - Revocation of two individuals who requested hearings and filed exceptions.

**Motion by:** Commissioner Bates: I move to accept the Hearing Officer's recommendations, as presented by the Department and revoke all license privileges of these 2 individuals for the length of time recommended.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

- Group 4 - One individual who entered into a stipulated agreement with the Department.

**Motion by:** Commissioner Soules: I move to accept this stipulated agreement as written and agreed upon by both the Department and the violator.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

- Group 5 - One individual who accrued 20 or more violation points in a three-year period, was sent a Notice of Contemplated Action, did not request a hearing, and was revoked on June 14, 2019. He claims due to postal service issues he never received notice.

**Motion by:** Commissioner Lopez – I move to accept the Department's recommendations to rescind the current revocation for this individual and allow him the opportunity to request a hearing.

**Seconded by:** Commissioner Bates

**Approved:** Unanimously

#### **AGENDA ITEM NO. 9: Request to Dispose of Assets.**

**Presented by Paul Varela** – The Department requested Commission approval to dispose of assets that are worn out, obsolete, or have reached the end of their service life, per § 13-6-1, 13-6-2 NMSA 1978 Comp.

- Every year, used capital assets such as vehicles, boats, trailers and other equipment reach the end of their service life or have become outdated and/or obsolete.
  - Reusable items will be sold at public auction.
  - Obsolete, unusable or worn-out items not sold at auction will be disposed per § 13-6-1 and 13-6-2, NMSA, 1978.

**Motion by:** Commissioner Cramer – I move to approve the Department to dispose of the list of

capital assets for fiscal year 2019. Capital assets to be disposed of are either won out, obsolete, or have reached the end of their service life. Assets will be disposed of either by sale at public auction or otherwise in accordance with state law.

**Seconded by:** Commissioner Salazar-Henry

**Approved:** Unanimously

#### **AGENDA ITEM NO. 10: Initiation of the Bear and Cougar Rule for 2020 – 2024 Hunting Seasons**

**Presented by Stewart Liley** – The Department started the discussion to replace the Bear and Cougar Rule, which expires March 31, 2020.

- Rule Development Timeline
- Bear Proposals
- Bear Harvest
- Habitat Model
- Population Management
- Cougar Proposal
- Cougar Habitat Map
- Cougar Sport Harvest Limits

#### **AGENDA ITEM NO. 11: Discussion of the Landowner Certification of Non-Navigable Water Rule 19.31.22 NMAC**

**Presented by Kirk Patten** – The Department had a discussion with the Commission regarding the Landowner Certification of the Non-Navigable Water Rule 19.31.22 NMAC.

- Non-navigable water rule. This topic is one with great history and based in case law.
  - NM Constitution - Article XVI, Section 2 - “The unappropriated water of every natural stream, perennial or torrential, within the state of New Mexico, is hereby declared to belong to the public...”
  - Non-navigable water rule
    - Establishes application process by which a landowner can apply for Certification of a water segment within the property boundaries as a Non-navigable Public Water.
    - Upon receipt of a complete application, the Director can recommend to accept or reject application.
    - Notice and hearing by the Commission and, if approved, certification as a Non-navigable Public Water.
    - Signs issued by Department.
    - If Certified as Non-navigable Public Water and posted, property is subject to laws, rules, and regulations of trespass.
  - Recent Activities
    - The last Commission certified five private properties to include segments of water as Non-navigable Public Waters and subject to trespass laws under 19.31.22 NMAC.
    - July 2019 - Department requested legal opinion from the Attorney General regarding whether 19.31.22 NMAC itself, certification of Non-navigable Public Waters by the Commission, and issuance of signs by the Department are lawful.
    - Expect response from Attorney General in August 2019.

**Motion by:** Commissioner Salazar-Henry to place a moratorium, of not more than 90 days, on considering any new applications under 19.31.22 NMAC, in order to receive and review advice, provided by the attorney general regarding the rule. Further during the moratorium, the Department will enforce trespass on previously approved stream segments by issuing only warnings.

**Seconded by:** Commissioner Soules

**Approved:** Unanimously

**AGENDA ITEM NO. 12: General Public Comments**

**AGENDA ITEM NO. 13: Adjourn.**

**Motion by:** Commissioner Lopez to adjourn.

**Seconded by:** Commissioner Cramer

**Approved:** Unanimously

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

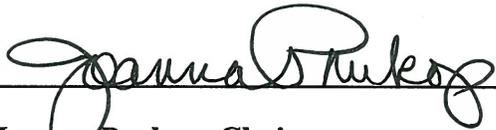
**July 24, 2019  
New Mexico Tech  
Fidel Center 3<sup>rd</sup> Floor  
808 Olive Lane  
Socorro, NM 87801  
9:00 a.m.–5:00 p.m.**



**Michael B. Sloane, Director**

8/22/19

**Date**



**Joanna Prukop, Chair  
New Mexico State Game Commission**

8/22/19

**Date**

**MS/scd**