

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION**

Thursday, August 23, 2018

El Morro Events Center

210 S. 2ND Street, Gallup, NM 87301

9:00 a.m. – 5:00 p.m.

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1 APPEARANCES

- 2 Chairman Paul Kienzle
- 3 Vice Chairman William Montoya
- 4 Game Commissioner Thomas Salopek
- 5 Game Commissioner Robert Ricklefs
- 6 Game Commissioner Ralph Ramos
- 7 Game Commissioner Craig Peterson

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10 ABSENT

None

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1 CHAIRMAN KIENZLE: Calls to order. Roll call.
2 DIRECTOR SLOANE: Commissioner Salopek.
3 COMMISSIONER SALOPEK: Present.
4 DIRECTOR SLOANE: Commissioner Ricklefs.
5 COMMISSIONER RICKLEFS: Here.
6 DIRECTOR SLOANE: Commissioner Ramos.
7 COMMISSIONER RAMOS: Good morning, I'm here.
8 DIRECTOR SLOANE: Commissioner Peterson.
9 COMMISSIONER PETERSON: Here.
10 DIRECTOR SLOANE: Vice Chairman Montoya.
11 VICE CHAIRMAN MONTOYA: Here.
12 DIRECTOR SLOANE: Chairman Kienzle.
13 CHAIRMAN KIENZLE: Present.
14 DIRECTOR SLOANE: Mr. Chairman, I believe you have a quorum.
15 CHAIRMAN KIENZLE: Right on. Pledge of Allegiance. Ralph.
16 ATTENDEES: I pledge allegiance to the Flag of the United States of America, and to
17 the Republic for which it stands, one Nation under God, indivisible, with liberty and
18 justice for all.
19 CHAIRMAN KIENZLE: Can I get a motion to approve the agenda, please.
20 UNIDENTIFIED SPEAKER: So moved.
21 UNIDENTIFIED SPEAKER: Second.
22 CHAIRMAN KIENZLE: All in favor.
23 ALL COMMISSIONERS: Aye.
24 CHAIRMAN KIENZLE: The ayes have it. Let's go around the room. You want to go
25 first?

1 CHRIS CHADWICK: I'm Chris Chadwick, Assistant Director, New Mexico
2 Department of Game and Fish.

3 LANCE CHERRY: Good morning Chairman and Commissioners. I'm Lance Cherry,
4 I'm the Chief for Information and Education Division for the Department of Game and
5 Fish.

6 PAUL VARELA: Good morning, Commissioners, Director. My name is Paul Varela,
7 I'm the Chief of Administrative Services for the Department of Game and Fish.

8 JIM COMINS: Good morning, Mr. Chairman, Commissioners, Members of the
9 Public. My name is Jim Comins and I'm the Assistant Director of the Resource
10 Divisions for the Department of Game and Fish.

11 JACOB PAYNE: Chairman, Commissioners. My name is Jacob Payne, I'm General
12 Counsel for the Department.

13 GUEST SPEAKER: Chairman, Commissioners. [indiscernible] Communications
14 Director for the Department.

15 GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. [indiscernible]
16 Officer for the Department of Game and Fish.

17 GUEST SPEAKER: Good morning. I'm Sandra [indiscernible], I'm the [indiscernible]
18 of Assistant [indiscernible].

19 [MULTIPLE PEOPLE TALKING]

20 GUEST SPEAKER: [indiscernible] New Mexico, I've come to see how it's working.

21 STEWART LILEY: Good morning, Chairman, Commissioners, Members of the
22 Public. Stewart Liley, Chief of Wildlife Management Division.

23 GUEST SPEAKER: [indiscernible].

24 CRAIG SANCHEZ: Good morning, Mr. Chairman, Commissioners, Director Sloane.
25 Craig Sanchez, Assistant Chief of Education for Game and Fish.

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1 MARTIN PEREA: Good morning Mr. Chairman, Commissioners, Members of the
2 Public. I'm Martin Perea, I'm the videographer for the Department.

3 GUEST SPEAKER: I'm [indiscernible] Lopez [indiscernible] my husband
4 [indiscernible].

5 GUEST SPEAKER: I'm [indiscernible] Lopez, I'm a landowner and [indiscernible] on
6 the Santa Fe National Forest in Unit 6.

7 GUEST SPEAKER: Good morning, Mr. Chairman and Commissioners.
8 [indiscernible].

9 GUEST SPEAKER: [indiscernible] Assistant Chiefs [indiscernible] Wildlife
10 Management Division.

11 GUEST SPEAKER: Good morning, I'm Kirk [indiscernible] Assistant Chief
12 [indiscernible].

13 GUEST SPEAKER: Sue [indiscernible], Editor of the [indiscernible].

14 GUEST SPEAKER: Good morning [indiscernible] City of Gallup [indiscernible] and
15 just concerned citizen.

16 GUEST SPEAKER: Good morning, Commissioners. Susan [indiscernible] New
17 Mexico Wildlife Federation.

18 GUEST SPEAKER: Good morning. Bob [indiscernible] I'm a concerned citizen.

19 GUEST SPEAKER: [indiscernible].

20 GUEST SPEAKER: [indiscernible] Unit 12 [indiscernible].

21 GUEST SPEAKER: I'm [indiscernible], I'm landowner [indiscernible].

22 GUEST SPEAKER: [indiscernible] I'm with these guys [indiscernible] concerned
23 citizen.

24 GUEST SPEAKER: Rich Eustis [phonetic] [indiscernible].

25 GUEST SPEAKER: Good morning, I'm Robert [indiscernible].

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1 GUEST SPEAKER: Good morning. [indiscernible] Game and Fish.
2 GUEST SPEAKER: Good morning. [indiscernible].
3 CHAIRMAN KIENZLE: Keep on going back there.
4 GUEST SPEAKER: [indiscernible] landowner in Unit 12.
5 CHAIRMAN KIENZLE: I like that hat.
6 GUEST SPEAKER: Mr. Chairman, Members of the Commission. [indiscernible]
7 Regional Director [indiscernible].
8 GUEST SPEAKER: Bob Osborne [phonetic], Assistant Chief [indiscernible].
9 GUEST SPEAKER: [indiscernible] Martinson [phonetic] Program Manager
10 [indiscernible].
11 GUEST SPEAKER: Good morning. I'm [indiscernible].
12 GUEST SPEAKER: Good morning, Mr. Chairman and Members of the Commission.
13 [indiscernible] Program Manager, Department of Game and Fish.
14 GUEST SPEAKER: Good morning, Chairman, Commissioners, and Members of the
15 Public. I'm [indiscernible], biologist New Mexico Department of Game and Fish.
16 GUEST SPEAKER: Aaron [phonetic] [indiscernible] Coordinator for the New Mexico
17 Department of Game and Fish.
18 GUEST SPEAKER: James Strickland [phonetic], landowner in [indiscernible].
19 GUEST SPEAKER: [indiscernible].
20 GUEST SPEAKER: [indiscernible].
21 GUEST SPEAKER: [indiscernible] Program Manager for the Department of Game
22 and Fish.
23 CHAIRMAN KIENZLE: All right, thank you. No sleeping in the back row. Can I get
24 approval, or a motion to approve, the minutes July 24, 2018 Santa Fe New Mexico
25 special meeting?

1 COMMISSIONER SALOPEK: So moved.

2 COMMISSIONER RAMOS: Second.

3 CHAIRMAN KIENZLE: All in favor?

4 COMMISSIONERS: Aye.

5 CHAIRMAN KIENZLE: Ayes have it.

6 DIRECTOR SLOANE: Mr. Chairman, if I may. I'd like to request that we move the
7 November meeting from the 15th to the 30th in Roswell.

8 CHAIRMAN KIENZLE: All right.

9 DIRECTOR SLOANE: That's in order to allow time for publication of rules and get
10 public input.

11 CHAIRMAN KIENZLE: I'm not sure we necessarily need to vote on it, but we
12 probably will. Any problem for anyone moving that to the 30th? Starting at 9 a.m.?

13 DIRECTOR SLOANE: Yes, sir.

14 CHAIRMAN KIENZLE: Okay. Can I get a motion to move the November meeting to
15 November 30, 2018 at 9 a.m.?

16 VICE CHAIRMAN MONTOYA: So moved, Mr. Chairman.

17 COMMISSIONER RAMOS: Second.

18 CHAIRMAN KIENZLE: All in favor?

19 COMMISSIONERS: Aye.

20 CHAIRMAN KIENZLE: Ayes have it. Will you - - that will get posted and all the good
21 stuff that goes with it?

22 DIRECTOR SLOANE: Yes, sir.

23 CHAIRMAN KIENZLE: By the way, if you haven't noticed, we have a new Director,
24 Mike Sloane. So this is his first meeting so if he completely blows it, you'll understand
25 why.

1 DIRECTOR SLOANE: There's a reason.

2 CHAIRMAN KIENZLE: There's a reason. He's a novice, but he'll be a veteran by the
3 time the day is over. Agenda Item No. 7, Presentation for Approval of Department's
4 Fiscal Year 2020 Budget. Mr. Varela.

5 PAUL VARELA: Good morning, Mr. Chairman. Agenda Item No. 7 is seeking
6 Commission approval for the fiscal year '20 operating budget. The fiscal year '20
7 operating budget is just over 40 million, which is \$315,000 higher than the current
8 year operating budget.

9 The Department has four programs that guide daily operations. The first is
10 field operations, the second is conservation services, the third is depredation and
11 nuisance abatement, and the last program is program support. All these programs
12 are defined by the Accountability in Government Act.

13 This slide shows the Department budget allocated by program. As you can,
14 see the largest program is conservation services at just over 22.5 million, followed by
15 the field operations program at 9.2 million, and program support at 7.2 million.

16 This next slide shows the fiscal year '20 budget request broken down by
17 program and by category. The largest category is personal services and employee
18 benefits at just over 22.3 million. In that, we have added \$350,000 to conservation
19 services which will help us to avoid adjustments during the fiscal year. The
20 contractual services budget is 4.2 million. Other costs is just over 13.2 million, this
21 includes things for purchases of fuel, vehicles, utilities, etc. And the last category is
22 other financing uses, this is transfers to other agencies. This amount has been
23 reduced by \$500,000 and we've eliminated or transferred to the Energy
24 [indiscernible] and Natural Resources Department which we have been transferring
25 \$500,000 the last three fiscal years to that department, so we have eliminated that for

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1 the fiscal year '20 budget request.

2 This next slide shows the budget request by fund. As you can see, the largest
3 fund is Game Protection at just over 37 million, followed by the Trail Safety Fund at
4 799, and the Big Game Enhancement Fund and Depredation Fund are the next
5 largest funds. We have a total of nine funds in the Department and this just shows
6 the breakdown. And with that, I will stand for any questions.

7 CHAIRMAN KIENZLE: Before we got here today, the Commissioners all met with
8 Mr. Varela and the Director on budget issues, so I think we are pretty well versed in
9 the ins and outs. Any questions or comments? Mr. Varela did a good job explaining
10 to me certain budgetary matters and I do appreciate that. And Director Sloane pretty
11 quickly got up to speed on a lot of important issues, so I think we're - - I think we're in
12 good shape. Any questions or comments?

13 COMMISSIONER RAMOS: Chairman, also Mr. Varela. How are we at with the audit
14 that is going on? Has that taken place or is that coming up?

15 PAUL VARELA: Commissioner Ramos, yes, the current audit is ongoing. We have
16 no findings to speak of, as of yet. There are no issues. I believe we will have a clean
17 audit for fiscal year '18.

18 COMMISSIONER RAMOS: Excellent.

19 PAUL VARELA: Typically, our audits are very clean. We do a good job of handling
20 our financial situation.

21 COMMISSIONER RAMOS: Good deal. Thank you. I'm sure you'll give us an update
22 once that has taken place. Looking forward to that.

23 CHAIRMAN KIENZLE: When does that conclude?

24 PAUL VARELA: Mr. Chairman, the audit should be done by September 15th.

25 CHAIRMAN KIENZLE: When does it start?

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1 PAUL VARELA: The audit process started at the beginning of July, so starting July
2 1st the fieldwork has been ongoing. From starting in July and the final fieldwork will
3 end at the end of August and September.

4 CHAIRMAN KIENZLE: They call it fieldwork, right? [indiscernible] at a desk. I guess
5 there's no off-season either, with audits, you just keep on going. Any other questions
6 or comments? This is an action item, correct? You need approval on it?

7 PAUL VARELA: Correct.

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

9 UNIDENTIFIED SPEAKER: Mr. Chairman, I move to approve the Department's
10 fiscal year 2020 operating budget and allow Department staff to make technical
11 adjustments and changes necessary to incorporate assessment rate changes
12 provided to the Department and other executive agencies after this meeting and prior
13 to the statutory deadline.

14 UNIDENTIFIED SPEAKER: Second.

15 CHAIRMAN KIENZLE: All in favor?

16 COMMISSIONERS: Aye.

17 CHAIRMAN KIENZLE: Ayes have it. Thank you. Colonel Griego.

18 ROBERT GRIEGO: Good morning, Mr. Chairman, Commissioners.

19 CHAIRMAN KIENZLE: Are you going to sit this one out?

20 DARRELL COLE: [indiscernible].

21 ROBERT GRIEGO: Thanks, dad.

22 [LAUGHING]

23 CHAIRMAN KIENZLE: So we'll try -- I'm trying to think of how we usually do this.
24 We'll just do each group by group and if anybody is here, I'll ask. On some of these I
25 like to pull those out separately if someone's actually shown up. Have at it.

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1 ROBERT GRIEGO: Thank you, Mr. Chairman. Today for revocations we had 332
2 individuals that were suspended for being out of compliance with the Parental
3 Responsibility Act and we suspended 188 individuals for failure to pay penalty
4 assessments. Today we have seven groups, and Group 1 was one individual who
5 applied for a gun license and was denied based on a history of violations. He
6 requested a hearing and we gave him a hearing. He did not file an exception.

7 CHAIRMAN KIENZLE: Call out that person's name.

8 ROBERT GRIEGO: Hayden Pierce [phonetic].

9 CHAIRMAN KIENZLE: Hayden Pierce, present? Apparently not. All right. I think we
10 should just do this motion by motion, can I -- or group by group. Can I get a motion
11 on this one, please?

12 COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendation of
13 the hearing officer as presented by the Department to uphold the denial of this
14 individual's guide renewal application

15 COMMISSIONER SALOPEK: Second.

16 CHAIRMAN KIENZLE: All in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN KIENZLE: Ayes have it. Group 2.

19 ROBERT GRIEGO: Group 2 is one individual who requested a hearing and the
20 Department and the hearing officer both are recommending no revocation. That
21 person's name is [indiscernible] Stiffler [phonetic].

22 CHAIRMAN KIENZLE: Stiffler, present? Reminds me of a movie.

23 COMMISSIONER SALOPEK: I move to accept the recommendations of the
24 Department and the hearing officer as presented in not revoking the license
25 privileges of this individual.

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1 COMMISSIONER PETERSON: Second.

2 CHAIRMAN KIENZLE: All in favor?

3 COMMISSIONERS: Aye.

4 CHAIRMAN KIENZLE: Ayes have it. Group 3.

5 ROBERT GRIEGO: Group 3 is a group of six individuals who requested hearings,
6 had hearings, and they filed written exceptions to the hearing officer recommendation
7 and those exceptions were given to the Commission prior to today's meeting.

8 CHAIRMAN KIENZLE: Christopher Bennett [phonetic], Stephen Bennett [phonetic],
9 James McKnight [phonetic], Stacy McKnight [phonetic], Clifford Phillips [phonetic],
10 and Homer [indiscernible] [phonetic]. Anybody present? All right, can I get a motion
11 Group 3?

12 COMMISSIONER PETERSON: Mr. Chairman, I move to accept the
13 recommendations of the hearing officer as presented by the Department and revoke
14 all license privileges of these six individuals for the length of time recommended.

15 COMMISSIONER RAMOS: Second.

16 CHAIRMAN KIENZLE: All in favor?

17 COMMISSIONERS: Aye.

18 CHAIRMAN KIENZLE: Ayes have it. Group 4.

19 ROBERT GRIEGO: Group 4 is a group of six individuals. They requested a hearing,
20 had a hearing, but they did not file an exception. Hearing officer recommendation.

21 CHAIRMAN KIENZLE: Justin [indiscernible] [phonetic], Stephen Brown [phonetic],
22 Festus Farrington [phonetic], Jamie Flores [phonetic], Armondo Marano [phonetic],
23 Freddy Orez [phonetic]. Anyone present? All right, can I get a motion on Group 4,
24 please?

25 COMMISSIONER RAMOS: Mr. Chairman, I move to accept the recommendation of

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1 the hearing officer as presented by the Department and revoke the license privileges
2 of these six individuals for the length of time recommended.

3 COMMISSIONER PETERSON: Second.

4 CHAIRMAN KIENZLE: All in favor?

5 COMMISSIONERS: Aye.

6 CHAIRMAN KIENZLE: Ayes have it. Group 5.

7 ROBERT GRIEGO: Group 5 is a revocation of 10 individuals who never requested a
8 hearing.

9 CHAIRMAN KIENZLE: Miguel Careyown [phonetic], Edward Chibata [phonetic],
10 Michael Chavez [phonetic], James [indiscernible] --

11 UNIDENTIFIED SPEAKER: Try again.

12 CHAIRMAN KIENZLE: Try again? Sorry, I have a little hole punched through the
13 name. David Lopez [phonetic], Andy [indiscernible], [indiscernible] Rodriguez
14 [phonetic], Kyle Schmidt [phonetic], Billy Smith [phonetic]. Anybody present?

15 UNIDENTIFIED SPEAKER: Mr. Chairman, you also [indiscernible] Lorenzo Maestas
16 [phonetic].

17 CHAIRMAN KIENZLE: I'm sorry. Lorenzo Maestas. Anyone else present? Are any of
18 those present? No. All right, can I get a motion on this group? Group 5?

19 VICE CHAIRMAN MONTOYA: Mr. Chairman, I move to accept the
20 recommendations of the Department to revoke all license privileges for these 10
21 individuals for the length of time recommended.

22 COMMISSIONER PETERSON: Second.

23 CHAIRMAN KIENZLE: All in favor?

24 COMMISSIONERS: Aye.

25 CHAIRMAN KIENZLE: Ayes have it. Group 6.

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1 ROBERT GRIEGO: Group 6 is a group of five individuals who entered into stipulated
2 agreements with the Department.

3 CHAIRMAN KIENZLE: Frank Martinez [phonetic], Patrick Botchda [phonetic],
4 Antonio Ryell [phonetic], Robert Rivera [phonetic], Joshua Lyhose [phonetic]. All
5 right, can I get a motion on this group?

6 COMMISSIONER SALOPEK: I move to accept these five stipulated agreements as
7 written and agreed upon by both the Department and the violators.

8 COMMISSIONER RICKLEFS: Second

9 CHAIRMAN KIENZLE: All in favor?

10 COMMISSIONERS: Aye.

11 CHAIRMAN KIENZLE: Ayes have it. How are the stipulated agreements going? Are
12 we making good progress on those?

13 ROBERT GRIEGO: Yes, sir.

14 CHAIRMAN KIENZLE: People are taking that option?

15 ROBERT GRIEGO: Yes, sir. If the officer recommends that and we offer that to them
16 they're - -

17 CHAIRMAN KIENZLE: Seem to --

18 ROBERT GRIEGO: Yeah, and it's working out really good for -- I feel it's a fair
19 solution.

20 CHAIRMAN KIENZLE: It's a fair way to get it done.

21 ROBERT GRIEGO: Yes, sir.

22 CHAIRMAN KIENZLE: Group 7.

23 ROBERT GRIEGO: Speaking of. Group 7 is a group of three individuals who were
24 revoked by this Commission on April 26, 2018. They never received their notice; and
25 therefore, by default, they were revoked. It came to light afterwards that they never

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1 received that notice, and so trying to make things right, do things the right way for the
2 right reason, we offered them a stipulated agreement which they were originally
3 offered in the first place. Had they received their notice they would've had one, a
4 stipulated agreement.

5 CHAIRMAN KIENZLE: Okay. Brian Segero [phonetic], Sergio Segero [phonetic],
6 Raul [indiscernible] [phonetic]. I'm sorry, Paul [indiscernible]. No? Not present? Can
7 I get a motion on this one?

8 COMMISSIONER PETERSON: Mr. Chair, I move to accept the Department's
9 recommendation to rescind the current revocations for the three individuals listed and
10 except the stipulated agreements as written and agreed upon by both the
11 Department and the violators.

12 COMMISSIONER RAMOS: Second.

13 CHAIRMAN KIENZLE: All in favor?

14 COMMISSIONERS: Aye.

15 CHAIRMAN KIENZLE: Ayes have it. Anything else on this one?

16 ROBERT GRIEGO: That's all we have for today. Thank you very much.

17 CHAIRMAN KIENZLE: Thank you. How's my new office coming along? It's not mine,
18 I'll never get to occupy it. It looks like a nice place to visit.

19 JIM COMINS: Mr. Chair, Commissioners. I'm here to present an update on both the
20 Albuquerque office and the new Roswell office. As we go through the presentation
21 you will notice that we made significant progress since our last update in June. The
22 windows have been installed and the stucco, as well as the stacked rock, has been
23 completed on the [indiscernible]. This is the west side of the building. This area will
24 actually be used by the general public to bring in animals to have, you know, samples
25 collected, health tags, so on and so forth. This is a photograph of the south side of

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1 the building. As you can see in the photograph we're in the process of installing the
2 metal flashing on the roof as well as the gutters. We anticipate that this will be
3 completed next week. This is what we refer to as the south employee entrance to the
4 building. And here's a photograph of the east side. They're actually installing the last
5 pane of windowpanes that lead into the lobby area of the building. On the inside, the
6 walls have been taped, textured, and painted, and they are currently in the process of
7 installing the cabinets as well as the countertops. We anticipate that we will receive
8 the certificate of occupancy on the building between September 13th and September
9 23rd.

10 Moving on to Roswell, we completed the public involvement process in June.
11 During that process we actually received zero comments on the project. The United
12 States Fish and Wildlife Service issued the - - I should say awarded the construction
13 grant on July 25th of this year. We issued a notice to proceed to our contractor on
14 August 15th and we anticipate the completion date of that building in March 23rd of
15 2019. That was a brief update, but I will stand for any questions

16 CHAIRMAN KIENZLE: So we will be ready for our October meeting?

17 JIM COMINS: Mr. Chairman, that is correct.

18 CHAIRMAN KIENZLE: All right.

19 COMMISSIONER RAMOS: It looks good. One question that I do have Chairman,
20 Mr. Comins. What about the signage getting there? I know it was pretty confusing to
21 get to the site. How are we coming along with that and are we going to make it very
22 obvious for - - because I know Siri kind of turned us around, as well.

23 JIM COMINS: Mr. Chairman, Commissioner Ramos, I believe that we are working
24 with Lance on that to get the proper signage in place so that people can actually find
25 the building. Obviously, it will take some time for our public to know where it's at, but I

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1 agree with you, it is somewhat hard to find because it's kind of tucked back in there
2 on the [indiscernible].

3 COMMISSIONER RAMOS: Good deal, thank you.

4 CHAIRMAN KIENZLE: Any other questions or comments? So we probably won't
5 see this again, will we, until we move in?

6 JIM COMINS: That's correct.

7 CHAIRMAN KIENZLE: All right. It's cool. That will be the next update then, right?

8 JIM COMINS: Chairman, one comment here really quick. It's kind of funny,
9 Commissioner Montoya wanted to know who Siri was and I had to explain it's the
10 modern US [indiscernible] telegraphic maps to get us there.

11 [MULTIPLE PEOPLE TALKING]

12 UNIDENTIFIED SPEAKER: [indiscernible] in the parking lot.

13 UNIDENTIFIED SPEAKER: That will get you to a bar, too.

14 CHAIRMAN KIENZLE: Agenda Item No. 10, Availability of Director's Draft of the
15 Biennial Review of WCA Species. Mr. Bulger is not here [indiscernible].

16 UNIDENTIFIED SPEAKER: Mr. Chairman and Members of the Commission, we
17 sent John off for important work [indiscernible] so I'm here instead.

18 CHAIRMAN KIENZLE: That's [indiscernible].

19 UNIDENTIFIED SPEAKER: That is correct. So Mr. Chairman and Members of the
20 Commission, before you today is the Director's draft biennial review. If you recall at
21 the March meeting, we opened the [indiscernible] this review. The species that are
22 listed on the State Wildlife Conservation Act either as threatened or as endangered.
23 We take a preview every two years to see if they are properly listed as [indiscernible]
24 threatened and should be upgraded to endangered. We then opened the 30 – or
25 excuse me, the 90-day comment period from March 15th to June 30th on those

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1 species. We received zero comments this year on the biennial review. We did go
2 through all of our biologists and look at the current status of each species that are
3 listed in the State Conservation Act and the determination from the biologists and our
4 recommendation [indiscernible] is a no change to the current listings of the species
5 listed as threatened and/or in danger in New Mexico. With that, the Department is
6 asking for approval of the draft biennial review that then would go into open a 14-day
7 comment period on the Department's final draft and then present to you for approval
8 at the October meeting the final draft or the final finding [indiscernible]. I will stand for
9 any questions.

10 CHAIRMAN KIENZLE: No change. Any questions or comments?

11 UNIDENTIFIED SPEAKER: Director, do you have a card [indiscernible].

12 [MULTIPLE PEOPLE TALKING]

13 CHAIRMAN KIENZLE: Any discussion on this? You need a vote on this but
14 [indiscernible] questions or comments. Can I get a motion on this item?

15 COMMISSIONER PETERSON: Mr. Chairman, I move to authorize the Department
16 to initiate the opening of the 14-day comment period on the Director's draft 2018
17 biennial review of the state listed threatened or endangered species to commence
18 upon the publication of the legal notice of the comment period.

19 COMMISSIONER SALOPEK: Second.

20 CHAIRMAN KIENZLE: All in favor?

21 COMMISSIONERS: Aye.

22 CHAIRMAN KIENZLE: Ayes have it. Don't go anywhere. You're number 11, you're
23 number 12 [indiscernible].

24 STEWART LILEY: Mr. Chairman, in front of you today is the second update to the
25 deer rule [indiscernible] formality, real quick. We are at stage two of three with

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1 multiple rules today and that's the deer rule [indiscernible]. If you recall, these rules
2 were all opened to initial perspectives and were presented to the Commission -- or
3 excuse me, the meeting in Raton in June. Since then we've gone out and had public
4 comments and reply to proposals [indiscernible]. Today is kind of [indiscernible], it's
5 kind of the last time we will present to you and take comments from the Commission
6 on meeting their proposed changes we would like to see before we go back
7 [indiscernible] November 30 Commission meeting [indiscernible]. So real quick,
8 before we get started on our proposed changes we just want to do a little background
9 on last season. Last year we issued approximately 36,000 licenses statewide for deer
10 with the success of about 35 %, so apparently high success rate. Our satisfaction
11 rating is 3.4 out of 5. That's a question that's asked on the harvest reports and so
12 fairly decent success rate [indiscernible] over the last four-year cycle, so we are
13 pleased with that.

14 Since we last saw you in Raton we held four public meetings across the state
15 and we had 72 attendees to the deer specific meeting. In addition to the public
16 meeting, we also had comments coming into the Department's website on a variety
17 of items you will see there. We have some of the main comments we received, really
18 the main comment we see is was other or unrelated issues to the deer rule. For
19 example, on how quotas work [indiscernible] price of the license [indiscernible] can
20 make through a rule through statutory authority. But you will see there some of the
21 comments [indiscernible] our proposal on splitting the deer January and September
22 bow hunt. Some of our youth Thanksgiving hunts, and et cetera, but we will get into
23 some of these changes as we move down the presentation.

24 So some of the main themes of the deer rule change is like all the rules
25 adjusted the season dates on [indiscernible] every single year [indiscernible] leap

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1 year [indiscernible] every [indiscernible] rule cycle and then always when we bring
2 these rules [indiscernible] we are adjusting the license numbers based upon the
3 biological data, [indiscernible] ratios [indiscernible] et cetera, and then also
4 management whether we're trying to decrease each class or try to increase
5 opportunity, try to increase satisfaction rates, et cetera, so that -- what we did on
6 license numbers [indiscernible] is a function of not only the biological public
7 comments, but also trying to maybe obtain a goal of trying to increase satisfaction,
8 trying to [indiscernible]. One of the biggest proposals that we have is separating the
9 archery season into the September or [indiscernible]. Right now, the hunter draws a
10 lot of these hunts in the southwest, [indiscernible] that allows them to hunt the
11 September bow hunt as well as the January bow hunt. Our proposal is to separate
12 those out, it would be at the time of application you select and determine which hunt.
13 With that, we are able to increase archery deer license across the state
14 approximately 10 %, but even more in that September timeframe [indiscernible].

15 Another big change that we are proposing is standardizing a lot of the youth
16 hunts around Thanksgiving when there's kind of a fall break for kids to allow at least
17 two weekends to occur there right around that Thanksgiving break to get a hunt
18 opportunity in there. Specific proposals by regions of the state, I will go through
19 these. In the northeast area [indiscernible] is an increase of whitetail deer from the
20 eastern portions [indiscernible] central portions of the state [indiscernible]. What we
21 are proposing here is allowing an either sex bag limit on all those hunts for whitetail
22 deer hunts in there.

23 Two other things that we're proposing here is GMU 55 is creating a new
24 archery hunt in September on the Valle Vidal. Currently, there is no deer hunting on
25 the Valle Vidal, so this would be a new opportunity and also a new deer opportunity

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1 on the Colin Neblett of 10 licenses.

2 In GMU 56 our proposal is to add either sex whitetail deer youth hunt. Again,
3 we keep seeing an increase in the population of whitetail deer in that area and an
4 opportunity there, and then in GMU 41 is to create a late-season January bow hunt.
5 Currently there is only a bow hunt in September in that GMU and our proposal is to
6 create an additional January hunt.

7 Overall, in the northeast region we're proposing about a 6 % increase in deer
8 licenses or about 150 across the region in the northeast. In the southeast area one of
9 our first proposed -- currently right now there's a hunt in GMU 30 down the
10 Guadalupe Mountains where it's 960 in one hunt and 640 in the other. That was kind
11 of an oversight on us during the last rule cycle. We would like to actually move that
12 back to 800 per hunt, that 960 was getting a little higher [indiscernible] and we would
13 like to see moving that back.

14 GMU 31/33. Currently the Commission has a property on the Huey, we used
15 to manage the [indiscernible] and the Seven Rivers, as well. Per the DOR now we
16 just have the Huey. We had a hunt that spanned the three different [indiscernible]
17 now that we are only managing the one we're proposing reducing those youth
18 licenses because it's going to be focused strictly on the Huey and not across those
19 three areas, that's why that reduction is there. One of the original proposals we
20 brought to you in Raton that we're no longer proposing, based on public comment
21 and going out to public meetings, et cetera, is splitting GMU 31 and 32. There was
22 some desire originally from that after [indiscernible] came to our attention that there's
23 not, so that proposal is not being pushed forward anymore. One of the other things in
24 the southeast is moving the GMU 34 muzzleloader deer hunt out of the middle of the
25 elk rut, right now it's last part of September, first of October. And then an overall

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1 increase of about 3 % licenses in the southeast, which equates to about
2 [indiscernible].

3 In the southwest portion of the state one of the creations of a new hunt on
4 White Sands Missile Range that will coincide with [indiscernible] when they're going
5 through doing the security checks [indiscernible] tie deer hunting in to that. It's a
6 really small hunt of five licenses [indiscernible] we haven't hunted White Sands
7 Missile Range in quite some time, so this will be a new opportunity for hunters.
8 Another one is to reduce GMU 23 outside of the Burro Mountains licenses by 13 %
9 overall. That 13 % is both whitetail and mule deer. The mule deer is a reduction of 15
10 % and the whitetail is a reduction of 9 %. The GMU 24 we're proposing a reduction of
11 10 % licenses in that GMU. And then specifically to the Burros we're proposing a
12 reduction of mule deer licenses by 25 % in that Burros hunt area and no change to
13 the whitetail licenses. We're also proposing -- right now there's two hunts, two mule
14 deer hunts and two whitetail hunts in the Burros, five days. We're proposing moving
15 those to one hunt a piece and link it to nine days, so it would cover two weekends.

16 Additionally, we would allow those hunters that drew an archery deer hunt in
17 the Burros to be able to hunt in Silver City Management Area. And one of the other
18 big changes we're proposing in the southwest area is right now we have a January
19 [indiscernible] whitetail deer bow hunter January 1st through 15th, we're proposing
20 moving that from January 16th to the 31 [indiscernible] Burros GMU 23, 24, and 27.
21 Overall, in the southwest area is a reduction of 6 to 8 percent licenses depending on
22 if it's whitetail or mule deer but it equates to about 400 licenses reduction in the
23 southwest.

24 In the northwest area one of the big things that we're proposing is opening up
25 the Sargent to deer hunting. Currently, the Sargent is closed to deer hunting our

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1 proposal would but now make this open to deer hunting. Right now, the tags
2 [indiscernible] it would now be Sargent or [indiscernible]. Additionally, we are
3 proposing creating a late-season November hunt of 10 licenses each, 10 on those
4 Wildlife Management Areas and 10 for private. This would be kind of a unique
5 opportunity that we currently do not have. And then creating a September archery
6 hunt [indiscernible]. Right now, we do not have a September deer hunt on there so
7 it's definitely the deer population [indiscernible] - - excuse me, [indiscernible] this new
8 opportunity.

9 And finally, we are proposing creating a late September muzzleloader hunt.
10 You will see the number of licenses doing the same in 5B both on public and private.
11 One of the other proposals in GMU 12 is to move the current muzzleloader hunt that
12 we have for deer out of the elk rut to move it later into October and then in GMU 14
13 we are proposing creating a new January archery hunt and then in GMUs 2B, 2C,
14 5A, 5B, 6A, 6C, 7, 8, 12, we are proposing an increase in licenses 5 % overall but a
15 decrease in licenses in GMU 10 and GMU 12. Overall, for the region in the northwest
16 [indiscernible] increase of 200 licenses. With that, I will take any questions.

17 CHAIRMAN KIENZLE: So is it an overall reductions [indiscernible] overall increase
18 or decrease?

19 STEWART LILEY: Mr. Chairman, overall it across the state an overall increase of
20 licenses of approximately a little over [indiscernible].

21 COMMISSIONER RAMOS: Mr. Chairman, Stewart, in the southwest area proposed
22 adjustments I see Unit 23 and 24 reduction 13 %, 10 %. Do you feel, I mean, it's
23 going to be significantly, you know, enough reduction there to make a difference
24 scientifically, you know, to get that population up or what's the history on that?

25 STEWART LILEY: So Mr. Chairman, Commissioner Ramos, a lot of this, in terms of

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1 population, you know, [indiscernible] hunt strategy so we only really need to have
2 about 10 bucks to 100 does [indiscernible] and population wise, in terms of absolute
3 numbers, what we think these proposals will do will do two things: is create
4 [indiscernible] and not necessarily a bigger population of deer, does, fawns and
5 bucks but an older age class of bucks and also a higher buck to doe ratio which
6 should increase success over time and also increase satisfaction ratings. We do feel
7 that reduction of 13 % in GMU 13 overall [indiscernible] mule deer and then GMU
8 [indiscernible] 12 [indiscernible] 10 % will result in that. In addition, in GMU 23 Burros
9 area where we're having some bigger reductions of 25% mule deer should create a
10 really quality experience in the Burro area specific hunt.

11 COMMISSIONER RAMOS: And that's going to include the January 16th through the
12 31st where it split from the mule deer, correct?

13 STEWART LILEY: Mr. Chairman, Commissioner Ramos, that is correct. Our
14 proposal would be to split out the whitetail hunt from the mule deer hunt on both.

15 COMMISSIONER RAMOS: Okay, and that's happening throughout the whole unit or
16 just in the Burro?

17 STEWART LILEY: Mr. Chairman, Mr. Ramos, that specific - - well, that would be in
18 all those units. Again, in 23 Burros and excluding the Burros and in 24 and 27.

19 COMMISSIONER RAMOS: And yet it will still allow the hunts in the Silver City
20 Management are as well?

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

22 CHAIRMAN KIENZLE: [indiscernible].

23 STEWART LILEY: Mr. Chairman, yes, it's been a lot of work for our employees. As
24 you all well know, every four years [indiscernible] open but that doesn't mean
25 [indiscernible] four years we're not working on utilizing survey data, harvest data,

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1 taking public input, and trying to create what we think [indiscernible] best fit
2 [indiscernible].

3 COMMISSIONER RAMOS: Let me just ask this last one. September [indiscernible]
4 velvet hunt, was that embedded in there as well in the Burro Mountains?

5 STEWART LILEY: Mr. Chairman, Commissioner Ramos, yes, that is correct. So it's
6 a new hunt that was created in the September [indiscernible].

7 COMMISSIONER RAMOS: Okay. Thank you, sir.

8 UNIDENTIFIED SPEAKER: I just want to thank you for that youth hunt. It was three
9 weekends before just looking at it there are some families that can hunt in the middle
10 of the week so now you've made it nine days Saturday to the following Sunday and I
11 think it's about opportunity [indiscernible] out in the middle of the week usually when
12 there's nobody there. I just think that's a great opportunity. Thank you.

13 CHAIRMAN KIENZLE: Deer population is increasing.

14 STEWART LILEY: Mr. Chairman, portions of the state definitely increasing other
15 portions of the state [indiscernible] probably not [indiscernible] we saw 15 years ago.
16 Hopefully, we will continue to see some increases. We are really working hard on
17 habitat management [indiscernible] we hope we have seen the worst of
18 [indiscernible].

19 COMMISSIONER RAMOS: Just one last one question and this might be a little
20 controversial, possibly, but I was asking about the three traditional muzzleloader units
21 throughout the state. Was there going to be an option on that, as well, to possibly
22 look at possibly saying any muzzleloader or restricting that, you know, to traditional
23 flintlock percussion cap as well? What's the discussion behind that?

24 STEWART LILEY: So Mr. Chairman, Commissioner Ramos, yes, there's three
25 currently primitive restrictive muzzleloader hunts in the state, that's in GMU 33, GMU

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1 12, and GMU [indiscernible]. Our proposal at the time, currently, is to not remove
2 those restricted muzzleloader hunts. Any manner and method it will define. So, as
3 you recall, we're taking manner and method out of the [indiscernible] species rules in
4 [indiscernible] just the manner and method rule [indiscernible] later today to discuss
5 as what would be the legal weapon type during that restricted muzzleloader hunt
6 [indiscernible] what it is that [indiscernible] the biggest is on those restricted
7 muzzleloader [indiscernible] more traditional without [indiscernible].

8 COMMISSIONER RAMOS: And I can definitely sign on either side of that issue. One
9 of the things I really want to kind of look at is, down the road, is possibly having some
10 future traditional equipment for archery hunters as well as, you know, for, you know,
11 quality hunts, you know, maybe certain units that we could possibly pilot may be right
12 in the middle of a rut for an elk hunt for traditional longbow, traditional equipment
13 versus everything that we can use from scopes to lighted pins to range finders, even
14 on our equipment nowadays, and just trying to streamline and make it equal to what
15 we are allowing muzzleloader hunters from scopes, because a lot of these
16 muzzleloader's are so en masse and almost equal to high-powered rifles that we
17 wanted to see which archery muzzleloaders, primitive muzzleloaders, rifle
18 opportunities, and then look at all these different angles on that but, hopefully, as the
19 Department, we do look at if we are going to allow [indiscernible] specific primitive
20 weapon percussion cap, flintlock for deer, I hope that we can look at some other
21 opportunities down the road for other pilot hunts. I hope that makes sense.

22 STEWART LILEY: Mr. Chairman, Mr. Ramos, [indiscernible].

23 COMMISSIONER RAMOS: Thank you.

24 CHAIRMAN KIENZLE: [indiscernible] you have anything to say about [indiscernible].

25 UNIDENTIFIED SPEAKER: [indiscernible].

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1 CHAIRMAN KIENZLE: I can't help you.

2 UNIDENTIFIED SPEAKER: [indiscernible].

3 [MULTIPLE PEOPLE TALKING]

4 UNIDENTIFIED SPEAKER: All right. I have some [indiscernible] stuff on my phone
5 so please bear with me as I read through these. I just wanted to, first off, thank the
6 Department and thank Stewart and Oren [phonetic] for going through this
7 [indiscernible] process. I know it wasn't easy for you guys and [indiscernible] his busy
8 schedule to go over a lot of the data with me to justify any of these increases or
9 changes or anything [indiscernible] we will back you guys 100 % on the scientific
10 [indiscernible] management and so just wanted to see where the numbers kind of
11 came from but I did want to share some feedback that I have received from our
12 members and volunteers across the state.

13 There were several things about the proposal that we were in support of, so
14 we wanted to share those. To start with, definitely in support of allowing the Burro
15 archery hunters an opportunity to hunt in Silver City Management area. Also, in
16 support of combining the youth hunt into a nine-day [indiscernible] hunt [indiscernible]
17 Commissioner [indiscernible] duly noted that it's going to make more opportunity,
18 make it easier for some of those youth hunters and families on that hunt. We are also
19 in support of the decrease tag in the southwest area [indiscernible], definitely could
20 use some help throughout the state and that's one of them. Also, in support of the
21 increase whitetail hunts in the northeast area as well as making them either sex
22 whitetail hunts and support of the Unit 19 [indiscernible] hunt and in support of the
23 [indiscernible] September archery deer hunt. In the hunt that we submitted, we were
24 in support of the January, September split but since [indiscernible] these comments
25 [indiscernible] volunteers it's kind of been a 50-50, so while members are in support

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1 of it, some of them are not. The nonsupport of that hunt mostly comes from the
2 increase of tags during the archery elk season so they don't want more hunters on
3 the landscape for deer tags. Personally, I would like to a vote. A couple of the strong
4 opposition that we have from our members on the rule change specifically led to Unit
5 2B/2C. A lot of the members that we have in that part of the state [indiscernible], as
6 well as members from across the state, do not want to see an increase in tags in Unit
7 2B/2C. Our meet in the middle grounds on this is if they do want to see an increase in
8 those units potentially make that increase of tags, I believe it was about ten tags,
9 make that a management hunt or a youth management hunt there's a lot of deer in
10 that area [indiscernible] size deer [indiscernible] make that a youth. Management
11 hunt which [indiscernible] before more than happy to supply a camp and resources
12 for those hunters. Our members also strongly oppose increasing deer tags in Unit 30
13 and 31. I know some of the biological data shows that there is an increase in
14 population in those areas but some of that data did not include any of the poaching
15 rates and that is a heavily poached area for deer, so we just want to include some of
16 that in making those decisions and our members do not want to see more deer
17 hunters or more tags – or more deer harvested out of Unit 30 and 31 . Also
18 suggested to me, some modification to some of the harvest reporting data. That way
19 we can collect more data from our hunters to see what they are observing out in the
20 field. Those were kind of the main key points. Again, I want to thank the Department
21 and thank you for having the public comment meetings, as well, as I think that was
22 important for all of our members to get out and see the proposals. We pushed the
23 proposals and information out for our membership extremely hard so that they could
24 see what changes are coming in the next four years. Thank you.

25 CHAIRMAN KIENZLE: Would you do me the courtesy of emailing to Stewart, not

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1 necessarily the things you agree on, which is good, but the ones where there's still
2 some disagreement, and then just work through those. If we can make a change,
3 make a change, if it's not real [indiscernible] take another look at it.

4 UNIDENTIFIED SPEAKER: Mr. Chairman, we'll do.

5 UNIDENTIFIED SPEAKER: Mr. Chairman, I did email those already to
6 [indiscernible].

7 CHAIRMAN KIENZLE: [indiscernible] keep it short and simple, Stewart has too much
8 to do.

9 UNIDENTIFIED SPEAKER: Yes, sir. Thank you.

10 CHAIRMAN KIENZLE: [indiscernible]. Thank you.

11 UNIDENTIFIED SPEAKER: Mr. Chairman, Stewart, on the 2B/2C licenses
12 [indiscernible] increase, would those be rifle, muzzleloader, archery? Can you be
13 more specific on that?

14 STEWART LILEY: Mr. Chairman and Members of the Commission, we're proposing
15 a 2.4 increase in licenses in 2B [indiscernible] tags total. Let me get to the spot in my
16 notes here, real quick. What it is, is, on the second rifle hunt we'll have an increase of
17 25 licenses and on the [indiscernible] an increase of 25 licenses. In 2C our proposal
18 is a 7 % increase which equates to 10 tags. That 10 tags would be on the purchase
19 rifle hunt there in 2C of going from 20 to 30 tags.

20 UNIDENTIFIED SPEAKER: Okay, thank you.

21 CHAIRMAN KIENZE: Any other questions or comments?

22 COMMISSIONER RAMOS: Mr. Chairman, two things. I noticed you've got the new
23 [indiscernible] in the [indiscernible] why didn't you include [indiscernible] on the tags
24 [indiscernible}?

25 STEWART LILEY: Mr. Chairman, Commissioner Ramos, I think part of it was trying

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1 to just see how that hunt goes first during this first-year rule cycle. We definitely had
2 more deer on a greater landmass across the [indiscernible] and also on the
3 [indiscernible] at north and south, see how that works, see what the success rates
4 are looking like on those hunts, and then maybe come back in the next rule cycle
5 after we look at that and determine [indiscernible].

6 COMMISSIONER RAMOS: What do you propose possibly accomplishing
7 [indiscernible] have time prior to the November 30th meeting [indiscernible]?

8 STEWART LILEY: Mr. Chairman, Commissioner Ramos, so on the Commission's
9 webpage under proposals under consideration, that summary is published, and
10 we've been updating it through time. The actual rule, we're planning on developing
11 the rule shortly here after this meeting. I would hope we would have it published on
12 the Department's website by mid to early September - - probably mid-September is
13 what we're looking like for the entire rule on these three [indiscernible] to be
14 published [indiscernible].

15 CHAIRMAN KIENZLE: Are there more public meetings after that?

16 STEWART LILEY: Mr. Chairman, Commissioner -- Mr. Chairman, excuse me, we've
17 already [indiscernible] public meetings and our proposal is that we feel that we came
18 to a pretty good middle ground especially [indiscernible] work through [indiscernible]
19 data. We feel we came up with [indiscernible] comments and that's what we
20 [indiscernible].

21 CHAIRMAN KIENZLE: [indiscernible] rules that will go on the website, you pretty
22 well vetted it with the public already?

23 STEWART LILEY: Mr. Chairman, that is correct. [indiscernible] concepts that the
24 word by word wasn't vetted but the text or the concepts and the license numbers
25 were [indiscernible].

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1 COMMISSIONER SALOPEK: Stewart, same thing looking at 2C future deer
2 development rules maybe you could open up the September bow hunt [indiscernible]
3 but future rules.

4 STEWART LILEY: Mr. Chairman, Commissioner Salopek, [indiscernible].

5 VICE CHAIRMAN MONTOYA: Stewart, on the east side of the state concerning
6 whitetails, do we have a big increase on those? In other words, we're having an
7 either sex hunt on whitetails in that east side of the state?

8 STEWART LILEY: Mr. Chairman, Commissioner Montoya, probably the biggest
9 where we've seen an increase is along the Canadian, and also probably the
10 [indiscernible], that's why we're proposing the northeast. We already created some
11 mature buck whitetail deer tags in that [indiscernible] previous rule cycle
12 [indiscernible] switch those to either sex. They are definitely more concentrated on
13 agricultural fields [indiscernible] we are seeing an increase around that
14 [indiscernible].

15 VICE CHAIRMAN MONTOYA: Thank you.

16 CHAIRMAN KIENZLE: Questions or comments? All right. Right on. Why don't we
17 take a quick break? I think [indiscernible].

18 STEWART LILEY: That's called the COER boundary within those areas. Those are
19 pictured here. As we go through the proposals today, you'll see we were proposing
20 creating that new [indiscernible] COER which is in GMU 12 which is the
21 [indiscernible]. Real quick, just like we did for deer, I want to go real briefly about last
22 year's season. Approximately [indiscernible] 37,000 [indiscernible] bison licenses
23 sold across the state last year. Almost 40% success rate across the state, so fairly
24 high success, that's across all weapon types – public, private, et cetera, and the
25 satisfaction rate 3.66 out of 5, so fairly high satisfaction rate. Just like we

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1 [indiscernible] with combining the health rule [indiscernible] we did the same with our
2 public [indiscernible] for the most part. You'll see there we held approximately five
3 meetings across the state our highest attendance in the year we had 455 attendees
4 across all the different public meetings so really high attendance, we had a lot of
5 people [indiscernible].

6 CHAIRMAN KIENZLE: Are those meetings in the evening, during the day?

7 STEWART LILEY: Mr. Chairman, we typically host them at 6 p.m. at night, 6 to 8
8 after work at different locations throughout the state. You'll see there, just like with
9 the deer, where we have a summary of majority of comments we received through
10 the website on our public comment registry [indiscernible], the majority of the
11 comments have at least one or more support of aspect of the proposal. We'll get
12 comments where they'll go through 10 things that they like, one may dislike
13 [indiscernible], we just went through on the deer and then some of these other
14 comments that we received. One of the other big ones was on for either proposing
15 expanding some COER boundaries in GMUs, creating COER boundaries in other
16 GMUs, and those comments were approximately one third split amongst one-third for
17 the expansion, one third are for the new creation [indiscernible], and one third
18 wishing that we'd put more COERS in. So those are kind of split across everything
19 and you'll see the rest of that throughout, just different comments throughout there,
20 and what you'll see what we're proposing in these next two presentations are kind of
21 a compilation of [indiscernible] biological [indiscernible] received and where we saw
22 from the last four-year rule cycle.

23 So for [indiscernible] we are adjusting the calendar dates based upon that
24 [indiscernible] start on Saturday for most of our public [indiscernible] adjusting every
25 seven years [indiscernible] licenses to the current public-private split. What that is, is

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1 where we have a COER [indiscernible] those licenses are split at the very onset
2 between the percentage of public land and private land so it's 50-50 GMU, 50 %
3 [indiscernible] go into the draw, 50 go through [indiscernible] so we -- every four
4 years look at what that public-private is on every single GMU, make sure it hasn't
5 changed from a land ownership standpoint, and adjust licenses based off that.

6 One of the proposals we brought to you in Raton that we're proposing a little
7 bit of change to, or a modification, that's our youth encouragement hunts, those are
8 those late-season cow hunts that are on Thanksgiving weekend or around Christmas
9 weekend. Right now, the way it works is a youth hunter that was unsuccessful, and
10 they put in for the draw, were unsuccessful on the draw, we then in the summer,
11 open up these hunts to the first 14 days for those hunters to be able to get those
12 tags. After 14 days, it's open to any youth, regardless if they put in the draw or not, or
13 if they received a tag or not. Our original proposal was to take half of those tags and
14 make them available to seniors 65 or older. We since modified that proposal. After
15 feedback from the public meetings, this is what our proposal would be is the first 14
16 days those tags would be available only to resident youth that put in for big game
17 hunts and were unsuccessful in the draw excluding [indiscernible] hunts. After the 14
18 days, those tags would still be available to resident youths that were unsuccessful in
19 the hunt, but in addition, we would allow seniors 65 years or older that put in for a big
20 game draw but were unsuccessful on the draw be able to try to get one of those tags
21 as well. So it's a little modification, rather than splitting it in half the first 14 days is
22 reserved for youth still, but after that it will now be available to seniors.

23 COMMISSIONER RAMOS: It will be available to comingle with the youth or the
24 seniors after that 14-day --

25 STEWART LILEY: Mr. Chairman, Commissioner Ramos, whatever tags are left over

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1 that the youth did not pick up in the first 14 days but those now resident seniors 65
2 years or older would now be available [indiscernible].

3 COMMISSIONER RAMOS: As well as continue [indiscernible].

4 STEWART LILEY: That is correct.

5 COMMISSIONER RAMOS: Okay, thank you.

6 STEWART LILEY: The other proposal we have is those amber point restricted
7 archery hunts that are late-season. They are typically on a fire sale, first come first
8 serve; they are sold out sometimes in less than two seconds. Our plan is to put them
9 in the draw under fairly high sought after so we're going to put them in the draw
10 because there's a lot of unsuccessful draw applicants as it is [indiscernible]. And then
11 adjusting COER boundaries in some of these primary management zones. We'll go
12 through, like we did for deer in each region of the state, and whether the COER
13 boundary adjustment [indiscernible].

14 Starting in the southwest portion of the state, the Datil Herd in 13. Our
15 proposal there is no change to license numbers, but it is a change to the COER
16 boundary. And again, we will get to that here after this slide. The COER boundary
17 change is moving or including part of what they call the narrows in GMU 13 into the
18 COER. Through time we've seen more elk concentrated in that area [indiscernible]
19 population there. In the Great Gila Herd 15, 16A through E, our proposal, at this time,
20 is no changes for that herd. It's going really well. The success rates are still
21 maintained high, still high bull/cow ratios and we propose no change. Same with
22 [indiscernible]. Again, there's no changes in that herd from the current rule cycle. One
23 thing that in GMU 19 it will be outside the COER, but it's opening White Sands
24 Missile Range to a really restricted hunt, either sex licenses, probably going to occur
25 on the [indiscernible] Mountains portion of the White Sands Missile Range. Those elk

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1 are starting to move down south [indiscernible]. In the Lesser Gila Herd GMU 21 A-B,
2 23, 24 has a couple proposed changes, one of that being is a creation of a late
3 season mature bull archery hunt. A 15 license apiece proposal -- or excuse me, in 21
4 A, 21 B, and 23. In addition, we are proposing expansion of the COER boundary in
5 21 B, moving that boundary south towards Winston and a little bit further south from
6 there. We've seen through time a lot of elk move into the [indiscernible] Mountains
7 and really start building herds there. There's a desire from a lot of the private land
8 owners, as well, to move that herd into the COER boundary there.

9 So what this picture here is, is the 13 COER boundary expansion. It's a little
10 hard to see. The [indiscernible] is where the new COER boundary expansion would
11 occur and the current COER boundary is this, kind of, black patch, all this down to
12 the south, so that would be the expansion in GMU 13. In GMU 21B, this is the COER
13 boundary expansion to the south that I just discussed, and it would be -- so right now
14 the COER is in the north and it ends right here. Our proposal is to expand to the
15 south to include the [indiscernible] Mountains. In the southeast area outside the
16 COER [indiscernible] that are outside the [indiscernible] GMU 30 in the Guadeloupe
17 Mountains you'll see on our next proposal the EPLUS is on those outside the COER
18 areas or what we're now going to be calling the secondary management zones.
19 We're proposing allowing, on private deeded land, over-the-counter hunts from
20 October 1st to December 31st in those units that are exclusively or have no
21 [indiscernible] but also have a public [indiscernible]. We want to have a public
22 [indiscernible] also October 1st so that's why you'll see in GMU 30 and some of these
23 other units as we go down here proposing an October 1 through 5 hunt, a creation of
24 it, or moving some tags there, so that's that one in GMU 30 new hunt of October 1
25 through 5 [indiscernible]. GMU 30, the Sacramento Herd, which is just [indiscernible]

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1 south of the Mescalero Indian Reservation. Our proposal is to increase the draw
2 licenses for cow hunts to 3 hunts, 350 licenses apiece, and then maintain the youth --
3 or excuse me, youth [indiscernible] licenses as is at 120. In addition, our proposal is
4 to change all of the mature bull hunts in GMU 34 to either sex hunts. GMU 34 has a
5 late-season and a point restricted bull hunt for bow. Our proposal is to make that a
6 late-season and [indiscernible] restricted bow hunt but also allow those hunters to
7 take a cow, try to target some cow harvest [indiscernible]. And then expanding the
8 COER to the eastern and western portions of GMU 34, I'll get to that here in the next
9 slide. The Ruidoso Herd, GMU 36, just to the north of the Mescalero Reservation,
10 that's our highest bull to cow ratios in the state, and it's been increasing over the
11 previous four-year rule cycle. You'll see there is 71 bulls to 100 cows prior to what
12 we've seen in [indiscernible] populations like [indiscernible] really productive herd,
13 high calf to cow ratios. Our proposal on that is to increase licenses by 15 % both on
14 the either sex and the mature bull hunts. In GMU 37 our proposal is to - - so
15 originally, when we came to Raton there was a proposal to put GMU 37 into the
16 COER. Since that time, we've decided -- we went through the public comment, met
17 with a lot of landowners in GMU 37, their preference was to do over the counter
18 October 1 through December 31st. Manage that herd more for deer in that unit and
19 not necessarily [indiscernible]. So the preference in GMU 37 was not as strong
20 towards elk management but more deer management. Since that time, we've
21 rescinded that proposal to put GMU 37 in the COER. The population is -- the elk
22 population is definitely not as high as other areas, it also goes down into the desert,
23 more desert type habitat out by Roswell [indiscernible]. Addition in 37 is to put that
24 late-season APRE6 bow hunt into the draw. GMU 38, which is outside the COER as
25 well, is to create an October 1 through 5 hunt, to coincide with that private land hunt

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1 that would now start October 1 through 5, if the proposed changes in the EPLUS rule
2 goes through. Here is the proposed COER expansion in GMU 34. If you'll see there
3 on that the eastern side, it's including this portion here, and on the western is
4 including the portion there. So not big COER expansions but also definitely including
5 some areas where elk have really come in in higher concentrations than including
6 those in the COER.

7 In the northeast area in GMUs 46, 54, 55 where these are entirely 100 %
8 private land GMUs or 90 % or better private GMUs. There are areas where we still
9 want to manage for either quality - - or excuse me, quality management or
10 opportunity management elk populations, but because they are either entirely private
11 land we are proposing a special management zone designation for those GMUs. I will
12 get to that in the next presentation, but this will be a ranch by ranch negotiation on
13 those to maintain the populations that we have in there. But again, there is no public
14 land in most of the GMUs so that's why it's a special management zone designation.

15 GMU 42, 47, 59. We're proposing creating a new elk hunt or new elk hunts in
16 that and putting that outside the COER. Why we didn't have elk hunts really in there
17 before was there really wasn't public access. In the last year the BLM has gained
18 public access to the [indiscernible] Wilderness Area which will now allow a hunt to
19 occur in there, that's in GMU 42. What you see there is two different archery hunts,
20 two archery hunts at 10 licenses apiece, and then an either sex hunt of rifle hunt
21 October 1 through 5. Again, this would still be proposed outside the COER, it's on the
22 eastern portion of the state. GMU 45. We are not proposing any changes at this time.
23 That's the Pecos Herd. The White Peaks Herd up in GMU 48 our proposal is to move
24 that October -- or excuse me, December bull hunt back into October no longer in the
25 December where we have some cow hunts. On the Valle Vidal our proposal is right

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1 now, we have youth and a non-restricted adult hunting at the same time for cows.
2 Our proposal is to separate those and have a youth centric hunt for that. And then on
3 the Colin Neblett, right now we hunt them separately Colin Neblett south and Colin
4 Neblett north. Our proposal is to combine the two units, not change the license
5 numbers, but combine them and hunt -- allow the hunters to hunt both the north and
6 the south. In GMU 56, 57, 58 we are proposing creating, again, that would stay -- it
7 would be outside the COER and we would have a coinciding public hunt. We have a
8 hunt of 10 licenses and now a proposed hunt of five licenses across the GMU in
9 those units. And in the San Cristobal Mountain Herd, GMU 53, we are not proposing
10 any changes at this time.

11 In the northwest, the San Juan Herd, we are proposing -- right now, it's
12 currently designated as quality hunt management. We really want to make that a
13 deer centric kind of where we're really more focusing on deer in that unit. We want to
14 poll the quality hunt designation, proposing polling quality hunt designation from it,
15 making it optimal opportunity and then also creating a late-season cow hunt of 50
16 licenses in 2C to really target some of those elk that are on a lot of the wintering
17 grounds for deer in GMU 2C. In the Northcentral Herd 4, 5B, 50, 51, 52, our proposal
18 is, kind of, a couple of things here. One in GMU 4, which is entirely private land
19 except for the three wildlife management areas at that the Commission has, on the
20 mature bull tags we are proposing making those mature bull/antler list, so a hunter
21 can hunt either a branched antlered bull or take an antler list. By statute, our draw
22 licenses if it's an antler bag limit have to go to residents only, but because GMU 4 is
23 not a draw unit for private licenses that's why we're proposing that there and not
24 some of these other units and they are also WMAs by statute are reserved for
25 residents only. So putting this designation on it does not change anything from a

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1 draw standpoint. These tags will all still continue to go to residents -- on the public,
2 excuse me.

3 Also, we're proposing creating a new antler list hunt on the Rio Chama Wildlife
4 Management Area. Since we've done a lot of the habitat improvements on that area
5 we've seen elk that used to be migratory now become resident herd and that herd is
6 kind of starting to grow and we want to be able to either stabilize that herd, at least,
7 and then also creating a new -- allowing the Rio Chama WMA and the Humphrees
8 WMA to be able to be part of the archery seasons. And the Jemez Herd, GMU 6A
9 through C, and also 7, really the only changes there on the [indiscernible]. As you
10 recall probably discussions a year ago, on the mobility impaired hunt on the
11 [indiscernible] issues with access on roads to get mobility impaired hunters back into
12 the backcountry. We were working with [indiscernible] to try to get that opened; they
13 are not going to open those roads, so we are proposing eliminating the mobility
14 impaired hunt because we feel like it's not a good hunt for a mobility impaired hunter
15 if we can't get access in to there --

16 CHAIRMAN KIENZLE: [indiscernible] the fence?

17 STEWART LILEY: Mr. Chairman, that is correct. Additionally, we are proposing
18 increasing some of the bull hunts and the youth hunts. You'll see there the youth hunt
19 has gone from 35 to 60 on the cow, but also allowing an either sex bag limit on the
20 hunts on the Caldera [phonetic]. That was kind of a proposal by the Caldera itself.
21 We looked at the data and it suggests -- the data on the elk and the Caldera, we can
22 handle an either sex hunt.

23
24 CHAIRMAN KIENZLE: If access were restored for mobility impaired, would we keep
25 that in there?

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1 STEWART LILEY: Mr. Chairman, if they would have had allowed backcountry travel
2 on vehicles, yes, we would have kept it in there. If they were to restore it at a different
3 time we would come back to the Commission and re-propose having that hunt again.

4 CHAIRMAN KIENZLE: Is there a way we can build flexibility into the rule to account
5 for possibly having that access restored so we don't have to come back and revisit
6 this?

7 STEWART LILEY: Mr. Chairman, what we -- yes. My proposal would be that we
8 would put it in there as a 6B mobility impaired restricted hunt, set up the hunt dates,
9 and then put licenses in TBD. If -- we could put that in the rule and that way if the
10 access is not restored, we do not release licenses that year. If it is restored, we could
11 put licenses --.

12 CHAIRMAN KIENZLE: Let's do that. I think that's a better way to go.

13 STEWART LILEY: Let me take a note, real quick. Excuse me.

14 UNIDENTIFIED SPEAKER: I thought you wrote this stuff down in your head.

15 STEWART LILEY: I try to.

16 CHAIRMAN KIENZLE: I'm just trying to be helpful and that issue will get resolved.

17 COMMISSIONER RAMOS: Stewart, on that -- on the new allocation of tags. Could
18 you go over that a little more deeper on that? I didn't quite get that mature bag, are
19 they going to be archery - - go through that one more time for me.

20 STEWART LILEY: Mr. Chairman, Commissioner Ramos, right now on the mobility
21 impaired cow hunts on the Caldera, what our proposal is and with -- is eliminate that
22 because of the road access but increase total cow tags across the remaining hunts
23 which include a youth hunt. So you will see the youth hunt is going from 35 to 60, so
24 that's taking in some of those hunts that used to be mobility impaired. So it's kind of a
25 redistribution of those tags, but also a slight [indiscernible] because the population

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1 can handle it. What we'll do with the new proposal would put a [indiscernible] in there
2 and then work with the Caldera to open that road access, determine how many
3 licenses there could be for a new [indiscernible]. In terms of either sex bag limits, all
4 the WMBs so archery is not -- archery is increasing five licenses per hunt September
5 1 through 14 and then 15 to 20 for increased five per hunt but all mature bag limits
6 for muzzleloader -- excuse me, muzzleloader or any legal weapon type will be
7 changed from a NB bag limit to an either sex.

8 COMMISSIONER RAMOS: That's a good thing. On the 60, going from 35 to 60 are
9 those going to be all together or spread out through a different timeframe?

10 STEWART LILEY: Mr. Chairman, Commissioner Ramos, I would have to look real
11 quick.

12 COMMISSIONER RAMOS: And the reason why I say that is just the access to that
13 place. If you have 60 people there hunting at one time, it's going to be a horrible
14 satisfaction rate there, you know. On the other hand, I'm glad that you did change
15 this because it was pretty much [indiscernible] main roads that you have there and
16 once you - - it's nice that these 60 people can walk and penetrate into that property a
17 little deeper.

18 STEWART LILEY: Mr. Chairman, Commissioner Ramos, that would be split into two
19 different youth only hunts so it would not be 60 [indiscernible], it would be two hunts.

20 COMMISSIONER RAMOS: [indiscernible] good. Thank you, sir.

21 STEWART LILEY: Moving on to the Mt. Taylor Herd, GMU 9, we continue to see
22 declining calf to cow ratios. It's actually been a little bit of an increase since the last
23 rule cycle, but we're still at the lowest calf to cow ratios in the state. We're proposing
24 eliminating all cow hunts in GMU 9 and reducing the [indiscernible] bull licenses --
25 either sex licenses by 25 % until we can get that herd back up. As you have heard

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1 from us a couple of times, we are in need of [indiscernible] that study there
2 monitoring elk cows. We did some coyote control work this year before and out
3 [indiscernible] of this year's calves is basically at 0 %. We'll monitor to see if they can
4 survive the rest of the year if another predator doesn't pick it up, but we are
5 encouraged by the early results so far. We'll continue to do that, and we'll monitor it
6 through this four-year rule cycle to try to pull the population back up.

7 COMMISSIONER RAMOS: Stewart, on that is our -- are you finding any bears that
8 are taking any of these calves or cows that are --

9 STEWART LILEY: Mr. Chairman, Commissioner Ramos, some of those other
10 studies, for example, on the [indiscernible] almost 500 elk calves across multiple
11 years. Yes, there was [indiscernible] of predator on those areas. We thought going
12 into GMU 9 we might see a similar pattern. GMU 9 was definitely -- and Mt. Taylor
13 Herd was a surprise to us, and actually a surprise to most the western states where
14 coyotes are the leading cause of mortality for elk calves. Typically, coyotes are more
15 [indiscernible] on deer fawns than they are elk calves, so it definitely was a surprise
16 to us. We still have some bear tradation [phonetic] in GMU 9, but it's not as high as
17 maybe some of the more central herds [indiscernible].

18 COMMISSIONER RAMOS: And then you probably don't have this data in front of
19 you, but do you see the trend of our bears meeting our harvest rates in that particular
20 unit, Mount Taylor? Or is it still part of that zone and should we maybe look at
21 [indiscernible] particularly for that Mount Taylor unit?

22 STEWART LILEY: So Mr. Chairman, Commissioner Ramos, our bear tradation on
23 elk calves is actually pretty small in that unit. So in terms of if we were to increase
24 their take in Mt. Taylor, I don't think we would see much from an elk calf perspective.
25 What we did during that last rule cycle when the [indiscernible] was open, where we

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1 saw high mortality of bear on elk calves, we did increase [indiscernible] in some of
2 those. For example, up in the -- around the [indiscernible] area, we did increase that.
3 GMU 9, I think, I don't know that for sure if we meet quotas every single year in that
4 zone, but we are pretty close. Almost statewide we're meeting quotas on that. The
5 bear and cougar rule would open next year for the next four-year rule cycle
6 [indiscernible].

7 COMMISSIONER RAMOS: Thank you, sir.

8 CHAIRMAN KIENZLE: Are there any other mobility impaired hunts [indiscernible]?

9 STEWART KIENZLE: Mr. Chairman, that's the only one [indiscernible].

10 VICE CHAIRMAN MONTOYA: [indiscernible].

11 STEWART LILEY: Mr. Chairman, Mr. Montoya, no, not at this time, we're not
12 creating. There are some hunts that are increasing the license numbers because of
13 the increases we went through before on mature bull and either sex hunts. So
14 overall, there are more mobility impaired elk hunting opportunities in the state we are
15 increasing, but it's eliminating that specific hunt.

16 CHAIRMAN KIENZLE: Refresh my memory [indiscernible] it's Park Service, right?

17 STEWART LILEY: Mr. Chairman, that's correct --

18 CHAIRMAN KIENZLE: They're just saying no backcountry access regardless of
19 whether you're mobility impaired [indiscernible].

20 STEWART LILEY: Mr. Chairman, [indiscernible].

21 CHAIRMAN KIENZLE: Do we -- are we, the Department, in dialogue with them to fix
22 that problem?

23 STEWART LILEY: Mr. Chairman, since the Park Service took over control from the
24 Forest Service we been in constant dialogue about it. That hunt was already in, so it
25 was during the last rule cycle. We work with them every year trying to resolve some

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1 of this issue. They're saying they have to go through a full EA to look at some of that
2 access --

3 CHAIRMAN KIENZLE: So, as I said before, do not eliminate that hunt. Let's keep it
4 in there because I don't want to give them an easy out to say "well, there's no hunt so
5 the access is irrelevant". So we committed to impaired hunts, and so let's build some
6 flexibility in there.

7 STEWART LILEY: Chairman, we'll do. GMU 14 is a new hunt we're proposing in the
8 [indiscernible] Mountains. We're proposing that outside of the COER but a new hunt
9 at 10 licenses October 1 through 5 on the public draw side [indiscernible]. This is, I
10 forgot to mention, the Mt. Taylor herd. We're also, in GMU 9, proposing a COER
11 expansion to the east. That COER expansion would include some of the winter
12 range. You can see here on the south and this eastern portion where that expansion
13 would occur, that's down in some of the flats where we have a lot of our radio-
14 collared elk group down in to [indiscernible]. One of the big proposals we have at this
15 time is proposing putting GMU 12 into the COER, the entirety of the GMU, and we
16 would create a new unit called the [indiscernible] Herd Unit. The COER boundary
17 would be across -- our proposal is the COER boundary across the entirety of the
18 GMU and create a quality designation for that herd, quality hunt management.

19 Currently, right now it's a very high quality sought after elk hunt in the state. We have,
20 I'm sure you'll hear from many landowners here after I'm done with [indiscernible],
21 plus we've held a specific meeting just for GMU 12 in Camato [phonetic] about two
22 weeks ago to discuss it. GMU 12 is approximately 42 % public land and 57 % private
23 land. Currently, it's being hunted as outside the COER where it's a range-by-range
24 negotiation. There is -- again, our proposal is to maintain quality or maybe increase
25 quality in GMU through time and put it into the primary management zone or inside

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1 the COER and distribute licenses like we do the rest of the COER units for those
2 remaining 16 herd management units in the state, we're going to be on the public-
3 private split. Right now, the private landowners are receiving a little bit more than 90
4 % of the bull licenses and this would now put it back under the spit under the COER.
5 What we're proposing also is a 10 % increase in licenses across the board. Part of
6 that is a restructure. Right now, because it's outside the COER, a lot of those hunts
7 are on private and they're occurring October 1st. When we put it into the COER those
8 hunts would come in the first [indiscernible] I think next day would be October 5th in
9 that cycle, like I discussed, where we have to move [indiscernible] we would structure
10 hunts even though it's a 10 % increase, both public hunts would be structured all the
11 way to the end of October, early November. Right now, success rates are almost 50
12 to 60 % on bull hunts and there we think some of those public success rates on the
13 public hunts might go down to 20 %. What we see in GMU 15, for example, the last
14 415 was approximate 20 %. Through time we'll probably will see actually less bulls
15 being killed in GMU 12, even though we are talking about a 10 % increase in
16 licenses. With that, I would take questions on elk, but it sounds like we'll hold public
17 comment for both and I'll do the [indiscernible].

18 CHAIRMAN KIENZLE: [indiscernible] questions but we will pick up public comment
19 on this after the other presentation. So any questions or comments on this Agenda
20 Item?

21 COMMISSIONER PETERSON: I have a question. Mr. Chairman, Stewart, on that
22 unit 2C late-season increase new hunt, is that going to be cows, bulls --

23 STEWART LILEY: Mr. Chairman, Commissioner Peterson, that would be a cow hunt
24 specifically targeting those late-season cows [indiscernible].

25 COMMISSIONER PETERSON: Thank you.

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1 VICE CHAIRMAN MONTOYA: Mr. Chairman. On that Unit 36, Stewart, when we
2 flew that, was that because we've got such a high bull ratio in that, is that a pretty
3 adequate sample or --

4 STEWART LILEY: Mr. Chairman, Commissioner Montoya, yeah, so we're actually
5 seeing a large increase in elk [indiscernible] helicopter as well. I can pull some of the
6 data here. You know, our sample size is in GMU 36. Typically, in the surveys observe
7 well over 1000+ animals during the survey. So once you hit about 500 animals, your
8 ratios don't change much just because it's fairly consistent. But if we're sometimes
9 getting as many as observed 2 to 3,000 during the two days survey in there, so it is
10 not a small sample size. It's definitely is a large --

11 UNIDENTIFIED SPEAKER: Don't say that too loud. It looks [indiscernible].

12 UNIDENTIFIED SPEAKER: [indiscernible]

13 UNIDENTIFIED SPEAKER: Okay, thank you.

14 COMMISSIONER SALOPEK: In Unit 34, Stewart, changing from mature bull to -- is it
15 either sex? Is that rifle and muzzleloader?

16 STEWART LILEY: Mr. Chairman, Commissioner Salopek, yes, that is correct.

17 COMMISSIONER SALOPEK: Good. Thank you.

18 CHAIRMAN KIENZLE: That's a lot of work. Did you pull that all together
19 [indiscernible] four years?

20 STEWART LILEY: Mr. Chairman, that's at four years and a lot of people. I'm here
21 presenting on behalf of a lot of work of a lot of people.

22 CHAIRMAN KIENZLE: [indiscernible] that's a lot of good work. We'll pick up public
23 comment on that. Any other questions or comments from Commissioners?

24 COMMISSIONER RAMOS: Yeah, just one last comment again back on your work,
25 Stewart. I want to thank you for really listening to the public. I know we had a lot of

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1 people in that 37 that were concerned and, you know, public input is very important.
2 You listened, you dissected it, you know, you looked at the scientific makings and
3 changing things based on statute what allows you at that, survey satisfaction, harvest
4 rates, and just putting it all together. A job well done. Thank you.

5 CHAIRMAN KIENZLE: And I'll make one more comment. I said it before. Long
6 before it ever gets to a public meeting like this, it's the public meetings that Stewart
7 and his team sets up, the meaningful input into this process is [indiscernible], so it's
8 very hard to change rules and regulations on the fly at a public meeting. So I
9 encourage you to get involved early and often whether it's a public meeting, email --
10 do people still use telephones? I don't know, but it involves [indiscernible] making
11 rules because it's very hard to get things changed the further along we get in the
12 process, so thank you.

13 COMMISSIONER RAMOS: Mr. Chairman, just one last thing. And Stewart – and I
14 apologize, but I think it's very important. Stewart, I'll see your staff that presented at
15 these meetings throughout the state; I think they are well-rounded individuals and it's
16 just teamwork there on that and I want to commend the Department on building
17 leaders, you know, up to leading to your shoes someday. Thank you.

18 STEWART LILEY: Thank you. It is very well appreciated, and they do an amazing
19 job, so thank you.

20 CHAIRMAN KIENZLE: Agenda Item No. 13, Subsequent Discussion for Potential
21 Rule Changes on the Private Land Elk License Allocation System Rule - 19.30.5
22 NMAC.

23 STEWART LILEY: Mr. Chairman and Members of the Commission, so this rule was
24 opened in the Raton Commission meeting. This is a permanent rule, unlike the elk
25 rule, the deer rule, the other big game rules that are open every four years, this is

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1 actually a permanent rule. It was created in 2005, amended once since then, but it's
2 never been open for a [indiscernible] review [indiscernible]. What you'll see in front of
3 you today is kind of what we've seen from the last 14 years, almost 14 years, of the
4 current elk class rule, and some of the proposals that are in front of you are a
5 reflection of what we see that's working and what we think needs improved. First off,
6 we had public meetings, nine public meetings, across the state, like I said, in the last
7 presentation because elk and [indiscernible] are intertwined. We had quite a few
8 show up, 455 as you guys recall. As we go through some of these we might 50 or 30
9 total in the public meetings, so it was a great turnout across the state and a lot of
10 good comments that we had. We had 98 public submissions, different comments,
11 some had multiple comments. Overall, you will see there the majority of the
12 comments are in support of the proposed changes. There is some comments
13 opposing going over the counter for outside the COER, some are saying we should
14 have put in minimum acreage, a large portion commenting on GMU 26 COER
15 designation. Those comments varied in range. Both comments for putting GMU 12
16 into the COER, against GMU 12 going into the COER, different lines GMU 12 should
17 be drawn in the COER, and comments saying that it should all be public draw. So it
18 was across the spectrum of public comments that we took on all of it. Some
19 nonrelated that were -- when I say nonrelated, some of it is statutory authority where
20 they say license fees should be this or that and that's their comments --

21 CHAIRMAN KIENZLE: [indiscernible] license fees [indiscernible].

22 STEWART LILEY: Correct, higher or lower or --

23 CHAIRMAN KIENZLE: Some people said higher?

24 STEWART LILEY: Yes, we definitely had people saying higher license fees going
25 back to the Department. So comments across the board.

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1 UNIDENTIFIED SPEAKER: That's a new one.

2 STEWART LILEY: So in 2005 the when rule was created, it was to recognize land
3 owners making a meaningful contribution to elk [indiscernible] and also accept elk
4 hunters that want to recreate on deeded lands and other lands within the GMU. The
5 big issue that we've seen through time with the EPLUS rule is what is the definition of
6 meaningful benefit? It wasn't really defined well in rule and everyone's interpretation,
7 I guarantee as we go around and talk to people, is everyone internally, meaning staff,
8 and you all probably got a different definition of what a meaningful benefit
9 [indiscernible] is.

10 So the biggest proposed change that we really want to make to the EPLUS
11 rule is to define meaningful benefit, but also create some kind of guidelines where we
12 can evaluate properties on what kind of benefit they provide to elk and we want to
13 make those guidelines to where they're biologically founded, et cetera, and can be
14 consistent across the state, but we want to develop the guidelines -- we developed
15 them and we want to make them developed by the Department and adopted by the
16 Commission. So not only in adopting the rule, but you would adopt the guidelines that
17 allow participation. What we determined meaningful contribution. So at the time when
18 we go to the rule approval, we'll also ask for you to adopt our guidelines at that time.

19 The biggest is properties are now going to be evaluated on meaningful benefit.
20 When we talk meaningful benefit, what we're really talking about is habitat. What
21 habitat does that property provide for elk is how we look at meaningful benefit. Like I
22 said, we're looking for something that's biologically founded, simple and kind of
23 consistent across the state, that's something that any of our regional biologists or
24 district officers can evaluate the same. I think [indiscernible] is intended in the rule
25 providing meaningful benefit but having that property is providing benefit to elk and

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1 something that we can make [indiscernible] or something where a landowner we
2 could send back to them saying here's how we made the determination on if your
3 property is providing meaningful benefit or not. Please, if you disagree with our
4 evaluation, show us where we missed it, so they know it's not an arbitrary yes, it's
5 meaningful or it's not. The categories that we have proposed scoring the habitat the
6 property on is: forage, water, cover, and the surrounding area, whether it's city or out
7 in the middle of the mountains. If it's agricultural production on that property, hey
8 fields, et cetera, and there's always times when we can't think of what that property
9 may add for benefit for elk. It may be the only water source in a 10-mile area, that's a
10 huge benefit for elk, and so we want to recognize that there is some kind of bonus a
11 property may receive. I'm not going to go through each individual exactly what a zero
12 score is, or a one score, or a two, or a three, but the highest score a property,
13 through all of these categories as we evaluated, is a score of up to 13. We have a 0
14 to three basically no forage, all the way up to you have cool season grasses, warm
15 season grasses, [indiscernible] that's the highest you're going to get. And some
16 mixture in between [indiscernible]. Next is coming in the water, if you don't have
17 water on the property at all, whether it's just dryland or not, it's a zero to where if it's
18 permanent, maybe year-round water or it's a river running through or a creek that's
19 always flowing through that property, we give it some kind of bigger scale to that
20 because it's more beneficial.

21 CHAIRMAN KIENZLE: What about [indiscernible]?

22 STEWART LILEY: Mr. Chairman, it is captured in there in the different either -- it
23 depends if you fill the tank and you maintain [indiscernible] we'll give you a score on
24 that of one. If it's available for at least two consistent seasons, so if you make it
25 available, it's a tank that you built or it's a well that you're drilling, and you put it out to

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1 the tank [indiscernible], we're going to give you credit for it and give you a two on that
2 one. Or if it's a tank that you built multiple tanks for wells and you're maintaining
3 those year-round, we're going to give you a score of three on that.

4 CHAIRMAN KIENZLE: One question. When you score this, when somebody first
5 goes into the program, what if they do a controlled burn and get new forage that
6 grows up and sort of changes what's going on there, can they reapply when
7 circumstances change?

8 STEWART LILEY: Mr. Chairman, that's correct. So if things change on the property,
9 let's say you put in a hayfield or you do -- pure cover, let's say you're [indiscernible]
10 you don't get a really high forage score because it's coming in, you contact the
11 Department and say, "Here, I did this, I'd like to be rescored on the forage". We
12 would re-score properties. It wouldn't happen midseason because the tags are
13 already allocated, but before that new enrollment, if you have changes to your
14 property or acreage or something habitat wise, we'll reevaluate that property based
15 upon those changes that have occurred. We're hoping this will encourage people to
16 improve property for elk, as well, and have more acceptance of elk, but also
17 recognize properties -- better recognize properties that are making a contribution to
18 elk. Because there's properties in the system [indiscernible] and we want to
19 recognize those properties that are making the contribution to elk and further
20 recognize based on that score. We'll get to a little bit here further in the presentation
21 how we do that, but that's kind of our intent of it. The [indiscernible] the score is not
22 as important for elk, still important, but it's a score of zero out of two all the way up to
23 three.

24 Surrounding area. Again, if you're in the middle of this subdivision in the
25 middle of a town and a lot of roads going through, a highway, you're not going to

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1 score as high. Whereas, if you're kind of in a remote area, unimpacted by human
2 development, and where, if human development came in, you're really worried from
3 an elk management standpoint, you're going to score higher on that. Like I said,
4 agriculture. It's a bonus if it's dryland unirrigated, maybe occasionally harvested, it's a
5 one we're proposing, if it's a productive, irrigated, cultivated, maintain some kind of
6 year-long harvestable crop, we're giving you a bonus of two score [indiscernible].

7 That bonus that I talked about, so there are bonuses that -- we all can think of
8 different things here in this room that would be an added bonus of something missing
9 from somewhere else in the landscape, but maybe it's on that specific piece of
10 private land that we want to recognize. It also could be something where, if not the
11 landowner, let's say their -- they want to sign up in the property, they have -- they
12 have landmark public land inside there of their property but they want to sign up unit
13 wide, that would now open that up to public draw hunters, we would give them a
14 bonus for that. So it's kind of an incentive on some of that on those as well. So it's
15 unforeseen circumstances, but we definitely want to capture the unknown.

16 CHAIRMAN KIENZLE: Is this system in place in any other state, that you know?

17 STEWART LILEY: Mr. Chairman, no. It's unique to the state of New Mexico. Some
18 states have no landowner systems at all. For example, in Arizona it's purely all elk
19 licenses go into the draw, if you're a landowner you have to draw the tags like a
20 public hunter. You can charge trespasses fees to come on your private land, but this
21 is a definitely unique system where we recognize the contributions, or trying to
22 recognize the contributions of private landowners, make the elk management in the
23 state by giving out authorization to purchase licenses. When we came to Raton we
24 were at the discussion point of what do we do for a minimum score? Minimum score
25 six, minimum score seven, we said we'd come back to this meeting after going out to

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1 public meetings, after looking at a lot of properties and kind of deciding where we
2 should fall, and I'm going to give you a few pictures and examples of what would be a
3 six and what would be a seven and what would come in.

4 The Department's proposal, and we're going to look at the Commission for
5 guidance on this, going to be a seven and why that is, is there definitely are some
6 definite marginal properties that would qualify for a six, ones that we don't think are
7 really providing meaningful benefit. So jumping right into some of the pictures and
8 hopefully they show up. So here is a property that score-wise is going to score an 8.
9 So even if it was a seven [indiscernible] it's only 17 acres, but it is providing – it's a
10 hayfield and a lot of elk use in that hayfield, there's -- water is not permanent, it's
11 more when it's irrigating through that time, so it's just one seasonal water
12 [indiscernible], surrounding area's pretty good, but you'll see property would maintain
13 [indiscernible] because it is an irrigated production hayfield. Yes, it's only 17 acres,
14 but it's providing meaningful benefit to elk. The next piece of property would be
15 similar – here, here's a -- it doesn't include that alfalfa field, it's a 60-acre parcel
16 outside of that alfalfa, it has two different seasons of forage, there's no water on the
17 property, we give it a bonus for being next to that hayfield. It's not that -- that person
18 doesn't own the hayfield, but they definitely get elk pass through use quite a bit
19 because they are going to the hayfield, but this property scores a six, so it would
20 come out under the system we are proposing.

21 CHAIRMAN KIENZLE: So if you drill a well [indiscernible] --

22 STEWART LILEY: Pick up a point for water. If you had -- and let's say that hayfield
23 is only irrigated water and where this is a very dry area. If you have more water there
24 in the winter, or in the fall, it would definitely pick up that extra point. So that's where
25 something we would come to that landowner, yes, they would be rejected from

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1 participating or removed out of the system, but that's exactly what you described. If
2 they were to make that improvement and allow elk use on there and use that water,
3 then yes, [indiscernible].

4 COMMISSIONER RAMOS: Chairman and Stewart, I have a question on that. What
5 if this public owner -- and he just asked about the water and I see that getting a
6 bonus point because of the alfalfa, but what if this owner, which is private right now,
7 and he allocated parking there for public hunters to park there and to have access,
8 let's say [indiscernible] along the backside of that property, is that considered an
9 extra bonus point meaning alfalfa one and parking public access two?

10 STEWART LILEY: We could potentially do that. So we could look at if this was, let's
11 say, on the whole western end of that property, it was public property Forest Service
12 [indiscernible] owned state land, or whatever, inaccessible to public hunters, if he
13 said, "Look, I would be willing to let hunters through my property to go in there." Yes,
14 we could score that as a bonus to do that. So we would take those into consideration
15 to get that over that, as long as it's providing a meaningful benefit but also providing
16 something else [indiscernible].

17 COMMISSIONER RAMOS: Absolutely. And the way I see that is there's a lot of
18 public roads that go through the middle of a property, let's say 25 yards on this side
19 for a 300 yard stretch, and on the other side it's 75 yards, and then on both sides of
20 this property there's Forest Service; and therefore, if this owner wanted to provide
21 public access through there -- private, gosh, what an incentive, you know, for them to
22 do that and to reach another bonus point. So thanks for looking at that, and I know
23 that was part of the discussion that we were having at one of the public meetings on
24 that because they were looking at why not throw another indicator in there versus the
25 five that we currently have. So thanks for having that bonus in there, I think that's

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1 great.

2 STEWART LILEY: Here's another property that would not qualify. It's a five-acre
3 parcel that we would say yes -- you'll see there it has permanent water running
4 through that property. It's not much forage-wise, you'll see it's kind of a yard in the
5 front. The area -- it's kind of in the middle of nowhere, so it gets a high area score
6 and it gets a bonus because the forage is right outside of their property, but it is still
7 would not [indiscernible]. That parcel is pretty small and just not coming in as
8 providing a lot of meaningful benefit [indiscernible].

9 CHAIRMAN KIENZLE: So it doesn't look like there's much opportunity.

10 STEWART LILEY: Probably not much opportunity on those five acres to get that
11 property back in, just the way the size of it is. But let's say that individual picked up
12 the adjoining 15 acres to the west where that's kind of more forage, we would then
13 reevaluate that property and count for that. Or maybe the nextdoor neighbor is
14 another five acres, we'd say score a six as well you have it in there, you can combine
15 the two properties and we would evaluate it as one --

16 CHAIRMAN KIENZLE: What if I had, not an easement -- a license to use any of the
17 properties on either side of them?

18 STEWART LILEY: So the enrollment process, enrollment said you can work with
19 adjoining landowners and create a one contact. You aggregate them together or form
20 co-ops together is what people are calling it. As long as all of the owners on the deed
21 -- so what our requirement is, if you're on the deed, they have to sign off saying we
22 agree to this. So we don't want people enrolling the next door neighbor or a family
23 member that doesn't want to participate. So we ensure that everyone is on the same
24 page and willing to participate in [indiscernible].

25 CHAIRMAN KIENZLE: That's fair enough, [indiscernible] the opportunity to

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1 cooperate with each other, imagine that.

2 STEWART LILEY: Here's another parcel that's 39 acres. As you'll see, it's heavily
3 timbered. This is your scenario, and let's say you do a controlled burn, or let's say
4 you do some kind of thinning project, we could score the forage, maybe higher, but
5 right now, it wouldn't qualify at those 39-acre parcels. Most of these properties --
6 most properties 100 acres or better, are going to qualify, deeded land, a score of
7 seven. There's a few we're looking at. There is a few oddities out there that may not,
8 but overall, it's really in that less than 40-acre properties that are in the system right
9 now that are really on the borderline six, seven. Most of those larger properties have
10 all of those habitat features on the property.

11 Here's one right here at seven. You know, this is decent hayfield, not really
12 much covered in there, but it's 29 acres. The forage, it is -- it's not an irrigated
13 pasture, but it is hayed occasionally, It's sitting there, but it just scores inside
14 [indiscernible]. And here's one where it's basically a [indiscernible] that someone
15 owns, 27 acres, that would score a seven because the forage is pretty good. It's sub
16 irrigated, it's not permanent water going through it, but it would be there. So again,
17 the Department's recommendation is to make a minimum of seven for properties to
18 enroll or for participating properties continue to participate. Right now, inside the
19 COER across the state, there's approximately 2,900 properties enrolled inside the
20 COER right now. We think by implementing a score of seven, approximately 2,100 of
21 those properties will still be participating in the EPLUS. And so we think that's where
22 the scoring system will -- if we go with the seven the Commission gives that
23 guidance, that's where [indiscernible].

24 The other process is we want to include an appeal process in the rule because
25 we are all humans [indiscernible] and there are things that we can overlook or don't

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1 see. And so, we want to be able to when a property is scored, we are going to send a
2 letter back out to that landowner and say, "Here's how you scored, here's how we
3 evaluated on those criteria." If they have an objection to it saying, "look, you missed
4 this water tank in the back that you didn't see" they could appeal that process and we
5 could send an officer biologist to make a site visit to say, "yes, we missed that" and
6 reevaluate. If the landowner then -- if it doesn't get reevaluated or go in that the way
7 that landowner wants, we still want another review process, go to the next level,
8 basically, and as you'll see through here, the next level is the division. So the division
9 will take a full review of that property to see if it was the right evaluation made by the
10 biologist officers, so the [indiscernible] and the director would make the final
11 determination under the division rule. The landowner still at that time is not pleased
12 with that determination, that's when we would put it back to the landowner can appeal
13 to the Commission on the Department's [indiscernible]. So it's a tiered appeal
14 process in there. Right now, there's an appeal process in EPLUS but it's straight to
15 the Commission.

16 CHAIRMAN KIENZLE: So when this comes on-line and goes live, you have a lot of
17 work to do in that first season, if you will.

18 STEWART LILEY: Mr. Chairman, we've already been evaluating properties right
19 now. We've been doing it for the last, about a year, because waiting if this change
20 goes through or not. So yes, there's still a lot of work to do. We're already at a pretty
21 far [indiscernible] human resources to [indiscernible] that we're there ready for
22 [indiscernible] so this would become effective the [indiscernible].

23 So we discussed a lot of the COER, inside the COER, outside the COER.
24 COER is a little bit confusing for people, internal staff, landowners [indiscernible] is
25 inside the COER and what we're proposing to be [indiscernible] out primary elk

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1 management zone are those areas where the Commission sets the license numbers
2 and the elk rules and that's what we just went through and we talked about licenses
3 increasing, decreasing bag limits, harvest dates, and what it is is we're really trying to
4 set some specific harvest objectives to meet a goal. Either one, quality hunt
5 management, or two, opportunity hunt management. And then we distribute tags
6 evenly amongst the public-private split within that COER boundary. So that's what
7 primary elk management zone would be or what the current COER is basically. We
8 then have what we're proposing as special management zones like I discussed in the
9 elk rule 55, 54, and 46. Those are zones that are 100 % private land. Most of those
10 are private land or 90 plus percent where it's [indiscernible]. We're proposing to do a
11 special management zone for those where it's arranged by ranch negotiation
12 because private split doesn't account because there is no public land [indiscernible].
13 That would be in those special management zones and that's where the landowners
14 and the Department have had wide discussions on yes, we still want to maintain
15 some kind of management objective for that herd. Outside of that would be, and this
16 is a little hard to see, the blue would be the primary management zones, the pink is
17 our expanded of the primary management zones, and the white is where we would
18 call secondary elk management zones. Those areas where we're not specifically
19 trying to manage for elk population growth, we're not trying to manage it for either
20 opportunity or quality, we're saying, yes, we understand there's elk in some of those
21 zones, but we're not going to set license numbers on private land, over the counter,
22 on deeded property only, October 1st to December 31st. For example, the middle Rio
23 Grande, we are not trying to promote elk growth in the middle Rio Grande, so it's
24 outside of the COER or down in the Guadalupe Mountains. One of the - - when we
25 discussed, as we went around, and 37 was originally a proposal for inside the COER,

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1 a lot of those landowners in there were saying let's manage more for deer
2 [indiscernible] let's keep it in there, we want to be able to hunt year-round, we don't
3 mind what quality does -- or not year around, excuse me, October 1st to December
4 31st over the counter, we're not as concerned about quality.

5 On the other end when we went there, it was more of we want to maintain the
6 quality herd that we have here. Not necessarily everyone in favor of going into the
7 COER because it required the public-private split, but they wanted -- a lot wanted
8 quality and the Department's recommendation is, yes, there is a really nice quality elk
9 herd in there but we're proposing putting in primary management zone and dividing
10 by the public-private split as it has been set in the other COER primary elk
11 management zones. So in that primary management zone, as we kind of say we
12 would now utilize those habitat scores to figure out which properties come in or are
13 allowed to participate and continue to be in. The big thing that we see with the
14 current system inside the COER primary management zone is what we call small
15 contributing ranches. Those ranches that are not [indiscernible] property. Let's say
16 I'm 600 acres in the GMU, I didn't receive a full bull tag, I'm on a wait list with the rest
17 of my small contributing ranches to get a tag. And the way it works is you get a tag
18 every -- some of these GMUs is every 14 years right now. Some it's 10 years,
19 depending on what it is. If I'm 600 acres I'm competing the same as the guy with 5
20 acres, that's in the subdivision. Well, the guy that's 5 acres in the subdivision would
21 come out now because they're not meeting the score, but the other thing that we're
22 really wanting to do there is a portion of every GMU were theres unenrolled deeded
23 land, the landowner doesn't want to sign up or is an absentee landowner that is not
24 interested in elk hunting and so we allocate those private tags to it if it's 25% of the
25 GMU, 25% of private tags will go into it. Right now, we then through rule allocate

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1 those authorizations going to unconverted back through the largest ranches first. And
2 we see about a 30%, almost a 30%, unconverted rate of licenses inside the COER.
3 Our proposal is to put them back in the hands of people that will use it. Go back
4 through the small contributing or medium to small size properties that might be 100
5 acres making a meaningful contribution to elk, we want to put them in their hands that
6 will use it. We want them to continue to make contributions to elk and give them the
7 authorizations to continue to participate. The other thing, like I said, right now we
8 have to wait out. So if I received a bull tag I have to wait until everyone in the small
9 contributing ranch in the GMU gets a bull tag. We want to eliminate that history and
10 we want to wait based upon how much your property provides meaningful benefit. So
11 if the max score is a 13, if I'm a small contributor and I'm a 13, I have all the attributes
12 I need. We want to wait and recognize that property more so than just the property
13 that just got in the system. So it's no longer treating the property that's just in the
14 same as the best quality property [indiscernible] based upon that score.

15 We also talked about -- there are reevaluate properties full-time if there's
16 changes to the acreage or if there's changes to the property. I discussed in the elk
17 rule where we're proposing expanding boundaries of the COER and also putting
18 GMU 12 inside the COER. In the secondary zone, that's outside the COER right now,
19 it would be all tags available over the counter for private land only, private deeded
20 land only, to what I say registered landowners. All we're saying to register
21 landowners, a landowner needs to come in, show a deed to the property, we give
22 them a number and then that number -- their hunters can buy licenses. Why do we
23 want to do that? Because there are some GMUs where we have those COER or
24 what would be now primary zone and secondary zone in there, we want to ensure we
25 don't have someone that's thinking they're in the secondary zone but actually in the

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1 primary zone. Part of that is we don't want to make someone have a tag that they
2 would be hunting illegally if they were in the primary zone. We don't want to
3 mistakenly have that. And also, so that we can register -- as a concern that came out
4 of, especially in the northeast, where we're proposing a lot of the secondary zone
5 landowners wanting us to register those properties, so they knew which properties
6 were available for hunting and not and which -- so they can control who buys that
7 over the counter tag. With that --

8 UNIDENTIFIED SPEAKER: Could you go back to the map, please, and point out
9 exactly where those secondary zones are? I can see them on 16 and 17 --

10 STEWART LILEY: So again, the primary elk management zones would be what we
11 currently call inside of the COER. Secondary is would be that over-the-counter range
12 only. This map is a little hard to see on this screen but that blue shaded area -- all fo
13 these GMUs, so if you look here this blue are in GMU 10 or the blue of 13, that's the
14 primary management zones. If you're on the middle Rio Grande of 13 or out in the
15 desert of 13, you know this is [indiscernible], you're outside the COER, you're in that
16 over-the-counter private land. If you're inside this blue shaded area, that's where
17 we're saying we need to maintain we're managing for a specific harvest objective and
18 that's where licenses are [indiscernible].

19 UNIDENTIFIED SPEAKER: So in the north, north central there outside the COER,
20 right in there, that's secondary.

21 STEWART LILEY: Correct. The boundary is about right here. This falls down south
22 almost to like almost Espanola, that area, right in there. This would be down past
23 most of the wintering ranges. The main wintering area up in that area is up there just
24 north [indiscernible], now it's staying in the COER where we get occasional elk use in
25 some of that area, but not as much.

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1 CHAIRMAN KIENZLE: So under the heading of making things better, and not just
2 different, how is this system better than the one we had or have?

3 STEWART LILEY: So I think the biggest change what we saw since 2005 is we had
4 issues of, one, meaningful benefits [indiscernible] objective and so people got -- were
5 put in that maybe shouldn't have been put in, or people were not allowed in to
6 participate that should have been allowed to participate. The other aspect of what the
7 previous rule allowed or encouraged, not allowed, was let's say I'm a small
8 contributing ranch, I have to wait my 10 years to get my bull tags while every other
9 small contributing ranch gets it. What I did, and what we see happening frequently
10 right now, is maybe I have 100 acres I'm going to split the deed 50 acres to my wife,
11 50 acres to myself. My wife enrolls the new 50-acre property as an individual
12 landowner. She moves to the top of the list and gets a bull tag. At that time, we split
13 the property again to 25 acres, so that was happening frequently, to the point where
14 it was trying to get to the top of the list. So we are illuminating that draw history but
15 also, when we're saying when you split acreage we're going to reevaluate that
16 property. So maybe when I had 100 acres I had a tank in the northeast portion of that
17 corner, if I split it in half I lose the credit on the new 50 acres. So it discourages the
18 splitting of properties.

19 The other thing that I think was really difficult or that was an issue with EPLUS
20 is it didn't recognize -- so there's a level where you're a large landowner and it gives
21 you base tags and it's easy. Where that cutoff comes in where you're a small ranch
22 contributing ranch, there's some GMUs where small contributing ranches 5-600
23 acres, 7-800 acres, I might be 800 acres with an alfalfa field that's 100 acres on that
24 piece of property and I'm competing at the same as the guy that owns 5 acres in a
25 residential area. So we want to recognize the properties that are making most

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1 meaningful benefit to elk and allocate more tags to that. Encourage those properties
2 to participate because in due time those properties that have that 100 acre field or
3 something like that say, "I'm going to go [indiscernible] it's better for me to fence off
4 this side field rather have elk on here where I might get a tag every eight years." We
5 want to incentivize those landowners and have them continue to provide meaningful
6 benefit to elk that has meaningful impact for the overarching elk herd and recognize
7 that and not try to fence that out, and recognize people to try to make our landowners
8 improvements [indiscernible] recognized and contribute which ends up having a
9 positive impact, not only for the private landowner, but the surrounding area which
10 might be public draw tags.

11 CHAIRMAN KIENZLE: That's not your final answer but that's enough for now. Any
12 other questions or comments? I'm sure there's a bunch, so you want to go down the
13 line?

14 UNIDENTIFIED SPEAKER: [indiscernible].

15 CHAIRMAN KIENZLE: Yeah, we can do that. So if you recall, we're going to do
16 public comment for 12 and 13 together, because it wasn't exactly clear who was
17 signed up for one [indiscernible] because the [indiscernible] so I do have these
18 loosely grouped into 12 and 13 and so I will take the 12s first. Is it Larry Carver
19 [phonetic]? Two minutes and we're going to keep it strictly to two minutes.

20 LARRY CARVER: My basic question is why are we going to go COER area in the 12
21 when the majority of that Unit 12 is [indiscernible]? I have land, and most of the
22 ranchers, and we run cows year-round and in our case we limit the number of cows
23 so we could combine habitat. We have elk and antelope and deer, coyotes also. Not
24 too many. But we haven't had the contract with you folks for about 10 years. What
25 happens to that contract?

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1 CHAIRMAN KIENZLE: Have not or have?

2 LARRY CARVER: We have. We have a contract and we get private landowner tags
3 which would [indiscernible] and we generally have about 100% results on them.

4 That's my question, what happens to the contracts we have already? Are we going
5 to be reevaluated on land or contributions?

6 CHAIRMAN KIENZLE: Tell us how that --

7 STEWART LILEY: Mr. Chairman, on those properties [indiscernible] is outside the
8 COER right now. When we went to those meetings everyone was saying let's
9 maintain quality [indiscernible]. Every property that is participating will be
10 reevaluated. Those properties that have habitat guidelines so it all properties across
11 the state are being reevaluated that will be in the COER. So that property will be
12 reevaluated to make sure it meets that minimum criteria then the licenses will be set
13 by the Commission. Right now, the licenses are ranch by ranch negotiation with an
14 individual biologist, for the most part. Those licenses will now be set by the
15 Commission and be distributed based upon the public-private split in GMU 12. GMU
16 12 is 43% public land, 57% private land, so of the total bull licenses, 57% would go to
17 private landowners and then go through the allocation process.

18 UNIDENTIFIED SPEAKER: I would like [indiscernible].

19 CHAIRMAN KIENZLE: Thank you, sir. Paris Strickland [phonetic]. It's a long walk.

20 PARIS STRICKLAND: Okay, so basically my question is pretty much the same as
21 his. How is this going to affect [indiscernible]. My family owns land, we operate an
22 outputting business on that land. Is this going to greatly impact our hunters' ability to
23 be satisfied with our hunts? What are we going to have more public [indiscernible]
24 dividing access to our land? Are we going to lose hunts because they say, "Hey we
25 can [indiscernible] we don't need your land anymore." Basically, those are just some

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1 concerns that we have overall.

2 CHAIRMAN KIENZLE: Not knowing everything about her property, how does that
3 shake out?

4 STEWART LILEY: So again, I don't know her specific property. When it comes into
5 the COER, if a ranch qualifies to participate and meets meaningful benefit throughout
6 [indiscernible] compete for those on that allocation draw basis, there won't be
7 negotiation on a ranch-by-ranch basis. The other option that land that is in 12 would
8 now have that were unavailable before is signing up that property ranch only
9 meaning they can hunt only deeded property in the balance or unit wide. If they
10 receive tags, they can now hunt that tag either on their deeded property or any public
11 land within the GMU or any other private property enrolled unit wide. So it kind of
12 depends on what's the management goals specific to the individual landowner in
13 what they want to do and if that [indiscernible] qualifies or what acreage base they
14 are [indiscernible].

15 CHAIRMAN KIENZLE: Kevin Wagoner [indiscernible].

16 KEVIN WAGNER: [indiscernible] appear to be somebody taking a knee, do I have to
17 take my hat off?

18 CHAIRMAN KIENZLE: I think you're all right. We don't stand on formality.

19 KEVIN WAGNER: So I spent 33 years in the industry. in the last one or so, I bought
20 a 20,000-acre ranch in Unit 12 and I've spent the last 20 years developing it and it
21 took me a while to figure out what I was doing, but it's basically a wildlife preserve.
22 Well, [indiscernible] I actually am retiring but I, as a taxpayer and a resident of New
23 Mexico, I would like to see Unit 12 continue to be developed as a wildlife preserve. I
24 have opinions from my 20 years of being a rancher. Cattleman don't like hunters.
25 This comes back to when, I don't know how many years ago, got together and

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1 dabbled the cattlemen all wanted all the elk killed, literally all of them. I was given, of
2 all things, 75 permits out of my normal 10. I locked those in a safety deposit box
3 because I didn't want anybody getting hands on them until hunting season was over,
4 so it's kind of crazy. Now hunters, I guess my opinion is, they don't like cattlemen
5 because they have to deal with [indiscernible] access. Let's go into things I have
6 been hearing about what you guys are looking at and what is occurring. Co-ops, I'm
7 concerned about co-ops, because they, to me, seem like a way to bypass the system
8 altogether and do whatever you want, driven by a few people in control. Now, I'm not
9 saying all co-ops are bad, I know one that is very bad, surprised a guy isn't in jail yet,
10 so I have an opinion that co-ops are dangerous. Over the counter I'm concerned
11 about because it keeps what I call the emotional people with lack of data really
12 happy, but then it gives no control over, I guess, the only control is one general
13 number, but in terms of how much is killed you know you don't get anything over the
14 counter [indiscernible]. COER, I think these gentlemen have done an absolute
15 marvelous job of evaluating on the databases and coming up with what I call
16 probably the best thing you can do under an Abraham Lincoln situation. You can't
17 keep all of the people happy all of the time, and on top of that you guys don't get
18 enough money from the State Legislature to do your job, so it's a challenge. Unit
19 wide I think it's a pretty good thing because it widens availability to hunt, but since
20 you don't get enough money, you can't really manage the trespassing problem that it
21 creates. So either sex, I think, is a good deal, good policy [indiscernible]. So I guess
22 I'm in high support of COER [indiscernible], high support unit wide, it opens up some
23 issues, but there's always going to be issues in this. So I am proud to be part of
24 running a ranch for 20 years. Now that I'm retiring for the second time I hope you
25 guys continue on doing a damn good job [indiscernible]. Thank you.

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1 CHAIRMAN KIENZLE: Thank you, sir. [indiscernible]

2 UNIDENTIFIED SPEAKER: Good morning.

3 CHAIRMAN KIENZLE: Good morning, how are you doing?

4 UNIDENTIFIED SPEAKER: Good, thank you. First, I want to thank the Chairman
5 and the Commission for having a meeting and listening to us talk. Thank you,
6 Stewart, Rex, and Director Sloane for educating us the other day on what was going
7 on. First of all, I'm the largest outfitter in the unit. I've been outfitting Unit 12 for over
8 15 years now, so I've seen the changes from when it literally had no elk and now
9 where it is today. Not only am I an outfitter, I'm also a landowner. I'm now part owner
10 in one of the biggest ranches in the units. So I have a lot of different stake here, both
11 on the outfitting and as a landowner. What we have seen recently has been a slight
12 decline in the quality in the unit and we would like to see that stopped and we would
13 like to see that quality be brought back a little bit and we feel going into the COER
14 would be the best way to do that. It would help manage what's going on a little bit
15 better in the unit, it would give a formula, and it would give credit to the ranches that
16 really contribute to the elk because there are a lot of extra work that goes on on
17 these ranches to make them the best breeding habitats that they can be. So we
18 would like to see going into the COER, be managed for quality, we want to see the
19 long-term unit, we want to see it at the high end of its potential. The unit has great
20 genetics, has great elk numbers now, let's protect that and let's not let it get to the
21 tipping point where it becomes unsalvageable. Okay? Now the one thing that people
22 have to take into consideration when you're listening to landowners from the unit is
23 how much land landowners have. There are landowners that are small we happen to
24 control a lot of land so take that into consideration when you are thinking about this
25 stuff. The bigger landowners have a lot at stake, both an investment in the ranch and

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1 in the future of the elk in the unit, okay, because if it went out of the COER and went
2 over the counter it would be a disaster, it would just be free range and they tried to
3 form a unit and it did not work out, it was a bad deal.

4 The other suggestion, a strong suggestion, we would like to make, and it's
5 been brought up before, I talked to Stewart about it, is our [indiscernible] in the unit.
6 Mature bull tags, let's make them either sex tags, let the owners have an option. If
7 they don't seem the type of animal they want to harvest by the last day, or second to
8 last day of the hunt, they can choose a cow or spike. Right now, there in a situation
9 where they have to shoot bull with a six-inch [indiscernible] time, which is -- a lot of
10 times bulls with the best genetics would be a nice six-point bull and the hunters
11 depend on killing that bull when he just wants to take home some meat. Let's let
12 them have that option so that either sex tag, they can shoot a cow or a spike at the
13 end of the hunt if they don't see a bull that's a mature big trophy animal. That would
14 be probably one of the best changes we could make in Unit 12, also. So thank you
15 very much for your time.

16 CHAIRMAN KIENZLE: Thank you. Charles Armor [phonetic].

17 CHARLES ARMOR: I would first like to thank you guys for the hard work and
18 tremendous amount of data we have on our game populations. My question today,
19 and my concern is, I'm a land owner in Unit 12, and unlike the retired gentlemen, I
20 would like to have the option to manage my property for wildlife. But one of the big
21 things that prevents me from doing that is the laws of taxation in regard to getting
22 grazing rates for your land. And so the way the structure now the state of New
23 Mexico says that I have to have a certain amount of livestock on land and that
24 problem complicates itself in regard to all these subdivisions because I have a big
25 subdivision to the east of me and there hasn't been no cattle on it for 20 years. And

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1 so everything else surrounding [indiscernible] conditions are now poor, and the cattle
2 are eating most of the forage which pushes almost all of the elk over to the and
3 subdivisions. They are tearing up people's gardens and eating their fruit trees and
4 things of that nature. So if you guys could interface with the taxation department and
5 give us an option to where we could be clear and we could manage, with you guys'
6 consent, manager our property for wildlife, I think it could be a great improvement in
7 the habitat overall for the species. And my final comment, before I leave, is I'm also
8 an outfitter in Unit 9 and our trail cameras up on the Elkins Ranch next to the
9 [indiscernible] and our trail cameras and we have a lot of evidence and I've talked
10 with Bill Taylor quite a bit, what we firmly believe the elk are being killed by the bears
11 and most all of the bears on our trail cameras have got one or two tags in their ears.
12 [indiscernible] those bears up there. So anyway, thank you.

13 CHAIRMAN KIENZLE: Thank you. Dale Silva [phonetic]. You came a long way.

14 DALE SILVA: I come [indiscernible] just particular safety concern here. Unlimited
15 tags or over the counter. I believe there needs to be something built into the system
16 where we can control the amount of hunters coming onto the property, and the safety
17 features of that. I don't want to have more than two or three people on the property at
18 any one time, and I think by going over the counter we may not know who's
19 [indiscernible] tags over the counter. It creates a security concern and I think we need
20 to have a mechanism built into that where we can call, or designate a person, to
21 change our codes or change our numbers if we find that things are getting out of
22 control. I live in a very rural area and I'm there by myself. I don't want 15 people
23 showing up with rifles. So I'm just – I'm looking at a safety concern here and if that
24 could be built into system, I would appreciate it.

25 CHAIRMAN KIENZLE: Thank you. Janine Strickland [phonetic]. Good morning.

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1 JANINE STRICKLAND: Good morning. Yes, I'm here representing the [indiscernible]
2 Ranch outfitters, we also own a cattle ranch up there. My concern is a lot about being
3 a landowner isn't so much selling your own tags but knowing when not to.

4 [indiscernible] we started selling elk tags over the counter, like she says, 15 people
5 come into your unit in one day, what you do? I mean, I feel like you're going to have
6 a lot of angry ranchers not letting people in, and you guys said today Unit 9 is
7 overhunted, Unit 9 has one of the worst elk populations in [indiscernible]. So how
8 would you guys manage that to not happen again?

9 CHAIRMAN KIENZLE: Thoughts on that?

10 JANINE STRICKLAND: I would like to be that guy, but I mean --

11 STEWART LILEY: Mr. Chairman, so in Unit 9 we have 100 cows. So Unit 9 is a
12 [indiscernible] related outside of the scope of you hunting when have six tags. We
13 are down to four to five calves per 100 cows being recruited in population. If we were
14 to completely stop all hunting, we would have a collapse of that population. So that
15 was the predation limiting calves limiting to one year [indiscernible]. Over the counter
16 safety things. So one of the things I did mention, maybe it was overheard, there's a
17 lot of things going on, is every property in the state would have to register and get
18 some kind of number before tags could be issued. So if I'm a hunter, I can't just go to
19 Walmart and buy a license, I have to have a number that was received from a
20 property before I could buy that license. So that property owner controls whether they
21 get that tag or not. Also, would be required, and you will see what comes in manner
22 and method is written permission. You cannot just go hunt property without legal
23 written permission. That is a big thing in the manner and method and also in
24 revocations that were discussed on what is --

25 CHAIRMAN KIENZLE: If I understood people, there is still a concern of having folks

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1 wandering around.

2 JANINE STRICKLAND: We are property owners, so yes, we already have hunting
3 tags, hunting codes, all that. So why would we be changing this system where we
4 could have more people show up at the same time instead of, you know,
5 [indiscernible].

6 CHAIRMAN KIENZLE: [indiscernible].

7 JANINE STRICKLAND: Wouldn't that be healthier for the elk population?

8 CHAIRMAN KIENZLE: I think I understand. Your concern, and correct me if I'm
9 wrong, is you get a number, as Stewart points out, but who knows where those
10 people go - -

11 JANINE STRICKLAND: My concern is if you have a healthy elk population why sell
12 so many tags at one time? You're taking 20 animals out there in a week instead of 20
13 [indiscernible].

14 CHAIRMAN KIENZLE: [indiscernible].

15 STEWART LILEY: Mr. Chairman --

16 CHAIRMAN KIENZLE: So it's not just so much people wandering around where they
17 shouldn't be, it's more [indiscernible].

18 COMMISSIONER SALOPEK: Can I ask a quick question, because I think --

19 CHAIRMAN KIENZLE: So is that -- just to make sure I understand.

20 JANINE STRICKLAND: People wandering around is always going to be an issue so
21 you're just going to have to manage [indiscernible] if you're going to participate in that
22 program?

23 CHAIRMAN KIENZLE: But your concern is more population --

24 JANINE STRICKLAND: My concern is the elk [indiscernible] the elk.

25 CHAIRMAN KIENZLE: Okay. Sorry to interrupt.

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1 COMMISSIONER SALOPEK: No, sir. Over the counter is per ranch they're private,
2 they're the ones that will give [indiscernible] to what hunters can come hunt. It's not
3 open to over the counter anybody can go buy a tag and go hunt anybody's ranch, is
4 that correct?

5 STEWART LILEY: Mr. Chairman, Commissioner Salopek, that is correct. And if I'm
6 correct the gentleman is in GMU 12, correct? We are not proposing over the counter
7 GMU 12, we are proposing putting that inside the COER, that would be licenses
8 determined by the Commission.

9 COMMISSIONER SALOPEK: That will remove over the counter?

10 STEWART LILEY: Mr. Chairman, that is correct.

11 JANINE STRICKLAND: But as a COER unit we would have to follow those hunt
12 times, correct?

13 STEWART LILEY: Mr. Chairman --

14 [MULTIPLE PEOPLE TALKING]

15 CHAIRMAN KIENZLE: Do we still have some work to do in that area, not necessarily
16 in nine, but over the counter, or do you feel you've got it regulated?

17 STEWART LILEY: Mr. Chairman, I think -- so I think by putting these COER
18 boundaries in certain areas [indiscernible] express concern, don't over hunt the
19 population et cetera, we are planning on proposing, or what we propose today, is
20 putting those in the [indiscernible] where that would not happen. Where over the
21 counter would exist in places like the Guadalupe Mountains and in Texas where
22 we're on the Texas border where we are not -- we have elk in the [indiscernible] we
23 are not proposing putting that in the COER where we're not as concerned about that
24 population decline [indiscernible] Rio Grande [indiscernible] we're not looking for elk
25 expansion --

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1 CHAIRMAN KIENZLE: [indiscernible] ranch in Texas [indiscernible].

2 STEWART LILEY: But those are -- so our elk over the counter on private deeded
3 property are those areas where we determine we're not trying to grow elk population
4 [indiscernible] --

5 CHAIRMAN KIENZLE: So maybe -- when is the next time we're going to visit on this
6 for final action [indiscernible] --

7 STEWART LILEY: [indiscernible].

8 CHAIRMAN KIENZLE: [indiscernible] when you post something up on the website,
9 go into a little more detail on over the counter aspect of before -- it I think it's clear,
10 it's always is good to see in writing [indiscernible] so why don't we do that for sure.
11 All right we're going to keep marching through these. Jason Solon --

12 JASON SALON: Salon [indiscernible].

13 CHAIRMAN KIENZLE: Jason Salon, my apologies.

14 JASON SALON: [indiscernible].

15 CHAIRMAN KIENZLE: There you go. I sympathize, they can't pronounce my last
16 name.

17 JASON SALON: First of all, I would like to thank the Department of Game and Fish
18 for your effort, and I would like to thank the Commission for this opportunity today. My
19 name is Jason Salon and I'm the regional manager for the New Mexico division of
20 [indiscernible] ranches. We operate a ranch enterprise on over 800,000 acres of
21 range land in the state of New Mexico with approximately 500,000 acres located
22 within Units 12 and 13. Our primary goal is to maintain both economic and ecological
23 sustainability throughout our entire ranching operation. We utilize the best
24 [indiscernible] in the world to help us monitor the quality and the quantity of our
25 [indiscernible] base. And we have recently decreased the [indiscernible] rates of

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1 cattle to compensate for the rapidly decreasing elk population in the area. We are
2 continuing to maintain systems to support both [indiscernible] wildlife on a year-round
3 basis. And as a coinciding benefit, we are able to modify -- monitor this wildlife on a
4 daily basis. Our employees are provided with continual education and holistic
5 management practices which enables us to maximize our effectiveness
6 [indiscernible] creating productive wildlife habitat. We support Unit 12 becoming part
7 of the COER because we are confident that this action will increase overall quality
8 and maturity of the [indiscernible], reward landowners with significant habitat
9 features, and decrease illegal harvesting of elk. Thank you for your consideration.

10 CHAIRMAN KIENZLE: Did you have an occasion to attend any of the public
11 [indiscernible]?

12 JASON SALON: No, we did.

13 CHAIRMAN KIENZLE: [indiscernible].

14 JASON SALON: Did not.

15 CHAIRMAN KIENZLE: I was just curious. Thank you.

16 JASON SALON: Thank you.

17 CHAIRMAN KIENZLE: Appreciate it. Ron Davidson [phonetic].

18 RON DAVIDSON: Good morning, Mr. Chairman, Members of the Commission, I
19 would like for you guys to think about -- to bring allocation of private landowners'
20 tags. Ranchers across the state of New Mexico, and across the entire West, are
21 under severe droughts, cyclical cattle prices, rising infrastructure costs, many things
22 that are beyond their control, and to reallocate licenses and take something away
23 from, as far as an issuance of private tags to private landowners, it's something they
24 depend on to try to help them maintain these ranching operations that are, each year,
25 falling off and falling off because it is so difficult and I would like for you all to consider

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1 that and let the private tags maintain private tags to the private landowners without
2 reallocation based on [indiscernible]. That's it. Thank you so much.

3 CHAIRMAN KIENZLE: Thank you. That goes back to my first question. Is this
4 system just different or is it better? And you don't have to answer again, but I think
5 we're all going to puzzle through this between now and November to make sure that
6 it is better and not just in the end different. It's not to take away from your hard work
7 but there is still some significant policy decisions to be made. Larry Carver you may
8 have signed up for 12 and 13, so if you've got nothing else to say I think we have
9 Larry --

10 LARRY CARVER: [indiscernible].

11 CHAIRMAN KIENZLE: Okay. It's not that I don't want to hear from you again, it's just
12 that -- don't feel that you have to come up and duplicate what you already did.

13 Gabriel Lopez [phonetic].

14 GABRIEL LOPEZ: Mr. Chairman and Members of the Commission, I want to thank
15 you for your time and allowing us to come and state our case here. I'm concerned in
16 the area of Unit 6. I'm totally not sold on the process that they're trying to do here,
17 you know. I submitted a proposal to Mr. Chairman and all the Commissioners here. I
18 want to say that, you know, this will be the third time we get reevaluated in, you
19 know, I'm in the COER area. We have -- how many times are we going to get
20 reevaluated? The loss of tags, the last gentleman that was here was stating, I've
21 seen the loss of tags on our ranch go down every time we get a change in these tag
22 numbers, you know, or the formula changes. This year I lost another one. Can the
23 Commissioners expand the COER? That's part of the proposition I made on the
24 proposal, expand the COER. If the problem is getting tags, I understood the
25 gentleman right here said the Commission has, correct me if I'm wrong, the power to

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1 give the tags in the COER area, correct? That seems to be the problem. If we can
2 expand the COER areas, there's BLM land, I spoke to one of the officers said well if
3 you expand the COER areas you are going to get more land in there, more people.
4 Well, there's a lot of BLM land, public state land, that is in these COER areas that
5 could supply for the additional permits that we would ask you for, if you're able to do
6 that. I'd like to grandfather -- see if we can get a grandfather clause to make it go
7 back to when we were admitted into the program. We had no problem then. Also, I
8 wanted to make part of that proposal we want to get -- see if we can get permission
9 to do this under -- on the US Forest Service properties. We hold the leases to these
10 properties, it's in the COER area of Unit 6, and we are enhancing as what was the
11 term that you used, meaningful habitat. We are enhancing the COER habitat in
12 these units which where we run the cattle. That is, you know, we have to take care of
13 the fences, we have to take care of the -- I myself have made, you know, already
14 probably 6000 in stock bonds. I'd have to fix the fences, you know, where the elk coe
15 across, so we need some kind of relief to help us get this because we are enhancing
16 the COER area. I have a list of [indiscernible] signed up from the Carson and Santa
17 Fe National Forest, they're all in agreement on this, you know, that, you know, I'm
18 putting out two blocks -- I mean, two pallets of salt per year. I'm running 120 head of
19 cattle in there and the cattle eat some, but I got video cams up there out all the salt
20 licks, you know, different salt licks that are up the units and them elk are, you know,
21 doing just as good a job as the cattle.

22 CHAIRMAN KIENZLE: Keep going.

23 GABRIEL LOPEZ: I think that covers pretty much of what I -- there's some in the
24 letter and the second proposal that I gave you and then today I brought the list of
25 names for the permittees that are trying to get some kind of relief on that. I would like

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1 to get that approval from the Commission, if you are able to do that, you know, it
2 could sure help. The gentleman said, you know, that the ranchers are in pretty bad
3 shape, you know, this year and that's true. We're coming a little bit better, it's raining
4 quite a bit now, but like he says, you know, these ranches are doing a lot for the
5 meaningful habitat that we're talking about here and we are trying to do everything
6 we can because we run the cattle, but we also have the elk with us so we deal with
7 that and maintain that also because it's beneficial for you all, it's beneficial for the
8 state, the hunters, everybody. But we need to come up with a good plan, you know,
9 and we need to sell me on this one here because I'm not quite there.

10 CHAIRMAN KIENZ'E: So here's what I want to see. Among the landowners,
11 farmers, and ranchers that appear, I'm going to ask Stewart, between now and some
12 point in time, so we'll have the opportunity to take a look at it. If -- I think we can do
13 this, so we know what tags they are getting today and if we were to score them under
14 the news system, can we come up with tags they might receive under wherever our
15 news system is?

16 STEWART LILEY: Mr. Chairman --

17 CHAIRMAN KIENZLE: At least within horseshoes and hand grenades.

18 STEWART LILEY: The hard part is every year we have new properties trying to
19 participate [indiscernible] changes allocations. So let's say there was 100,000 acre
20 piece of property that was being on the real estate market right now, and if someone
21 purchases that, that's getting allocated tags and those tags are getting passed to
22 people that are enrolled. If that is sold tomorrow and comes into the system they now
23 have tags --

24 CHAIRMAN KIENZLE: [indiscernible] --

25 STEWART LILEY: So it's hard to --

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1 CHAIRMAN KIENZLE: I know it's hard and you won't be able to do it exactly
2 [indiscernible], but I would like to see a comparison, to the best of your efforts, of
3 where we're at today and where we would be at under the system and you can make
4 all the assumptions and foot note it all you want, but I think that would be useful for
5 people to see a before and after, so to speak. And so let's make a run, sort of gather
6 up a few names here and let's see if we can make run at getting some sort of
7 meaningful research to that question. Does that make sense? It may sound painful,
8 and it may not work out, but I, at least, want to make a run at it. Mr. Director, do you
9 understand that?

10 DIRECTOR SLOANE: I do, I think we can probably sort through at least --

11 CHAIRMAN KIENZLE: And I understand you're going to have to make assumptions
12 and all of those kinds of things and whoever is going to get used an example, that's
13 not necessarily where you're going to end up. But I think it is instructive, both for me
14 as policymaker and for the public, to see where we are at today and where we end
15 up. Because I heard more than once we've gotten certain expectations, we're trying
16 to make ends meet and all of those kinds of things, and so I think it would be useful
17 to have that information.

18 STEWART LILEY: Mr. Chairman, we could definitely work on that. One thing I would
19 say is the actual number of licenses going to private landowners is not changing. And
20 in fact, it might be increasing or increasing in some zones. So let's say there -- and I
21 apologize, I don't know what the GMU. If he's in GMU --

22 UNIDENTIFIED SPEAKER: 6C.

23 STEWART LILEY: Let's say he's in 6C [indiscernible]. If there is 100 bull tags going
24 to 60 landowners right now, they're still proposed 100 bull tags going to 60
25 landowners. What may come out is a five-acre parcel down right outside of Santa Fe

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1 because Santa Fe is in 6C, so that tag, a portion of that tag going to that landowner
2 is now going to landowners making meaningful contributions. So overall, it will
3 probably increase -- people that are making meaningful contribution will increase
4 their allocations [indiscernible] --

5 CHAIRMAN KIENZLE: So my request still stands. Let's get some examples so
6 people can see a before and after [indiscernible] shot of what's going on. You can
7 footnote it, make whatever assumptions you want to make, but I want to see
8 something beforehand.

9 GABRIEL LOPEZ: Mr. Chairman, and one last comment. Going back in time you,
10 know, we worked a lot with [indiscernible] when he was in here when and program
11 was starting in Unit 6C and it was all one unit then, it wasn't split up into three. the
12 Banco [phonetic] location was getting 144 permits, if my memory serves me right. Are
13 those all being utilized today? They also had set up the rule where it was going to be
14 5 to 48-acre parcels that were agriculturally tied or you where you were getting
15 detriment on that, you know, if you're raising hay for your cattle or your horses or
16 whatever it was, that's what it was tied to back then. Now, they say it's a 5-acre lot,
17 you know, I don't know where that came about. I've been out of the [indiscernible] --
18 the process but at that time they had stated, you know, that it was a 40-acre parcel of
19 land and tied to agriculture, so you could be able to get into the system. I don't know
20 what happened from there on.

21 UNIDENTIFIED SPEAKER: You know, Mr. Chairman, I've watch from where we are
22 today of all about 30 or 35 years. We have tried and tried and tried to get something
23 that's beneficial to the critters, that doesn't overlook the trespass problem, that
24 doesn't overlook the over hunting or the other hunting, or whatever. I look at where
25 we are working on with this system that we've got, and sure, it's not perfect, but I

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1 think we all should ought to say let's give it a shot and see how we come up and
2 something to change if it's not working, but it's a hell of a lot better than where we are
3 right now or where we've been for the last 20 years. It was a system that we had that
4 you had situation here where you had five or six permits going to five or ten acres of
5 property, and you look and say is that right where you had another system over here
6 where you had people that were really taking care of the habitat, really taking care of
7 the elk that were on their private or public land, whatever and they really weren't
8 getting compensated for their efforts and I think we are about to the point where
9 we're there and it's the best that I've listened to in a long time in saying there's a little
10 bit there for everybody, let's give it a chance, give it a shot, see where we get. My
11 telephone is open, I get calls and there's a lot of things "Geesh, what are you doing
12 now?" And there's a lot of them saying hey, you finally got something we think we
13 can live with. I like it, I like what we're trying to do. It's not perfect but it's a lot better
14 than what we had where we've been.

15 CHAIRMAN KIENZLE: [indiscernible] I've got one more card, Charles Johnson
16 [phonetic].

17 CHARLES JOHNSON: [indiscernible] thank you, by the way, for providing this day
18 here [indiscernible] worth the trip because I don't know if I'm too poor or not. I don't
19 know [indiscernible] I don't think I deserve the reasoning because we've had 66%
20 archery success and an 80% rifle success, and, to me, I would strongly suggest
21 putting success ratings into your factors. I had about six questions which
22 [indiscernible] now has, he could probably answer them quicker than I could
23 [indiscernible] take a shot at it, what do you think?

24 CHAIRMAN KIENZLE: How about we let you two visit privately, and get the answers
25 to those questions.

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1 UNIDENTIFIED SPEAKER: The - - would we be able to use historical Game and
2 Fish file to state where it does exist instead of having to wait to see where we stack
3 up in some of these places?

4 CHAIRMAN KIENZLE: I think you've already factored that into your analysis, right?

5 STEWART LILEY: Mr. Chairman, that's correct.

6 UNIDENTIFIED SPEAKER: [indiscernible] Unit 12 herd increase in the past decade
7 compared to similar COER or the COER average. It has built up pretty well and --

8 CHAIRMAN KIENZLE: Is that among your six questions?

9 UNIDENTIFIED SPEAKER: Yeah.

10 CHAIRMAN KIENZLE: So why don't you two visit --

11 UNIDENTIFIED SPEAKER: I was expecting to hear an answer while I am up here.

12 CHAIRMAN KIENZLE: I think you'll get an answer --

13 UNIDENTIFIED SPEAKER: I've seen a quite bit of slack on some people that if you
14 want me to sit down, I will.

15 CHAIRMAN KIENZLE: You can go ahead and ask your questions. I'm just saying
16 he'll give you an answer when he has the opportunity to visit with you before you
17 leave today.

18 UNIDENTIFIED SPEAKER: Right, uh --

19 CHAIRMAN KIENZLE: Because this isn't a test of what my wildlife biologists know, I
20 mean, I think it's fair to them, if they need some preparation, he'll tell you that.

21 UNIDENTIFIED SPEAKER: Where 3% of the permits now go to state land I wonder if
22 there was a lot of [indiscernible] in coming up with that number as you're putting in
23 the private land.

24 CHAIRMAN KIENZLE: Okay, you've got his questions. Make a point of visiting with
25 him before we leave today. Thank you. Mr. Salopek, any questions or comments?

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1 COMMISSIONER SALOPEK: Well, I would like to thank the Department. What
2 we've done here, we've gotten to a lot better spot. But more importantly, the public
3 input, that's huge and you have a passion and we respect that. And I'm excited, like I
4 said earlier, where we are headed to. When you can come up and talk, it's nice
5 seeing levelheaded people even though you have passion. I've been on this
6 Commission nine years and I've [indiscernible] you just can't [indiscernible] up here.
7 We might be that person whatever you want to think of, but you can't [indiscernible]
8 and I really think and respect that we [indiscernible] more importantly. I have one
9 question. How much of the assessments are done by Google maps?

10 STEWART LILEY: Mr. Chairman, Commissioner Salopek, so a lot of these
11 properties are [indiscernible] about 300 new applications a year to participate. When
12 we get those applications, we bring in the district officers, the sergeants, the
13 biologists, and then look at each ranch by ranch and discuss. And a lot of times our
14 district officers have been on that property, been out there. We might pull it up on a
15 Google map to say here's where it is and it might be a district officer that's now up in
16 Shamo [phoetic] but was down in Camato [phonetic] before and they're saying,
17 "Yeah, I've been out on this place, here's what's going on here". So it's a placeholder
18 on Google map to look at, but it's an evaluation done by people that have been on
19 the ground. If that helps.

20 COMMISSIONER SALOPEK: Thank you because there's kind of a few people that
21 have called me, "Well, they're doing it by Google map". I said, "They may be looking
22 at it but that's not how they're deciding." I just want it for the record. Thank you.

23 [MULTIPLE PEOPLE TALKING]

24 COMMISSIONER RICKLEFS: I would like to commend you, Stewart, you and your
25 team on this. A lot of work has gone into this. I've noticed, through the years, that

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1 often many of the comments against the Department's data you guys don't know
2 what's out there and I haven't heard that. Recently, here today, and I think it points to
3 how well you get your job done. I know people are understanding what you do and
4 the data you're collecting. You say there's about 2,900 in the EPLUS System now
5 and you're going to have to reevaluate all 2,900. I'm sure officers, biologists, use it
6 [indiscernible] to get that done?

7 STEWART LILEY: Mr. Chairman Commissioner Ricklefs, that is correct. It's a very
8 hands-on and what -- we're starting with the smallest properties and moving our way
9 up first. And so yes, we are reevaluating every property.

10 COMMISSIONER RICKLEFS: How far along are you [indiscernible]?

11 STEWART LILEY: We have reevaluated every single property under 40 acres so far
12 across the state. We're moving into the next phase; were over probably 40% of the
13 way done.

14 COMMISSIONER RICKLEFS: Excellent.

15 STEWART LILEY: With the preparation [indiscernible] if it passes or it does not, so
16 we're well along [indiscernible].

17 UNIDENTIFIED SPEAKER: I would like to point out one issue of public-private land
18 owners or ranchers. Out near the [indiscernible] well the unit is 40% private and 60%
19 public. We, as ranchers, have done everything and most of the elk are on the 40%
20 but with this system that is taking into account the work that you do on the public
21 lands as part of the system. That can be worth up to three points, four points, so that
22 is taking into account in this formula. So I think it would be very difficult ever for the
23 Department to change. If it is 60/40, that's -- that's the way it's going to but this
24 formula does take into account the work that you're doing out on the public land, so I
25 think that's excellent. I commend you again and I appreciate all the work you've done.

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1 CHAIRMAN KIENZLE: Still want to see a comparison. So you can cherry pick the
2 ones you want, but I am curious about how it works out [indiscernible] again with
3 whatever caveats and assumptions you want to make. But I think it would be
4 instructive to see that. Also, be mindful of my first question, are we making this just
5 different or are we making it better? When you visit with them, a particular land
6 owner, and they say, "well this is a whole lot worse for me" and some of this is
7 utilitarian, are we making this better for the majority of people, better for the majority
8 of our state, better for the majority of our hunters? So some people may lose on this
9 particular rule change; I sympathize with them. But on the whole, if we are making
10 this better, I think that's positive step forward. All right. I think we will be done with 12
11 and 13. Nice work. You're good.

12 Agenda Item No. 14, Subsequent Discussion for Potential Rule Changes on
13 the Hunting and Fishing Licenses Application Rule. Mr. Varela, Mr. Jackson. We get
14 a rainstorm. The sun's not in my eyes anymore. Ready when you are.

15 UNIDENTIFIED SPEAKER: [indiscernible] license and application rule, we have
16 three proposed amendments. The first is specified to all game species, that includes
17 small games turkey only [indiscernible] the rule only applies to deer and barbary
18 sheep. The second amendment would amend restrictions to private land in the
19 system to accommodate changes [indiscernible] and avoid revocation for individuals
20 [indiscernible]. And the third amendment would amend the game hunting license
21 [indiscernible] option which would be, Director and Chairman, the ability to rescind
22 the refund option [indiscernible]. We'll put these proposal amendments on the
23 Department's website [indiscernible].

24 CHAIRMAN KIENZLE: When would that refund option go into effect?

25 UNIDENTIFIED SPEAKER: With the current proposal we're proposing [indiscernible]

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1 after January 1st to June 30th.

2 CHAIRMAN KIENZLE: 2019.

3 UNIDENTIFIED SPEAKER: 2019.

4 CHAIRMAN KIENZLE: Okay. Any questions or comments? Anything further on this
5 one? Any questions or comments? And so when will we see this again?

6 UNIDENTIFIED SPEAKER: Mr. Chairman, in November.

7 CHAIRMAN KIENZLE: In November, okay. [indiscernible] I don't want to cut you off.

8 All right. Thank you. Subsequent Agenda Item No. 15, Subsequent Discussion for
9 Potential Rule Changes on the Hunting and Fishing Manner and Method Rule
10 19.31.10 NMAC. This one should be quick, this is sort of the guts of Game and Fish
11 here.

12 BOBBY GRIEGO: Which is a good point, I guess. Just for the benefit of the public
13 that does not know, Manner and Method is basically how an individual can take,
14 attempt to take, possess, or [indiscernible] protected species. It's the how to, it's the
15 rules for hunting. As you all know, this is a subsequent discussion. So we are co-
16 moving Manner and Method from the individual species putting it under one chapter
17 [indiscernible] 3110. It's been about a six-month process where we have been
18 working in lockstep with the fisheries division, wildlife division, Commissioners. And
19 after this, we do have some public meetings set up across the state so we are going
20 to get public input and move forward from there. So those public meetings they will
21 be scheduled from 6 p.m. till 8 p.m. or they had been scheduled, and those are the
22 dates that the area offices that we will have those. After those public meetings, we
23 gather that input, we will submit it to registrar in October, and hopefully, have a final
24 rule in front of you by November Commission meeting. So we do have a few new
25 defined terms in Manner and Method or amended definitions. This is just a snapshot

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1 of some of the big ones. This whole presentation is really just a summary of the big
2 changes. There's obviously many rules that are currently in place that we did not
3 change or just made slight clarification, but we will not address, but they are in the
4 rule. So one of the big ones under the section of Possession or Sale of Protected
5 Species. A significant change is we are all aware of the donation certificate, what
6 we're going to do is change donations, permit donations certificate, to possession
7 certificate really to address -- currently under Rule when I have someone transport
8 my animal from the field back to town, I drop it off at a meat processor, I drop it off at
9 the taxidermist, technically I have to donate that carcass to that individual and when,
10 in reality, you're not really donating to him, it's a temporary possession and they have
11 that document to show that it was legally harvested. So just changing some language
12 in that to clarify that is really a possession certificate and make it consistent. Sale of
13 game animal parts. Currently, you can only sell the heads, horns, antlers, claws,
14 hides, of legally harvested animals. We're wanting to add items like rendered bear
15 fat, teeth, and all furbearing parts. Currently, its unlawful to sell any internal organs of
16 any protected species. Really, the point of that is, we don't want people selling
17 gallbladders but with our fur bearers there are times where people will sell glands for
18 [indiscernible], urine, or beaver caster, it just gives them the opportunity to do it
19 legally. Possession of game and animal parts found in the field. It is consistent, the
20 way it has always been, that its unlawful to possess any heads found in the field,
21 when in conjunction with that, we added the aspect of shed antlers where any shed
22 antlers that are picked up while in violation of criminal trespass, or one of our habitat
23 enclosures, or driving off-road, or in a habitat of protection area can be seized.

24 CHAIRMAN KIENZLE: What's typical closure type of area? What area would you
25 [indiscernible]?

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1 BOBBY GRIEGO: Typical closure is just mostly northern New Mexico we had
2 calving areas and that will be closed for a certain amount of time to allow those cows
3 to get in there, rest, calve, and get out without being disturbed. Next, [indiscernible] is
4 the importation of possession of unpermitted wildlife. Currently, all wildlife is required
5 to have an importation permit and health certificate as they come into New Mexico,
6 that's to ensure that we protect our native species and our wildlife from disease. This
7 rule, as amended, will require that any wildlife imported and sold must be
8 accompanied by that importation permit and transfer. If I sell -- if I import wildlife into
9 New Mexico, and, in turn, sell it, that importation permit goes with that to show proof
10 that it was legally imported into New Mexico, and if it was legally imported to New
11 Mexico, it obviously had a health certificate that did accompany it at that time.

12 CHAIRMAN KIENZLE: Is this part of the rule that we changed for ibex predators? Is
13 this part of that same rule where you had to get permission?

14 BOBBY GRIEGO: No, sir. That was a separate --

15 CHAIRMAN KIENZLE: [indiscernible].

16 BOBBY GRIEGO: Also, part of that is when, if we do have a legal wildlife that's been
17 imported, that in the Rule [indiscernible] and we seize it, that they will have 30 days
18 to come up with the location to get it removed out of the state, so we are not stuck
19 with this wildlife

20 CHAIRMAN KIENZLE: A zoo keeper?

21 BOBBY GRIEGO: Exactly. And if we are -- if we do not have any suitable locations
22 for it, how would we deal with it at that point? Use of roads and road hunting.

23 Specifically, shooting from the road. It would still be unlawful to take, or attempt to
24 take, any protected species from or across a road but it would allow individuals to
25 shoot from the unmaintained surface if no right of way fence exists. Currently, if no

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1 right of way fence exists, they have to get 40 feet from the edge of a public road. This
2 proposal would state that they could simply step off the edge of the [indiscernible]
3 whether it is marked pavement, gravel, or blade and could legally shoot an absence
4 of a right of way fence. If a right of way fence does exist, it would allow an individual
5 to walk out to the right of way fence and rest their firearm at least halfway across the
6 right of way fence as long as that road had two or less lanes eliminating
7 [indiscernible]. Aircraft. Using aircraft to locate is one of the definitions that we added
8 and basically would make it unlawful, for the purpose of hunting, to locate a protected
9 species with the aid of an aircraft or drone from August 1st to January 31st. This rule
10 would not apply to any commercial or direct flights, or any individual flying for any
11 other purpose other than hunting purposes.

12 CHAIRMAN KIENZLE: Is this going to help you guys make a case or two on --

13 BOBBY GRIEGO: I think it's definitely going to be better than what we have now.
14 And as we've seen in other states that have this similar law, it has basically
15 eliminated the issue of -- particularly flying for elk, during that peak rut timeframe.

16 CHAIRMAN KIENZLE: [indiscernible]. I have one quick question on [indiscernible],
17 is that the same rule that was passed some time ago, a couple, three years ago?

18 BOBBY GRIEGO: Yes, sir, Mr. Chairman, that is correct. And that rule still exists,
19 this was just in addition to. They're still in the rule that you cannot use a drone.

20 CHAIRMAN KIENZLE: What were we calling them? [indiscernible] blah, blah, blah. I
21 assume will tie into that same definition.

22 BOBBY GRIEGO: Mr. Chairman, that is correct. And I believe we still kept the
23 definition of drone and it would come back to that.

24 UNIDENTIFIED SPEAKER: Mr. Chairman, we did keep the definition of drone as it
25 currently exists.

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1 CHAIRMAN KIENZLE: Pardon me?

2 UNIDENTIFIED SPEAKER: We kept that definition as currently it currently exists.

3 CHAIRMAN KIENZLE: It needs to be broadened, [indiscernible] and we were pretty
4 stupid we did that so if there's more and different things we didn't account for them
5 now is the time for this.

6 BOBBY GRIEGO: Sure. Another significant changes for driving is for driving off of
7 established roads. Currently, it is unlawful to drive off-road or on enclosed road if the
8 vehicle bares a licensed hunter [indiscernible] or trapper. We are proposing that on
9 private property that a landowner can give written permission to drive off-road on that
10 private property. The way we're looking at it is it's not a habitat issue. If they're willing
11 to allow somebody to drive across their pasture to get up on that ridge [indiscernible]
12 they could do so. It would still be unlawful to harass anyone wildlife, chase any
13 wildlife, do anything like that, but if they simply wanted someone to drive along the
14 fence or however they did, as long as it was on that private property and that
15 individual had written permission, it would be allowable. Where it would not be
16 allowable is if any private property is part of the [indiscernible] or is ranch wide or unit
17 wide or is a property that we are paying for access for our public hunters. We want to
18 avoid a situation where a segment on that ranch would have permission to drive off-
19 road and another segment the public hunter would not. So if there is public access or
20 an agreement, that would be off the table at that point. Mobility impaired, a big one.
21 This is more of a clarification. Currently, the way the rule reads is that holders of a
22 handicap license can shoot from a vehicle that's removed off the road, and really, a
23 handicap license is just a reduced fee license, and anyone can get one by simply
24 asking. Mobility impaired is a document and card that is certified by a physician and
25 has to be renewed every four years. Those are the -- was the intent of that regulation,

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1 it just said handicapped instead of mobility impaired, so we clarified that. We did add
2 that currently any mobility impaired hunter on a mobility impaired hunt can have an
3 individual that assists them, if they wound an animal, that assistant can go out and
4 reduce that animal to possession if it's wounded. We just made some clarifications. If
5 they can designate one person, and that person must be in writing, and that assistant
6 must carry that written permission with them so if they are checked in the field, they
7 have some document that says this mobility impaired hunter and I'm his assistant,
8 just for some documentation in the field. And that that mobility impaired designee will
9 follow the same sporting arm type as the mobility impaired hunter.

10 COMMISSIONER RAMOS: Chairman, Bobby, does that include day-to-day the five-
11 day hunt? Let's say five-day archery elk hunt and he has a designation person for
12 Saturday, Sunday that one goes home. So just a handwritten note or on the back of
13 his license or something designating someone just -- I think just to be more
14 transparent on that.

15 BOBBY GRIEGO: Mr. Chairman, Commissioner Ramos, that is absolutely correct.
16 It's one at a time, you know, if one goes -- has to go home. We just can't have
17 multiples in the vehicle and if we need to clarify that, we would do exactly that.

18 COMMISSIONER RAMOS: Multiples in the vehicle. He can have four visitors but
19 only one designated to assist him, correct?

20 BOBBY GRIEGO: Mr. Chairman, Commissioner Ramos, that is correct.

21 UNIDENTIFIED SPEAKER: Real quick, Bobby. That person can only commit to
22 [indiscernible] after an animal has been wounded?

23 BOBBY GRIEGO: [indiscernible] wounded, yes.

24 UNIDENTIFIED SPEAKER: It's going to state that in the book?

25 BOBBY GRIEGO: It does [indiscernible].

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1 UNIDENTIFIED SPEAKER: Thank you.

2 BOBBY GRIEGO: For your sanity, I summarized a lot this. So this is not exactly how
3 we are wording it. Proof of sex or bag limit. Currently, for all of our female hunts we
4 are required that they maintain either the entire head or that they can – with both
5 ears and the scalp in between. What we did this year is give another option of they
6 can continue to have the scalp from both ears or just keep the genitalia naturally
7 attached to one of the quarters and they are good, to go rather than scalp. Just giving
8 another option, really. For the female ibex with horns longer than 15 inches, same
9 thing. They can just leave that genitalia naturally attached. In the past we've had the
10 issue where those hunts weren't female or immature and female was designated as
11 those females less than 15, and so we're just giving it another opportunity. Another
12 addition is javelina hunters. We are recommending they must keep the skull as proof
13 of bag limit. As you all know, you do not have to remove the meat from a from a
14 javelina from the field, by statute, but I think every javelina hunter I've ever been
15 around they will always bring out the head, we just to signify that in Rule that that is
16 going to be their proof of possession which, in turn, would tie into taking also. If that's
17 what they would tag, if they choose not to bring out the meat. Tagging. We are now
18 going to have the two options that we've been discussing for the last few years with
19 the electronic tagging, licensed hunters -- let me regress. At application, the hunter is
20 going to choose "Do I want to e-tag my harvest or do I want the physical carcass tag
21 mailed to me?" If they choose the e-tagging option when they go out in the field,
22 immediately upon harvesting, they're going to access the electronic tagging app.
23 When they access that app, regardless of connectivity because they downloaded it
24 when they did have cell phone service, they downloaded their licenses on there, all
25 that information is going to be on there. When they submit their harvest, they're going

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1 to receive a meat tag number, their CIN number will appear, which is the CIN number
2 that they have on their account, and the date of the kill will appear. The hunter will be
3 required to write that information on any durable material with permanent ink and
4 they will place that durable material in the proper location, whether that's the antlers
5 or the hock tendon which will mimic exactly the physical tag options. So that being
6 said, with the Department issued carcass tag, it's going to be the same cost as we
7 have now. It'll have the carcass tag on the hock tendon, the antler tag on the antlers.
8 We are making some changes to that license, or that carcass tag, to have license
9 information on there, as well as reducing the size of it and species, that it's two-bag
10 limit. Instead of an antler tag that will be another carcass tag. A rule around
11 contiguous deeded property. Currently, landowners can hunt contiguous deeded
12 property that overlaps an additional GMU only if both GMUs the weapon type, the
13 season dates match. What we are recommending is that if there's contiguous deeded
14 property that extends into two or more GMUs, that they could seek permission at an
15 area office and that wherever the majority of their property lies, whatever GMU, that
16 would be the season dates and sporting arm that they would use. We are
17 recommending that they do that annually. We know that properties come and go. It
18 would be an easy process where just, you know, bring in a map, show proof of
19 ownership, and it would be just a memo type deal. We're recommending that they do
20 it at least a week in advance so we can ensure that we know to find the officers in
21 those areas potentially they will have as individuals they are potentially hunting in the
22 zone or unit that there is not a hunt currently going on just to give that heads up to
23 avoid any mistakes.

24 UNIDENTIFIED SPEAKER: Bobby, question. We hear it all the time, I don't know if
25 you have maps or not. Corner to corner contiguous, is that contiguous or is it not

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1 corner to corner?

2 BOBBY GRIEGO: Contiguous touching.

3 UNIDENTIFIED SPEAKER: Corner to corner you can go from here to there and we
4 are going to considerate it either one.

5 BOBBY GRIEGO: [indiscernible].

6 UNIDENTIFIED SPEAKER: Thank you.

7 BOBBY GRIEGO: With that system, our recommendation is that if they choose to
8 hunt the contiguous property of the ranch, that it's one or the other. If you choose
9 contiguous, you can't then – I'm going to hunt this GMU when that hunt's open, and
10 this GMU when this hunt's open, because I chose to hunt both during the majority.
11 And similar to the driving off-road scenario we would not allow [indiscernible].

12 [LOST AUDIO]

13 The Department to help reduce wounded game or find wounded game or tracking.

14 What we're going to recommend is [indiscernible] to be kept and maintained at all
15 times, rather than registering. Use of bait. Trying to make it consistent with the

16 Federal Rule [indiscernible] removed at least 10 days, gives a specific timeframe,
17 and again, just makes it [indiscernible] the laws out there. This would include

18 [indiscernible] so they would have to if they're on a ranch [indiscernible] feeders that

19 [indiscernible] feed from those [indiscernible] as time is going on [indiscernible]

20 quickly approaching a time [indiscernible] no longer be under contract [indiscernible]

21 those fences [indiscernible] just want to avoid [indiscernible] and address the issue of

22 [indiscernible] captive wildlife.

23 UNIDENTIFIED SPEAKER: [indiscernible].

24 BOBBY GRIEGO: That is correct. [indiscernible] in the Rule [indiscernible] it's the
25 situations where the gate is open, someone just simply [indiscernible] while this

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1 individual [indiscernible]

2 CHAIRMAN KIENZLE: [indiscernible].

3 BOBBY GRIEGO: Mr. Chairman, that is correct.

4 CHAIRMAN KIENZLE: [indiscernible].

5 [POOR AUDIO]

6 BOBBY GRIEGO: [indiscernible] that fish and simplify boats and motors just a little

7 confusing [indiscernible] pretty well with fisheries to bring that to order and simplify.

8 Last significant portion is our penalty assessment portion. Again, we just clarified the

9 language for specific violations was really all we did on that section. Like I mentioned,

10 there's obviously several other rules that are currently on the books. We just did

11 either not change or just made minor edits [indiscernible] that will be posted on the

12 website.

13 CHAIRMAN KIENZLE: There is one change and I talked to Mr. [indiscernible] about

14 it, and that's about putting in the definitions section exactly what a license is because

15 you can search a long time in the Rules and Regulations and Statutes, and it doesn't

16 actually say what a license is. Back in the day [indiscernible] piece of paper, now we

17 have so many other different kinds of on-line, you can print it, you get your

18 [indiscernible] where your license information. So I think we need to call out the

19 different categories of what a license is [indiscernible] put some language in

20 conjunction with [indiscernible].

21 BOBBY GRIEGO: You're right, license is not currently defined except under Statute

22 it does state that you must purchase and possess the proper license and under 1732

23 we have the classes of license which does define every specific license that we

24 issue. We, for about 15 years now, have allowed just confirmation numbers for

25 fishing and small game.

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1 CHAIRMAN KIENZLE: Yeah, and it -- so it should cover everything and I'm more
2 interested in, sort of, the physical thing you've got and need to have in the field so
3 whether it's a number, an online license, a picture of your license, whatever the
4 definition is it would be useful for people to know what exactly is a license because
5 this is just not paper [indiscernible] any more. Anyway, I think you understand so talk
6 amongst yourselves and it's a good opportunity to drop in the definition since we're
7 working on it already.

8 COMMISSIONER SALOPEK: [indiscernible].

9 CHAIRMAN KIENZLE: Yes, sir.

10 COMMISSIONER SALOPEK: [indiscernible] and as far as the shed horn retrieval,
11 what would it take to get a license and/or a season for that? Is that legislative
12 mandate?

13 BOBBY GRIEGO: For a license, definitely. Mr. Chairman, Commissioner Salopek, it
14 would take legislative action to enact a license or stamp to move forward with -- for
15 shed hunting, that is correct.

16 COMMISSIONER SALOPEK: So what about a season, the same thing?

17 BOBBY GRIEGO: A season, I don't believe so. I think we could probably address
18 that in Rule, but with seasons typically comes some document like a license, so I
19 don't --

20 COMMISSIONER SALOPEK: I'm just asking. I didn't see anything of weapon
21 [indiscernible] can you go over that?

22 BOBBY GRIEGO: We did do is -- it was not in there. What we did do is break it into
23 a few categories. The gist of it is currently, right now, as you all know, for certain
24 species like elk and oryx the minimum caliber is .24 caliber and for other species it's
25 any [indiscernible] fire. We are suggesting that the vast majority of our hunters, if not

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1 all of them they, they self-regulate that anyways, they know what they need to carry
2 out in the field and are we reducing opportunity or causing, more so kids, to have to
3 use something that they're not comfortable with. I think it's a self-regulated issue. We
4 are also addressing certain issues like [indiscernible], where again, any centerfire we
5 are recommending at that point it would be any sporting arm which could be
6 [indiscernible] centerfire, muzzleloader, bow, or even certain instances, air guns.

7 COMMISSIONER SALOPEK: And then put in there If it's a four-lane road, interstate
8 or not, four-lane you would have to be on the other side of the fence, would that be --
9 you cannot be recommendable or just so people know --

10 BOBBY GRIEGO: Mr. Chairman, Commissioner Salopek, it is currently in there.
11 Again, and that was just to summarize the most significant meat of that change.

12 COMMISSIONER SALOPEK: Thank you.

13 COMMISSIONER RAMOS: Chairman, Bobby, back to the shed antler one. You
14 stated season would tie into a license. I'm not quite sure if I agree with that but we
15 couldn't do it just like aircraft, where you'd set a certain date that you can't collect
16 them from this date to this date?

17 BOBBY GRIEGO: Mr. Chairman, Commissioner Ramos, I believe we probably
18 could. Just remember, currently right now, you know, sheds are kind of a bonus thing
19 to find while you're out there. And I understand it's getting popular, it rises in
20 popularity depending on the price. Price per pound. Right now, pretty good prices
21 and we get a lot of people out there. It's just the concern is those inadvertent fines
22 from individual, whether it be during turkey season or whatever, and finding that
23 bonus antler out there.

24 COMMISSIONER RAMOS: And I'm not necessarily concerned about that, and I've
25 got to just be open with this that it's the commercialization of shed horn hunting and a

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1 lot of that is where we have nonresidents coming into our state not spending any gas,
2 no license, nothing, coming in and taking advantage of our national resources out
3 there and just, kind of, setting some type of – and really, I would love to see a stamp
4 system and hopefully we can, with the steps to work towards legislation, to get
5 something like that in there. Especially for that commercialization component. I'm all
6 for a kid or, you know, just anyone wanting two sheds that you're lucky to find while
7 you are out turkey hunting, that can be open but --

8 CHAIRMAN KIENZLE: We already have the ability on our WMAs. Anything
9 commercial has to be permitted essentially, if I recall clearly.

10 BOBBY GRIEGO: Mr. Chairman, that is correct. And we have the ability to open or
11 close them as we see fit just by posting it.

12 CHAIRMAN KIENZLE: And so we may not cover the whole state, but we can cover
13 the important parts if we choose to do it, or at least the parts that are under our
14 control.

15 BOBBY GRIEGO: Mr. Chairman, Commissioner Ramos, and then this is a picture --
16 this is a bigger picture that affects not just New Mexico. We're seeing some states
17 that have tried doing a season, or certain dates, and those neighboring states are
18 saying that it's pushing a lot of those individuals into the other states, and what one
19 states does has a huge impact on the other, when it comes to this sort of activity. And
20 I just think we just need, if we're having these discussions, it needs to be a broader
21 discussion bringing in a lot of these other states and agencies that will be affected.

22 CHAIRMAN KIENZLE: So on are WMA's, commercial activities prohibited unless we
23 give them a permit, if I recall correctly.

24 BOBBY GRIEGO: Mr. Chairman, that is correct.

25 CHAIRMAN KIENZLE: So anyone who is doing that already is in violation of our

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1 rules and regulations, correct?

2 BOBBY GRIEGO: Mr. Chairman, that is correct. If we can show that they are selling
3 those antlers. Some do, probably most do, some don't, some like to just keep them.

4 CHAIRMAN KIENZLE: So at least on some part of the state you have some control
5 over that over already, it doesn't necessarily [indiscernible] from anybody's pocket I
6 mean, from the Department's perspective there is no stamp or fee that they would
7 pay for it at least it's permitted and maybe we need to get the work out on that as if
8 you're going into a WMA [indiscernible] sell it that that's not [indiscernible].

9 BOBBY GRIEGO: Mr. Chairman, with the current language we have proposed, the
10 significant issue that we are currently having where we have these closures that are
11 very important for the protection of those species. This gives us the ability to combat
12 the issue with those individuals going in there and collecting these sheds and
13 pushing these elk around and to be able to seize and take the incentive away from
14 sneaking in or trespassing on these properties when they can simply just sell one of
15 the antlers and pay far in excess of [indiscernible] fine. So we are very content with
16 the language of addressing the issue that we know we have.

17 CHAIRMAN KIENZLE: What I'm saying is some of the issues already addressed in
18 Rule [indiscernible] and it's just getting the word out that this is not legal. You need to
19 come get a permit, which I'm not sure we're in the habit of issuing permits
20 [indiscernible] activity, commercial activity, so maybe it's something where we can
21 cover some of the state but maybe not all of it until perhaps we get some of the
22 things done that we're talking about with a broader solution as you point out. Okay.

23 COMMISSIONER RAMOS: Okay. One more question.

24 CHAIRMAN KIENZLE: Okay.

25 [MULTIPLE PEOPLE TALKING]

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1 COMMISSIONER RAMOS: I do have one more question. It goes back to our
2 comment we had earlier with the deer rule and having three units that have the
3 traditional more flintlock percussion cap muzzleloader options versus standardizing
4 this throughout the whole state in all units whether it's deer, elk or what, you know,
5 are we going to look at muzzleloader technology with telescopic sights versus
6 muzzleloader technology to traditional non-telescopic sights?

7 BOBBY GRIEGO: Mr. Chairman, Commissioner Ramos, as far as telescopic we
8 have not addressed that in Manner or Method. Currently, what we did address is
9 under the restricted muzzleloader hunts is to create a little more leniency with that. It
10 still has to be, you know, the percussion or flintlock, it cannot be an in-line but there
11 were certain restrictions, such as you could not use pelleted powder. [indiscernible]
12 we should not be concerned whether they're using pelleted powder or not. So little
13 issues like that where we did keep in the primitive weapon definition for those hunts
14 because it is in the Deer Rule, but we did not address scopes on muzzleloaders.
15 That's a huge discussion, that I agree, needs to be had, but that's a big one.

16 COMMISSIONER RAMOS: I totally agree it's a big one and it's very controversial and I
17 know that when we look at Manner and Method, and fair chase, and an ethical
18 harvest, really doesn't matter. But when you start looking at harvest rates being
19 successful at 56, 60% in a muzzleloader unit, let's say for elk, you know, is
20 muzzleloaders with the in line, long-range [indiscernible] yard tool really a primitive
21 muzzleloader? Meaning it's more a [indiscernible] choose to use that type of weapon
22 during a firearm rifle hunt, you know, that's their choice. But on the other hand, if we
23 are currently catering to traditional primitive weapons with flintlock and percussion,
24 and all these others, maybe it's time to conduct a survey to people, open up a
25 dialogue where thoughts on that or maybe we had a first hunt muzzleloader hunt with

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1 more traditional weapons, second hunt possibly the more scope in line type of
2 weapons, creating more options there for people to go by. Because if we continue to
3 cater, let's say to this current units, why not pilot test some archery traditional hunts
4 only with longbows and, you know, [indiscernible] type of style bows and I just think
5 that now is the time to at least open up this, even if we close the Manner and Method.
6 I know we are looking at what? November 30th voting on this? But if anything, let's
7 start having this dialogue and seeing what we really need to do in here on that, and
8 that's kind of where I stand on that. Let's get some public input specifically with this
9 topic here, you know, streamline it a little bit plus more opportunities in the units, you
10 know, for hunting down the road.

11 BOBBY GRIEGO: Sure.

12 CHAIRMAN KIEZLE: Anybody else? Commissioner Ricklefs?

13 COMMISSIONER RICKLEFS: No.

14 CHAIRMAN KIENZLE: Not yet?

15 COMMISSIONER RICKLEFS: Not yet.

16 CHAIRMAN KIENZLE: All right. You've got your hands full, it's kind of a big deal.

17 When will we see it again when, in November?

18 BOBBY GRIEGO: Mr. Chairman, that is correct.

19 CHAIRMAN KIENZLE: [indiscernible] October.

20 BOBBY GRIEGO: Will go to the registrar October 18th.

21 CHAIRMAN KIENZLE: October 18th, okay.

22 UNIDENTIFIED SPEAKER: I like what you've done Bobby, good job [indiscernible].

23 CHAIRMAN KIENZLE: And we're still able to find tune this a little bit before we're
24 really [indiscernible].

25 BOBBY GRIEGO: Mr. Chairman, that is correct. We have about four weeks.

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1 CHAIRMAN KIENZLE: All right. Well, I think Commissioner Ramos is correct, it's
2 kind of angels dancing on the head of a pin with his issue. But more broadly, you do
3 have public meetings coming up and if things come out of that, I'm sure you'll refine
4 the rule to a point that's it satisfies the most people possible. We're not going to
5 satisfy everybody.

6 UNIDENTIFIED SPEAKER: [indiscernible] as far as when those meetings are, where
7 they're at?

8 CHAIRMAN KIENZLE: [indiscernible] that farm and livestock museum [indiscernible].

9 UNIDENTIFIED SPEAKER: No but I'm [indiscernible] Las Cruces so we can go bow
10 hunting and those other people can deal with [indiscernerble].

11 [MULTIPLE PEOPLE TALKING]

12 UNIDENTIFIED SPEAKER: Now is that the Mesilla Valley Park location or current
13 office?

14 UNIDENTIFIED SPEAKER: Current office.

15 UNIDENTIFIED SPEAKER: Current office.

16 CHAIRMAN KIENZLE: That's a sore subject. All right, we'll move on to Agenda Item
17 No 16. Thank you. Initial Discussion for Potential Rule Changes on the Revocation
18 Rule 19.31.2 NMAC.

19 UNIDENTIFIED SPEAKER: Mr. Chairman, Members of the Commission, I'll take this
20 one. What we have is basically a second discussion on proposed changes to the
21 revocation rule which is 19.31.2. There's a couple of requests that we had that we're
22 trying to implement here. The first is going to be an increase in the points for hunting
23 on private property without written permission. This is, as you know, separate from
24 criminal trespass, which is a separate violation, this is for unposted properties or
25 properties that otherwise don't lead to criminal trespass law. The proposed increase

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1 would be from 10 points, where it currently is, to 17 points. This will be the same as,
2 or equivalent to, hunting on public land with a private land only license. So, in other
3 words, they would mirror each other, the two violations. A second is an increase of
4 points for falsely claiming military discount. Right now, by default, it is a five-point
5 violation. We are proposing to increase that to a 20 point for those who lied about
6 their military status in order to receive a 50% discount on their licenses. We are also
7 recommending reinstating failure to have sufficient funds or stopping payment on a
8 license to a 20-point violation. This existed in the Rule previous to December 1920 -
9 '17 when we changed it last. At the time we do not believe we could do this; however,
10 we found out shortly thereafter we can and held off the draw actually and one
11 individual and so we would recommend making this, again, a 20-point administrative
12 violation as the Rule was previously.

13 Throughout the Rule we've gone through and, as you know, we've made major
14 changes to this rule back in December of last year. Since then working with
15 Lieutenant Darrell Cole [phonetic] and also with also Jacob Payne, Department
16 Counsel, we found a few things in the Rule that we would like to tweak, primarily its
17 clarification of language for a removal of repetitive language, in the case of how the
18 process works. Also, we plan to, or we're working now to make sure that we
19 standardize all of our time frames as best we can. We have a number of timeframes
20 [indiscernible] exactly what is occurring. Some of those caused some significant
21 issues, so we would like to address those. I can't think of a single case where there
22 will not be more time for the people involved, as well as the Department, it will not be
23 more restrictive. We also propose some clarification language on wildlife violator
24 compact suspensions. It's just a kind of a strangely worded, I guess, is the best way
25 to put it. It won't change how the process works, but it will make it read more like how

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1 we're administering the program.

2 CHAIRMAN KIENZLE: [indiscernible] the lawyer in there [indiscernible].

3 UNIDENTIFIED SPEAKER: Yeah.

4 CHAIRMAN KIENZLE: More complicated.

5 UNIDENTIFIED SPEAKER: We would recommend removing Certified Conviction
6 from the Rule. And the reason for this is we're having a difficult time from some of the
7 magistrate courts in the state obtaining the certified conviction. We're able to obtain a
8 [indiscernible] from the court, we would still require that, and it's basically we are
9 recommending removing the word certified from that because some of these courts
10 either refuse or are unable to provide that to us at times.

11 UNIDENTIFIED SPEAKER: Chairman, if I might for the record. I know second
12 judicial district court they -- anything that's pulled off of the COER website, is deemed
13 certified. They no longer stamp, as long as it's on the court access website. And so
14 most jurisdictions have that, and so a lot of places are going towards that, and so we
15 don't actually have to have a certificate or certification from the court clerk, especially
16 like Burnet County [phonetic] does that, so that's the purpose behind that removing
17 the certified conviction.

18 CHAIRMAN KIEZLE: Why don't you make it more broad and say certified conviction
19 or give a laundry list of things that would be sufficient, so you could choose to get a
20 certified conviction, so that's kind of a Cadillac [indiscernible] there's something that
21 may be a step down from that so why don't you, rather than remove it, just broaden
22 the category of things would be sufficient.

23 UNIDENTIFIED SPEAKER: Sure. And yeah, like I said, the basis is because that's
24 where the courts are moving so a lot of times they no longer certify.

25 CHAIRMAN KIENZLE: I try to get certified things all the time, it's a pain. And things

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1 have changed since we went to electronic filing of everything, so I sympathize with
2 you, but I would broaden it rather than take it out altogether.

3 UNIDENTIFIED SPEAKER: We can look at that change.

4 UNIDENTIFIED SPEAKER: Another proposed change is in a couple of places in the
5 Rule it refers to magistrate court. As you're aware, some of our convictions come
6 from higher courts than magistrate court, so there's not a need to restrict it to
7 magistrate only. That would be any court, any criminal court, in the state of New
8 Mexico.

9 CHAIRMAN KIENZLE: [indiscernible] jurisdiction.

10 UNIDENTIFIED SPEAKER: We would also recommend clarifying that any person
11 who fails to appear on a citation be suspended in accordance with the Wildlife
12 Violators Compact. Right now, the way the Rule is written, the Rule says nonresident;
13 however, Wildlife Violators Compact Statues allow us to revoke anyone
14 [indiscernible] so our recommendation is, even the residency failed to appear lose
15 their license or suspend their license privileges until they are back in compliance with
16 the court. And then again, I spoke about this a minute ago, but remove duplicate
17 language regarding hearing procedures. So in several of these paragraphs, it's the
18 exact same procedure. We want to have one procedure in one place in the Rule and
19 that's how all hearings are conducted. And that way, in the future, when we make
20 amendments to this, we don't have the case where we amended it in two of the three
21 locations. As you can see, this is our schedule of events. As of right now, we will hold
22 public meetings, this will also be in discussion at those public meetings. It will have
23 with it Manner and Method, so the public won't have to come to two separate events
24 and those will be in the four area offices. This will be on our website. Also, we plan to,
25 pretty quickly, post a draft version of the rule on the website and we will run under the

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1 same timeframe as Manner and Method. We would expect, if all goes as planned,
2 that we would be before you for final action in November. With that, I will stand for
3 any questions.

4 CHAIRMAN KIENZLE: Questions or comments? All right, nice to see you again.

5 UNIDENTIFIED SPEAKER: Thank you, Mr. Chairman.

6 CHAIRMAN KIENZLE: Thank you. What is the time here? Do you guys want to take
7 a quick break or keep going? Let's take a quick break, take a quick break and then
8 will do the rulemaking.

9 CHAIRMAN KIENZLE: Public Rule Hearing Open. Hearing Item No.1a Informational
10 Rule Making Hearing on Final Rule Changes on Barbary Sheep, Oryx and Persian
11 Ibex Rule - 19.31.12 NMAC (indiscernible).

12 UNIDENTIFIED SPEAKER: Mr. Chairman, you want to open the --

13 CHAIRMAN KIENZLE: Yeah. This hearing will please come to order. My name is
14 Paul Kienzle, I'm the Chairman of the State Game Commission. I will be serving as
15 the hearing officer being advised by the Commission's counsel from the Office of
16 (indiscernible) General. The purpose of this hearing is for consideration and final
17 adoption of the following proposed rule by the Commission. The Hearing Item is No.
18 1 for the Commission to receive public comment proposing the Barbary Sheep, Oryx
19 and Persian Ibex Rule. Do we have any public comment on this?

20 Title 19, Chapter 31, Part 12 of the New Mexico Administrative Code which will
21 become effective April 1, 2019. The current Barbary Sheep, Oryx and Persian Ibex
22 Rule set to expire on March 31, 2019.

23 This hearing is being conducted in accordance with the provisions of the
24 Game and Fish Act and the State Rules Act. The hearing is being audiotape
25 recorded. Anyone interested in a copy of the audiotape should contact Sandra with

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1 the Department of Game and Fish. Public notice of this hearing was advertised in the
2 New Mexico Register, the Albuquerque Journal, the Gallup Independent, New
3 Mexico Sunshine Portal, and on the Department's website. Copies of the proposed
4 new rule have been available on the Department's website and at the Department
5 office. Those wishing to comment here today, please sign the attendance sheet in
6 the back of the room which will be later recorded as an exhibit. I have the attendance
7 sheet. This rule hearing will be conducted in the following manner: staff will present
8 pre-filed exhibits. Exhibits admitted into evidence are available for review by the
9 public, but exhibits may not be removed from this room. After all exhibits are entered
10 we will proceed to the presentation of the proposed rule, after which, testimony will
11 be taken from the audience. In order to ensure that the hearing is accurately
12 recorded, only one person at a time shall be allowed to speak. Any person
13 recognized to speak is asked to identify themselves by name and who they are
14 affiliated with for the record each time you are recognized to speak. And number two,
15 speak loudly and clearly so the recorder can accurately record your comments. After
16 a person is offered comment they will stand for questions from the hearing officer,
17 me. The audience may also ask questions of anyone offering comments after being
18 recognized by me.

19 This hearing is not subject to judicial rules of evidence; however, in the interest
20 of efficiency, I reserve the right to limit any testimony deemed irrelevant, redundant,
21 or unduly repetitious. The Commission may discuss the proposed rules after public
22 comment portion of the hearing. Final Commission action, including adoption of the
23 rules, may occur after the conclusion of the presentation and public comment period
24 of the hearing.

25 Let's see, Hearing Item No. 1. Informational Rule Making Hearing in the

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1 Barbary Sheep, Oryx and Persian Ibex Rule 19.31.12 NMAC for the 2019-2023
2 seasons. This hearing is now open. Are there any exhibits or proposed new part in
3 Rule to 20.31.12 for the record?

4 STEWART LILEY: Mr. Chairman, I have six exhibits I'd like to enter into the record.
5 Exhibit 1, the notice of the rulemaking. Exhibit 2, the initial proposed rule. Exhibit 3,
6 the presentation as being presented today. Exhibit 4, the summary of the proposed
7 changes. Exhibit 5, the technical information that was relied upon. And Exhibit 6, the
8 49 public comments submitted during the rule making process.

9 CHAIRMAN KIENZLE: I also have the meeting sign in sheet. I will note that there is
10 no one on the sheet. We will make this Exhibit 7. Exhibits 1 through 7 are admitted in
11 to the record. You can proceed to introduce the proposed new rule for 19.31.12.

12 STEWART LILEY: Mr. Chairman, Members of the Commission. As stated, this is the
13 Barbary Sheep, Oryx and Persian Ibex Rule. We had three public meetings specific
14 to this rule making process with 28 attendees. In addition, we had 34 public
15 comments that were specific and summarized there in the 49 that were summarized
16 in the rule making in the hearing. The majority of the comments pertain to oryx and
17 maintain once-in-a-lifetime status for those oryx hunts on White Sands Missile
18 Range. You will see some of the other comments that were presented there, but the
19 majority was on the maintaining once-in-a-lifetime status for oryx. I'm going to go
20 through the three species individually for oryx. We are proposing, in coordination with
21 White Sands Missile Range, for new, on range, once in a lifetime, either sex hunts on
22 White Sands Missile Range. So the once-in-a-lifetime hunts will increase from 270 to
23 605. That's based upon survey data and in the population really growing a lot in the
24 last five years. One of the other proposals that we have is maintaining the
25 Iraq/Afghanistan veteran's hunt; you had to be a part of those campaigns in order to

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1 participate on that hunt. And also maintain the youth only hunts that are currently
2 available on White Sands Missile Range. One of the big changes that we are also
3 proposing is removing the designation of Rhodes or Stallion Canyon and hunters will
4 now draw to June 19 but before the (indiscernible) are put out every year, we'll
5 determine where the best populations exist to really get hunters to get the best once-
6 in-a-lifetime status. Sometimes with that late Stallion hunt is not the best or late
7 Rhodes, et cetera, so we're really trying to target where the biggest concentrations
8 are and make sure it's a once-in-a-lifetime type hunt.

9 One of the other proposals for oryx is increasing the veteran hunts, the special
10 veteran hunt that we have for our 100% disabled veterans, kind of a big tadoo deal. A
11 lot of times it's wounded vets that we put out a special hunt for them. We're
12 proposing increasing it from three to ten. Off range oryx. We're proposing increasing
13 off range oryx licenses by 33% based off the harvest and survey data, mainly harvest
14 data and satisfaction rates. Through time we're seeing increased success rates off
15 range which typically coincides with increasing populations off range and that's why
16 that proposed increase and we're averaging a little over 50% success on the off-
17 range hunts on oryx.

18 Moving to ibex. We had three public meetings as well; 34 public comments
19 specific to ibex. The majority of that is supporting us increasing the female and
20 mature hunts and putting those in the draw. If you will recall, the last few years those
21 have been run as population management hunts; we're specifically putting those into
22 the draw up front on that. So again, standard adjusted season dates, seasons for the
23 calendar dates, but putting that female and mature hunt that we've been running
24 through population management hunts into the draw. So now it would be 44 of those
25 hunts of 75 licenses each, and then maintain the current archery, muzzleloader, and

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1 youth hunts. And one of the other proposals is to combine the once-in-a-lifetime
2 either sex rifle hunt with the ability incentive hunt. That incentive hunt is for those
3 hunters that are successful in harvesting a nanny are put into a special draw for five
4 tags for those that harvested in any of the previous seasons.

5 Barbary sheep. We had three public meetings, as well, and 34 specific
6 comments to barbary sheep. One of the big ones was, as you'll recall, the proposals
7 talk about splitting out the into two different units for barbary sheep. Currently 32, 34,
8 36, 37, 29, and 30 are all combined into one hunt. We're proposing splitting those out
9 into 29, 30 and then 32, 34, 36 and 37. We're proposing increasing the draw licenses
10 by 37% total. Going from 1,275 to 1,750. And again, splitting those hunts out so -- I'll
11 get to a table here in a second, but more hunts. Currently, it's a one-month-long hunt
12 February 1st to 28. We're going to have more hunts over different periods through
13 times of proposal. Again, I've discussed that split but the biggest here is the licenses
14 and the hunt dates. So you will see there we created a late October, kind of a rut
15 hunt, of a hundred licenses in 29, 30; seventy-five in 32, 34, 36, 37. As you recall, at
16 the last commission meeting there was a discussion about adding in from the final
17 proposal a new archery hunt to barbary sheep. We did do that. That is now January 1
18 through 15, seventy-five licenses apiece in each one of those two split units. In
19 addition to the draw hunts, we're now proposing allowing public hunters with written
20 permission on private land to be able to hunt on those private lands within those
21 GMUs I just mentioned. And then one of the biggest things is modifying -- or bigger
22 things, is modifying the west side of GMU 34, the over-the-counter portion of GMU
23 34, so it's very clear for hunters. One of the big things that has happened since we
24 last spoke about this rule is we did get an agreement with White Sands Missile
25 Range to capture desert sheep this fall and translocate them to GMU 34. So we're

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1 planning on an October release of desert bighorn sheep into the Sacramento
2 Mountains on that west side (indiscernible). So we've been working through that for
3 many years. We've had this in the over-the-counter, once in a life -- or excuse me,
4 once in the counter – over-the-counter designation for the last few years trying to
5 reduce the barbary sheep on the west side in preparation for this release. So we
6 think it's helped, and we are, again, like I said, planning on releasing desert sheep
7 there in October of this year. And lastly, increasing the McGregor Range barbary
8 sheep hunts by 33%. With that, I will take any questions.

9 CHAIRMAN KIENZLE: Questions or comments?

10 COMMISSIONER RAMOS: (indiscernible) Stewart. On the Bighorn release there,
11 are we going to – what's your plan with that barbary sheep?

12 STEWART LILEY: Mr. Chairman, Commissioner Ramos. We maintain still over-the-
13 counter on that west side for barbary sheep on the west side (indiscernible).

14 COMMISSIONER RAMOS: Okay, and you'll just keep doing that. All right.

15 CHAIRMAN KIENZLE: Any other questions or comments? Do you have any
16 additional exhibits?

17 STEWART LILEY: Mr. Chairman, no I do not.

18 CHAIRMAN KIENZLE: I've already given the attendance sheet. Anyone wish, from
19 the public, to speak on this issue? Seeing none, I've already admitted the attendance
20 sheet. The comments submitted in testimony heard during this rule hearing will be
21 reviewed by the Commission and discussed during the open session of today's
22 meeting. The Commission will vote on the proposed rules at that time.

23 Thank you everyone for your participation, as minimal as it was. Let the record
24 show that this rule making -- information portion of the rulemaking hearing was
25 adjourned at 1:38 PM.

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1 All right. Now we can go on to vote, can I -- if there's any -- if there is no further
2 discussion, questions, or comments, can I get a motion on this item?

3 COMMISSIONER PETERSON: Mr. Chairman, I move to adopt the proposed
4 changes to 19.31.12 NMAC as presented by the Department and allow the
5 Department to make minor corrections [indiscernible] filing this rule in state records
6 and archives.

7 CHAIRMAN KIENZLE: Thank you. All in favor?

8 COMMISSIONERS: Aye.

9 CHAIRMAN KIENZLE: Ayes have it. All right, do we have any public comment
10 [indiscernible]?

11 SUSAN TORRES: Good afternoon, Chairman, Commissioners. I'm Susan Torres
12 the Communications Director at the New Mexico Wildlife Federation. I just wanted to
13 thank both the Department and the Commission for looking closely at the EPLUS rule
14 and for taking our formal comments to heart. We've already met with your staff and
15 look forward to meeting [indiscernible] to discuss our proposals. [indiscernible]
16 licenses in the hands of New Mexico public land hunters. As always, we believe that
17 through open and honest collaboration we can meet with our needs of all New
18 Mexicans. Thank you.

19 CHAIRMAN KIENZLE: Thank you. No more public comments? We will go into
20 Executive Session. Can I get a motion on this item?

21 COMMISSIONER RAMOS: Mr. Chairman, I move to adjourn into Executive Session
22 closed to the public pursuant Section 10-15-1(H)(2) NMSA 1978 to discuss related
23 personnel matters related to the complaints and discipline pursuant to Section 10-15-
24 1(H)(8) NMSA 1978 to discuss property acquisition and pursuant to Section 10-15-
25 1(H)(7) on matters subject to the attorney-client privilege relating to threatened or

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1 pending litigation of which the Commission, under Departments or may become a
2 participant as listed in Agenda Item 18, Subsections A,B, and C.

3 [sounds like audio overlaid on audio with a portion containing roll call from the
4 beginning of the meeting and then the following audio is heard]

5 CHAIRMAN KIENZLE: During the Executive Session the Commission discussed on
6 those matters specified in its motion to adjourn and take no actions to any matter.

7 Can I get a motion to adjourn

8 UNIDENTIFIED SPEAKER: [inaudible]

9 UNIDENTIFIED SPEAKER: Second.

10 CHAIRMAN KIENZLE: All in favor?

11 COMMISSIONERS: Aye.

12
13 [END OF AUDIO]
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1
2 CERTIFICATE

3
4 I, Marsha Busson, Certified Verbatim Reporter,
5 DO HEREBY CERTIFY that the
6 above captioned transcription was prepared by me;
7 that the RECORDING was reduced to typewritten
8 transcript by me; that I listened to the entire
9 RECORDING; that the foregoing transcript is a
10 complete record of all material included thereon,
11 and that the foregoing pages are a true and correct
12 transcription of the recorded proceedings, to the
13 best of my knowledge and hearing ability. The
14 recording was of fair/poor quality.

15
16 I FURTHER CERTIFY that I am neither employed
17 by nor related to nor contracted with (unless
18 excepted by the rules) any of the parties or
19 attorneys in this matter, and that I have no
20 interest whatsoever in the final disposition
21 of this matter.

22
23 Marsha Busson, CVR
24 Certified Verbatim Reporter

scd
APPROVAL OF ~~SPECIAL~~ MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION

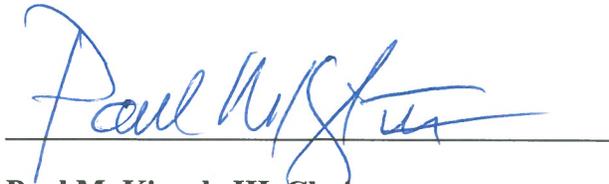
August 23, 2018
El Morro Events Center
210 S. 2nd St.
Gallup, NM 87301
9:00 a.m.–5:00 p.m.



Michael B. Sloane, Director

10/5/18

Date



Paul M. Kienzle III, Chairman

10/5/2018

Date

New Mexico State Game Commission

MS/scd

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