

MEETING MINUTES

**NEW MEXICO STATE GAME COMMISSION  
Santa Fe Community College  
Jemez Room  
6401 Richards Avenue  
Santa Fe, NM 87508**

Day and Date: August 27, 2015

Time: 8:30 a.m. – 5:00 p.m.

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

Game Commissioner Thomas Salopek

Vice Chairman Bill Montoya

Chairman Paul Kienzle

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

Absent: None

Also Present: None

CHAIRMAN KIENZLE: Calling meeting to order. Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza?

Final

COMMISSIONER ESPINOZA: Present.

DIRECTOR SANDOVAL: Commissioner Ramos?

COMMISSIONER RAMOS: Present.

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: Present.

DIRECTOR SANDOVAL: Commissioner Salopek?

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya?

VICE CHAIRMAN MONTOYA: Present.

DIRECTOR SANDOVAL: Chairman Kienzle?

CHAIRMAN KIENZLE: Here.

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

CHAIRMAN KIENZLE: Thank you. We'll do the Pledge of Allegiance.

ATTENDEES: Recite Pledge of Allegiance.

CHAIRMAN KIENZLE: Do I hear a motion to approve the agenda?

VICE CHAIRMAN MONTOYA: So moved, Mr. Chairman.

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COMMISSIONER ESPINOZA. Second.

CHAIRMAN KIENZLE: Well, then we'll probably amend it after that.

DIRECTOR SANDOVAL: OK.

CHAIRMAN KIENZLE: So moved. Did somebody second it?

MALE SPEAKER: Yes, Sir.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. With regard to the agenda as approved, we are waiting on our council from the Attorney General's office to arrive. So some of the more substantive items I think we need to move to later in the meeting. So that would include Agenda Item Number 7, so I would need a motion to keep it in limbo until our council from the Attorney General's office arrives.

FEMALE SPEAKER: So moved.

MALE SPEAKER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. So, Agenda Item Number 7 will be heard today. It just will be heard at approximately the time the council for the Attorney General's office or council from the Attorney General's office arrives.

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(Inaudible)

CHAIRMAN KIENZLE: Is that better?

FEMALE SPEAKER: Yes, thanks.

CHAIRMAN KIENZLE: Are there any other agenda items that we need to move?

FEMALE SPEAKER: Mr. Chairman, not at this time unless you choose to have some. We do have a presentation on New Mexico Outdoor Expo that has been put together by our I and E Division, if you would like to see that presentation right now. It is a quick 2-1/2 minute opportunity to see everything that we accomplished during Outdoor Expo.

CHAIRMAN KIENZLE: Let's do that at the close of Item Number 6.

FEMALE SPEAKER: OK.

CHAIRMAN KIENZLE: Introduction of guests. You want to start?

GUEST SPEAKER: (Inaudible).

GUEST SPEAKER: Good morning. My name is Jim Comins. I am the Captain out of Raton

GUEST SPEAKER: Good morning. My name is Chris Chadwick. Assistant Director, New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning. My name is Craig Sanchez (phonetic), assistant chief of education (indiscernible).

GUEST SPEAKER: Mr. Chairman, Commissioners, good morning. My name is Lance Cherry. I am the Chief of Information, Education Division for the Department of Game and Fish.

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GUEST SPEAKER: Mr. Chairman, Commissioners. My name is (indiscernible)

FEMALE SPEAKER: Mr. Chairman, if I may, I would like to introduce Donald to the crowd out there. He is our new Deputy Director. Dan Brooks retired last month. Donald comes from Field Operations for the Department and he has been with us for over 20 years, has a huge wealth of experience in wildlife management and I am very excited to have Donald on board. Congratulations, Donald.

CHAIRMAN KIENZLE: Congratulations. (Attendees applaud).

GUEST SPEAKER: My name is Kelly (indiscernible) I am a teacher (indiscernible)

GUEST SPEAKER: Hi. I am Kevin (indiscernible)

GUEST SPEAKER: (indiscernible), citizen from Albuquerque.

CHAIRMAN KIENZLE: I'm going to go across the rows.

FEMALE SPEAKER: (indiscernible).

GUEST SPEAKER: Good morning, Commissioners. Robert Griego with New Mexico Game and Fish. I am Colonel of Field Operations.

FEMALE SPEAKER: (indiscernible)

MALE SPEAKER: (indiscernible)

GUEST SPEAKER: I am Colleen Jones (phonetic) and I am a resident of Santa Fe. And I (indiscernible).

GUEST SPEAKER: Don Miguel (phonetic), New Mexico Trappers Association.

Final

GUEST SPEAKER: Good morning. Jose Varela Lopez, President of the New Mexico Cattlemen's Association.

GUEST SPEAKER: (indiscernible) New Mexico trout.

GUEST SPEAKER: I am Charles (indiscernible), U.S. Forest Service, Albuquerque.

GUEST SPEAKER: (indiscernible) Forest Service.

GUEST SPEAKER: Jim Upchurch, Deputy Regional Forester (indiscernible).

GUEST SPEAKER: Good morning. I'm Beth Britt. I am the external affairs ARD for Fish and Wildlife.

GUEST SPEAKER: Good morning. Joy Nicholopoulos Deputy Regional Director, U.S. Fish and Wildlife Service.

GUEST SPEAKER: Hi. I'm Sherry Barrett, Mexican Wolf Recovery Coordinator, U.S. Fish and Wildlife Service.

GUEST SPEAKER: I'm Jim Seller (phonetic), (indiscernible).

GUEST SPEAKER: Good morning (indiscernible).

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: (indiscernible) I am a trapper here in New Mexico.

GUEST SPEAKER: Mary Katherine Ray, Wildlife Chair, Rio Grande Chapter, CR Club.  
(Inaudible).

GUEST SPEAKER: (indiscernible) Society of the United States.

Final

GUEST SPEAKER: Evelyn Beamis (phonetic) from Santa Fe, wildlife lover.

GUEST SPEAKER: (indiscernible) Anderson, Assistant (indiscernible).

GUEST SPEAKER: Cindy Martin (phonetic), (indiscernible).

GUEST SPEAKER: (indiscernible) Native Fish program manager (indiscernible).

(indiscernible, multiple speakers, audio issues).

GUEST SPEAKER: Diane Findly (phonetic), citizen of New Mexico.

GUEST SPEAKER: (indiscernible) Citizen of New Mexico.

GUEST SPEAKER: Mindy Sarenson (phonetic) clinical therapist, hunters, and sister to Commissioner Ryan.

GUEST SPEAKER: Katrina Wells (phonetic), retired from the environment department (indiscernible), recently (indiscernible).

GUEST SPEAKER: Tom Gordman (phonetic) (indiscernible).

GUEST SPEAKER: (indiscernible) Northwest area of (indiscernible), Albuquerque.

GUEST SPEAKER: (indiscernible) group.

GUEST SPEAKER: Julie Morgan (phonetic) (indiscernible) Albuquerque.

GUEST SPEAKER: Terry DuBoise (phonetic), volunteer member of the (indiscernible).

GUEST SPEAKER: Bob (indiscernible), New Mexico.

GUEST SPEAKER: Barbara Bosley (phonetic) (indiscernible).

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GUEST SPEAKER: My name is (indiscernible) Carson (phonetic) Field Director, mountain lion (indiscernible) and I'm a citizen of California.

GUEST SPEAKER: (indiscernible) New Mexico Farm and Livestock Bureau.

GUEST SPEAKER: (indiscernible).

GUEST SPEAKER: Good morning. (indiscernible).

FEMALE SPEAKER: Mr. Chairman, if I might, I would like to recognize Officer Smith. He received the Pogue-Elms award. It is a law enforcement, top law enforcement award through the Western Association of Fish and Wildlife Agency. Pogue and Elms were Game Wardens who were killed in the line of duty. This is an exceptional award, recognizing the dedication that Officer Smith has given to the State of New Mexico, to the wildlife, and to the Department. Congratulations. (Attendees applaud).

(Indiscernible, multiple speakers.) Director for animal protection in New Mexico.

(Indiscernible).

GUEST SPEAKER: (indiscernible) Walters (phonetic), citizen of New Mexico.

GUEST SPEAKER: Jennifer (indiscernible) New Mexico.

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: Jennifer Johnson (phonetic) Santa Fe resident and chief legislative officer for animal protection (indiscernible)..

GUEST SPEAKER: Patricia Taylor (phonetic), resident of Santa Fe County.



GUEST SPEAKER: Good morning, Chairman, Commissioners, people of the public. Stewart Liley, Chief (indiscernible) Davison.

GUEST SPEAKER: Buenos dias, (indiscernible). Bien, good morning. (indiscernible) New Mexico.

GUEST SPEAKER: Good morning (indiscernible).

GUEST SPEAKER: Victor Casanya (phonetic). I'm a member of (indiscernible)

GUEST SPEAKER: Elizabeth Cobbs (phonetic), Captain in New Mexico.

MALE SPEAKER: (indiscernible)

GUEST SPEAKER: John Crenshaw, New Mexico Wildlife Federation, Santa Fe.

GUEST SPEAKER: Joel Gay, New Mexico Wildlife Federation.

GUEST SPEAKER: Good morning. Jason (indiscernible) from Silver City, hunter, fisherman, and bow. (indiscernible).

GUEST SPEAKER: Good morning. I am Stephanie (indiscernible).

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. Kristin Latherford (phonetic), Program Manager, New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning. Casy Cardwell (phonetic), resident and game bird biologist, New Mexico Game and Fish.

GUEST SPEAKER: Elisabeth DiCharry. Good morning. Registered nurse. Founder of Wildlife Conservation Advocacy. I am from Valencia County, New Mexico.

GUEST SPEAKER: I am Guy DiCharry, Valencia County, New Mexico, Board Member, New Mexico, (indiscernible).

GUEST SPEAKER: (indiscernible), resident of Placitas representing (indiscernible) Association, and KUBR (phonetic) radio.

GUEST SPEAKER: My name is (indiscernible), New Mexico for wildlife.

GUEST SPEAKER: Leslie Barnhart (phonetic). I am a resident of New Mexico. I live in (indiscernible), New Mexico.

GUEST SPEAKER: (indiscernible), fisherman, (indiscernible) New Mexico.

GUEST SPEAKER: Vi Stapleton (phonetic). (indiscernible), and I feel very strongly about the issues of wildlife (indiscernible).

GUEST SPEAKER: Karen Schmidt (phonetic), (indiscernible), New Mexico, (indiscernible)

GUEST SPEAKER: Good morning. I am (indiscernible).

GUEST SPEAKER: (indiscernible) from Albuquerque.

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: Denise Lowenstein (phonetic), (indiscernible) and small mammal program coordinator.

GUEST SPEAKER: (indiscernible), resident of Santa Fe, and (indiscernible) our wildlife.

GUEST SPEAKER: Jerri Ferguson (phonetic), resident of Santa Fe, and very pro wildlife.

GUEST SPEAKER: (indiscernible) Ferguson (phonetic), Santa Fe resident, and pro wildlife.

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GUEST SPEAKER: Peggy Norton (phonetic). I am a New Mexico citizen, wildlife advocate.

GUEST SPEAKER: Good morning. William Wiley (phonetic), President of Republicans for Environmental Protection.

GUEST SPEAKER: (indiscernible), 25-year resident of Santa Fe, pro wildlife and (indiscernible).

GUEST SPEAKER: Mark Bender (phonetic) of Santa Fe County. I am (indiscernible).

GUEST SPEAKER: Rosemary (indiscernible), Santa Fe County, wildlife activist and anti-hunter, anti-trapper, (indiscernible).

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: (inaudible).

GUEST SPEAKER: (indiscernible) I am a fourth generation rancher on both sides, landowner.

GUEST SPEAKER: I'm Jim Grider. (indiscernible).

(Inaudible. Multiple speakers, background noise).

GUEST SPEAKER: Kerrie Romero, New Mexico Council of Outfitters and Guides.

GUEST SPEAKER: (Indiscernible)

GUEST SPEAKER: Gary (indiscernible).

GUEST SPEAKER: (Indiscernible). New Mexico, farmer, rancher, (indiscernible), and wildlife advocate.

GUEST SPEAKER: (indiscernible) I am a veterinarian, and I am here to stand for those who cannot speak for themselves.

GUEST SPEAKER: My name is Judith (indiscernible), citizen, voter, and (indiscernible).

GUEST SPEAKER: I am David (indiscernible), Director of (indiscernible).

GUEST SPEAKER: Brad (indiscernible) with the Department.

GUEST SPEAKER: (indiscernible)

CHAIRMAN KIENZLE: I think that back section there, and we're done.

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: I am (indiscernible).

GUEST SPEAKER: (indiscernible).

GUEST SPEAKER: (indiscernible)

GUEST SPEAKER: (indiscernible)

CHAIRMAN KIENZLE: I think we covered most of the (indiscernible). Thank you. I know that takes a little while but it is helpful to know who's here, so thank you.

CHAIRMAN KIENZLE: Can I get a motion to approve the minutes from June 13, 2015 meeting in Taos, New Mexico.

COMMISSIONER SALOPEK: So moved.

COMMISSIONER ESPINOZA: Seconded.

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CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

FEMALE SPEAKER: Are you ready. On the video, we are ready for the video.

CHAIRMAN KIENZLE: All right. My screen is blank.

FEMALE SPEAKER: So this video, for those folks who have just joined us, the New Mexico Game and Fish hosts and puts on the New Mexico Outdoor Expo every year. We do that down in Albuquerque at the gun range. And this is a quick video on all that we did this year, and everybody who participated. So please enjoy. (Video begins playing).

MALE SPEAKER: Let's try again.

MALE SPEAKER: Testing, testing. (indiscernible) (Inaudible). You're good.

(Music track from video playing in background.)

(Video ends.)

MALE SPEAKER: People had a good time. There were 4,000 people that attended the show, and there were 220 volunteers and Department staff and the support of organizations and sportsmen for fish and wildlife, (indiscernible) conservation to really keep our volunteers centered, kept water in their hands so nobody got dehydrated and we really couldn't do it without them. They were a big help to us. Thank you.

FEMALE SPEAKER: Thank you, Lance, and to everybody in the Department for getting that done.

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

MALE SPEAKER: If I may, I have had the privilege of working with these guys for how many years, (indiscernible). Anybody that would get a chance to go out, I'd readily recommend it. The smiles on those peoples' faces, the kids' faces, priceless. So (indiscernible) view, hats off. You guys outdid yourselves this year. Better for you, better for (indiscernible), better for everybody. Thank you again.

CHAIRMAN KIENZLE: Move on to agenda item number 8. As a prelude to that, I'm going to visit with the appellants and the appellee privately for a moment so we can sort out exactly what is the order of business on this. If you want to get up, and you want to get up, we will find an appropriate place to do that.

MALE SPEAKER: Back to order.

(multiple speakers)

CHAIRMAN KIENZLE: So, we took a brief recess so I could visit with both sides. I believe we have agreed on the ground rules for Agenda Item number 8 (indiscernible) this morning. I will summarize them as follows. The Fish and Wildlife Service will do its presentation first. The Department will go second. The Fish and Wildlife Service will follow up with rebuttal. At that point in time, really any point in time, Commissioners can ask questions of either side. We will probably close the record, and we will do this by motion at the end, but I will be asking for a

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motion to formally close the record September 25, and our next meeting is September 29, and that is the date at which we will take formal action on this as it takes approximately a month for us individually to puzzle over the appeal and gives the opportunity to the Fish and Wildlife Service to put whatever they choose in the record through September 25th. So thank everyone's indulgence for giving us a few minutes to sort that out. But we don't do appeals very often and it is helpful for the parties to sit down and visit and see what the ground rules will be and then try to agree upon them. The Director has pointed out to me that we are at capacity in this room. Will we need everyone seated, or will we need . . .

FEMALE SPEAKER: Chairs, get some more chairs. In the room, more chairs.

CHAIRMAN KIENZLE: I understand that. I am trying to work through logistics. So, just one man, so give me a chance. At any rate, we are at capacity. I know most people have their cell phones off. I would encourage you to check to make sure they are off so we are not interrupted. As people come and go, we may be able to have additional people come in the room. But if we are at capacity, then I believe they may be barred for that reason and no other reason. OK, with that I think we are ready for Agenda Item Number 8.

MALE SPEAKER: Good morning.

GUEST SPEAKER: Good morning. Mr. Chairman, Commissioners, Director Sandoval, distinguished guests, and members of the public. Thank you very much for having the U. S. Fish and Wildlife Service here today to present our statement. My name is Joy Nicholopoulos and I am the Deputy Regional Director to the U.S. Fish and Wildlife Service, Southwest Region. Thank you for the opportunity today to speak before the Commission. (Inaudible, microphone feedback) Game and Fish recently denied the U.S. Fish and Wildlife Services request for permits

pertaining to releases of Mexican wolves. We believe we can have a discussion regarding the request and the permits and the reasoning behind the planned activities and perhaps have an outcome acceptable to all. Our desire is to work with the State as we move forward (indiscernible). Our efforts and those of our partners, including the State of New Mexico, contribute towards the recovery of Mexican wolf which, when the species is finally recovered will eventually lead to state management of Mexican wolves. I'd like to present some brief background information. Our captive program was started with only 7 Mexican wolves and it is the source for the re-establishment of the wild population after the new extension of the Mexican Wolf in the 1980's. Through releases of Mexican Wolves from captivity, we have been successful in establishing a fully wild population of at least 110 Mexican Wolves. These wolves are in Arizona and Mexico. This population has exhibited a strong growth over the last 4 years. Additional releases from a more genetically diverse captive population are required to improve genetic health of the wild population. In the past, releases have typically included adult wolves and/or packs of wolves. More recently and into the future, we are also pursuing cross-fostering of wolf pups. This is cross-fostering of wolf pups into the wild. Cross-fostering involves moving less than 2 week old pups, very young wolf pups, from their captive biological parents to dens of wild waves so that the pups are raised in the wild by wild wolves. Improving the genetic health of the current wild population is crucial to our overall recovery efforts. Releasing new wolves to improve population genetics is more effective if the population is still small. Thus, it is imperative that we, U.S. Fish and Wildlife Service and the State of New Mexico, work swiftly to resolve the issues pertaining to state permits for the release of Mexican Wolves. Delaying these releases will serve to potentially increase the total number of wolves that will need to be released into the wild to ensure that the population can meaningfully contribute towards recovery. The



(indiscernible) of wolf management facilities currently contains wolves awaiting releases. If releases are curtailed, the pen space at (indiscernible) will not be available for needed removals from the wild including removal of wolves from the wild in the U.S. to transfer and release into Mexico. This could severely limit our response to problem wolves. The Service has, in good faith, met requirements under the New Mexico State Game Commission. And with adequate guiding documents necessary to be awarded permits from the State. Revised recovery plan is not required. And we repeat that: A revised recovery plan is not required to continue Mexican Wolf recovery efforts in any state, including New Mexico. The New Mexico Administrative Code requires that there is a plan for permits to release imported animals: Quote, Demonstrate that the intended release is provided for in State or Federal resource or species management plan or strategies, end of quote.

Now, on April 1, 2015, in letters to the New Mexico Department of Game and Fish, we confirmed that the proposed releases were provided for in the experimental (phonetic) population or a 10(j) rule for the Mexican Wolf which establishes a population objective for Mexican Wolves and contains provisions for their release and management. The New Mexico Department of Game and Fish indicated that, in the absence of a recovery plan, it could not determine that the release request would not conflict with State Conservation Management efforts. In the experimental population under the 10(j) language that was developed in coordination with state run agencies in Arizona and New Mexico that provides for the removal of Mexican Wolves if they are having an unacceptable impact on native undulate populations. We will closely, we will work closely with the State Game Agencies in implementing this provision. Although recovery planning efforts are unrelated to this permit issues, as an update we are actively moving forward with a revision of the current Mexican Wolf Recovery Plan. In fact, on August 1st, 2015, the

Fish and Wildlife Service sent invitations to the Game and Fish Departments in New Mexico, Arizona, Colorado, and Utah. And we invited the states to participate in the revision of the recovery plan for Mexican Wolves. The Service intends to finalize a revised recovery plan by the end of 2017. That means we will have a revised final recovery plan by the end of 2017. We aim to increase the wild population and improve population genetics and, in cooperation with the state, we plan to continue our path forward. There is some urgency to resolve this issue quickly as we are presently evaluating potential releases for the remainder of 2015 and initial releases and cross-foster events for 2016. In the meantime, we are exploring alternatives to address the state's current resistance to wolf releases that will fulfill our mandate to recover this endangered species. We acknowledge the state's regulatory and permitting requirements and have ensured that our applications meet those requirements. Although not required by state or Federal regulation, the Service is moving forward with revising our Mexican Wolf recovery plan to ensure our future strategy incorporates lessons learned and results of recovery efforts to date. We assert that we have done everything necessary to secure permits and move forward with Mexican Wolf recovery in New Mexico. We will continue to meet permit application requirements in the future as well. As we go forward, we respectfully request that the Commission reverse their decision to deny the permits and that the New Mexico Department of Game and Fish issue the requested permits to the U.S. Fish and Wildlife Service so that we can move forward with Mexican Wolf recover in the State of New Mexico. Thank you very much for allowing me to make this statement for the U.S. Fish and Wildlife Service in support of our recent permit request. Be on standby. You'll get the last word.

(Audience applause)

GUEST SPEAKER: Chairman Kienzle, Commissioners, Director Sandoval. I guess that my first comment is that I feel a little awkward sitting down, as you can imagine, but I'll do it anyway. I guess, just let me give a brief procedural and factual and legal background as to why we are here today and then a brief discussion about the Director's decision. On April 1st, the Department an application from the Service to release up to 10 Mexican Wolves in New Mexico, as well as an application the Service requested that the Director waive a certain condition to importation permits that had been previously issued by the Department and the condition that they requested the Department waive was the prohibition on release of offspring of 2 imported wolves in 2 months. Subsequently, May 6th, the Service supplemented their application with an additional request to release 2 Mexican Wolves and their associated offspring in New Mexico. On June 2nd, the Director denied both lease applications as well as decided not to waive the permit condition prohibiting the release of offspring in New Mexico of those 2 imported wolves. On June 22nd, the Service appealed the Director's decision, which brings us here today. In terms of the legal background, the Commission rule presents a framework within which we are operating here today and with which the Service applied for these permits. Commission rule prohibits the release of non-domestic mammals, birds, fishes, reptiles, et cetera, and then the Commission has also authorized by rule the Director to issue these permits for these animals. In Chapter 35 of the Commission rule book (indiscernible) which was given to you this morning, the Commission has, by rule, provided the conditions and information which must met and supplied before the release permit can be issued from the Department. Chapter 35 also provides the framework for appeal of the Director's decision. And I think it is worth noting that the issue in front of the Commission today is a very narrow one legally. The issue is, in Chapter 5, in Chapter 35 of the Commission rules, they articulate that the grounds upon which Commission can set aside the

Director's decision and they are that the Director's decision was arbitrary and capricious, that the Director's decision was not based on rule or law, or that the applicant has additional data or evidence which contradict the data relied on by the Department. And I do believe it is worth noting for our purposes here today that in the Service's appeals, they noted the claims for appeal. And those claims were, they limited their claims to the first 2 reasons that I just mentioned, that the rule provides, that is that the Director's decision is capricious and is not based on rule or law. They did not indicate that they intended to present additional data or information which would contradict that the Department allowed certain (indiscernible). As an additional matter that I would like the Commission to consider whether or not they would be willing to entertain additional information or data, but I don't think that would be appropriate given that the Service did not articulate that as a reason for their appeal. So, getting to a discussion as to what the Director's decision was. The Director based her decision which denied the 2 applications for the release in 2 provisions of the rule. And it is important to note that, because the argument is that her decision was not based on rule or law. The 2 provisions of the law that are of issue here are that an applicant must demonstrate that the proposal provided for in a State or Federal species management. The second provision of the rule, and this one is also important to remember the words. It says that the Director shall not approve any release permits that conflicts with current conservation management. Those 2 provisions of rule are not mutually exclusive and there is overlap there when the Director looks at those. The Director has to answer the question, will this proposed release conflict with current conservation management. She has to look at what the intentions are, what the plan is for the species that they intend to release. In the case of the Mexican Wolf, which is an endangered species, the Endangered Species Act presents, requires, that the Service present to the public its recovery plan. The Service has stated that the Endangered

Species Act does not obligate them to develop a recovery plan. But they are wrong. Federal District Courts have held that they are obligated to develop a recovery plan unless the Director has made a determination that a recovery plan would not benefit the conservation of that species. There has been no such determination. In fact, what we have is the Service arguing that the 10(j) rule presents and provides the necessary management, objectives, and criteria on which the Director can base her decision as to whether or not the proposed release conflicts conservation management in New Mexico. Now, if you look at the 10(j) rule, and I have and I imagine a lot of folks have as well, what the Service does is provide some general management guidelines. Next to each one of those guidelines is an asterisk. That asterisk is, this is temporary because we are developing a service of (indiscernible) recovery time. So take these objectives and these management guidelines (indiscernible) because we are going to change them. They use the word revise over and over. Over a dozen times, they say these will be revised (indiscernible) of the recovery time. The Service has also mentioned today that they are developing recovery time, and we know that's happening and that's fantastic. But until we know what the Service's intentions are, i.e., where wolves would be released in New Mexico over the long term, how many wolves they intend to introduce into New Mexico. It is very difficult to, perhaps impossible, for the Director to make a decision as to whether or not their proposed releases over the short or long term will conflict with conservation management in New Mexico. I wanted to provide to the Commission, in the context of a recovery plan, the Endangered Species Act articulates the information that needs to be contained in a recovery plan. And I think this is important because this is the type of information that is necessary in the context of the Mexican Wolf, an endangered species, for the Director to make the decision she needs to make. Endangered Species requires the recovery plan include a description of such site specific management actions

as made necessary to achieve the plan's goal for the preservation and survival of the species. Second objective, measurable criteria which (indiscernible) result in the determination in accordance with the provisions of the Act, that the species be removed from the list and finally, estimates of the time required and the costs to carry out those measures needed to achieve the plan's goals, and to achieve intermediate steps towards that goal. That's important information. That's the exact type of information that would allow the Director to consider the impacts of Mexican Wolves being introduced into New Mexico in the short and long term. That's information we don't have because we don't have a recovery plan. We have temporary (indiscernible) with objectives which the Service has admitted a number of times are temporary because they are working on a recovery plan. As a further statement on that issue, the argument is that her, the Director's, decision was arbitrary and capricious. It would be arbitrary and capricious for the Director to allow the release of wolves in New Mexico when she cannot make a determination that those releases would not conflict with conservation management in New Mexico because she does not have the information she needs, information that would be contingent on a recovery plan. I think it is also worth noting that, in making that decision, there is no value judgement in there as to whether or not Mexican Wolves are wonderful or terrible. That's a judgement based on the rules the Commission has (indiscernible) for conservation management. Without that information you cannot make that determination. Therefore, the words in the rule, that she shall not issue a permit. To a second issue, that is pertaining to the Service's request that the Director waive the provisions of 2 permits, importation permits. In their administrative record, which you have in front of you, just so you know, these 2 permits are in there, the (indiscernible) and as an omission matter I think it's worth noting that the Service's request is not an application for a permit. The Director's denial is not a denial of an application

for a permit. Therefore, we have a situation that we really had not contemplated under our rules. The rule provides for an appeal of the Director's denial of a permit application, this is not a permit application, it is a request in passing from the Service that the Director waive a condition in a permit. Now, I want to highlight (indiscernible) permit. There are specific conditions attached to this permit, conditions which under Commission rule, the Director is authorized to, which allows the Director to include them in conditions that are necessary. It says in the bottom of the permit, right above the representative from the Service's signature, "I certify that the information in this plan permit is true and accurate. I also certify that I have read and understand the restrictions and conditions of this permit and agree to abide by them". The Service signed these permits on December 11, 2014 and January 23, 2015 respectively, agreeing to the terms and conditions of the permit. Now we have a request from the Service to waive the permit that they specifically, the condition they specifically agreed to. Based on the fact that there is (indiscernible) provided under the rule, there is an argument, and I leave it to the Commission's discretion as to whether or not they want to entertain that argument that there's, that the matter is closed, that there is no appeal under the Service's request that the Director declined to agree with. But should the Commission decide to entertain the appeal, there's adequate rules supporting the Director's decision. The Service argues that the offspring of Mexican Wolves that would be imported into New Mexico, which were born in captivity, become domestic animals. Now recall the Commission rule that prohibits release of certain nondomestic animals—birds, fish, reptiles—so that the Service argues that because they are born in New Mexico, these Mexican Wolves are no longer wild animals but that they are now domestic animals. I think it is worth noting that they are referring to a different definition of the word "domestic". While the Commission rule Chapter 31 which provides the prohibition against release does not define the

term “domestic”, the Department interprets that term to be used in the sense of animals that are wild by nature are not domestic. The Service is using the definition of the term “domestic” that refers to, of, or pertaining to that person’s jurisdiction. So because the wolf was born in New Mexico, it is a domestic animal. While Chapter 31 doesn’t provide the definition of “domestic”, Chapter 35 does provide a definition of non-domesticated. The definition it provides is any animal that is wild in nature and not listed as semi-domesticated or protected under Title 17. The Mexican Wolf is wild by nature and is not listed as semi-domesticated or protected under Title 17. So, for that reason, the Mexican Wolf is wild by nature (indiscernible) disapprove of that. The Director was on solid ground when she declined to waive the permit condition that prohibits the release of offspring of wild-by-nature Mexican Wolves. For these reasons, the Department requests that the Commission uphold the Director’s decision to deny the 2 applications for release as well as to the extent that the Commission will (indiscernible) appeal the Director’s decision to not waive permit conditions and permit (indiscernible). Questions from the Commission.

FEMALE SPEAKER: I do have some questions for the Department. At the beginning of your talk, you discussed that there are some United States District Court Cases that says you have to have a recovery plan. Would you care to expand on what that legal authority.

GUEST SPEAKER: The most recent case that is relevant to that issue is Friends of the Wild Swan v. Ashe. The citation for that case is 18F.Supp.3d 1077.

FEMALE SPEAKER: Would you repeat that?

GUEST SPEAKER: Friends of the Wild Swan v. Ashe, 18F.Supp.3d 1077. In that case, in the context of (indiscernible), I believe, the District Court Judge held that the Service had violated a



nondiscretionary duty, (indiscernible) recovery plan and ordered the Service to develop a recovery plan within a date certain.

FEMALE SPEAKER: OK. You discussed how the Director came to her decision and why it wasn't arbitrary and capricious. But would you explain the legal standard of arbitrary and capricious, because that is the appellate standard of review that our Commission is required to apply to this, and I think our Commission would benefit from understanding that legal standard of review.

GUEST SPEAKER: Just briefly, the Director's decision must be based on facts and evidence supported by the record. And, as I mentioned, there is some overlap there with the other (indiscernible) provision or requirement that the rule or that her decision be based on rule or law. There is some overlap there. It would be arbitrary for the Director to make a decision, for example, denying the permit because she did not like the Mexican Wolf. The rule provides the context within which she must make a decision. And if her decision is made within the confines of the rule, it is by rule and not arbitrary.

FEMALE SPEAKER: I am going to ask the Department if you would please put your arguments in writing in sort of a brief form (inaudible) going to be leaving the record open for some time for submission by both parties and I'll ask the same thing of the Service, to submit in writing and that way we have your legal citations and so forth to consider during this time before we deliberate on another date.

GUEST SPEAKER: Of course.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: (indiscernible), do you know if Fish and Wildlife, in 1982, say if they had at least 100 wolves, that was sustainable?

MALE SPEAKER: (indiscernible)

MALE SPEAKER: Chairman Kienzle, Commissioner Salopek, if I understand your question correctly, the 1982 quasi-recovery plan did articulate a management objective of at least 100 wolves. I think it is also worth noting that the Service, in their conversations about the 1982 recovery plan, has discussed the merits of the 1982 recovery plan. In 2010 the Service, speaking about the 1982 recovery plan, stated that it was insufficient because it operates without any guidance in terms of the number and distribution of wolves to be considered adequate for recovery and delisting. I don't think that's a surprise. The Service is working on a new recovery plan because they recognize that the earlier attempt at a recovery plan was insufficient.

MALE SPEAKER: Thank you.

CHAIRMAN KIENZLE: Any other questions? This is your only shot. Anything else? No? Thank you. Fish and Wildlife, rebuttal and then your, any closing you choose to make at the same time.

GUEST SPEAKER: Thank you. I would like to make a couple of corrections. There is no such term as a quasi-recovery plan. A recovery plan is a recovery plan. The 1982 recovery plan is still in effect and it is an actual recovery plan. We want to make sure that the Commissioners has a copy of the 1982 recovery plan along with the recently published 10(j) rule so that you can take a look at those 2 documents. What we will do is, we will provide a rebuttal in writing. We will go back and confer with our lawyers, the Department of Interior solicitors, and we will provide further record before it closes on September 25th. As I said, a copy of the 1982 recovery plan,

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the 10(j) rule, and a couple of other documents we have in our possession. But I did want to correct the record so that you all know there is no such thing as a quasi-recovery plan. Either you have a recovery plan, or you don't. The Endangered Species Act requires us to have a recovery plan. We have a recovery plan, and we are revising that recovery plan and that will be completed by the close of 2017. The new, finalized, recovery plan. Until that time, the 1982 recovery plan is still in effect. So, with that, and as I said, we will be providing documents in writing so that everyone has a copy of pertinent documents for everybody. And I would be happy to answer any questions that you all have at this time.

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: In the 1982 plan, we are talking about reaching a goal of 100 wolves. We have reached that goal. We are under the '82 plan. What do we do now?

GUEST SPEAKER: That is why the recovery plan, the revision of the 1982 recovery plan, was initiated, so that we can take another look. That was quite a while ago. So we can take another look and see if that provision, the goal of 100 wolves, is still sufficient. And, again, our new recovery plan will state a new goal and we will complete that in the close of 2017.

MALE SPEAKER: In the formulation of that plan that is going to come out in 2 years, where would the Department and the Commission, preferably the Department, have any input during the process of that, to try to get to some point where we can agree on what's in the fire?

GUEST SPEAKER: Yes, sir. Absolutely. We have invited the New Mexico Department of Game and Fish to participate in the recovery plan, so we would very much like the state's

assistance. That is necessary to have the best recovery plan possible. So we would very much appreciate that.

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: I have a question. Is it common, based on the Endangered Species Act, to have a recovery plan meet the goals of that recovery plan. Because you, yourself, said that it is a recovery plan. And then revise it and change the goal post so to speak?

GUEST SPEAKER: It is very common to revise recovery plans. We are required to. We are required to take a look at the species every 5 years and do a status assessment every 5 years.

MALE SPEAKER: Has that been done here?

GUEST SPEAKER: We are in the process.

MALE SPEAKER: You have obviously passed several 5 years.

GUEST SPEAKER: And recovery planning is one of those tools we have used to make sure that we have revised that appropriately for each of the species, how the species is doing. So we are in that process.

MALE SPEAKER: But my question to you was, you mentioned every 5 years. Has that been done?

GUEST SPEAKER: To review this species? The review is for this species because it is so high profile. We review and assess the species continuously. The Service does not do that in a vacuum. We do that with our partners.

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MALE SPEAKER: So, you say that every 5 years, it's continuous. Every 5 years, you didn't come up with a statement that date?

GUEST SPEAKER: I hope you are not confusing recovery plan with a species status. It's a continuous species status analysis, especially on a species like the Mexican Wolf. That recovery planning and 5-year reviews, 5-year reviews are on a 5-year plan. Recovery planning is something we take very seriously and because we do have a dated recovery plan in 1982, that is quite a while ago, we are revising that recovery plan to have new recovery goals so that it meets what we have learned and the current standards. A lot has changed since 1982.

MALE SPEAKER: (indiscernible)

MALE SPEAKER: Ma'am, has the Fish and Wildlife Service attempted to rewrite or recover the plan since 1982?

GUEST SPEAKER: We have appointed a recovery team and we have been in the process. It is a very cumbersome process. I don't know if attempt is the correct word. But beginning the process and continuing the process, yes.

MALE SPEAKER: So, there was an attempt, several times since 1982, to rewrite the recovery plan? How certain are we that a new one will be produced by 2017.

GUEST SPEAKER: My staff tells me they are very certain, and we will hold them to that. The 2017 deadline is a very liberal one.

FEMALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

FEMALE SPEAKER: I have a question about this kind of in-between time, where we are under that 1982 plan while you are in the process of revising that plan, and you ask for these permits regarding wolves. I believe I heard at least the April application was for the release of 10 wolves. Is that correct?

GUEST SPEAKER: Up to 10.

FEMALE SPEAKER: Up to 10. So it is up to that range. And was there another, so let's say that's the 2015 request, up to 10. Let's say, 2016, if that were granted, would the 2016 be similar in nature, again another up to 10 type permit.

GUEST SPEAKER: You're asking if we can project into the future how many wolves we would like to release in 2016?

FEMALE SPEAKER: Right. It's not very far around the corner. We are already midway through 2015 and so, if there were more wolves released this year, where are you looking in 2016?

GUEST SPEAKER: I would look to Sherry Barrett, the recovery coordinator. Do we have a plan for 2016?

GUEST SPEAKER: I am Sherry Barrett, Mexican Wolf Recovery Coordinator. We are in the process of working with our partner agencies on developing the translocation and release plans for 2016 right now. So we don't have those numbers at this time.

FEMALE SPEAKER: OK. I would be interested as you supplement and I would to formally ask you to brief, you said you were going to send documents to us, and you know, a brief format of the authorities you are relying on, and so forth, would be helpful to the Commission. If you have any facts regarding what your goals are right now, and you know your goal at least for 2015 was

to release up 10 and why, and what those perceived impacts to the wolf population and also to the ungulate population by that wolf release. The Commission is required to look at all those impacts and I would be interested in your submission in writing to include, you know, the when's and why's, I mean those are kind of the question of the day and why our Commission is so wanting to hear what you would want to have in 2017 because that's kind of the elephant in the room. Because, you can hear legal authorities on that or this, and standards but you know, what are the actual impacts of releasing those wolves right now. And I know a recovery plan would have to involve that analysis. So, we are trying to apply the 1982 plan with whatever analysis you have best at hand right now. And I guess that's what my hope would be, in some kind of written response from the service.

GUEST SPEAKER: (indiscernible) 10(j) rule is an experimental rule. We have a section on ungulates so we will provide that for the record, and we will highlight that section.

COMMISSIONER RYAN: Thank you. Would you help explain, and I don't know if Ms. Barrett or any of you can respond, as appropriate, "experimental population". That is not a defined term under the Endangered Species Act. Would you discuss that further?

GUEST SPEAKER: Sure. Do you want to discuss that, under 10(j) of the ESA.

GUEST SPEAKER: Mr. Chairman, Ms. Ryan. Section 10(j) of the Endangered Species Act provides for the development of an experimental population for particular endangered species and those that we want to try and release back into the wild. What it does is, it provides more management flexibility that it would if you had a fully endangered species. In the case of the Mexican Wolf, it is listed as an endangered species throughout its range in the United States and Mexico. And with the designation of a 10(j) area, it is a geographic area within which we

consider a threatened species for purposes of law enforcement which allows us, as a threatened species to have more management flexibility. For example, it allows us to translocate species and also to remove wolves that may be problem wolves in the wild. It allows us to have more abilities to provide for landowners on the ground to have special authorities for removal if there is a problem wolf as well. So it flexibility that we need for especially the release of a predator back into the wild.

COMMISSIONER RYAN: You used the term, I heard it from you earlier, regarding a problem wolf. I would like you to expand on that and the process, what that kind of wolf looks like and the process for removal, if that's actually ever happened and how it has been dealt with, and the Service in other states would be relevant to the discussion I think.

GUEST SPEAKER: Yes, Mr. Chairman, Commissioner Ryan. In our rule, our 10(j) rule, we actually have a definition of the problem wolf and that in particular relates to how we would manage that wolf. It pertains in particular to excessive depredation and habituation to humans. We have very recently removed a wolf from the wild because of habituation to humans and I think you probably heard about that in the news this last year. We did remove a wolf from the wild for those particular reasons.

COMMISSIONER RYAN: Was that here in New Mexico?

GUEST SPEAKER: Yes, it was.

COMMISSIONER RYAN: OK. And it was close to human population, I mean would you expand on that particular situation.



GUEST SPEAKER: Yes. We have increasing management if we have a problem wolf. It starts with our ability to haze it. And hazing can include loud noises or other reasons of paintball rounds, etc., or rubber bullets. Then we escalate to trying to trap the wolf. And then, in the end, if those are not successful in curing that particular behavior and we find it to be problematic, then we do go to lethal control which we did in this case.

COMMISSIONER RYAN: Make sure I have all my . . . I kind of wanted to expand on Commissioner Espinoza's question about the continual kind of recovery planning and status updates that this Service is always looking at, what the status is, and so forth, and it seems a little bit vague that between 1982 and today that at some point, if the Service was really at odds with the 1982 plan, that at some time between 1982 and 2015, or 2014 when you started revising the plan, that it would have revised it and had a new plan before now. Also, the assumption can be there, and it is open for rebuttal, that things have been OK up until this point because there has been nothing in place until currently, so that it's been OK; up until this point it seems like it's not OK. So, I would like to hear your thoughts on that and how long have you all been trying to work on a recovery plan and that process, and I'm sure it's very lengthy, how long that really takes.

FEMALE SPEAKER: Maybe start at the beginning, and talk about the appointing of the recovery team and how that works.

FEMALE SPEAKER: Commissioner Ryan, I'd like to start with the fact that there has been some confusion about the 1982 recovery plan. And, in that recovery plan we did not have recovery goals. At that point, there were no Mexican Wolves in the wild. They had all been eliminated. And so, the recovery team at that point in time did not know if it was even possible

to re-establish a Mexican Wolf back into the wild prior to its extinction. And so, at that point the only thing they could come up with was to establish a population objective of 100 wolves to see if it could even be possible to take these wolves, as Ms. Nicholopoulos said, they started with 7 wolves and we grew the population, could we even effectively put those wolves back out into the wild and have them survive. And that was the 100. It was not a recovery goal, it was simply the stopgap measure to try and prevent the extinction of the species. And so, from there, we have learned a lot in our management of the Mexican Wolves in the wild. At that point in time, we have started back in the early 2000's to put together a recovery team but there were some other priorities that pre-empted that process. We again tried in 2003. There was a change in the court decision on whether or not we had a distinct population segment, so that effort was abandoned. We again started in 2010. We then had to instead focus on our litigation response to revising the experimental population. We have now completed that process. So, in January of this year, we reclassified the Mexican Wolf as an endangered subspecies and we completed that revision to our (indiscernible) population rule. Both of those set us up very well now for our revision to the 1982 recovery plan because we have a distinct, we have a subspecies listing now, the Mexican Wolf, which separates it from the Northern Gray Wolf, and we have completed that other effort to improve our existing population in the wild which we are calling the experimental population. And so, that population we can continue to improve it now. The most important thing is to improve its genetics. The population has been growing well as mentioned previously for the last 4 years but we need to ensure that we have a genetically appropriate population to continue that growth. And that is important so that population we have in the wild right now can effectively contribute towards recovery into the future. And the recovery and delisting of the wolf, as was mentioned, is the point at which we would then delist the Mexican Wolves from under the

Endangered Species Act and turn that management over to the state. So the expeditious recovery of Mexican Wolf is to the benefit of the state as that is the point at which you would then be able to manage it as part of your other wildlife in the State of New Mexico.

COMMISSIONER RYAN: About 20 years ago seems to be like a breaking moment as far as the population level. Is that when we hit about 100? Four years ago, has that been maintained or was that more recent.

FEMALE SPEAKER: That is more recent. We just went over 100 in the year 2014. We do a population survey every year which extends between November and January to February of that year. And in 2010, in fact, we had, I believe that was when we had 50 Mexican Wolves in the wild. So, we have about doubled our population, more than doubled, in the last 4 years.

COMMISSIONER RYAN: Do you expect that to double again? Is that a general measure over a couple of year period, that it would double?

FEMALE SPEAKER: No. In fact, what we expect over time is a 10 percent population growth every year. That would be a healthy population at the point at which we achieved right now, our experimental population, just that geographic area between Interstate 40 and the U.S.-Mexico border, we expect that we can accommodate easily 300 to 325 Mexican Wolves.

FEMALE SPEAKER: That certainly would terrify some people in the room of doubling, the population doubling every couple of years. So, certainly, in a recovery plan when it's finished, that would be addressed. The 10 percent, why you have come up with that projection instead of doubling.

FEMALE SPEAKER: OK. Thank you so much, I appreciate it.

MALE SPEAKER: One more question.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: Maybe I'm hearing wrong. But I am getting conflicting things. What Sherry was saying is kind of contradicting what I'm hearing from you. The 1982 plan, is it a recovery plan, or isn't?

FEMALE SPEAKER: It is a recovery plan. I don't believe Sherry said it was not a recovery plan. She clearly said it is a recovery plan.

MALE SPEAKER: OK. So then, that recovery plan, I guess I'm confused as the recovery plan as it is, because she was saying, I understood that it wasn't, that it was a goal.

FEMALE SPEAKER: No, she said that the 100 number, that is not a recovery goal. That is an objective in the 1982 recovery plan. So the 1982 recovery plan is a recovery plan. And there is a recovery objective of 100 wolves. In the new revised recovery plan, there would be a recovery goal. Did I get that correct?

FEMALE SPEAKER: That is correct.

FEMALE SPEAKER: Do you understand the difference? OK. So a goal is not a hard number then?

FEMALE SPEAKER: At the time, as Ms. Barrett mentioned, we didn't even have wolves on the ground. So, this an objective. This was a far-reaching objective. We were hopeful that our captive population would be able to work well, produce wolves that we could then transfer to the wild, and that we would have as an objective 100 wolves. That was in the 1982 recovery plan as an objective. In the 2017 recovery plan, we will have discrete recovery goals, a range of goals

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very clearly stated. And when we provide to the Commission the 1982 recovery plan, we will highlight that area that talks about the 100 recovery objective, 100 wolves as a recovery objective, so that it is very clear.

MALE SPEAKER: Chairman, Ma'am, I hope that you also include very highly detail as far as what she just said, that doubling the population within the last 4 years, how we got there, and how could it be reduced to 10 percent population, you know, from here forward. I really want to see some hard numbers, solid numbers, that we can discuss. I hope I don't see numbers such as 600 out there, just basically looking at the impact on the other wildlife. You know we are all here all about wildlife, the whole ecosystem there. And also, my other question is, you mentioned Interstate 40. Was that Interstate 40 on the original plan as well, or has it expanded within that time frame.

FEMALE SPEAKER: We mentioned Interstate 40 as a geographical boundary, is that . . .

MALE SPEAKER: Right.

FEMALE SPEAKER: It was not in the original.

MALE SPEAKER: I didn't think it was in there, and that's why I'm asking. Because to me, I would like to also know what was the original Mexican Wolf area, and to me it seems like it is expanding and I can see, if it's going to expand to meet your higher number objective, you need more land to get those numbers. But to me, if it's not in the original plan or they were never there before, we will need to re-introduce them into new areas. To me, we need to keep them where they originally were. To me, you know I don't have a problem with 109, currently what we have. I think, you know, there's a good place for wolves at that point. But I think if we exceed these numbers or even look at doubling these numbers, it is going to have some severe impacts on the

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overall ungulate population there. And you know we do appreciate the hunters and sportsmen, the ones who provide monetary fees and all that that support all these people who are out there working as part of the Agency as well.

FEMALE SPEAKER: So in our written materials, we will very clearly show in the 1982 recovery plan and in the 10(j) experimental rule, we will show that the terms and definitions of the terms so that you understand the 10(j) area, that geographic area versus historically and versus current range, we will make sure that is spelled out very clearly for you.

MALE SPEAKER: Absolutely. You just need to put yourself in my shoes as well. I am doing what is best for overall New Mexico, OK.

(Very loud audience reaction, pounding of gavel)

CHAIRMAN KIENZLE: With all due respect, conduct yourselves appropriately. It is not a shouting match.

MALE SPEAKER: What I am trying to do is get a greater, wrap my brain around the whole issue, OK? And not just favor one side or the other. I am trying to say, hey let's manage it. If we are going to raise wolves, let's do a great job with it. But let's also look at all the other animals that it involves as well, OK?

FEMALE SPEAKER: We'll make sure all those terms and all those definitions are provided in our written materials, absolutely.

MALE SPEAKER: Thank you, Ma'am.

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: Ms. Barrett indicated that in 1982, of course you probably both weren't here then, in your positions.

FEMALE SPEAKER: I actually was.

MALE SPEAKER: But the 100 wolves perhaps capricious because you didn't know if wolves would survive in the wild, which is what Ms. Barrett said. Why didn't you pick another number, like 1,000 or 2,000? Because there are many people in the state that are not biologists who know that 100 is not a viable, sustainable population in the wild. Why did you not pick a higher number that was more realistic?

FEMALE SPEAKER: I can tell you, I was here then. And Dave Parsons can attest because I was working for Dave Parsons at that time. That 100 number created quite a ruckus. It went from zero wolves in the landscape to a document that said our objective 100 wolves. That was a huge deal. So that was a very thoughtful number at the time. But it was not based on anything that happened in the field or in the wild because we didn't have wolves in the wild. And we didn't even know at that time if we could take wolves from captivity and put them in the wild and they would be able to survive. Now we know an awfully lot more than we ever knew back then. That is why the 2017 recovery plan will be a very scientifically sound document based on fact, based on experience, based on all the recovery efforts that we've put forth today. So, back in 1982 we did not know a whole lot about how that operation was going to go. But I can tell you, if anybody put out a document say 1,000 wolves back in 1982, that wouldn't have been very well received.

MALE SPEAKER: I was there then. There are many who feel that way, yes Ma'am. If that had been the number presented in 1982, there would have been much more opposition.

FEMALE SPEAKER: Absolutely.

CHAIRMAN KIENZLE: If I can also add a little bit on that. I know at the last meeting that we had, the number was mentioned as 900 as well. I know that was mentioned by Sherry over here.

FEMALE SPEAKER: Sherry has never mentioned the number 900. So I would have to correct you. I don't know of anyone who has mentioned that number.

CHAIRMAN KIENZLE: I heard that number, OK, between 600 and 900 is what I heard. And you know that's why I'm really curious about that.

FEMALE SPEAKER: I have no explanation for that. Because that is not a number that Fish and Wildlife Services has ever used.

FEMALE SPEAKER: I would just like to make the point that I wish almost that we could fast forward and be having this conversation in 2017 with the revised recovery plan. Because, I mean, it is here's a recovery plan, here's the goals and objectives, here's how many wolves we want that we think is sustainable, here's the impact on the ungulates, we have all that analysis here for you, and we'd be sitting here talking about that analysis. It's hard right now when we're in that limbo and trying to work off a recovery plan we have and not jump too far ahead of ourselves before we actually have all that information in front of us in 2017. I guess in making that point, I wish we could time travel. If this was 2017 and you had a recovery plan in front of us, that would be talking turkey.



FEMALE SPEAKER: And I think it is fair to say (indiscernible) that we had a finished, final recovery plan, that we had that information before us. But I would like to make a very important point. It is important to improve and increase the genetic diversity of the population while it is still small so that we can make those improvements now, and those improvements are going to occur through releases and cross-fostering of pups. That's how we are going to improve that population. And I know the New Mexico Department of Game and Fish would not argue with the best, most genetically diverse population out there. We want the same things. We want the best result. And in order to achieve that best result, we need to release Mexican Wolves in New Mexico. And we need to release the best candidates in New Mexico. And right now, cross-fostering pups, that is our best (indiscernible). We hope that we can reach some sort of understanding because I know our goals are the same, that we need to improve the genetic diversity of the wild population so that population is a strong, thriving recovery population. So when the New Mexico Department of Game and Fish gets (indiscernible) of that species, you have a viable population to manage. And I know that is our goal, and I think we can get there if we can make releases a priority and make cross-fostering pups a priority in the state of New Mexico.

MALE SPEAKER: On that subject, understanding that not all of us are biologists by any means, in your documents that you are going to present to us, give us some information about pup cross-fostering and diversity, in laymen's terms if you don't mind.

FEMALE SPEAKER: Tone it down to make it a less scientific discussion.

MALE SPEAKER: Yes, because these are the facts that we need, and that's what we really need. As Commissioner Ryan pointed out, I really do wish we could go forward but we really

need some facts to make an intelligent decision. The more facts the better. One fact I'd like to know is, we've all heard about the recovery plan expanding clear up to I-40, and some of it being a not historical range. So give me some information why it is important for the Service to expand the wolves into non-historical range versus why aren't we going down into New Mexico that is a more historical range? Give me some of those facts as well if you don't mind.

FEMALE SPEAKER: You bet. And we will absolutely define historical range so it is clear to you because that area is historical range and we will provide maps so you can see the 10(j) range, and you can see the currently occupied range. That's important for you all to see.

MALE SPEAKER: Because in the original 1982, that was not identified as historical range, am I correct.

FEMALE SPEAKER: I don't know if it was or not. Sherry, do you know if that was in the 1982 recovery plan?

MALE SPEAKER: Not according to the maps I've seen.

FEMALE SPEAKER: I don't, but I think the clarification is that the experimental population rule, even as it was put in place in 1998, was up to Interstate 40. What we did with the expansion of that area was, we extended it from Interstate 10 down to the U.S.-Mexico border. The difference is that in the 1998 experimental population rule, the goals were restricted to only the Gila National Forest in New Mexico and the Apache National Forest in Arizona. But the experimental geographic area did extend from Interstate 40 which we have not changed in this current rule down to Interstate 10 at that point in time.

MALE SPEAKER: Please provide me with those facts.

FEMALE SPEAKER: We will provide that.

FEMALE SPEAKER: Absolutely.

(indiscernible)

MALE SPEAKER: One more question for Ms. Barrett. You mentioned that particular wolf that was habituated but not aggressive to humans, did I hear that correctly?

FEMALE SPEAKER: We had a wolf that was released this year, and it became an individual animal which is where we generally have more problems with nuisance individuals versus when they are in a pack. But that wolf did go into the area in Catron County where there are humans and there was some escalating nuisance behavior, and we did try to deter those but then in the end did have to lethally remove that wolf.

MALE SPEAKER: But you determined that it was not aggressive to humans? How would you determine something like that?

FEMALE SPEAKER: We did not determine whether or not it was aggressive to humans. It was in a nuisance behavior. The problem was, and we put this in our environmental impact statement, the perspective of aggressive wolves is in the eye of the beholder. Some people will see a wolf from me to you and be very afraid and feel that it is an aggressive animal. Another person will see that same distance from me to you and a wolf and will feel that was the most enlightening experience they've ever had. So there is a difference. But I will say that we have never had any wolves attack a human being, any of our wolves from the Mexican Wolf population since they have been re-introduced in 1998.

CHAIRMAN KIENZLE: Ms. Barrett.

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FEMALE SPEAKER: Yes.

CHAIRMAN KIENZLE: Did that wolf have a name or a number?

FEMALE SPEAKER: I believe it was 1130.

CHAIRMAN KIENZLE: 1130? And will you tell me where it started its life and then sort of trace to when it was released?

FEMALE SPEAKER: Actually that would be information that would be better if we provide to you so we can have the full story accurately to you in our written documents back to you.

CHAIRMAN KIENZLE: You will provide that to me? OK. Any further questions or comments from Commissioners. Thank you for your thoughtful presentation. I appreciate it. Clearly you and the Service have a passion for this issue. I appreciate that. Please take advantage of the opportunity to put more evidence into the record. I think that would be helpful in coming to the best decision possible. And then I've got, the Chair will entertain 3 motions, and I will explain them in turn. I think under the circumstances it would be useful to have what I would call proposed findings of fact and conclusions of law from the 2 parties, and you can characterize those however you like. But whatever decision, and you will get a written decision out of the Commission, and I will talk about that in a moment. But whatever written decision the parties would like to see out of the Commission, provide me with your written submissions and that would be again by September 25th, and we will have a motion on that as well. Do you get a sense then of what I'm asking for about findings and fact and conclusion of law?

FEMALE SPEAKER: Yes.

CHAIRMAN KIENZLE: Yes?

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MALE SPEAKER: Yes.

CHAIRMAN KIENZLE: OK. So that will help in clarifying, I think, the parties' positions on a go-forward basis. With that having been said, the Chair will entertain a motion to that effect, to have proposed findings of fact and conclusions of law from the parties provided the Director and to your opposing party by close of business, 5 p.m. on September 25th.

COMMISSIONER RYAN: So moved.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. That's number 1. Number 2, as I mentioned, you have the ability but the Department does not what amounts to additional evidence into the record. So please take advantage of that. AS discussed prior to the start of this appeal, I had suggested a date of Friday, September 25th and that would be in advance of our September 29th meeting. So with that, the Chair would entertain a motion to the effect that the Appellant, the Service, has the ability to put additional evidence into the record up to the close of business, 5 p.m. on Friday, September 25th.

(indiscernible)

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

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CHAIRMAN KIENZLE: The Aye's have it. Do you understand that? OK. And then, as we also discussed prior to the start of this appeal, we will put this on the next agenda for formal deliberation by the Commission and at that point in time there will be an action item in the sense that we will take a vote on the appeal itself. So the Chair will entertain a motion to put this appeal on the next agenda as an action item for the September 29, 2015 meeting.

COMMISSIONER: Moved.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Alright. Do you have any questions for me?

FEMALE SPEAKER: I would like to thank you, Mr. Chairman and members of the Commission, for letting us speak today and hearing our appeal. We very much appreciate it. We have enjoyed a long partnership with the New Mexico Department of Game and Fish and we know that will continue in the future. So thank you.

CHAIRMAN KIENZLE: Thank you. Mr. (indiscernible).

MALE SPEAKER: (indiscernible) the Commission has requested for written argument (indiscernible/inaudible).

CHAIRMAN KIENZLE: Yes, September 25th, and it may be in the nature of findings of fact and conclusions of law. You may put it in there, as long as you are not giving me what amounts to new evidence. You've heard the evidence today. You may not see everything that the Service

puts into the record, but you can comment on what you've heard today and what you probably anticipate will be put into the record. So, as long as you are not coming up with new evidence, then I don't have a problem with providing what amounts to something like a bench brief or something like that. And the same goes for you. I know you will visit with your attorneys if you have additional legal arguments to make going in front of us. We will consider (indiscernible). OK. I think this one is closed for today.

MALE SPEAKER: Are you saying the public area is not having voice today?

CHAIRMAN KIENZLE: This is not a matter for public comment because we are (indiscernible). So this is not, in my opinion, a matter that is open to public comment.

MALE SPEAKER: You've changed the rules of the game.

CHAIRMAN KIENZLE: I disagree with you. We are going to move on to 7, but we will do a motion to formally get it in front of us.

COMMISSIONER: Mr. Chairman, I would move that we move Item Number 7, Agenda Item Number 7, to next.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. I am going to confer with the Assistant Attorney General for a moment. Why don't we take a quick break, take a break for about 10 minutes.

(Return from break)

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CHAIRMAN KIENZLE: Call us back to order. AGENDA ITEM NO. 7.

FEMALE SPEAKER: Do you want to have a speaker?

CHAIRMAN KIENZLE: Yes. I had asked the Assistant Attorney General to give an opinion or their opinion on notice for this particular action item.

FEMALE SPEAKER: Mr. Chairman, it appears that the Department or the Commission has noticed this (indiscernible) for August, published a notice about this (indiscernible) hearing in the Albuquerque Journal on August 6, and it was published in the New Mexico Register on August 14th, and there is nothing in the law that requires that notice be provided at least 30 days in advance, and the Administrative Procedures Act does not apply to the Commission nor the Department since they did not adopt that Act and make it applicable to them. So the notice that was given August 4 about this rule was sufficient in my opinion.

CHAIRMAN KIENZLE: Is it your opinion that it is OK to proceed to final action?

FEMALE SPEAKER: Yes, sir. The rule has been in the works since July. There have been at least 5 public meetings for receiving comments and this should be adequate. It is adequate under these circumstances.

CHAIRMAN KIENZLE: Thank you. I appreciate it. You may proceed.

FEMALE SPEAKER: I am having trouble, I need to get a little bit closer.

CHAIRMAN KIENZLE: You may proceed.

GUEST SPEAKER: Mr. Chairman, members of the Commission. I am here in front of you today provide the final proposals for the bear and cougar rule development. Before I begin, I want to

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give a background for all those people in the crowd who have not been present at Commission meetings and don't understand or have not been present for rule development before. But a (indiscernible) bear and cougar rule once every 4 years to make modifications to sports seasons dates, bag limits, maximum harvest limits, manner and method of take, and other hunting regulations for these 2 species. The Park and Wildlife biologists have been collecting and analyzing data taking into account peer review publications, communicating with wildlife biologists from other states in the West, and conducting research within the State of New Mexico in cooperation with university researchers to help determinate population densities and harvest limits for bear and cougar. Sport harvest is the Department's main strategy and main goal and (indiscernible) Department to maintain both predator and prey populations. A little bit of background on rule development timeline that was just described. The Department formally opened the bear and cougar rule at the March Game Commission meeting in Alamogordo. With that, we provided some initial ideas to the Commission and asked for some input back on those initial proposals. At May, we brought some more refined proposals to the Commission at its Farmington meeting, and in June we provided a more updated version of our proposals at the meeting, the State Game Commission meeting, in Taos. In front of you today, in August, presents the final recommendations for the bear and cougar rule. Additionally to the meetings that we presented our recommendations, in April (indiscernible) proposed ideas on the website and began taking public comments through email or written letters to the Department. In May of this year, we had 5 public meetings throughout the state and in early August as stated, placed the final proposed rule on the Department website as well as a viable alternative. Before you is the locations of the public meetings held across the state of New Mexico, the date, and the attendees. As of yesterday, we had received 1,989 public comments via email, or through public comment,

testimony at the public meetings. And 768 of those were unique, whereas the remainder were in the form of form letters with the same comment repeated over and over. The meetings and mail comment, e-mail and mail, were focused mainly around the use of traps and snares for cougar and increasing bear harvest limits, both in support and opposition for. I will run through our cougar proposals first, before we get to bear. Before I begin, I want to kind of state how we formulate and get to our harvest limits. Similar to bears, the Department uses a habitat suitable as a model in combination with estimated cougar densities to set harvest limits. The cougar habitat model was developed using location data from harvested and GPS collared animals, topographic information, climate information, and deer and elk (indiscernible) data. It differentiates habitat quality, into quality. Basically what you see there in the orange is what we consider the highest quality cougar habitat based on all those conditions we just described and going down to that blue part which we are basically stating is not suitable habitat. In fact, in that blue, we estimate zero cougars per 100 square kilometers, so no cougars being present. However, I would like to note of cougars in these zones and we do know of cougars that have been harvested in those zones. So there are cougars present in them, so we're on a conservative estimate on those areas. (indiscernible) ranges across the state with the highest quality, again orange, being estimated at 2 to 3 cougars per 100 square kilometers ranging down to zero. The density estimates we used were derived during 10 years' worth of research conducted by the Hornocker Wildlife Institute here in New Mexico, specifically in the San Andreas mountains and from multiple research projects published in peer review literature from state management, and from state management plans in other Western United States. One other method that has been suggested to be used to estimate cougar populations in states, if you do not have individual state data, was put forth by Mr. (indiscernible) in a paper published in 2013. In this paper, he examined growth rates of

cougar populations, 3 separate populations, and used known population densities for multiple research studies in the West. When applying those matrices to cougar habitat in the State of New Mexico, the results and harvest limits are nearly identical to what is proposed. I want to bring forward, too, the Department since the inception of this rule and to date is not currently proposing any increase in the maximum harvest limits for cougars across the state. Again, the Department is not proposing changes to the sports harvest limits across the state. In fact, harvest limits that are currently in place are not met in approximately 85% of the current cougar management zones. For example, in cougar management zones H, L, N, O, the average sport harvest over the last 5 years has been less than 3 cougars per zone. This represents less than 10% of the sustainable cougar harvest in those areas. What we are proposing in front of you today is changes to manner, method, and restriction for cougar. One of the first proposals in front of you is the elimination for the need of private landowners to obtain a permit from the Department prior to using traps or foot snares for sport harvest on their property. The other proposal by the Department is to allow traps and foot snares as a legal method of sport harvest on private property and State Trust Land to run concurrent with our fur bearer seasons from November to March 31st. The Department also posted a viable alternative on its website on manner and method restrictions. That viable alternative would prohibit the use of traps or foot snares for sport harvest on State Trust Land or private property. In addition, in the proposal and in the viable alternative, the Department is proposing allowing increased bag limits in zones where harvest limits have not been achieved in 2 of the last 3 seasons. So, again we are not increasing the cougar harvest limits in any one particular zone. We are allowing for increased bag limits in those zones to try to reach sustainable harvest limits in those areas.

Another proposal in front of you today is to prohibit the use of hounds during the September deer and elk archery seasons similar to what is done for bears. Additionally, the Department is proposing allowing licensed deer and elk hunters with a valid cougar license to be able to take cougars if the zone is open and the limit has not been reached on certain WMA's (indiscernible) on their deer or elk hunt. Those particular WMA's are the Sargent, Humphries, Rio Chama, Urraca, and Valle Vidal. Additionally, in the bear and cougar proposals and also in the proposal and the viable alternative, the Department is proposing making hunters that are not present or are physically present at the time of pelt tagging of a cougar or bear pelt, that they must make contact with a game warden prior to that animal being tagged by one of our officers. This is to insure we collect the most reliable biological data off those species before tag is released and the pelt is released back to the hunter. Additionally, the Department is proposing moving Game Management Unit 18 from Zone I to Zone H. This move is to better reflect the habitat types of what GMU 18, kind of a high desert, Chihuahan desert ecosystem, which better mirrors that of the San Andreas than it does mountain areas in the Capitan's or Gallinas Mountains. That is our cougar proposal.

I am going to move on to bear proposals. During the development of this year and the ensuing 4 years, the Department has undertaken great strides to better our scientific knowledge of bears across the State of New Mexico. Part of that is to establish primary bear habitat. Bear habitat was established in the 90's to early 2000's through a massive undertaking of a study, the New Mexico Bear Study that was completed, Costello et al. At that time they were limited in their geographic information, their GIS capabilities, satellite imaging etc. was very limited at that time. They used the New Mexico GAP model to delineate the habitats. That model had poor classification accuracy so when we go out and ground (indiscernible), what is depicted on the

satellite imagery or on the imagery, and we go out and actually see if it is oak brush or (indiscernible) that they are seeing, classification or accuracy of the old model is about 15 to 30 percent at actually getting what's on the ground. What we are using now is land fire data. Land fire data is what the U. S. Forest Service uses to delineate basically fire risk across the landscape. It is through area photos, it is through satellite imagery so that they can kind of discern what habitat types are. The fuel loads are what's in the understory that will help determine what's there and what kind of preparedness they might need to do for an upcoming fire season. It has improved habitat classification drastically. The accuracy of land fire data is up to 80 to 90 percent. Additionally, the New Mexico GAP is limited in the number of habitat classifications that it had. It only classified fewer than 45 habitat types across the State of New Mexico. Many habitat types were lumped and not broken out, whereas the land fire data classifies over 150 different habitat types. Costello et al. recognized the limitations of the New Mexico GAP. Upon conclusion of their study, they stated they recommended re-analyzing primary bear habitat once more detailed, accurate and improved spatial data bases have become available. With the development of the land fire classification coverage, the Department now has the ability. Therefore, we went forward and re-analyzed primary bear habitat across the State of New Mexico. As you will see, their habitat was historic during the GAP model classified as 13% of the state. The new classification shows that primary bear habitat is 18% of the state so an increase of 5 percent of bear habitat in the state. In addition to revising the habitat model, the Department undertook a massive study trying to ascertain densities of black bears in many different mountain ranges throughout the State of New Mexico. Part of this study uses the most up-to-date scientific knowledge. When Costello et al. developed density information in the late 90's – early 2000's, they were relying on physically capturing and handling bears, releasing them

and physically capturing them again to get a marked recapture rate to determine densities. Since the improvement of genetic availability, the Department in the cooperation with New Mexico State University was able to conduct a massive study looking at densities across the landscape and using (indiscernible) base of techniques. These techniques involved deploying hair snares across the landscape with a lure. So basically what happens is, the bear comes into the scent lure, leaves a hair follicle on a barbed wire, leaves the area and now we can type that individual down to who it is. And we have had those across multiple mountain ranges, multiple snare sites, so we can ascertain densities much more robust than the previous methodologies. During that study, there were 5,000 individual bears that were typed across the state. In addition, the total area, study size area, was over 14,000 square kilometers in the state. Sampling periods were over 3 separate summers and ran for 3 to 4-1/2 months. Right in front of you here are densities in relation to the Costello et al. study compared to the new densities ascertained through this study. You will see that the majority of these showed increasing trends in bear densities with the exception of the southern Sacramento Mountains which showed a decreasing trend in bear density. These densities are also comparable to what other research has shown, other state research has shown, on bear densities on surrounding states. For example, Arizona in the (indiscernible) mountains ran a similar study to what we did. They were finding densities upwards in the 20 bears per 100 square kilometers or higher. Colorado in the southern Santo de Cristo's north of Trinidad found densities up to 30 to 40 bears per 100 square kilometers. So it kind of shows the densities are a little bit higher than previously thought. That said, with the revisions of the habitat model and the new density information, the Department is proposing increasing bear harvest limits in those zones where: (1) we have new habitat information to suggest that there is more bear habitat available on the landscape; and, (2) those zones where we

have better information on densities and more recent, current information. Overall, it represents a 26% increase in bear harvest limits across the entire (indiscernible) State of New Mexico.

However, one thing I would like to point out is that we are not increasing the female segment of the harvest limits proportionately as high. Our recommendation is a 15% increase in female harvest limits. The female segment of the population is more sensitive to harvest. We know this. And as a result, no more than 40% of our total harvest allowable of females, or should be comprised of females. A zone will close when either the female harvest limit has been achieved or the total harvest limit has been achieved, whichever comes first.

I will run through each of these areas. If you have any questions, please tell me to slow down. You will see her in our Northwest area, the zones there. What you see is the current harvest limits in each one of these zones followed by the proposed. In parentheses is the female harvest limit for each one of those zones. The Northeast area, Southwest, and Southeast.

MALE SPEAKER: That was quick.

GUEST SPEAKER: In addition to the harvest limits, the Department . . .

CHAIRMAN KIENZLE: Could you just run through those one more time?

GUEST SPEAKER: Yes.

CHAIRMAN KIENZLE: (indiscernible).

GUEST SPEAKER: Southeast: What you will notice there is, in those zones where we found decreasing or smaller growth per 100 square kilometers, you will see for example in Zone 13 a proposed decrease in the harvest limits based on the new data we received through the genetic samples. Southwest, Northeast, and Northwest.

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CHAIRMAN KIENZLE: Which quadrant has the largest percent increase?

GUEST SPEAKER: One of the largest of the percent increase in the Southeast in Zone 11.

CHAIRMAN KIENZLE: OK.

GUEST SPEAKER: The reason for this is due to formally estimating bear densities in that zone at 17 bears per 100 square kilometers. The results of the new study showed bear, and I'm going to get to it in a second, I apologize. Densities in that area upwards of, I believe, roughly 20 per 100 square kilometers, so a greater, much higher, I think it was almost 23 per 100 square kilometers. There was a higher density than what we were predicting and what we were using for harvest. So another thing to back that up is, we were harvesting under a (indiscernible) population for the last 4 years, that we thought was smaller than it actually was. So, in fact, we were under-harvesting, under sustainable limits, so the population should have been growing which is probably the case giving the densities that we are seeing in some of those areas.

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: In addition to the harvest limits, the Department is proposing moving GMU 48 from zone 3 to zone 4. Some of the interesting information that we saw coming through the genetic data was the relatedness of individuals as they go through the landscape and how they use the landscapes. GMU 48 is more similar to bears that are found in zone 4 than say, zone 3. Therefore, we are recommending moving that GMU to zone 4. Additionally, we have been having increased occurrences of bears and bear sightings in bear habitat in GMU 39 and 40. Because of that, we are proposing opening those 2 units and making that part of bear management zone 6. And with that, I would stand for, or sit, for any questions.



CHAIRMAN KIENZLE: (indiscernible), you want to go first?

MALE SPEAKER: Yes, Mr. Chairman. You know I am really marveling at all the information that we have now available to us that we didn't have when I was trying to do this many years ago. I believe, in seeing the information we have and taking with you two regarding the research that's been done and what we are trying to do, we have the best management information that's available. And I'm not pushing buttons at you guys, but we have the best wildlife managers in the Western states. I am tickled with what we've got, and the transition we've made from what we had 10 years ago, 5 years ago to what we have today. And I applaud what you guys are doing and I really believe in the data that you are presenting us, it is something that I think I could live with.

CHAIRMAN KIENZLE: Anything else right now?

MALE SPEAKER: Right now, no.

CHAIRMAN KIENZLE: So, I have a question. You've got the phrase in here, "State Trust Land". So tell me what State Trust Land is, because I don't think we've got a formal definition of it. There's probably one in state law. But tell me what the Department's understanding is of that term.

GUEST SPEAKER: Mr. Chairman, State Trust Land is those lands that are occupied and managed by the State Land Office under the Trust for Public Schools. And so, those are those specific lands delineated and managed by the State Land Office.

CHAIRMAN KIENZLE: So, what other kinds of State Lands? I mean there are state forests, there's state this-that-and-the-other-thing. So this is a very specific type of state property, then?

GUEST SPEAKER: Mr. Chairman, that is correct. It is only those lands administered by the State Land Office. The State Game Commission owns these lands. We are not proposing opening up trapping in those lands. It's only specific to those lands managed under the Commissioner of the State Land Office.

CHAIRMAN KIENZLE: So, would this apply on our WMA's and other areas? Tell me about that.

GUEST SPEAKER: Mr. Chairman, this recommendation is only on private deeded lands or lands that are on State Trust Lands administered by the State Land Commission.

CHAIRMAN KIENZLE: Thank you.

COMMISSIONER SALOPEK: Stewart, what's your, on state lands, what's (indiscernible), how do can the average person get on state lands? Is it open to everybody? State Trust Lands. My understanding is, you have to have a hunt license and/or get a permit. (indiscernible).

GUEST SPEAKER: Commissioner Salopek, that is correct. There is not free access to State Trust Lands in the State of New Mexico. The Department in fact enters into a lease agreement with the State Land Office to allow access of our sportsmen, fishermen, and trappers onto those lands to gain that access. If that person does not have permission or hold one of these licenses or have a separate permit administered by the State Land Office to access those lands, they are legally not allowed on those pieces of land.

COMMISSIONER RYAN: Just a follow up. So, unlike Federal public domain lands where the public has access to these public lands, that is not the same thing as State Trust Lands where members of the public can access State Trust Lands?

GUEST SPEAKER: Mr. Chairman, Commissioner Ryan, you are correct.

COMMISSIONER RICKLEFS: You mentioned other permits from the State Land Office. What requirements are those? How do you get those permits? Who is allowed to go under those permits.

GUEST SPEAKER: Mr. Chairman, Commissioner Ricklefs, I am not 100 percent positive but I believe they will have to go in front of the State Land Commission in order to receive those permits and describe those activities that they would be doing on those lands in order to access it. Or, I believe they would have to receive permission from the private landowner that is in lease of those State Trust Lands.

COMMISSIONER RICKLEFS: No, I mean for the other people that go to State Trust Lands under a recreational permit. What requirements are put on those?

GUEST SPEAKER: Mr. Chairman, Commissioner Ricklefs, I don't know if the State Land Office makes specific requirements under individual permits under recreation permits or not. That would be a question that I cannot answer. Again, the Department has a lease on State Trust Lands to allow access to hunters or fishers or trappers. It is very specific to the activities that we are proposing on those lands. They cannot, for example, a hunter cannot go in the off season to State Trust Lands and go recreate on those pieces of property. They must be engaged and must have a legal, valid license in order to go access those State Trust Lands.

CHAIRMAN KIENZLE: So, let's say I want to take advantage of the nice fall weather, go for a walk with my dog in a WMA. I don't need to worry about traps or snares under the rule that you're proposing.

GUEST SPEAKER: Mr. Chairman, that is correct.

COMMISSIONER RYAN: Can you expand on that? Why is that?

GUEST SPEAKER: Mr. Chairman, Commissioner Ryan, the proposal in front of you today is specific and only allowable on private deeded property or State Trust Lands.

COMMISSIONER ESPINOZA: So actually during the trapping season. Is that correct?

GUEST SPEAKER: Mr. Chairman, Commissioner Espinosa, that is correct. The proposal in front of you today would be only to allow sport harvest of cougars with the use of traps or foot snares during the legal fur bearing seasons from November 1st to March 31st on private deeded land or State Trust properties.

COMMISSIONER ESPINOZA: To clarify that further, Stewart, during that season, the State Game Commission on State Trust Lands and there is not an open hunting season, I would have to have a trapping license in order to access that, correct?

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, that is correct.

FEMALE SPEAKER: If they have a cougar license . . .

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, I would also like to clarify, that trapper additionally would have to have a cougar license in order to partake in trapping of cougar as well.

COMMISSIONER RYAN: For clarification purposes, is it true that the proposal in front of us as it pertains to bears does not include a spring bear hunt and it does not include tracking of bears in New Mexico.

GUEST SPEAKER: Mr. Chairman, Commissioner Ryan, you are correct that the proposal in front of you does not have an over-the-counter bear spring season or trapping of bears anywhere in the state for sport harvest.

CHAIRMAN KIENZLE: And the Department is still behind the original proposal that made that your preferred . . .

GUEST SPEAKER: Mr. Chairman, the Department's recommendation is to go with the Department's original proposal.

CHAIRMAN KIENZLE: Is that based on the best available science that you've got?

GUEST SPEAKER: Mr. Chairman, yes.

CHAIRMAN KIENZLE: Commissioner Ramos, anything? I'm not putting you on the spot. I'm just going to go down the line here.

COMMISSIONER RAMOS: I've definitely done my research and I do appreciate all the comments that have come through via e-mail and a lot of one-on-one written letters that have come in. I really respect those. I did see a lot of organizations also deal with a lot of viewpoints on their side on it. And it's also allowed me to wrap brain around this. But right now I don't have any questions and thanks for the good presentation.

CHAIRMAN KIENZLE: Commissioner Espinoza, anything further?

COMMISSIONER ESPINOZA: I did just applaud Stewart's and his Department's research and all the valuable information. Including this kind of information helps us make a decision.

CHAIRMAN KIENZLE: Commissioner Ryan, anything further?

COMMISSIONER RYAN: I appreciate the Department's, you know the only thing we can truly rely on is the scientific data and evidence, and I appreciate the studies that have been conducted in association with New Mexico State University on bear and it helps our decision making to make best decision for this wildlife. Also appreciate, I know we will be hearing some public comment here soon. I appreciate also all the letters and e-mails. I personally received over 2,000 emails on this issue just in the month of August and I received quite a comment in prior months. But just for the month of August, and I read every single one of them. And so I appreciate everybody on both sides of the argument that are here today and I know the rest of my fellow Commissioners have taken equal interest in what everyone had to say on both sides of the issue.

CHAIRMAN KIENZLE: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, one little statement I'd like to make. You know I got as many e-mails as any of the Commissioners. And I got the feeling that a lot of people feel that the Game Department and the Game Commission is trying to eliminate and destroy a particular species whether they be (indiscernible), minnows or whether they be wolves or whether they be bears. And I assure you, and I think I can speak for the Commission and the Department in saying that our intent is not to eliminate any species that we've got right now. Our intent is to manage, correctly manage, with all the biological information that we can put together. Sometimes it is scarce but sometimes it is better than we had 10 or 15 or 20 years ago. And I would hope that if nothing else comes out of this meeting, it is that we would get at least some support from the people that think that we are trying to eliminate species in saying maybe they're not. And with that, Mr. Chairman, I would move to adopt the proposed changes in 19.31.11 NMAC as presented by the Department.

MALE SPEAKER: Second.

FEMALE SPEAKER: I think that we need to take public comment.

COMMISSIONER MONTROYA: I'm sorry, Mr. Chairman. I got carried away and I apologize to everybody.

(indiscernible, multiple speakers).

CHAIRMAN KIENZLE: Commissioner Salopek.

COMMISSIONER SALOPEK: I would agree with (indiscernible, multiple speakers in background) and I want to make sure we didn't have any more trapping or snaring on public grounds. We just don't need the issues and that's everybody's property. You know, private property, state land, I just wanted to make the point that state land is really almost like private property (indiscernible, multiple speakers in background, gavel)

MALE SPEAKER: . . . to get answers, you just don't want (indiscernible).

(Multiple speakers, gavel)

CHAIRMAN KIENZLE: Please respect the process. Thank you. Commissioner Ricklefs.

COMMISSIONER RICKLEFS: I also appreciate the work that you all have done. It is very scientific. You have the background and the science behind it and I do support the proposal. (indiscernible) in particular is incredibly difficult. I know the success rate of people that try and it is very low, and it is a hard, hard sport and so that's one reason I believe that we're (indiscernible) the sustainable limits in the State of New Mexico. Many people don't have

(indiscernible) and attempts at a lion is very, very rare in the woods. So that's the reason we are not meeting that sustainable limit. And I do believe that the limit now is justified. Thank you.

CHAIRMAN KIENZLE: Anything else, Commissioners? Questions? Comments? So, we are going to public comment. The Agenda states comments may be allowed on each item if the Commission chairs discussion regardless of card completion. And I am going to invoke that discretion in the following manner and I am going to ask for a motion from the Commission to allow 1 hour for public comment on this. We will split it in half, 30 minutes for, 30 minutes against. And then what I would encourage you to do on either side is you can aggregate your time with any of your speakers, so those people that you believe are best able to get your position out, I encourage you to rally around them. If we can't agree, or your side can't agree on who is going to speak then I will simply choose from the cards that I have got to go for and against. So why don't we take 10 or 15 minutes and we will sort this out, for and against. I would ask people for or against to, one of you come up to Director Sandoval and then we will make arrangements to get a list of -- (attendee shouting in background) hold on a moment -- a list of people who are going to speak. So the Chair will entertain a motion to that effect.

MALE SPEAKER: So moved.

MALE SPEAKER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

(Return from break)

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CHAIRMAN KIENZLE: I thank you for coming together and giving me lists for and against. My timer will keep track of the overall 30 minutes. There will be a 2 minute timer. You are not necessarily held to that but at the end of the 30-minute period, we will end comments from that side. And at that 2 minutes you will hear a beep. And, I am going to do the for side first and the against side will have the last comment on it. The gentlemen standing up there requested to make a quick comment at the outset. What is your name, sir?

GUEST SPEAKER: Don Jones.

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: Can you hear me?

(indiscernible, multiple speakers answer.)

GUEST SPEAKER: Can you hear me?

ATTENDEES: Yes.

GUEST SPEAKER: OK. My name is Don Jones. I think everyone in the room knows where I stand. And I am, I tell you what, I am so proud of the (indiscernible, microphone feedback) passing no trap that I just can't stand it. (Applause). But I am not here to talk about that. We didn't get done by name calling and hootin' and hollerin' and stuff. So I'm here to speak for the (indiscernible). Whether or not you (indiscernible) you think about the law. These people in front of you who are serving the state under their own rights. I think we need to just respect that. Thank you very much. (Applause).

CHAIRMAN KIENZLE: Thank you. And I didn't put him up to that (laughter). He requested to make that comment and I would appreciate that you respect the process and show decorum as we  
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proceed. I know there is passion on both sides on this issue. I completely respect that. But let's keep this under control and move forward. We can start running our 30 minutes. New Mexico Wildlife Federation.

GUEST SPEAKER: Thank you Mr. Chairman, members of the Commission. I am John Crenshaw, president of New Mexico Wildlife Federation. Thank you for this opportunity. The New Mexico Wildlife Federation supports the bear rule as written including the higher harvest levels based on what we believe are good, science driving understandings of their habitat and their densities, as well as revising the bear management plan. I do believe it would have been better to have had these new studies peer reviewed and published prior to the use in rule making but ultimately these will work out. I think (indiscernible)that we've seen is really heartless work and really rates our support for the work that these people are doing.. We would ask that this be implemented very carefully and adjusted as necessary. We will trust the Department and Commission to do that. On the cougar, we may have to scoot to the other side. We are for the viable alternative. Thank you.

CHAIRMAN KIENZLE: Thank you. Counsel of Outfitters and Guides. And then, it's going to be New Mexico Trappers Association.

GUEST SPEAKER: Thank you, Mr. Chairmen, members of the Commission. Kerri Romero, New Mexico Counsel of Outfitters and Guides. We support the Department's final proposals to the bear and cougar rules as presented. Our members are in agreement with the Department's science as it relates to the increase in bear populations. So we feel any increase in the harvest limits are prudent. We also agree with the Department's efforts to allow landowners to

efficiently manage cougar populations on private land. We are not in favor of the viable alternative. Thank you.

CHAIRMAN KIENZLE: Thank you. Trappers Association.

GUEST SPEAKER: My name is Tom McDowell (phonetic) and I am speaking on behalf of New Mexico Trappers Association. Our Association's primary focus of concern is the fur bearers in the State of New Mexico. We stand ready to support the Department and Commission in this effort to get a balanced management on lions and we will support the proposed rules.

CHAIRMAN KIENZLE: Thank you. Trout Unlimited.

GUEST SPEAKER: So, 2 minutes isn't very much time (indiscernible) so I'll make this quick. Trout Unlimited absolutely supports these 2 proposals. The bears, I think, across especially the (indiscernible) that I'm familiar with, are absolutely increasing. I have trail cams all over the wilderness and I am seeing more bears now than I have ever seen in the past. So it just shows that you guys are managing them appropriately. For mountain lions, that is kind of give-and-take, I think. I have trapped in the past. I don't know if I'll take advantage of the trapping on state land which provides too many access issues. It's going to open up a can of worms with a lot of those. And as a trapper, I might have to retool all my traps. So it's going to cost 1500 to 2000 dollars just to (indiscernible) again. So again, support both of them.

CHAIRMAN KIENZLE: Cattle Growers. I understand there are 2 of you for Cattle Growers or just one? OK.

GUEST SPEAKER: Mr. Chairman, Commissioners and Director Sandoval, my name is Jose Varela Lopez and I am the President of New Mexico Cattle Growers Association. I would like to

thank the Department for their exhaustive science on these issues which promotes sound decision making. Therefore, New Mexico Cattle Growers Association supports the Department's recommendation on cougar rule. We do not support the viable alternative. We also support the Department's recommendation regarding the bear rule.

CHAIRMAN KIENZLE: Thank you. I understand there are 3 individuals also who wish to speak. Go ahead. And then it will be Farm Bureau and then (indiscernible) at the end.

GUEST SPEAKER: Mr. Chairman, Commissioners, Director, I generally support the proposal. However, I am requesting that you remove a sentence with regards to, it shall be unlawful to pursue bear or cougar with dogs for dog training purposes. We are already covered twice in the regulations with regards to pursuing bears with dogs outside of the bear season and those sentences would remain. But during the bear season as a licensed hunter, I do not understand why I need to be forced into shooting a bear if I truly did not want to kill that particular bear, or if I just wanted to chase a bear and it is within the legal season. So I am requesting that part to be deleted from the regulations. I am also requesting increase in female quota for Unit I. I understand Area 18 was taken out and that is why the female quota is decreased from 11 to 7. Unit I has been a unit that has been filled for at least the last 2 years yet in 2 days of hunting, I have already heard in speaking with other hunters that there is a concern with 3 lions right outside the town of White Oaks (phonetic) and that people have been stalked by cougars. I think there is already a strong cougar population in there and they could afford the additional 4 females that have been taken away in the proposal. Thank you.

CHAIRMAN KIENZLE: Ma'am, what is your name and where are you from?

GUEST SPEAKER: I'm sorry. Elizabeth Parks (phonetic) and I live in Capitan

CHAIRMAN KIENZLE: Thank you. Who is the next individual who wished to speak.

GUEST SPEAKER: George (indiscernible) in Capitan and she's pretty much covered everything I had to say. I think the bear study is really a good one and we sure appreciate it. I've been a houndsman for all my life. And we don't all run bear to kill them. So I think eventually look at doing a spring hunt and doing away with August would really improve the quality of the bear taken. Thank you.

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: My name is Velda Grider (phonetic) and as I said before I am a rancher. We ranch actually in 3 different areas in Lincoln County and Socorro County in 2 places. And then we have a little small place up in the Manzano Mountains. Now about the bear, I want to address that first. We have a gentleman up there who raises goats for us because there is lots of oak brush so he has goats. And there are bear that come through there and they just kind of snatch a little baby goat and they go on their way. That is in a way part of the loss that you expect to have up in the mountains, it happens occasionally. And then you have a bear like one who comes into the camp, tears up the corrals, kills 5 before he could get out there. And those are the kinds that have to be eliminated. And I think the same with the wolves. The ranchers hands are tied to some extent because they have to prove that it is a bad wolf as opposed to just one that is doing its thing. And I think when we take away discretion from the ranchers, not take it away, but I think we need to work together with the ranchers to have them call in government hunters or call in certain entities to help them manage because sometimes it gets out of control. We live right next to the White Sands Missile Range and when there's no water on White Sands, they come on to our ranch and that means sometimes we are just overrun with them. And that

means sometimes we don't. So ranchers appreciate your help in trying to help us maintain good ecological balance and really and truly the less we mess with nature, the better nature supports itself and that includes introducing wolves. Thank you.

GUEST SPEAKER: Mr. Chairman, members of the Commission, Madam Director, my name is Ty Baise (phonetic). I ranch down in the Silver City Area. I make my living from the land. I am a third generating rancher. I support your proposals to increase the harvest numbers on bears and the ability to trap and snare lions for the following reasons. It is a fact that lions and bear populations, at least in my part of the state, are on the increase. Whether you like it or not, or whether anybody wants to admit it, you in a sense are ranchers as well as in you are ranching big game animals and those animals provide the funding from this Department if I am not mistaken, or the majority of it. And mule deer population are certainly in decline down in the Silver City area because of increased mountain lion populations and bear. I know you are going to hear a lot of talk, and there was some discussion about trapping on public lands, I think you should consider this trapping and snaring of lions onto public lands. It is legal to trap on public lands in New Mexico. I hope it remains to be so. I know people complain about their dogs getting into traps on public lands. Those dogs are not supposed to be off their leash when they are out on public lands and if the trappers are following the rule of the law, there should never be a conflict with a pet getting into a trap. Those traps are supposed to be off designated trails. Most all pets that get into traps, I assure you, are not on a leash. Ma'am, do I have the floor or not? Further, you are going to hear a lot of discussion about cruel and inhumane traps and snares are. There is no humane way to die. I mean, death is tragic. And I don't think it is inhumane. I appreciate the time. Thank you.

CHAIRMAN KIENZLE: Thank you.

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GUEST SPEAKER: Mr. Chairman, Commissioners, my name is Jesse Deubel, President of the United Bow Hunters of New Mexico. As many have already indicated and stated, I have tremendous respect and appreciation for the data that was provided, all of the hours and resources and technology that was used to come up with the scientific data that supports these 2 proposals. So, I also support the proposals and I know that at the end of this 30 minute period we are going to hear a lot of different and very strong opinions that might oppose these proposals. I just want to remind everybody that it is critical in order for the effectiveness of the North American Model of Wildlife Management, that we are managing wildlife based on facts and science. People's opinions and emotions, while valid, are not the kind of information we are able to base decisions on regarding the management of our state's wildlife. Thank you.

CHAIRMAN KIENZLE: Thank you. And, I believe you're it. You are the end of the line.

GUEST SPEAKER: Thank you. Joel Alderete, New Mexico Farm and Livestock Bureau. First off, I want to thank the Commission and the Department for a job well done. We appreciate all the meetings that you guys had across the state and that way we could get our members in across the state that couldn't make this kinds of meetings. One of the things that we really appreciate is that you guys addressed a lot of the problems and issues we are having and we are for this process. We are for the bear, we are for the lion. We are against the viable alternative. And again, thank you guys. We appreciate it.

CHAIRMAN KIENZLE: That includes the for portion of it. Before anyone leaves, I would like to see a show of hands of people who are in favor of the proposal, the original proposal, from the Department. The original proposal. OK. Anyone in favor of the viable alternative? Anyone opposed to either the viable alternative or the alternative proposal? OK, thank you. We can start

the 30 minutes again. Phil Carter, Animal Protection of New Mexico. And then Kelly Nokes and then David Coss (phonetic).

GUEST SPEAKER: Thank you, Mr. Chairman and members of the Commission. My name is Phil Carter. I am the Wildlife Campaign Manager for Animal Protection of New Mexico. I want to preface my comments that the integrity of the rule making process we are seeing here is in question. The final recommendations for the bear and cougar were published on the Department web site on the afternoon of August 3rd, 24 days ago. However, the Department has multiple citations of the amount of time it needs to pass before a final rule, between 30 and 21 days. This causes confusion and it chills public participation and we find this very concerning as part of this rule making process. I have in my hands a poll we released earlier this week. In mid-August, over 1000 New Mexican voters who are likely to vote in the 2016 elections were called to discuss the cougar proposals as part of the bear and cougar revisions. And across the board by a 3-to-1 margin, New Mexico voters opposed the proposal for State Trust Lands trapping of cougar, for the (indiscernible) of the permits for trapping of cougar on private lands and the same margin opposes trapping in general. That's a 3-to-1 margin and that is consistent across every Congressional District in the this state and every political party. Also this week, we delivered nearly 6,000 petition signatures to the Game Commission and the Governor's Office. So, between this polling and petitioning we can conclude that the Department of Game and Fish has not proven the viability or necessity of these cougar management proposals to the New Mexico public. They are not using current biological data. They are still using the same cougar habitat densities, and habitat population densities to use this, and no new data is being proposed here. They are also adopting wholesale State Land Offices recommendations for trapping cougar on State Trust Lands. The State Land Office is not a wildlife management agency and the



Department has provided no justification for why it has adopted this question. This is not about sportsmanship. This is about killing. We ask you to reject both the Game and Fish final recommendations for the bear and cougar rule and the viable alternative. We do not believe discretion in trapping of cougars should rest in one person's hands, the Department Director, without any oversight from your Commission or anyone else. (Applause)

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: Good morning, Commissioners. My name is Kelly Nokes and I am the Carnivore Campaign Lead for WildEarth Guardians, no based in Santa Fe. Guardian's mission is to protect and restore the wildlife, wild places, and wild rivers, and health of the American West. On behalf of over 800 New Mexican members, over 400 of them have sent comments to this effect. We ask you to deny the Department's proposed recommendations to amend the bear and cougar rule for the 2016 through 2020 hunting seasons for 3 reasons. First, allowing a 25 percent increase in the lethal take of native black bears would be an irresponsible decision not based on science. The studies the Department relies on to justify its recommended increase are neither peer reviewed nor being interpreted correctly. No increase in bear quota should be permitted in the revised rule. Second, cougar trapping should be banned in the State. The Department's recommendations to open over 9 million acres of State Trust Land to cougar trapping and to eliminate permitting requirements for private landowners is appalling. Trapping is an archaic and barbaric means to control an animal population. Traps are indiscriminate, risking death and injury to a variety of non-target species including family pets enjoying our public State Trust Land. The Department's alternative proposal to allow cougar trapping only with the approval of the Director is likewise disturbing. The lack of specificity in the viable alternative could allow the revised rule to be misinterpreted at the whim of the Director. Trapping has no place in our

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state. Finally, (indiscernible) decision makers for wildlife management. I encourage you to sincerely consider the benefits of maintaining our native carnivores on the New Mexican landscape. Carnivores play an essential role in balancing our delicate ecosystem and should not be persecuted to extinction. Please deny the Department's recommendations to increase cougar trapping and bear hunting in the revised black bear and cougar rule and instead promulgate a rule based on science that appropriately considers the beneficial role that bears and cougars play in New Mexico. Thank you for considering the comments on behalf of my organization's members. (Applause).

CHAIRMAN KIENZLE: Dave Parsons, Mary Katherine Ray, and Robin Parks.

GUEST SPEAKER: Mr. Chairman, Commission members. My name is David Coss. I am currently the chair of the Rio Grande Chapter of the Sierra Club, Executive Committee. But I also want you to know that I was the mayor of Santa Fe for 8 years and before that I worked for the New Mexico Environment Department and the Watersheds Program. And, I worked for the New Mexico State Land Office for 7 years both with Ray Powell (phonetic) and with Pat Lyons (phonetic). So I have a background in this. I want to challenge the science of the Department. I do want to just back up. I told you on the break, you're a good Chairman, to say what you did to us now, to come up with, you got 15 minutes to figure this out after so many people worked so hard to get their statements down to 2 minutes and to be ready just was unfair. But we're going with it now. And I do, everybody is saying be polite and be civil because we are at tough times in this country and we need to be. But I'm getting older so I tell old-timer stories. I always wanted to have bear on my shirt. See the guys with the bear on your shirt and I really wanted to work for Game and Fish. Never did. Didn't look good with a gun on my hip. I think I was too skinny when I got out of college. But I never wanted to have bear as an emblem on my shirt because I

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wanted to kill more bears or because I wanted to kill more cougars. And then all of this discussion and as I've followed it through the Sierra Club, you know, I don't doubt when we were in graduate school they taught us the capture-mark-release-recapture method which is essentially what this bear study does now, updated to take hair samples instead of capturing and using DNA instead of just visual. But it is still going to be subject to some of the same problems. But I think it was a great study. I wish I'd been in on it. It would have been fun. But as I've come to these hearings, and I appreciate your having 5 hearing, I haven't yet heard the reasoning of, we think we have more bears and cougars than we used to have or that we thought we had, so we need to kill more. I don't get that. I have not heard the reasoning, either economic, ecological, bear population, that we have more bears so now we want to kill more bears. We have more cougars so now we want to kill more cougars. Haven't heard any testimony that livestock losses are X or deer losses are Y or habitat damage from bears and cougars is occurring. All we've got is a study which many of my colleagues are challenging because we know that studies are estimates no matter how good they are they are just estimates. But the study comes out and it directly leads, without any rationale that I've heard, that we've got more bears, we've got more cougars, so we have to kill more. And I don't get that. As a New Mexican, that's not why I went into wildlife science. That's not how we value our wildlife, as in, are there enough of them to kill. That's just, to me I just have not heard the rationale for upping the quota. It's going to help ranchers, it's going to help farmers? They say so, but no data has been presented whatsoever to say that it will. And that's what I question in the part of wildlife management. You've got big data. How are you interpreting that, and what is the purpose? If it is just that we want to kill more animals because we have a constituency that likes to kill animals, you know I don't think you'd find the majority of people in New Mexico supporting that. I think you find only majority

(indiscernible) against it. Let me say just a few more things. I'm sorry, Mary Katherine. Mary Katherine is our leader. I want to say the Sierra Club stands against trapping state wide. It's an extraordinarily cruel way. It's a commercial activity, kill animals, get their pelts, sell them. It's not part of wildlife management anymore, never was. It's just killing for the sake of a commercial pelt. So we are against trapping statewide. We are against trapping of cougars. And then be careful with Aubry Dunn because he's also the guy trying to charge you 2 million dollars for hunting and fishing access when it used to be just 200 thousand dollars. And as (indiscernible) say, there's no scientific reason to treat State Trust Lands different from U.S. Forest Service Lands or other public lands. It's just Aubry Dunn asked for it. He is also asking you to come up with 2 million dollars but he's going to disenfranchise all of us who like to hunt and fish. (Background speaker: Time, time.) Thank you all.

(Applause)

GUEST SPEAKER: I'm Dave Parsons. And I am deferring to Mary Katherine Ray.

GUEST SPEAKER: Thank you, Commissioners. I am the Wildlife Chair for the Rio Grande Chapter of the Sierra Club and, as Dave Coss said, our organization abhors traps and I abhor them personally. They are cruel, they are indiscriminate. And I come by this opinion from personal experience, experiences plural. But rather than talk about the bear rule and the proposed quota increases, the math that has been generated says we have all this extra bear habitat that we didn't know we had, has actually not been corroborate on the ground for bear density. No bear hair snares have been placed on this new habitat. We have not (indiscernible) the assertion that bears are present in these areas in the amounts and densities that are being asserted. What we do have is a bear kill last year that was substantially more than the prior 3 years. When we raised

quotas 4 years ago, we killed nearly 800 bears in the 3 years that followed and suddenly the kill fell by 28% without a corroborating fall in the number of hunters. And we don't have an explanation for why. It is possible that we are applying these new bear quotas to a bear population that does not exist, that the population actually is already being impaired and if we continue down this road for the next 4 years, we could actually begin to threaten the viability and future of bears in New Mexico and should that happen, I don't want to hear what great conservationists hunters are, because we will have proved otherwise. Please, please, reject these proposals. Thank you. (Applause).

CHAIRMAN KIENZLE: Robin Parks, and next will be Helen McCloskey.

GUEST SPEAKER: Actually it's Robin Parks. I am field representative, Mountain Lion Foundation in California. I'm from San Diego. I came all the way here to make some remarks and I am going to talk specifically about trapping. Being from California, I am not presuming to come out here and tell New Mexicans how to handle your mountain lions. I know that won't be appreciated. But what I will tell you is lessons that have been learned in California that will apply to everyone here, particularly to you all. We've been through it. All the muck that you all guys are going through now about this, California has been through this and we are on the other side. We don't harvest mountain lions in California. We harvest avocados and oranges. We don't kill mountain lions. We don't hunt them, we don't trap them. All that protection of mountain lions started with Ronald Reagan who didn't want to do it that way. So, eventually, we don't. A big lesson: Eventually the people of California bent to the will of the Fish and Game Commission and the politicians got involved. Eventually that will happen here. If your agency supports trapping in any way, shape, or fashion anywhere within the boundary of New Mexico, eventually the people of New Mexico will bend you to their will. (Applause.) The writing is on

the wall. The writing is on the wall here, and a blind man can see it. The train is coming and you need to be on the right side of this issue. It does not appear you are on the right side of this issue. You are trying to hold the moral low ground for this thing. It's untenable. You can't hold it long. You may sustain the whole trapping issue, it may sustain itself for a while, it can do it. That's how it was in California for a while. But eventually you will lose it, and you will lose it by public outrage and public outcry. It's coming. It behooves you, it is smart of you to get on the right side of this issue. The battle in California continues to some extent and will continue here certainly. Just this month, just in the last 30 days, California, the people of California have turned down the issue of trapping bobcats in California so their furs can be sold to the Russians and Chinese. (Applause). We really don't care about the Russians and Chinese. They didn't like it, but they're big guys, they'll get over it. They'll find their fur somewhere else. Fish and Wildlife wanted it to some extent, but public pressure bent them to the will and they turned it down. Those kinds of things will happen here. The lesson for you that it is coming. The lesson for all of you that are opposed to this issue is, keep the fight up because eventually you will win.

FEMALE SPEAKER: That's right. Thank you.

(Applause.)

CHAIRMAN KIENZLE: Kevin Bixby, Helen McCloskey, Peter Osorio.

GUEST SPEAKER: Thank you, Mr. Chairman, Commissioners. My name is Kevin Bixby. I am the Director of the Southwest Environmental Center in Las Cruces. I just wanted to say that our members, some of whom hunt, many of whom don't, are mostly located in the Southern part of the state. And we oppose the proposed rule. We oppose the viable alternative. I am not really comfortable with the science. I felt the bear hair study was a good step forward but we are not at

all convinced that we have (indiscernible) information with respect to cougars. We are certainly adamantly opposed to the expansion of trapping on State Trust Lands. I think if you approve that proposal it would be the best thing anyone could do to support opposition to the next State Land Office race (indiscernible) Commissioner, that would assure his defeat. Clark (phonetic) you know the Department will decide the issue of science, whether it is good or we can, the real issue is as David Coss said, we want to know why, how you get from OK, we think we have more cougars or bears in the State to we need to kill more. We don't understand that connection. Now I think a lot of you have the assumption that predators are a constant dampening influence reducing ungulate numbers. But that may or may not be the case. But where is the data to support this, where is the science. I urge you to question that assumption. The people in this room cannot, they want answers, 96 percent of New Mexico do not hunt. And I understand how the funding works. And believe me, I am more interested than anyone in developing a new funding system for wildlife management in New Mexico. But you have the authority to accept this proposed change to the rules but you also have the responsibility to answer, to explain why you are taking the actions you are especially to the 96 percent of New Mexicans who do not hunt. Thank you. (Applause.)

CHAIRMAN KIENZLE: How much overall time is left?

MALE SPEAKER: 12 minutes.

CHAIRMAN KIENZLE: 12 minutes. Helen Mcloskey. Peter Osorio.

GUEST SPEAKER: Good day. Thank you for taking at least some comments. I wish everyone could have a chance to speak. I am not representing anybody but myself. I am a farmer and rancher in 2 states, one of them being New Mexico outside of (indiscernible). I certainly oppose

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your elimination of the need for private landowner to obtain a cougar permit. As a person who does ranch and farm, I think you are unnecessarily taking away important scientific data that comes from permits. It is not a hardship for a landowner to get a permit and I think this is completely unnecessary, kind of catering to a private property right thing that goes overboard at the expense of wildlife. As far as trapping goes, I have had a dog trapped. My husband and I are avid hikers. I breed and raise livestock including horses. Traps are a constant concern. They are indiscriminate. They are, you know, our (indiscernible) plans are not here to be a form of public welfare for trappers. I'm sorry to put it that bluntly. But I am not allowed to grow crops on public land, nor should I be, to supplement my family's income. And by the same token, I don't think it's right that trappers get to supplement their incoming by trapping indigenous native American species and sell it to the Chinese and to vain women who live in New York city. (Applause). And as somebody who does (indiscernible) riding, off-trail traps are of amazing concern. They catch blue herons, they catch eagles, they catch pretty much every damn thing including dogs. And someday, they are going to catch a kid. And it is going to be on you. As for the leash laws, the leash laws vary from state agency to federal agency. They are not uniform by any means, it is not a valid reason. And, as Mark Twain said, and I think it applies to trapping in particular, "The less there is to justify a traditional custom, the harder it is to get rid of it." (Laughter) Finally, I have heard but am not sure that it is true, that the genetic data on the sows is not in yet so I believe that your scientific data is not completely in on the Bear Act issue. But, please. Your mandate really is to protect wildlife, not to protect livestock. As a farmer, I know how to ranch and farm and take into consideration a certain amount of depredation from wildlife. And I factor that in, because I am not about killing animals that are part of our American heritage. Even Richard Nixon agreed with that. (Applause).



GUEST SPEAKER: Mr. Chairman, Commissioners, my name is Peter Osorio. I don't represent anyone, not even my wife with whom I'm traveling 600 and an overnight stay because apparently this Commission isn't up to speed with Arizona Commission that allows their regional offices to provide public input. I request that you look at that really hard to make this process more accessible to those of us who really care a lot. I've had guns since I was 9 years after I graduated from my Red Ryder BB gun. I have nothing against hunting per se. But I believe in the NRA's admonition of "Know Your Target". I have not yet heard any evidence that any of these traps can discriminate between a bear hunters' hounds, a pet, or (and here we are setting ourselves up with more conflict with the Feds) an endangered species like a wolf. Like it or not, the wolves can travel over a whole bunch of Aubry Dunn's land. Why set us up for conflicts there? Take out that trap part. It's not needed, and it's not justified. The bears, I am glad to see some specific data. But I think as Commissioners, you've got an obligation to drill down a little bit. For example, in the Sandia where it shows this big increase from 14 to 18, but the confidence level is not very great. It is almost 6 standard errors, and you're saying, OK, it's increased. Look on the other hand at Southern Sacramento where the data here, I think the figure was 17.0 going down to 13.4, but you know what? There the confidence level is much higher; it is less than 2 standard errors. Whether any particular figure is right or wrong, you as Commissioners I think should be cautious and not over-awed by even improved data. What is the harm of waiting for the next cycle and getting more ground truth, more research, more hard data from the people who are trying hard but they still don't have all the answers. If they give you more data, then you could come up with a policy and a rule that would be perhaps publicly justified. You set the policy, but you've got an obligation to be able to say, there's a whole lot of explaining to do.

CHAIRMAN KIENZLE: Thank you.

(applause)

CHAIRMAN KIENZLE: Oscar, you're next.

GUEST SPEAKER: Mr. Chairman, Game Commission. My name is Oscar Simpson (phonetic). I represent the New Mexico Chapter of Back Country Hunters and Anglers. We are a national organization. I also represent New Mexico Sportsmen. We are a statewide organization; I am the Chairman there. I was born and raised in New Mexico, lived in Albuquerque since '52. I've been all over the state either doing professional work or recreation, fishing, hunting, horseback riding as well as a former brief stint in the Game Commission. So in context of this bear rule, the bear rule in my opinion provides some good data but it needs to be peer reviewed and really reflect again are we really going to have a sustainable population or an increase in population. I think you are severely lacking in what is going on and what needs to be done. Same thing goes with the cougar rule. Your data and information has not been peer reviewed and backed up with any monitoring in my opinion and confidence of what's there. The cougar rule basically is related to the political shenanigans of the ranchers raising Hell at the last legislative session. You look at your harvest data and you look at the numbers of kills and things don't match. We can't match what's going on. I think if you want to have a sustainable population you may want to spend some money and re-evaluate the effectiveness of the rule and actually what it is on the ground. Going back to the bear rule, excuse me, the cougar rule. I disagree totally with your allowing trapping and snaring on state land and actually any other place. If you look at the permit, reducing the permit for land owners to not have a permit for cougars, I disagree with that. We need the data, we need the information to validate what the take is, and where these cougars are

or aren't. So, in essence, the Game Department has historically played a lot of politics in my opinion over the 40, 30 years I've looked at this stuff. You use science to some limited degree to mask the political situation.

(Applause)

GUEST SPEAKER: Good morning, Commissioners. I'm Leslie Barnard (phonetic). I'm here representing GloriaDeMesa.org (phonetic). We are a broad-based coalition of ranchers, recreationists, and outdoor enthusiasts. We are for the viable alternative because trapping is cruel because we don't believe, I have worked for the last 10 years advocating for 5th, 6th, 7th generation ranchers. They taught me that the land is sacred. They taught me that to let an animal suffer is a sin. And I want their voice to be heard here. So please, I urge you to vote for the viable alternative. I know I can't talk you into voting against the proposal entirely but please listen to the majority here. Listen to the majority of New Mexicans and honor them the way a public servant should. Respectfully. Thank you. (Applause)

CHAIRMAN KIENZLE: Hold on one second. Terry DuBoise (phonetic).

FEMALE SPEAKER: I put "no comment" on there.

CHAIRMAN KIENZLE: Marilyn Stone.

GUEST SPEAKER: Here. I cede my time to Mary Katherine Ray (indiscernible).

CHAIRMAN KIENZLE: OK. Then what about Vern Hoosier (phonetic)

GUEST SPEAKER: Yes, sir.

CHAIRMAN KIENZLE: You're last, sir. I'm sorry. Elizabeth, it's your turn.

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GUEST SPEAKER: And I was the first one to sign up this morning. I was here before 8 o'clock in the morning. I was the first one to sign up to speak. The New Mexico Game Commission represents less than 10 percent of the population of this state and is composed entirely of exploiters, extraction industry, people who have turned too much of New Mexico into a single-use desert, who fail to understand that biodiversity is a logical way to sustain the Earth's productivity. There is no voice for ordinary citizens, environmentalists, conservationists, ecologists, biologists, scientists. Predators are vital to a sound environment as well as a sound economy. New Mexico is killing the golden goose by its war on predators. Take a lesson from Yellowstone National Park since the wolf has been re-introduced. To be sure, wolves kill elk. But more importantly they keep the elk moving allowing a riparian habitat to recover from decades of overgrazing by too many elk, as much as Southern New Mexico has been overgrazed by generations of livestock. In Yellowstone stream side vegetation, willows and aspen, have returned. And beaver have come back 10-fold creating habitat for song birds and otter, insects and fish. Now streams run clear, no longer turbid from erosion. The whole park is more natural, more vibrant. So can New Mexico be if we allow predators their place in the natural scheme. It's what the majority of New Mexicans want. (Applause).

CHAIRMAN KIENZLE: Your time may run out. Take 2 minutes.

GUEST SPEAKER: My name is Elisabeth Dicharry. I am a registered nurse. I am also a licensed angler. I am licensed by the (indiscernible) My husband is a licensed hunter. I am speaking for myself today. First of all, you do not represent our views, any of our views. You keep saying you are doing this for the anglers and for the hunters. You are not. You need to look at who your members are. I am one of them, and I want to be heard and I want the people who are ethical and pure (phonetic) about this issue to be heard, too. I am a landowner north of Questa (phonetic). I

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am a landowner in Valencia County, I live in cougar territory, similar to when I lived up near the Latir's (phonetic). We are state lands. I am able to use state lands. There is a sign that sign that says I can use state lands. Trapping is seasonal. It goes from November to April. Are you telling us, sorry guys, you cannot use these lands between November and April because we have traps there and we no 2:56:25.0 system. Second of all, there is a checkerboard area with state. I know. I started out in Crown Point, New Mexico which is very checkerboard. So, some are public, some are private, some are state. The idea that (indiscernible) about the suitable cougar habitats are different, that is not the way you judge how many cougars there are, by suitable habitat. That is not how you judge human beings, it's not how we should judge cougars or wildlife. Less cougar take is more representative of the number of cougars. Stop using these archaic 19th century strategies for wildlife management. Use 21st century strategies including wildlife (indiscernible), developing wildlife safety zones, developing ecotourism. Tell our state economically you are not helping our state. (indiscernible) number 2 for violence. And yes, my final word, I am a registered nurse. I care about violence in this state and we all know there is a relationship between animal cruelty, wildlife cruelty and human violence, and I ask you to please, please (applause) do not sign this final proposal. Thank you.

CHAIRMAN KIENZLE: Thank you.

(Applause)

(Inaudible, whispering)

CHAIRMAN KIENZLE: Commissioners, any questions or comments? Commissioner Espinoza.

COMMISSIONER ESPINOZA: I'm good, thank you.

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CHAIRMAN KIENZLE: Commissioner Ramos? Commissioner Ryan?

COMMISSIONER RYAN: I would like to say a couple of words. I appreciate everyone's attendance today. Some of you have traveled a long way to make your voice heard. And I want everyone to have the feeling that their voice was heard today. We have been hearing your voice for the past several months. We have been reading your emails and reading your letters. And we, I'd like to clear the misconception that we are paid to do this job. We are not. This is 100 percent voluntary. We all have jobs and businesses and careers outside of our time on the Commission. So we have all put in, outside of our businesses, our time to research these issues and become informed on them and to take the time that is necessary to fully get our heads around these issues. So I just wanted to say that. I have heard comments during the breaks in mis-perceiving that so I just wanted to put out there the facts on who we are and what kind of time we spend in preparation for this and how we prepare for meetings and our hearings, and so forth. So, I just wanted to state that.

CHAIRMAN KIENZLE: Commissioner Montoya?

COMMISSIONER MONTOYA: Not at this time, Mr. Chairman.

CHAIRMAN KIENZLE: Commissioner Salopek?

COMMISSIONER SALOPEK: I'm OK.

CHAIRMAN KIENZLE: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: I just want to re-iterate that the North American (indiscernible) Conservation has been extremely successful for all species. It does not just deal with game species or economic species. It deals with (indiscernible) species (indiscernible, multiple

speakers) and resources taking care of all species in the state and I appreciate that this is a very emotional issue for everyone in the state. I appreciate everyone being here to comment.

CHAIRMAN KIENZLE: So tell me again. You started at the outset saying every 4 years we revisit this rule, right, or these 2 particular rules, right?

MALE SPEAKER: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: So, if we revisit these rules, you look at the best available science that you've got at the time.

MALE SPEAKER: Yes, this is correct.

CHAIRMAN KIENZLE: And, as Commissioner Ricklefs said, when you go to adjust manner and method and the number of these predators can be taken through whatever manner and method, you are looking at all species and manage all of that kind of as a whole. Is that right?

MALE SPEAKER: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: So, you are not just focusing on the predators kind of in a vacuum. You are looking at everything in its entirety?

MALE SPEAKER: Yes, that is correct.

CHAIRMAN KIENZLE: So under original proposal we have a viable alternative where we have something altogether different. My comments that I made before public comment, I had a question about State Trust Land. Is it the will or the wish of the Commission to talk about that issue more directly? Any further comment on whether we keep State Trust Land in the original proposal or not?

MALE SPEAKER: I'd like to comment.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: From the beginning, I didn't like that the State Land Trust was involved. To me, it's public and I still stand that way. I mean, I'm just feeling upset over that, but that's just how I feel. I think we open up ourselves to a can of worms. That's how I feel. Scientifically, if it's justifiable that's fine, (indiscernible) but I personally would like to see the State Land Trust removed. (Applause)

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: I would like to see the State Trust Lands remain in the proposal. I believe it is well regulated (indiscernible) and it should be included.

MALE SPEAKER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

MALE SPEAKER: I want to echo Commissioner Ricklefs' sentiment. I think state lands should remain in the proposal.

FEMALE SPEAKER: Could you repeat that? Speak up, please.

MALE SPEAKER: I wanted to echo Commissioner Ricklefs' comments that I feel state lands should remain in the original proposal.

CHAIRMAN KIENZLE: Anyone else? Alright. Chair will entertain a motion.

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FEMALE SPEAKER: Mr. Chairman, there is a motion open on the floor.

CHAIRMAN KIENZLE: So there is one pending. OK. (indiscernible). And can you re-iterate for me or say again what the motion was.

COMMISSIONER MONTOYA: Mr. Chairman, what I inadvertently brought in earlier, I will make the same motion. I move to adopt the proposed changes to 19.31.11.10 NMAC as presented by the Department.

MALE SPEAKER: Second.

CHAIRMAN KIENZLE: Is the Chair reviewing amendments to that motion to remove State Trust Lands? Hearing no motion? There is a motion on the floor to be voted on. All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: All opposed? OK.

(Multiple speakers.)

MALE SPEAKER: Mr. Chairman, I would like to make a motion. There are additional motions.

CHAIRMAN KIENZLE: OK. So why don't you walk us through?

MALE SPEAKER: So, Mr. Chairman, what is listed is was approve manner, method, and restrictions within the bear and cougar rule that allowed for trapping on private deeded land and State Trust Lands. There are other sections of the rule that are up for amendments that will need formal approval. The next motion in front of you is specific to bear hunting seasons.

COMMISSIONER RICKLEFS: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, Commissioner Ricklefs.

COMMISSIONER RICKLEFS: I move to adopt those changes to move (indiscernible) NMAC as presented by the Department concerning the bear hunting season.

MALE SPEAKER: Second.

CHAIRMAN KIENZLE: Any discussion? Any questions? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

(indiscernible, Multiple speakers)

MALE SPEAKER: Calm down!

(indiscernible, multiple speakers)

MALE SPEAKER: Mr. Chairman, in front of you now is a motion on (indiscernible, multiple speakers in background).

MALE SPEAKER: Mr. Chairman, I move to adopt the proposal (indiscernible, multiple speakers in background) NMAC as presented by the Department. (indiscernible)

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

MALE SPEAKER: Mr. Chairman, in front of you is the last motion to accept all the changes including definitions, etc., in the (indiscernible, multiple speakers in background).

MALE SPEAKER: I move to adopt proposed changes to 19.31.11 NMAC except for those sections previously (indiscernible) by the Commission as presented by the Department and allow the Department to make minor corrections to comply with filing with rule with the State Records (indiscernible).

MALE SPEAKER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

(indiscernible, inaudible)

MALE SPEAKER: Mr. Chairman, members of the Commission, before you right now is a discussion on the Valles Caldera Preserve Management strategy. I would also like to acknowledge that we do have 2 members from the National Park Service, 1 person from (inaudible, microphone feedback) Superintendent of the National Park System is here (indiscernible) today.

FEMALE SPEAKER: Mr. Chairman, I would like to call for (inaudible, static) as we move through the process.

CHAIRMAN KIENZLE: Thank you.

GUEST SPEAKER: All right. A little bit of background before we get going. On December 19, 2014, Congress established the Valles Caldera National Preserve as a unit of the National Park System. When establishing the national park, Congress stipulated that the Park Service has 3 years to complete a management plan. As part of that management plan, the Park Service, excuse me, specific language in that section stated that hunting, fishing, and trapping shall be permitted on the newly created Valles Caldera National Preserve. Until the management plan is completed, the National Park Service may administer the preserve in accordance with any management activities and plans that were adopted prior to become a Park Service, so under the trust. Also, the legislation says any limitations such as limitations as to where hunting occurred, (indiscernible) shall be in consultation with the Department. The Secretary may designate areas in which an established limit of (indiscernible) during which no hunting, fishing, or trapping shall be permitted only for reasons of public safety and administration or compliance with applicable law. The National Park Service will take over management of the Valles Caldera National Preserve on October 1st of this year. We do have current hunts that are scheduled to occur on the preserve this fall. Those hunts will be run in the manner they were (indiscernible) when the lottery went through. Again all that is going to change as the Park Service will take over ownership on October 1st and take over management. We have given consultation to the Park Service many a time since the designation of legislation to take over (indiscernible). We had meetings in our office mainly to discuss how hunting, trapping, and fishing will continue on the preserve in the future. One of the big issues, because we do have an established elk and turkey season on the preserve currently is working with the Park Service to establish how those hunts will look into the future. What we are working on is developing proposals for elk hunting and turkey hunting for the 2016 to 2018 seasons, as the remaining 3 years of the 4-year rule.

What the Park Service and the Department have agreed, that would be the best recommendation, is to eliminate the (indiscernible) raffle that the Trust used to administer for game access onto the preserve. For example, the hunts that were administered by the Trust were not through the draw. Those hunts were specific to a raffle that the preserve held. The recommendation by the Park Service and the recommendation by the Department to take over the administration of the draws so it would work just like any other unit in the state where we have draw hunts. The other thing we have worked on is more consistency of regulations on and off the preserve, basically looking at tag (phonetic) hunts similar to what is off the preserve and what is on the preserve. We received early public comments on elk. I do want to point out that there was one public comment by an individual that did catch me today before he had to take off. But most of the comments are opposed to the Caldera and no longer administering the raffle which is interesting. Again, it is a few comments. We do have a proposed rule on the website. This is not an action item today but we have put up kind of a proposed rule as it is. The action will be at the next Commission meeting. But again that was one of the bigger comments we've heard. The other comments during the rule cycle when the Trust, when it is still the Trust and outside the Park Service, was the potential of creating a special draw authorization on Valles Caldera Trust to allow for like our youth hunt programs, or where it is terminally ill youth basically, a reserve set aside specifically to the Caldera. The Trust was wishing that. There have been comments from a couple of people in the public that would like to see the Park Service potentially adopt that as well. We haven't worked with the Park Service or discussed that with the Park Service but we will as soon as this meeting is over to discuss the desires if they so choose. What we are proposing and what we are (indiscernible) and this is a combined proposal with the National Park Service, currently on the Valles Caldera, we have 235 elk hunting licenses. We are

proposing an increase to 245. That increase is all in the, 10 either sex archery permits in the fall. So what you will see there is kind of (indiscernible) versus the breakout. The big thing that we discussed earlier is simplification of the hunt structures. Currently on the preserve there are 15 different hunt type structures, basically dates, youth, veterans, etc. There are many different hunt types (indiscernible, static). We are proposing going to a structure that is similar to what we do outside the preserve which would be a proposed 10 hunts spread across all those licenses. Turkey hunting, right now Valles Caldera is part of GMU 6 and it is an over-the-counter unit for turkey. However, the preserve, under preserve management, had a raffle for hunters wishing to gain access to the preserve for turkey. Working with the Park Service and the Department's recommendation is still to keep that unique turkey hunting experience, not created as over-the-counter but limited to a draw hunt. Our proposal is to have a draw hunt of 20 licenses running from April 15th through April 30th. This is similar to what we do on our wildlife management areas for turkey. And with that, I would take any questions.

CHAIRMAN KIENZLE: Sounds like a step forward. That's good news. Commissioner Espinoza, anything?

COMMISSIONER ESPINOZA: Yes, Stewart. Just a couple of questions that have come up, I think you answered one of them there, if this is going to be a separate GMU basically, as 6B?

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, 6B is delineated as a separate GMU already so there are no amendments needed in that area. It's just how the administration of how we offer hunts in 6B. In current rule it is administered through the Valles Caldera Trust in their raffle system. This would, the amendments would have the administration through our draw process through the Department.

COMMISSIONER ESPINOZA: OK. Then the other thing that came up was access. Is the Department going to have any say at all regarding access?

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, that is one issue that we have discussed with the transitioning staff to the Park Service. Again, the Park Service hasn't formally taken over control until October 1st and it will be something we are working on. One thing the Department did recommend to the Park Service when it transitions is to look at remote access sites to the preserve. The preserve, yes there is one main entrance in and out of it, but there are many remote access sites that we would recommend that hunters are allowed to use other than a single access point. We are also looking at working with them on what makes the most sense to distribute hunters. Historically on the preserve hunters were assigned blocks. The recommendation from the Park Service and the Department is no longer to have blocks assigned but to open the preserve to all areas that are open to hunting, accessible, and create more access points into those areas.

COMMISSIONER ESPINOZA: One last thing that is of concern to several people that I've talked to is, closure of any of the blocks. Has that been addressed.

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, again in the legislation the Secretary of the Interior can close off areas for human safety. They are looking at, they do have a few closure areas, some of those pertaining to fires that occurred there. If you recall, there have been 2 very large fires there and they had closed off some of those areas due to concerns over erosion or falling trees in those areas, human safety. They are looking into reducing or potentially reducing, the Department has recommended to them looking into reducing those closure size areas. They are taking that under consideration. When a new superintendent comes

into the park on October 1st, we will continue to work with them to reduce that as much as possible.

CHAIRMAN KIENZLE: OK.

COMMISSIONER ESPINOZA: One last thing. Fishing wasn't addressed here. Does the public have access to fishing. (indiscernible).

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, I always forget to talk about the scaled part of our Department, just the fur and feathers. But yes, we are working on the fishing. Our fish division has been working with the Valles Caldera, with the Park Service staff to help develop recommendations for fishing on the preserve. I think they are going to present to you a potential idea at the next Commission meeting for fishing to occur on the preserve.

COMMISSIONER ESPINOZA: Great. Thank you, sir.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RICKLEFS: Do they propose having a hunter meeting the day before similar to what they do at White Sands to talk about rules, regulations?

GUEST SPEAKER: Mr. Chairman, Commissioner Ricklefs, I guess I would defer that question to Jorge who I believe, is still in the audience. If you will.

MALE SPEAKER: Good afternoon, Mr. Chairman and members of the Commission. Could you repeat the question.



COMMISSIONER RICKLEFS: White Sands has a hunter meeting to talk about rules, regulations when they are hunting the Oryx down there. Would you do the same thing the day before with the hunters, the drawing for the elk hunt.

MALE SPEAKER: So I'll make some inferences about what I would hope the Park Service does, as I'm the outgoing Executive Director of the trust. But we've heard from many sportsman groups that they would be very interested in creating a sportsman committee to discuss hunter and angling issues with the Park Service going forward and that's certainly an issue we very much look forward to working and getting as much consultation and collaboration with those sportsman groups in the future. Right now the trust conducts an orientation of the (indiscernible) hunt to allow the hunters to get to know each other, give them a little back-ground eval of what the place is, what to look out for and some assistance with where they might be some best spots to hunt, etc. We expect those to continue into the future, but again, we will look at this (indiscernible), some sort of committee to help us help guide Park Service with future hunting and fishing questions.

COMMISSIONER SALOPEK: Is this going to be important (indiscernible)?

MALE SPEAKER: Mr. Chairman, Commissioner Salopek, we're in year-one with this hunting season so we're amending three of the four years from the 2016-2017 hunting season.

CHAIRMAN KIENZLE: Are you pleased with the progress you've met?

MALE SPEAKER: Mr. Chairman, Yes, so far it's been actually improving a pleasurable experience. I think we'll continue to work forward with and the Park Service is very willing to work with us on the intimate issues on the fishing.

CHAIRMAN KIENZLE: Good. Any further questions or comments? All right, this is a discussion Item. My apologies, Oscar Simpson?

OSCAR SIMPSON: I'm good.

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CHAIRMAN KIENZLE: Make sure (indiscernible) gentleman here. Bob Nordstrom, who had a math question or something. You don't have your video ready? Okay, thank you.

BOB NORDSTROM: I'm Bob Nordstrom from Albuquerque. I was saying to myself. (indiscernible) just like Stewart said, the possibility of holding a permit for the term of (indiscernible) for non-profits that are authorizing the state to do that and we had that opportunity if I recall I think for three different years. My talk is basically to these two gentlemen. It's an access issue and an impact on Stewart trying to manage elk up there. We are going to concentrate hunters in a very limited area on that preserve. I'm very concerned about that. (Indiscernible) hunters are going to have a difficult time and youth are going to have a difficult time. I will attend the first orientations until I get some idea of what's going on. There's not been much put out. I happened to draw a permit November 6 at (indiscernible) and I had no problem at all with what Stewarts doing ; the hunts. But I have concerns about how we're going to help the area. There are basically two roads. It's limited to a very small area of the preserve. There's no camping there so you can't hike in or take horses back into an area and spend the night and bow hunt the next day. So everyday it's back in and back out. Access from outside the preserve is great. I ask a simple question, "How do you get a horse over a fence?" That's about it.

CHAIRMAN KIENZLE: Is that a, isn't that a riddle?

BON NORDSTROM: Yeah, back where I was originally from we had mules that jumped fences but then I'm thinking we ought to bring me jumping horses here instead of Mexico. I think we're going to have the impact on harvest and Stewart might be needing to take that into consideration, seeing how this first year goes and may have to adjust maybe numbers if he wants to get certain harvest quota out of that range. Thank you much. Same goes to comments that aren't as valuable in regards to the preserve.

CHAIRMAN KIENZLE: Thank you. Garret.

GARRET: Mr. Chairman, Members of the Commission, Garret VeneKlasen, New Mexico Wildlife Federation. I just wanted to say that I would highly recommend that all of them go to the call that if you  
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have this summer and go fishing and go experience that. I've been up there several times this summer fishing. It's been an awesome experience and if anybody wants to go up there with me I'd be happy to take you up there and go fishing with you. I've spent quite a bit of time hunting up there and fishing up there and I'm really confident that the management transition will enhance and increase benefits for some women and also the general public. We're pretty excited about this. To Bob Nordstrom comment about access, I want to remind the Commission that the existing bow density is much higher actually than it is in the (indiscernible) and I don't think that we had any issues with harvest limits in the (indiscernible). I do think that the carbeta is very careful assessing the mobility and (indiscernible) issues and we hope to work with them and the Commission to make that the mobility for head hunters has a great experience. I do agree with eliminating the raffle idea and having an equal opportunity to for also elk and turkey and I also want to just reiterate that we want to see this succeed and I think that a commission would probably be a very important role in the success of the new management. I know that our organization wants to see this succeed and that we're confident that from the sportsman viewpoint, that this will be a success for everybody. Lastly, we'd very much like to see, really bad, cutthroat back in that eco system. It's a metapopulation and I think it would be really neat to have cutthroats back in there. Thank you very much.

CHAIRMAN KIENZLE: Thank you. (Indiscernible)

MALE SPEAKER: Good afternoon Commissioners, Director and public. I just wanted to give you an update on this transition. It's been very interesting, very complicated, certainly unprecedented the National Park System, and give you the benefit of the same information that we gave the staff and also the public. So in answer to your question Mr. Commissioner, yes. Anything that we would really be able to do to facilitate a safe hunt and a good hunt experience, that's exactly what we would do and I don't have to check with my superiors to find out that we would be able to do something like the meeting that you're talking about. So, the short answer is absolutely. So the big confusion that we talked to the public about is what is a National Preserve under the National Park System versus under the National Forest System? So a National Preserve is one of the dozens of designations in the National Park Service. Others include

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National Historic Sights, National Monuments like Bandelier, National Seashores, National Recreation Areas and National Parks and Preserves like Great Sand Dunes in Colorado that also has hunting. It's a congressional designation that's used for units that are relatively recent and the history and mandate for hunting. So Valles Caldera National Preserve retains its original designation as it was designated in the National Forest System in 2001 but was moved from the National Forest System to the National Park System and my job as acting superintendent is to then use my experience to imagine what life would be like, like under as a (indiscernible) at the National Park System. Most of these things have moved forward and the trust has implemented a lot of these changes already which I'm happy to report. The trust was supposed to be dissolved by legislation in June and that was not going happen. So through memory and of understanding, the trust kept on (indiscernible) things without guidance. Then on September 30<sup>th</sup> the Valles called it a trust, a government corporation will be no longer in National Park Service will take over management of that. We are completing hiring and about sixty to seventy percent of the trust staff has been retained as employees of the National Park System. So the other thing that I wanted to mention is that the 408 units in the National Park System and all those various designations, we have 60 units where congress has mandated hunting and recreational activity. So we made great gains to emphasize to the agency and also the public, that we do and we will continue to manage hunting and provide that activity for the public and the citizens of New Mexico. And out of those units, that includes 24 million (indiscernible) within the National Park Service that are open to hunting and about forty-nine of those units are in the lower forty-eight and a lot of units are in the Alaska Lands. As Stewart mentioned, we're in agreements on the proposed modifications for the drawings versus Unit 16, including the replacing the volume of Valles Caldera Trust (indiscernible) spoken about, increasing the number of elk tags, aligning elk hunting season dates with the adjacent hunt units and expanding the spring turkey's hunt season and increasing the number of turkey tags. We've also discussed and proposed fishing regulations which will be addressed at a later time. So it's been a really interesting process. We've been trying to engage with as many audiences as possible and I appreciate you letting me address you today and (indiscernible), the

Executive Director of the trust will talk about the types of actions that have been going throughout this transition to move us forward. Thank you.

Jorge Silva-Banuelos: Thank you Mr. Chairman, Members of the Commission. Again my name is Jorge Silva-Banuelos. I am the Executive Director of the Valles Caldera Trust. We have been working very closely with the National Park Service and collaborating on all things during this transition. But there have been quite a few changes that we've been trying to implement to get us ready for this transition and I would like to discuss a few with you today. First off are fees. Obviously, the trust had a mandate by congress to become financially self-sustainable. The Park Service does not have that mandate. So, many of the fees, beginning with the 2016 hunts, all fees associated with the Trust Hunt and Fishing Program will be eliminated. The only required fee is the General Entry Fee of \$20.00 per vehicle, valid for seven days. That entry fee, also something the trust couldn't do in the past, is waived for all public land pass holders. That includes senior passes and military passes. So it is our hope that that reduced fee system will encourage more New Mexicans to seek out opportunities to hunt and fish at the Valles Caldera. Under the trust the preserve was subject to a (indiscernible) closure order by the Forest Service restricting all public access except by permits granted by the trust. As a MPS Unit and this is what's caused some of the changes, all lands within the preserve are open to pedestrian traffic unless specifically closed to protect and preserve sensitive national, cultural and historic resources or forsaking administrative purposes as Stewart alluded to. Those closures are defined within the superintendent's compendium and applied to all members of the public equally. In this case, Redondo Peak, (indiscernible) and an easement adjacent to the Santa Clara Pueblo Reservation along with other specific areas in the preserve who identified to contain sensitive sacred or significant cultural or historic artifacts which require further documentation and planning to ensure they are impaired by public access. Under the trust model we were able to restrict the access to those areas to specific special uses. Under the Park Service Model we have to restrict those areas to all members of the public equally and that's been part of the problem and some of the concerns that have been raised today. However, in my discussions with the Park Service, the

superintendent's compendium is an interim document. It will be reviewed and revised, once then PS assumes full management after October 01. Furthermore, that document is routinely updated and modified. As further evaluation and consultation is conducted with interested tribes, the State Historic Preservation Officer, these closure areas may be reviewed or rescinded in the future. It is certainly my hope to move in that direction. Accessing the preserve, many hunters have noted that there are changes to the permitted motorized vehicle bouts from the previous year. Again, this is something that the trust recommended to the Metro Park Service because the preserves unimproved dirt roads continue to be significantly impacted by post fire flooding and erosion and they become very muddy and potentially hazardous in inclement weather, especially in the fall season and the winter season. This year's intent precipitation has further exasperated road conditions across the preserve and a number of administrative routes have been washed out and they are no longer passable, even for administrative uses. Therefore, for purposes of resource protection, visitor safety along with considerations and maintenance requirements and cost, the trust with concurrence from the National Park Service identified roads that it was suitable and sustainable for motorized access by the public. We're all ensuring public safety and preventing resource damage. Once the NPS assumes day to day management, it will review all these actions that were put in place by the trust and through a public planning process, travel management, they will review and evaluate which roads should be open to the public in the future. Given those modifications to permitted motorized vehicle routes, the department encouraged the National Park Service to explore opportunities from remote access points for hunters to enter the preserve from adjacent National Forest System lands. To that end, the trust again within in PS concurrence has been actively pursuing putting in pedestrian access points on all sides of the preserve and I can report that for this upcoming hunt starting September 01, we will have at least one pedestrian access point available upon all sides of the preserve. So far we still haven't gone to allowing horses to jump across the fence yet but we do have three locations within the preserve where horse hunters can be parked and horses can be used on the preserve anywhere they would like. The other major change that we're implementing, given these road issues, is that we will be providing authorized permitted tent camping overnight for hunters through a special use permit. The

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preserve will be providing additional information to hunters regarding these changes during the upcoming hunt orientations. So just to summarize that again, we are opening remote access points for pedestrian access. We're allowing horse trailers, three different parking areas for horse trailers on the preserve and we're allowing overnight camping, tent camping for hunters to get further into the preserve. The last thing I wanted to raise was that the trust and the National Park Service support the continuation of specialty hunts such as mobility impair hunts and (indiscernible). They are included in the proposal for the 2016 and 2018 Hunt Seasons. However, it is our understanding that as the department takes over, the draw hunt for Unit 6B, service specialty hunts for example; Women's Only Hunt that the trust was offering will be discontinued because the department lacks (indiscernible) to offer those. With regard to mobility and pair hunts, the preserve is working with an Occupational Therapist to explore opportunities to offer assessable hunting routes and blinds that would provide opportunities for mobility impair hunters to experience something independently from their vehicle. For those who can't experience hunting independently from their vehicle, we are limiting staff hours on the roads during the mobility impair hunt and I get to find volunteers interested in assisting mobility impaired hunters during their hunt. We will continue to explore other ways to help mobility impaired hunters and continue to make sure that that's a successful and quality experience for those individuals. Thank you.

CHAIRMAN KIENZLE: Any questions from the Commissioners?

COMMISSIONER RYAN: Thank you, that was really informative.

COMMISSIONER: I just want to make a comment as well, Chairman and Stewart, thanks. This is great and heading in the right direction and (indiscernible). Hey, I'm excited. Thank you. I like to see all the expansion, all the global view in different places and look at that whole thing.

CHAIRMAN KIENZLE: Any further questions or comments from Commissioners? It's a discussion Item and I would recommend as we take a short break for lunch recess, its 1:05, I'd like to get back here before 2:00 if you're good. Can I get a motion to that effect?

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COMMISSIONER: Certainly.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. We're on recess.

CHAIRMAN KIENZLE: I'll call us to order again, are we on the record? Agenda Item No.10: State Land Easement Agreement presented by Mike Perry.

MIKE PERRY: Good afternoon Commissioners. My name is Michael Perry. I'm here to talk to you about Agenda Item No.10.

MALE SPEAKER: Mr. Chairman I can't hear. Somethings not working right.

CHAIRMAN KIENZLE: We're working on it.

[background noise]

MIKE PERRY: Agenda Item 10: 2016-2017 State Land Easement. The suggested changes thus far, the State Land Easement by the Department of Game and Fish. Throughout this easement, what we were basically asking for is the changes for the dates from April 2016 to March 2017 to run up with next year's license year. We're also suggesting that we remove (indiscernible), the intent is to remove the state manned office advisory groups. It's the departments understanding that the State Land Office has abolished the previous committees that they had for the Advisory Committees. The other change that we're suggesting is that in paragraph five, the paragraph five is the financial agreement per year. As you know it was \$200,000 and we're suggesting to replace that with a million dollars. The suggested changes continued, the old easements, remove paragraph six entirely. This is dealing with additional withdrawal of easements by State Lands by the State Land Commissioner at any time. The result, that paragraph was not removed. Another suggested change was paragraph fourteen, is to remove the entire paragraph of the

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outfitter and guide permits as part of the State Land Office, they are not continuing to require that outfitters and guides have permits operate on State Trust Land through the state land Office. They still have to have permits through us but the State Land Office does not require them to have permitting through them. In the last six years the Department of Game and Fish has performed some habitat projects on two projects. One was a Capitan Mountains down in game management Unit 37. And the other one is on (indiscernible) habitat project which is just west of Socorro. The department has spent \$501,150.00 on habitat improvement projects on State land fiscal year 2010 to 2015. The department has committed to spend an additional \$236,500.00 on habitat improvement projects in 2016. The total habitat improvement expenditures from 2010 to 2016 on State Land are approaching \$737,650.00. That also includes archeological clearances. Two of those projects are looking at coming with some prescribed fires. Currently State Land has approximately nine million acres that are available. The latest information technology indicates that approximately eight million acres are currently assessable through public access points. We also understand that there have been some public sentiments. To date we have received three through our website and as recent as yesterday there was one part that I believe in the Albuquerque Journal that indicated that an agreement had been met between the State Land Office and the New Mexico Department of Game and Fish but we want to remind you guys that that hasn't been met because we're here to visit with you guys about where we're said to go from this point forward and that's what we would like to leave this today as well if you'd like us to go from this point forward in this easement.

CHAIRMAN KIENZLE: Is the agreement between the Commission and the Land Officers in between the Department of the Land Office?

MIKE PERRY: Say again?

CHAIRMAN KIENZLE: Is the agreement between the Departments in the State Land Office or between the Commissions in the state Land Office?

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MIKE PERRY: The agreement is going to be between the Department of the State Land Office and the Game and Fish.

CHAIRMAN KIENZLE: I haven't signed anything yet I can tell you.

MIKE PERRY: We just wanted to make sure you guys understood that. That it wasn't negotiated without you.

CHAIRMAN KIENZLE: Understood. Let's have at it. Robert, do you have any comment?

COMMISSIONER: Is it, it's at a million dollar?

MIKE PERRY: To my understanding it's not a set process. It's just a starting point at this point in time.

COMMISSIONER: It's been two-hundred thousand, I would hope it's not more than a million but that's just my opinion.

CHAIRMAN KIENZLE: What was the length of the agreement? How many years was it for?

MIKE PERRY: One.

CHAIRMAN KIENZLE: One year?

MIKE PERRY: It's always been at one year, being it came out at the last House Meeting you asked if we could pursue at multiple (indiscernible) easement. I believe that that was the intent and focus of what we we're trying to negotiate but at this point it has grown back down to one year but we can deal with it.

CHAIRMAN KIENZLE: So as I recall, I raised the same issue a little before the year before and I just hate these one year agreements because we have (indiscernible) every time we do this and we come up perhaps not right to the deadline but it's nerve wracking I know for the Commission, for the Department and then for sportsman you know having to (indiscernible) whether we're going to have access or not. I

wish it was less of a hostage negotiation and more of just straight up. You know, what's best for everyone concerned.

MIKE PERRY: Chairman Kienzle, Members of the Commission, I totally agree with you on that and I believe that we have tried in doing what we can to accommodate that need for the future.

CHAIRMAN KIENZLE: And this is not directed at the current Commissioner, I mean this is the road that this has gone with every Commissioner that I'm familiar with in recent memory. So it's just the nature of this agreement and my hope is to try to get a longer term agreement that's there, if we can't do it then we can't do it but that's better for planning and its less nerve wracking over the long haul.

COMMISSIONER ESPINOZA: Mike, stand me correct and maybe some of the people that were involved prior to but the previous Commissioner, he's the one that started the (indiscernible) but prior to that I thought we had a two or four year agreements?

MIKE PERRY: Chairman Kienzle, Members of the Commission, Mr. Espinoza, I believe we did to my knowledge. This has been my fourth year working on this. It's been for years every year and if it was more than a year, I am not aware of that. I don't think it has been to my knowledge.

COMMISSIONER ESPINOZA: This is my sixth year and (indiscernible) remember one year. I got this from memory. My question, what does that translate into per acre? The translation from (indiscernible) for (indiscernible) acres?

MIKE PERRY: I think that estimate, they wanted (indiscernible) so badly, well the twenty-two cents an acre, but I really don't know that number.

COMMISSIONER ESPINOZA: Was it translated by (indiscernible)?

MIKE PERRY: They did send a letter saying (indiscernible). I'll see if I can find in the letter real quick. It says two (indiscernible) per (indiscernible). Try comparing it to Utah which is twenty-two percent (indiscernible) during Utah road traffic paying two cents an acre.

COMMISSIONER ESPINOZA: Okay. The (indiscernible) that your proposing now which is a starting point, because at one time you were asking two. Are you working on lowering that then? Is that what you're saying or is that set in stone? Are you drawing a line in sand I guess I should say?

MIKE PERRY: Mr. Chairman, Commissioner Espinoza, I think that was a starting point. I think the Commissioner came up in public to a public release. (Indiscernible) or that was his recommendation but we have not reached any kind of consensus that that's what it's going to be.

CHAIRMAN KIENZLE: So can the department tell me with Utah versus us, two cents was twenty-two cents, what in your opinion accounts for that substantial differential?

FEMALE SPEAKER: Mr. Chairman, we can absolutely do that. I'm looking for the paper. We actually did an analysis across the Western United States and so there are actually four states who do not charge for access on their State Lands for their hunting opportunities. In Colorado you have a per acre charge and totaling about \$830,000.00. It's based on a CPI so it's a little over \$1.00 per acre that they charge. In Montana it's per user and there's a formula that they have and their paying about \$1.1 million for about 5.2 million acres. In Utah there's a set rate that has a five percent escalation clause, insertion clause every year and that's 3.4 million acres at about \$738,000.00 a year but again, that one lump gross. So it's a hodge-podge across the West but over half of them, it is free access.

CHAIRMAN KIENZLE: That doesn't sound bad. Have you pitched that yet? Okay, that's fine. Thank you.

COMMISSIONER: Mr. Chairman, I'd like to add some comments.

CHAIRMAN KIENZLE: Yes Sir.

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COMMISSIONER: You know, paradoxes [phonetic] is extremely important to me. I was just out at the (indiscernible) this weekend, (indiscernible) State Land. (indiscernible) but was right into State Land as well. You know I'm all about, let the (indiscernible) and more public access. That right there, that should have been a road that should have been open. You know yes, (indiscernible) on the other end, the ranchers there and at least block on that end and not allowing you to go in on his side. I understand that. But (indiscernible) conversations with that. You know when I look at these other western states, you know their allowing (indiscernible) going on, happening on these public (indiscernible). We've got to massage them a little bit but honestly I strongly feel that you (indiscernible) too much. I can see possibly a \$500,000. You know to get started (indiscernible) over a five year or you know four year period, you know maybe five, six, seven, eight, nine, you know reaching something like that. You know I think you know the sportsman deserve more for what their paying here and I really think we need to arm wrestle a little bit more here. To start out right out of the blue (indiscernible) is totally unacceptable you know. I think sportsmen would be coming out you know, kind of like the demonstration we had today but keep her at the (indiscernible) topics. I feel pretty strongly on this one that we need to do more for (indiscernible) access. It's ridiculous having to pack out an antelope two and a half miles from the pick-up truck when there was a gate that I could have easily driven in there.

CHAIRMAN KIENZLE: How often Director. I mean ultimately does this result an increase in tag fees down the line if the cost rises too high?

DIRECTOR: Mr. Chairman that would be correct. The only way for us to sustain something like that would be through our license fee increase.

CHAIRMAN KIENZLE: So it's a pocket-book issue for sportsmen at the end of the day because there is no free lunch. So it would have to be paid for somehow. I said in our meeting in July, I'm committed to getting access for sportsmen but we have to balance it against financial reality as well because that's

another thing, I think it does result in higher tag fees down the road. Unfortunately, sooner rather than later.

COMMISSIONER RAMOS: Mr. Chairman, Mike the other thing is that our (indiscernible) are out there patrolling these that have done from Silver City he chatted me he was on (indiscernible) State Land and all the moments he had spent there, he saw the improvements that you showed us a little bit ago. You know that's all got to amount to something in that equation there.

MIKE PERRY: Commissioners, Chairman Kienzle, Commissioner Ramos, I think your sentiment is heard loud and clear because tentatively I think that if the department were aggressively to go back to the table with the State Land Office and bring up those exact concerns.

COMMISSIONER RAMOS: One last thing, and if you decide to put it out on the table (indiscernible) even county maintained roads leading up to the ranchers property and fifty yards across there street (indiscernible). I think we need to do some kind of incentive also for that rancher. You know where if you do allow access or something, you now we need to really look at that. The other thing I would like to really also target is all the properties that we own as far as the Game and Fish, I know we purchased some properties over on Silver City and that (indiscernible) some State Land in there and possibly having some access then as far as (indiscernible). I think you really need to look at all these different angles before we come up with some kind of agreement.

CHAIRMAN KIENZLE: The Committee here from (indiscernible) group public comment. I've got the cards here but I would encourage those groups to visit and make your opinion known to the State Land Office. I have a sense that this is an issue that we can't solve for you alone. This may be a team effort so this is one of those times where I'd ask you to step up and you know, let's do this together.

COMMISSIONER RYAN: From a negotiation standpoint, I would hate to agree to a million for one year because next year we could be dealing with two million again and the next year three million again and it seems like if we're going to agree to an increase that it needs to be gradual and there needs to be some  
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kind of commitment that maybe we'll agree to an increase but it's going to be incremental over a term of years so if we do need to increase license fees it's not one big hit all at one time. There's budgeting that can take place and planning ahead of time, I mean he just threw this at us just recently and we're fixing to talk about the budget here in a minute that we've got to get approved and there's no way for the department to do business and prepare to be able to handle that kind of fee out of nowhere. So we wouldn't be able to budget and do what we have to do. There just needs to be some commitment on the other end but it's not going to jump for several years and I think we should be looking at a five year agreement, at least three. I had another comment, wanted to follow-up with what Chairman Kienzle said this being a joint effort. This is the first time in any Republican or Democrat Commissioner has ever proposed this kind of increase and impact on sportsmen and we can't solve this issue alone and that Commissioner Dunn needs to hear from the public on this issue because it will drive where these negotiations go for sure. Up to what point can the department absorb this fee and at what point do we have to start raising fees for licenses? Is there a general?

FEMALE SPEAKER: So Mr. Chair, Commissioner Ryan, we haven't actually looked at what that set point is. We did a very brief economic assessment of it but to get to that exact point we would need some more time to go back in and look at that.

COMMISSIONER RYAN: Certainly the habitat improvement that the department has done for the state that benefits the State Land has to be a factor.

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER: License fees don't go to us; they go to a legislator right?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: So I mean we can talk about raising fees but if we don't get it done through our legislators it's not going to work.

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COMMISSIONER: And how far out, we'd be 2018 before we actually see that (indiscernible).

CHAIRMAN KIENZLE: There's a long meeting time.

COMMISSIONER: Yeah, so we would be absorbing this for a couple years before we would ever (indiscernible) assuming we get something passed.

CHAIRMAN KIENZLE: Is that correct Director?

DIRECTOR: Mr. Chairman, Commissioners, that is correct. That will be absorbed by the agency.

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER: You know I have to add to what we've talked about but the things that are important to me is we've got "Boo", a million dollars sitting here that we've asked for but we haven't been able to provide any more access and that's pretty important because we're paying that million dollars for 800,000 acres or whatever it is, it's short 10%.

MALE SPEAKER: The camping and the access to the land, the improvements that were done.

COMMISSIONER: I have to echo just what their saying and these are really things that we have to go into the negotiation of it. I'm not in favor of just rolling over and say, "Yes" to a million dollars coming your way. But "Bam" there's three or four things that have to be met I feel if we're going to increase. We're increasing it by \$200,000 to a million but we're buying the same road and there's nothing really changes and access isn't going to be there and I can't live with that. It's just not right for the sportsmen in the state to have to deal with that and pay for it.

COMMISSIONER RAMOS: Mr. Chairman, its Mike. You know and I may be wrong but we did eliminate that advisory blurb, I thought I saw something on that that you mentioned and to me that's the wrong way to do business. Just look at our own department. We stepped out on a limb, we seek out, we improved better ways to seek input from the public through the websites. You know it's taken some time

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to do that but for them to not to take public input, that's wrong. And let me tell you something, I value ranchers. I (indiscernible) you know the State Land and I know it's kind of like a private, you know it's like they own it, I mean it's tax payers State Land but I know there's some different rules on that. But I think we really need to look at all the different angles on that as far as the advisory blurb, we've got to seek public input on this because we got the number tabled as well. Again, I do value ranchers and I think we can definitely be professional and (indiscernible) the table and hope that it all works for everything, benefiting both.

MIKE PERRY: Chairman Kienzle, Commissioner Ramos, I totally hear what you're saying but I can believe that's there (indiscernible) of their recommendation (indiscernible) advisory groups but I still believe that we would strongly value the perspective from other sportsmen groups that we can outreach to so I still see the ability for us to reach out and have them a valuable component in our (indiscernible) our process of what we would want to take forward. I guess I'll leave it at that because I can't comment on what they decide to do with theirs, that's their ball game.

COMMISSIONER ESPINOZA: Mike, what kind of time frame are we in? When does negotiation cease and we have an agreement and where does that lie in the stand if we don't have that agreement, we don't have a lease for next year?

MIKE PERRY: It's kind of a perplex question Commissioner Kienzle Chairman Espinoza, it's a perplexing question because there are some time frames that we have to allude in order to get populations out and (indiscernible). So there's a lot things, a lot of rules that got it around to this so it's not just can we do it by December 31<sup>st</sup>? We need to get this probably in place and negotiating again the population, probably by late October or early November if I'm correct so we can get all the information true and prepped in population because that's when m goes to print. So out of several deadlines, that's kind of our biggie because that's where...

COMMISSIONER ESPINOZA: So clearly if it got back to us, That's my bottom line question, clearly you bring it back to us to approve that lease?

MIKE PERRY: Chairman Kienzle, Commissioner Espinoza, it's our intent to work diligently on this in the next two weeks and bring it back to you hopefully at the next Commission which puts us in a little bit of a time crunch but for working better we can probably do that.

CHAIRMAN KIENZLE: Anything else?

COMMISSIONER RAMOS: One last thing and Mike I know your pressing for time to get, but you know we have our cliental whose purchased licenses and those are the ones that aren't going to be allowed to be even on State Land. I wonder if we can conduct a quick survey to get some feeling out there on sportsmen. You know I would be willing to sacrifice a year without State land to get a lot more leverage on this thing that benefits sportsmen in the long run. And I'm just brainstorming, thinking out loud here on that but you know I would also get some sportsmen input on that deal.

MIKE PERRY: Chairman Kienzle, Commissioner Ramos, we could surely look into that and see what we can do. It would be a pretty quick turn-around just so you know.

COMMISSIONER RAMOS: It would be, I understand that.

MIKE PERRY: We may have a lot of public comment today on it so.

COMMISSIONER RAMOS: You know, and (indiscernible) expect a comment at the end of the notes, it could mention what several sportsmen view about the (indiscernible) Mike that you know, reach out to them early after this meeting and troops so to speak, circle the wagons and say you know let's get together and knock on Commissioner Dunn's door and let's make it happen. Like you said, we're running out of time.

CHAIRMAN KIENZLE: I think everybody's said their piece on this. Thank you for (indiscernible).

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JOHN CRENSHAW: Can I have a comment (indiscernible)

CHAIRMAN KIENZLE: My apologies.

JOHN CRENSHAW: Thank you Mr. Chairman, Members of the Commission, John Crenshaw, President of New Mexico Wildlife Federation and I want you to know it really does my heart good to hear this conversation and the way it's going today because so much of what we've heard in the last few minutes exactly measures with what we've been saying amongst ourselves and are getting ready to repeat here and certainly will be repeating to Commissioner Dunn. One thing that we're really pleased to see is that negotiations are at least back on track and centered on the access agreement itself. That kind of a three-way squawk on public access to Pike Peak and the (indiscernible) State Trust Lands in that area all tied to the State-wide access agreement are separate issues and they should be negotiated separately. As to the lease itself, we've said and still say the (indiscernible) to go, the most reasonable fee adjustment but post one million dollars five-fold to increase is quite a jolt. We just that amount might be more reasonably spread over a three-year agreement and again, there suggestions too for incremental sorts of approaches to this. And also whatever the dollar amount turns out to be, it's very clear they're going to be substantial and like the Commissioners, would like to see some substantial increases and benefits to the sportsmen. These could include overnight camping, more ample time for scouting, removal of that dusk to dawn closure, people should be up in the hunting field not driving or walking into it at day/night, better signage designating access points and Trust land boundaries and contact information for regs and permittees. We'd also again, hearing what the Commission said we'd like to insist on fuller access to one of the roads we've been trained for or roads we're paying for. That starts with very consistent monitoring to ensure that access is not denied. There was an indication that perhaps an incentive settle trespass across private lands. We'd like to double side that coin, sanctions for permittees who are persistently denied that access by watching gates. As Commissioner Ramos went into, putting up illegal trespassing signs, it's very vague on that still. It would be a concerted effort to find or create an alternative access to that approximately million acres that we're paying for it and can't get to. We'd also like to iterate that we'd

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like to negotiate and take into account a very valuable law enforcement scientific services with wildlife management. I believe we just saw three-quarters of a million dollars' worth of habitat improvements but the state (indiscernible) but kind of shouldn't run into there too and we certainly look forward to working with you, with a fair and open serious negotiations and we appreciate the input and the sense of things.

Lady and the Commission, Thank you very much.

CHAIRMAN KIENZLE: Thank you. Oscar Simpson.

OSCAR SIMPSON: Thank you Mr. Chairman, Commissioners. My name is Oscar Simpson, I'm representing the New Mexico Chapter of Back Country Hunters and Anglers and New Mexico Sportsmen. The lease agreement should not go forward for a million dollars period. You know you've got to have some bargaining points. I like Mr. Ramos and everybody else's and Bill's comments about camping would be nice but not for a million dollars. Guaranteed access, no map as I've been discussing before, there's all access points, they we'll be assured will be open. But also, I mentioned this before even as a Commission, if the landowners are pulling shenanigans and locking gates then their permits should be revoked. You know there are some checks and balances but everybody turned a blind ear to that. If their pulling shenanigans, they have permits usually that you can leverage to make sure we've got access and quit blocking access. So, camping is the number one priority on State lands. That should be a given. I wouldn't negotiate or (indiscernible) with camping and go from there. Now, if the same falls to all together, then I don't want to see the Game Commission get there allowing, you know so let's say the State Land Office has business leases and now they're going to hold hunting preserves. If that ever occurs and that's likely to and I've heard it talked about in the past, the Game Department will not give them a permit. So, there's the checks and balances as a starter. But now, as some of these go on we haven't got much lead time here. We would like to have a sportsmen form to be kept at price so we can limit our memberships to have some feedback back into the Commission.

CHAIRMAN KIENZLE: Thank you. Assume it's an issue until it's resolved. So I know Mr. Perry will try to keep everyone posted but assume this an issue until I get something in front of me to sign. Elisabeth Dicharry?

GARRET VENEKLASEN: Mr. Chairman, Members of the Commission, Garret VeneKlasen, New Mexico Wildlife Federation. Again, I want to appreciate the fact that you guys are bringing this up and vetting this publicly and we would like this to continue so that we not only can have a voice but will continue to have a say in what happens. So thank you all again for doing this. I think my biggest question is, where's Commissioner Dunn and where is his spokesperson? I think it's really, really tragic that a civil servant that is addressing this issue is not present at a public meeting. It's so important to him. It makes me think that he's not being a civil servant and he doesn't care about the public and that's really, really unfortunate. How can we have a negotiation without listening to how the public feels? I hope he's listening to that because I think it's a really important part of this conversation. We will be submitting a statement to his office based upon conversations that we have today. We will continue to have conversations hopefully, with his office although he doesn't seem to want us to be involved in those conversations. We'll continue to press on his office to make sure that these negotiations are fair and represent the interest of sportsmen even though he did do away with his sportsmen advisory board. And at the end of the day this is a tax is what it is. It's straight up a tax. It's a tax to sportsmen and it's an exclusive tax and that's how we feel about it. It's okay to increase this thing incrementally and a little bit but if he's going to increase taxes on sportsmen he's going to have to do the same with the grazing receipts and with the (indiscernible) around these lands. And if you were to increase those fees incrementally with the other users I think there would be a massive outcry so I think that's really important to add. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Jason (indiscernible).

JASON: (indiscernible) Mr. Commissioner, Members of the Commission. So 500% is okay but I want 500% more access. I want 500% more of people out there on the field, habitat projects, camping, (indiscernible), the whole thing. I think that's the big issue. I think sportsmen have always funded these projects. You know (indiscernible), you know we're all about funding projects but we want 500% more opportunities and quality (indiscernible) and hunting and fishing and camping and all that stuff so I think that's the big thing. And also, we're talking about the sportsmen community. People come here all the time. You know why do you pay for State Land that's land locked that we can't even get to? So I think we also need to take that (indiscernible) into the factor. Okay, so it's great, we're paying for the (indiscernible) thousand dollars or a million dollars but how much of that can we actually get to? I love (indiscernible). Commissioner Ramos likes chasing antelope and it kind of bothers my mind for (indiscernible) antelope, its State Land only right? Or BLM or something like that or you have to negotiate for private land. So we could throw a wrench into that whole thing. Again, I think that camping is important but again if we're going to pay 500% let's leave 500% more options and more opportunity. So it's (indiscernible) makes my heart feel good but we're all kind of on the same boat on that and if you guys need help, you know I'll help you, sportsmen, (indiscernible) and in your corner because this is going to be a major issue for a lot of us. So thank you for looking at this.

CHAIRMAN KIENZLE: Thank you. Jessie Brewer? Did I get that right?

JESSIE: No. Hi, it's Jessie Cadel [phonetic] and I'm with the United Bow Hunters of New Mexico. So Mr. Chairman and Members of the Commission, like everybody else has said, thank you so much for the opportunity that we can discuss this and Commissioner Ramos especially, your comments and your concerns and your thoughts and opinions is very, very closely mimical of what I was going to say. The State Land Office obviously is responsible or partly responsible for funding our school systems and so I think that paying more money and putting more money into the school systems on the surface I like that. I mean I've got school age children and I think our schools need to be funded. Something in my heart tells me that Commissioner Dunn's motive isn't just to increase funding to the schools and that's concerning

to me. It's also concerning that if we, access is hugely important to my membership and essentially every public land hunter in the state. Access is critical. The question is, if we spend five times more for this lease agreement then we have historically, it's going to take years of absorption by the department before tax increases or special access stamps or anything like that might be able to be implemented. The question is where, what programs suffer because of the financial stress that this is going to put on the department? I mean does that mean fewer enforcement officers in the fields? Does that mean less habitat improvement on some of the other public lands? Those are questions that I have. I wish I had a solution. My first thought is this, and I don't know if this is feasible, I haven't had a lot of time to go through this in my mind, but on the road site the State Land Office says recreation permits are \$25.00. So anybody can buy a permit for \$25.00 and their (indiscernible) on State Land. My question is if I draw a tag, if I draw a public land antelope tag, the department doesn't have a lease, I pay an (indiscernible) \$25.00 to the State Land Office, can I then still access and hunt on State Lands? On the surface it seems like I could, the State Land Office could change that but that's just one initial fire of a possibility alternative of paying this astronomical fee. Thank you guys.

CHAIRMAN KIENZLE: Thank you. Rosemary Love? Okay, any other questions or comments from the Commissioners?

COMMISSIONER: Just one last comment and I know that we've been making a lot of efforts to close the gap and hopefully someday have the hunter education course that we offer the public schools and that might be another (indiscernible) to have that conversation within that State Land since they do fund the public education and that would be a big, big plus to all our kids and public and you know to offer this course as an elective, you know, part of the school system.

MALE SPEAKER: You've got your work cut out for you. My sympathies.

CHAIRMAN KIENZLE: Don't call me if you need any (indiscernible) Director, she'll call.

MALE SPEAKER: I'll assist in any way that I can.

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CHAIRMAN KIENZLE: Okay, let's move on to No. 11.

COMMISSIONER: I just want to address everybody about, I've got to meet with my accountant, we're having family issues so I've got to leave, it's not a life or death situation but I've got to get back to Cruses so.

CHAIRMAN KIENZLE: Thank you for your good work today, I appreciate it. We usually have Revocations first. I think we'll get to them now. Agenda Item No. 11: Revocations. Colonel Griego.

COLONEL GRIEGO: Good afternoon Mr. Chairman, Commissioners. The department has presented a list of individuals that meet the criteria for extension or revocation of their hunting, fishing and trapping license privileges. On that list are two individuals that meet the criteria for reciprocal revocation based on the wildlife conservation, wildlife violator contracts and attached are the hearing officer's recommendation for those two individuals.

CHAIRMAN KIENZLE: How does that work? It's dried and done (indiscernible) at least.

COLONEL GRIEGO: Mr. Chairman it's a compact motor strike and they have an individual that they've revoked and we get a list of those individuals that we're revoked in that state and being a member of that compact, we send out a notice of contemplated action to those individuals saying that their rights will be revoked and the next step unless they chose to have a hearing, these two individuals did chose to have a hearing, have that hearing and then now we have the hearing officer recommendation for that revocation, that reciprocal revocation.

CHAIRMAN KIENZLE: Okay. Does this, do you get very many of these?

COLONEL GRIEGO: Mr. Chairman we don't get a whole lot of those typically. We do send out the notes of contemplated actions when we get them but typically their just accepting.

CHAIRMAN KIENZLE: So there's no hearing?



COLONEL GRIEGO: Correct.

CHAIRMAN KIENZLE: Okay, I see.

COLONEL GRIEGO: We have also presented twenty-nine individuals who have accumulated twenty or more violation points in a three-year period. Now that we've got some hearing officers on board we had those sent out. Each of those individuals was served a notice of contemplated action and they chose not to request a hearing so those individuals are on that list. If you will notice on that list there are some of those that those points were accumulated after 2013 Legislative Session when (indiscernible) statute or legislature (indiscernible) statute to a definite period of time based on revocations versus an (indiscernible) rule. So you will see four of those that were (indiscernible) that we're recommending one to ten year revocation, a seven year, a five and a six. That ten year is that individual that was highly publicized that caught the 1,600 trout, that's him. The rest of them although they were, many of those that were of (indiscernible), they fell into that time period before 2014 where that revocation is a maximum of three years.

CHAIRMAN KIENZLE: Is this the first time I'm seeing a list like this?

COLONEL GRIEGO: Mr. Chairman that is correct. Now that we've got the ball rolling and you will start to see these pretty consistently from here on.

CHAIRMAN KIENZLE: Yeah, I really (indiscernible), before I think it's helpful to see what's going on so that's great. Thank you.

COLONEL GRIEGO: And the person that you are accustomed to seeing is a, we also have the list of 295 (indiscernible) that have been certified by the Hunan Services Department, that is seventeen out of compliance for Parental Responsibility Act. With that I will stand for any questions and (indiscernible) the picture of the evidence, the trout from that one case.

CHAIRMAN KIENZLE: Is that the guys in the background of the trout? (indiscernible)

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COMMISSIONER: Repeat it again Bobby, which one of them knees is him?

COLONEL GRIEGO: He's the catchers of, the illegal catchers...

COMMISSIONER: But which one...

CHAIRMAN KIENZLE: He's sixth on the list.

COLONEL GRIEGO: Mr. Vossenbau [phonetic].

CHAIRMAN KIENZLE: There we go. So is that the first ten year?

COLONEL GRIEGO: Mr. Chairman that is correct. This group is the first where we brought forward anything more than three years because we weren't allowed that statute.

CHAIRMAN KIENZLE: Right.

COLONEL GRIEGO: We did fill in the (indiscernible) since this is the first and this is the (indiscernible) on any level that it would be a good standard to set for something that goes that far.

CHAIRMAN KIENZLE: Well it's very awkward to see this kind of list and it's in perspective for me, it's correct. Yes Sir?

COMMISSIONER RICKLEFS: Bobby, I just read the letter from the service (indiscernible). The second person on your list, it seems like a technical (indiscernible). What's your opinion in that?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ricklefs, I'm not real familiar with the case other than it was a member of (indiscernible), the Wildlife Violators Compact and being part of that compact, it is a violation that we would have revoked through obligating to reciprocating that ratification.

CHAIRMAN KIENZLE: It's just like your driver's license basically. Interstate contract, on a driver's license.

COLONEL GRIEGO: Well the but being said though Commissioners, Mr. Chairman, if there is a violation that although you could be revoked in that particular state, but we would not revoke you in New Mexico if it was committed here. We do not reciprocate that but if it is a violation that would be revoked during the next (indiscernible) obligated to reciprocate being a member.

CHAIRMAN KIENZLE: I think where Commissioner Ricklefs is headed and say we, is that the department or is that binding on the Commission as well?

COLONEL GRIEGO: It's that the department is a member of that compact but it ultimately is up to the Commission to agree to that reciprocation. If you notice, the hearing officer just agreed to have that revocation man go to revocation that he got in his original state which I think is just going to be until 2016. So the original state sets that revocation period when he had his hearing where the violation occurred. We just mimic that. The hearing officer just put that recommendation forward to reciprocate that.

COMMISSIONER ESPINOZA: Bobby, quick question just for (indiscernible) on that. I see several of these, three years consecutive current revocation so he's already been revoked is that what that means?

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza that is correct. But again, those occurred prior to 2014 so we'll start that bout three year maximum.

CHAIRMAN KIENZLE: Okay.

COLONEL GRIEGO: Whereas in the future that will be part of our stipulation and it's so we current (indiscernible) that's been on revocation those, the annual would be up per say, we'll bring that recommendation to you.

CHAIRMAN KIENZLE: Can we, to what extent can the commission adjust the number of years, in particularly one that Commissioner Ricklefs had mentioned under the wildlife Compact? So it looks like the recommendation was June 13, 2019. Do we have the vote as a Commission to adjust that date?

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COLONEL GRIEGO: Mr. Chairman as a Commission you ultimately do have the ability to adjust any revocation of licenses in New Mexico.

COMMISSIONER RAMOS: Mr. Chairman, Colonel Griego, I see the panel responsibility acts that violators at the back of this as well, that's the way we used to have it right?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ramos that is correct.

CHAIRMAN KIENZLE: I'll ask, are there any motions to be made with regard to John Hennard [phonetic], he is currently a service member, looks like a long tail as well, and looks like a recommendation is through June 13, 2019. If there are any motions to be entertained there let me know otherwise we'll move on. Hearing none, is there anything you need from us, any other questions for you to accept to or from us?

COLONEL GRIEGO: No Sir.

CHAIRMAN KIENZLE: Okay. Can I get a motion on this particular Item?

COMMISSIONER RAMOS: Mr. Chairman I move to approve the hearing officers recommendation for reciprocally revoke the hunting, fishing and trapping license privileges of two individuals under the Wildlife Violators Compact as presented by the Department.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye's have it. There's another, number two and number three. Yes?

COMMISSIONER RAMOS: Mr. Chairman, I move to approve the department's recommendation to revoke the hunting, fishing and trapping license privileges of twenty-nine individuals who have accumulated twenty or more violation points in a three year period as presented by the department.

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COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Number three, the last one.

COMMISSIONER RAMOS: Mr. Chairman I move to authorize the department to administer the suspensions pursuant to the Panel Responsibilities Act on behalf of the Commission including the issuance and service of notice of contemplated action to each individual listed that is out of compliance with the Panel Responsibility Act.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Colonel Griego, Agenda Item No. 12: Penalty Assessment Violations Final Proposal for Manner and Method.

COLONEL GRIEGO: Mr. Chairman, Commissioners, you all have heard this spill of I cut the pie isn't that right? As you know, in this Legislative Session Representative Alonzo Donato sponsored House Rule 202 which basically provided us with us with two additional penalty assessments. That Bill passed unanimously and on its way across the House and the Senate. What it did in fact was give two additional penalty assessments to what we already have. It gave us the hunting, fishing or trapping without the proper stamp which will be a \$50.00 penalty assessment plus the cost of the appropriate stamp and then a manner and method in (indiscernible) penalty assessment which would be started \$125.00 penalty assessment. The stamp violations that we refer to as the two-fold stamp, by rule you ought to have this two-fold stamp if you are going to angle with two-holt. There is no stamp or allowable leave or take of

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additional poles. You can't use three poles or four poles, you can use up to two and you need to have this \$4.00 stamp. The habitat stamp is required of all hunters, anglers and trappers who are hunting, fishing or trapping on Federal lands. (Indiscernible) land and National forest and the habitat management and access stamp are a \$4.00 stamp which is required of all sportsmen over the age of seventeen. The work on the habitat stamp and the habitat management access stamp, the exception is those that receive a free license that's included. The general Manner and Method Proposals are on the following regulations that we're putting forward as suggestions for your approval. Again, we've gone through all these before. One of the big ones is the road hunting. We dropped it and (indiscernible) it basically says it's unlawful to shoot at artificial wildlife in the roadway which would be a penalty assessment, separated it out from the general rule but said it's unlawful to shoot at any protected species from the roadway. Therefore, we would still want to prove and catch (indiscernible) shooting at a live elk. We wouldn't want to have to offer them a penalty assessment, that's something you would want to go through the court system. Another big one that's going to be hugely beneficial is that last one, that violation provision of posted signs. That's on our department (indiscernible). When we put a sign that says No Swimming, No Rock Climbing, No Parking in these areas; that just gives the officers an opportunity to write that penalty assessment. Their minor infractions, but they do take our officers out of the field for a significant amount of time when their dealing with a (indiscernible) violation when they can get multiple violations of these type in one trip to the lake. And again, that may take them away from patrol for multiple hours based on those (indiscernible).

CHAIRMAN KIENZLE: Tell me more about harassing protected wildlife.

COLONEL GRIEGO: Harassed protected wildlife, what we do is that's part of it. It's a multiple part rule that is associated typically with using a motor vehicle, airplane, aircraft, motor boat and what we're doing is we're separating just the harassing so basically, if you're in a motor vehicle or motor driven convenience of any sort and you cause any wildlife to run, basically you harassed while you're driving in the event, that would be a penalty assessment. But this reservation is often associated with hunting after

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air flight and stuff like that. We've kept that separate, with that it would be court appearance if we have an area hunting violation but simply harassing wildlife with a motor vehicle would be a penalty assessment.

CHAIRMAN KIENZLE: I've got a question for you. I listened to people speak today during bear and cougar rule and I heard, I can't recall who said it, but they would go out and maybe it was with their dogs and chase bears and it sounded like they no intention of shooting the bear, they just wanted to get up close and personal with the bear. That seems like behavior to me. I wouldn't do something like that but I don't know what's your sense of that?

COMMISSIONER RYAN: I think that was in regards to training the dogs.

CHAIRMAN KIENZLE: It's a training, okay, that would be different. Maybe I misunderstood it.

COLONEL GRIEGO: Mr. Chairman, it matters since, if it's open season and they are licensed, what we want to avoid is individuals going out of season and that being the argument that there was no ill intent, they we're just training. But we have multiple hounds men across the State of New Mexico that hunt bears and lions that may not have killed a bear or lion in several years and they had no real intention on maybe harvesting an animal unless it's something out of the ordinary, a very large (indiscernible) a special colored faced bear, but they're licensed to be doing what they're doing, it's just going to be in that rare instances they may actually pull the trigger or shoot something with an arrow. So we don't want to force anyone like the (indiscernible) to make it mandatory that you harvest an animal in that instance.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER RICKLEFS: and (indiscernible), possession of getting animal parts, that's finding an elk head, that type of thing?

COLONEL GRIEGO: Mr. Chairman, Commissioner Ricklefs, that's correct. Finding, pick up heads in the field, that's exactly would be the case for that penalty assessment.

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COMMISSIONER RICKLEFS: It's a lot cheaper to turn it in.

COLONEL GRIEGO: Very much so. The whole point of all of this proposal and the whole point of going forward with the legislation was not to down play a lot of these violations although many of them are minor violations, but it was violations that we have common occurrence with that if we could simply handle them with a penalty assessment, it keeps those officers in the field doing what we want them to do, being out there for public safety and enforcement of our rules while they're out there, which is a good thing. So it's going to be a time saver and be pretty cost effective in time management for our officers for sure.

CHAIRMAN KIENZLE: And you said this was legislation that was proposed by Senator Donato?

COLONEL GRIEGO: Representative Donato.

CHAIRMAN KIENZLE: Representative Donato I see. He's been a good friend of the department and the Commission so if you see him thank him.

COLONEL GRIEGO: Mr. Chairman I will do that.

CHAIRMAN KIENZLE: It's good to have someone in the legislature who appreciates the issues that you deal with. Questions?

COLONEL GRIEGO: There's still a few more...

CHAIRMAN KIENZLE: Oh, I'm sorry. I cut you off.

COLONEL GRIEGO: I was just trying not to be redundant at the same presentation over and over.

CHAIRMAN KIENZLE: I'm sorry; we've got to give you the fishing.

COLONEL GRIEGO: So, some of the fishing manner and method, basically most of our fishing items, (indiscernible) are going to go to penalty assessment. One of the big ones is going to be third from the



bottom, exceeding the bag limit and wording it just right was somewhat difficult but the basics of it is that we've got multiple fish species that have various bag limits. You know we've got white bass that you can catch 25, you can catch five trout but you can only catch one stripper or one catfish in special waters. So what we wanted to do is again, keep the violations where their somewhat minor violations where we feel that \$125.00 penalty assessment would be a sufficient deterrent but yet not be too much of a deterrent or too little. So what we did with that is basically, is any fish species where bag limit is more than two, trout, white bass, stuff like that, that if you exceeded the bag limit by four or less, if you have nine trout we could still write you a penalty assessment. If you double the bag limit of trout, you have five additional that would be a court appearance. And by the same token any fish species that the bag limit was two or less, like our strippers, they could exceed the bag limit by one and still have the option of a penalty assessment but if they double that bag limit, caught two or three, it would be an automatic court appearance. So just trying to word it just right where it was a significant deterrent but not so lenient that it wouldn't be worth the enforcement. The other one was pretty significant as far as the amount of citations and time taken away is the waters with age or disability restrictions. Our officers often get calls that they may have a kid's pond in their jurisdiction and they get called that hey, we've got multiple adults fishing at the kid's pond. The ability to catch those individuals, we feel that's significant violation. We had to dealt with those kids or those individuals sixty-five and older and that again, that takes our officers away to the court system and the simple trial of it goes on is basically this is the individual that saw it at the lake, he's obviously over seventeen years old. It's a simple case but it's time away from the field. So that would be another one. The species for simple manner and method, again you all have seen all of these. Their common and cross where's there deer and antelope and short of (indiscernible) restriction, our elk or our big horn sheep, that would be a twenty-four category or above our deer species is any (indiscernible) and the rest of those are pretty set in stone. If you want I'll take any questions.

CHAIRMAN KIENZLE: Commissioners, questions, comments? Okay, can I get a motion please?

COMMISSIONER: No public?

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CHAIRMAN KIENZLE: I don't think we have any public comment on this.

COMMISSIONER RICKLEFS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER RICKLEFS: I move to approve the amendments to Manner and Method of taking Rule 19.31.10 NMAC that establishes minor manner and method violations that will be considered penalty assessment violations, I see 3-8 of them. Moving violation of shooting with artificial wild land from the roadway as presented by the Department. And allow the Department to make minor corrections to comply with the fisk [phonetic] with the filing of this Rule in State Records and Archives.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Aye's have it. Thank you. So we're not up to the last minute with birds or are we?

STEWART LYLE: Members of the Commission I'm here to present for you today the final recommendations (indiscernible) to the Migratory Game Bird Rule. A little bit of background, I'm (indiscernible) to have the public meetings throughout the course of the (indiscernible) development and one in Los Cruses, Farmington and Albuquerque. As of the 20<sup>th</sup> we'll received 63 public comments. Most of the recommendations you'll see in front of you are as a result of the public comments. Part of that is adjusting that duck season towards later in the North Zone to the latter half of October so that that season can stay open as late as possible in January as allowable by the Fredrick's Frameworks. As always, we are adjusting season dates according to calendar and the U.S. Fish and Wildlife Services has that frameworks. I believe that was posted, the Fredrick's frameworks were posted on the Federal Register on Wednesday I believe, so they are to the wire as usual. Hopefully that will not, as you are aware, we've talked before the scheduling for the fliers and the frameworks is changing through the Federal Register for the next season

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so we're actually beginning the development right now, the 2016 season. So the Councils will move, four of the Councils will be moving in October, September and October. Again, their adjusting bag limits and possession limits according to the Federal Frameworks and as I just said, the framework was posted on the website this week. The proposed amendments to the rule are increasing the (indiscernible) Santo Crane pellets from two per season to three per day and six possessions. The reason why the restrictions (indiscernible) their last seasons is the belief that there is more Rocky Mountain population birds in there. That's the Santo Crane population of concern. The department is only allotted so many Rocky Mountains harvest in a year through check stations (indiscernible) course of a couple of years. We're not detecting any of the Rocky Mountain populations in that area so we're going to have some more liberal seasons. We will maintain check stations to ensure that we are not harvested in the Rocky Mountain population in there. According to the Federal Frameworks and survey data from the fliers is increase in the Canvasback (indiscernible) from one to two in this year's duck season. One of the big things that are coming out of the (indiscernible) Councils and out of the Central (indiscernible) especially is reducing Fantail Pigeons, the limits from five per day to two per day and decreasing season run from thirty days to fourteen days. There's a lot of concern from individuals, some individuals in the Fish and Wildlife Services are declining interior populations of Fantail Pigeons. We're going to address our hunters harvest serve collected from hunters to try to ascertain how many actually do hunt in this state and what the states take is. The service would like us to get more restrictive and almost offer a permit for Fantail Pigeon. We've put off that for now with the service. We're hoping that our recommendations and adjustments to the harvest correction data will be sufficient to support the data that we need. In front of you is what are the proposed seasons, versus what the seasons were last year. What you'll see there is a six day increase in the North Zone, that season. Again, public comment early on was to move that season to end as late in January as possible. That's why you're seeing the start date later this season from what was last season, so a start date of October 27<sup>th</sup> this year, which was October 5<sup>th</sup> last year. But again, we really want to go to as late as we possibly could with ending on January 31<sup>st</sup>. You'll also see an eight day increase in the Duck Season in the South Zones, mirroring the North Zone and a one day increase in the Falconry Duck

Season. We think that Avian Influenza, a lot of Falconer's probably won't be out hunting birds this year just because of the potential risk to falcons from Avian Influenza. Goose Season's a little bit extended. Again, we're moving onto the end of January so it starts then, a little bit of a reduction from the September (indiscernible) Season and that is also a reflection of public comment. I would propose amendments, we used to have the (indiscernible) unit but as they have that for draw hunting for youth only on the Bernardo area. We are now creating a new youth only water (indiscernible) hunting on Bernardo specific to youth south of the (indiscernible). So that will be for youth only. It will be a first come, first serve basis and will be open the same days as the (indiscernible) units are. In addition we're proposing opening the Callister Lake outside of Las Vegas for September 10, and five seasons. This is a reflection to an adjacent Las Vegas National Wildlife Refuge that also allows dove hunting just (indiscernible) regulations across the two. This is a picture of the Bernardo Youth Hunt Area. What you have down in the lower South corner is this new youth hunted area that is being created specifically for youth hunters, youth duck hunters. They're working on it actually right now throughout the rest of the season but will be putting in permanent blinds as well as a hanging cap assessable permanent blinds in that area so it should be a very unique area for youth hunters to go duck hunting. Just a close up of why we're looking for (indiscernible) locations within that Bernardo youth (indiscernible). Again like I said, the U.S. Fish and Wildlife Services is going through a new regulatory cycle, this way we won't be coming up to the last second to finalize their rule and start hunting on September 1<sup>st</sup>. We will be meeting with the Central (indiscernible) Accounts on October to kind of get those regulations rolling. We can come to the Commission as soon as November if so choose with the next year's Duck Season on the start of it. The Federal Government hopes to have the final federal Register regulations published by March of next year for the 2016 Season. So we'll be well in advance of the start of Dove seasons next year.

CHAIRMAN KIENZLE: Right on.

STEWART LYLE: With that, I will take any questions.

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CHAIRMAN KIENZLE: All I can say is good luck.

COMMISSIONER ESPINOZA: Could you just give us a quick update on the progress of the (indiscernible) or that standing, are we going to have blinds in place to hunt?

FEMALE SPEAKER: Mr. Chairman, Mr. Commissioner Espinoza, we will not have blinds this year. The designer is U.S. Fish and Wildlife Service Engineer; there are only two for the whole country so they have been pulled aside so we will not have the blinds. However, we will have signs up to designate each of the blind areas. We do have the agro drains that we need to provide the water and to keep it at a reasonable level. So everything but the blinds will be working this year. We're also going to have a sign, so hunters aren't barging in on each other, to ward some safety issues where they can just mark this, this blind area is taken or vacant.

CHAIRMAN KIENZLE: How do they divide the country up between the two of them?

FEMALE SPEAKER: Excuse me?

CHAIRMAN KIENZLE: How do they divide the country up between the two of them? Is there somebody east of the Mississippi and wants (indiscernible)?

FEMALE SPEAKER: Mr. Chairman...

CHAIRMAN KIENZLE: You probably don't know. I'm being facetious. That's just incredible; there are only two of them for the entire country?

FEMALE SPEAKER: Yes.

CHAIRMAN KIENZLE: Okay.

COMMISSIONER: I'd loan them the money.

CHAIRMAN KIENZLE: Sort of. To come up with a third one, to speed up the process along. One dedicated to New Mexico. Any other questions or comments? Okay, we've got some public comment. Shannon, I'm not going to try to pronounce your last name.

SHANNON: I got my question answered.

CHAIRMAN KIENZLE: Okay, how do you say the last name Sir?

SHANNON: Chesmolowitz [phonetic]

CHAIRMAN KIENZLE: Chesmolowitz [phonetic], I would have gotten it wrong. Thank you. David Samble?

FEMALE SPEAKER: David apologized; excuse me Mr. Chairman, David apologizes because he had to get down to Los Cruses today so he had to leave.

CHAIRMAN KIENZLE: Okay. He's been in front of us before though right?

FEMALE SPEAKER: Yes.

CHAIRMAN KIENZLE: Okay, I recall his name. Oscar?

OSCAR: I pass.

CHAIRMAN KIENZLE: Okay. Any other questions or comments from Commissioners? Can I get a motion on this one please?

COMMISSIONER MONTROYA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER MONTOYA: I move to approve the amendments for Migratory Game Bird Rule 19.31.6 NMAC presented to allow minor late in season changes based on these select (indiscernible) for release by U.S. Fish and Wildlife Service out of the four September 13, 2015.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. We need a motion for 14 to go into Executive Session.

COMMISSIONER MONTOYA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER MONTOYA: I would move to adjourn into Executive Session closed to the public pursuant to Section 10-15-1 (H)(2) NMSA 1978 to discuss limited personnel matters relating to complaints and discipline pursuant to Section 10-15-1 (H)(8) NMSA 78 to discuss the acquisition of real property pursuant to Section 10-15-1 87 the matter subject to the attorney-client privilege relating to threatened or pending litigation on which the Commission and or the Department will or may become a participant.

CHAIRMAN KIENZLE: Can I get a second please?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: This is a roll call vote. The Secretary will call the roll please.

SECRETARY: Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

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SECRETARY: Commissioner Ramos?

COMMISSIONER RAMOS: Yes.

SECRETARY: Commissioner Ryan?

COMMISSIONER RYAN: Yes.

SECRETARY: Commissioner Ricklefs?

COMMISSIONER RICKLEFS: Yes.

SECRETARY: Commissioner Salopek? [No response]

SECRETARY: Vice Chairman Montoya?

VICE CHAIRMAN MONTOYA: Yes.

SECRETARY: Chairman Kienzle?

CHAIRMAN KIENZLE: Yes. We're leaving correct?

SECRETARY: Yes. We are leaving and we're going to ...[audio break].

MICHAEL SLOANE: Mr. Chairman, Commissioners, today we're here to initiate a conversation about a Fisheries Management Plan. I have with me Kurt Patrick, Chief of Research and Management to give presentation.

CHAIRMAN KIENZLE: I need to read my announcement, my apologies.

MICHAEL SLOANE: Sorry.

CHAIRMAN KIENZLE: The faults all mine. This Commission had adjourned into executive Session closed to the public during the executive Session. The Commission discussed only those matters specified in its motion to adjourn and it took no action as to any matters. Thank you, my apologies.

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MICHAEL SLOANE: Mr. Chairman, Commissioners, I'm here, we're here today to initiate a conversation about a State-wide Fisheries Management Plan. I have with me Kurt Patrick, Assistant Chief of Research and Management who did most of the drafting of the plan and I'll invite him to give a presentation.

KURT PATRICK: Mr. Chairman, Commissioners, so like Mike said, we're here to initiate a Fisheries Management Plan process with you guys. We've been working on this for the past year and a half and we think we've got it pretty close to releasing to the public and want to kind of run the concept past you so you're aware of it when you start to get questions from the public about it. The last State-wide Fisheries Management Plan that the department had was back in 1987 and it expired in 1995. Since that time you know, twenty years or so, a lot of things have changed in Fisheries Management here in New Mexico. And so what we needed to do with this document was kind of set up a vision board future fisheries management here in New Mexico. And then certainly I guess the next step would be to communicate the priorities for individual waters, whether it be a pond, a lake, a stream, where we see management clearly into the future. We're communicating that with the public, with you, with ourselves as well as other federal and state agencies. And one important part that we also wanted to include in this town is the integration of native fisheries as well as (indiscernible) fisheries. In the past we kind of managed those separately and this time we're going to try and do that integrated, among all of our individual biologists. So this is just an example of one of the mapping processes that we went through for each major water shed in New Mexico. This is the San Juan water shed in the Northwest part of the state. Starting off in the left, oh excuse me, right side of the map we have Navajos Reservoirs, it's the popular sport fishery and we designated that for sport fish. Moving down below, Navajo Dam into world renowned (indiscernible) waters the San Juan River. Once again, we're continuing to manage that as a, you know, to attempt to keep it as a world class trout fishery. Once you move down into the (indiscernible) reaches of the Rio San Juan, we're actively engaged in recovery efforts both Colorado Pike,minnow and Razorback Sucker, in that case we're going to manage that, those waters for (indiscernible) and then there's a couple other

ponds in the area, Aztec Pond, Jackson Lake for example. They'll be managed to have full rainbow trout and other warm water sport fisheries. The (indiscernible) river has been in the news a fair amount over the past couple weeks, that's a great example of (indiscernible) the department managements folks were, sports fishes as well as native fish. In that case we stocked rainbow trout. There was also a couple sensitive sucker species in that (indiscernible). So once again, we did work for the entire state, the body of waters up in the different regions and they'll be in the plan as individual table that says this out with more specific management actions for each individual water. So like we said before, we are interested and ready to release to the public and this is just an outline of the things we plan to do over the next several months for this plan. We're going to do press releases, emails, post the plan on our website and then letters out to the county governments as well notify other state and federal agencies and we hope to do, or plan to do public meetings in each of the four administrative areas. Once that is completed, we'll take all of those comments, review them and to the best of our ability, try and maybe incorporate them into the plan and then hopefully at some point in the not too distant future come back to you either with an additional draft or seek your approval on a final plan. So that is it and if you have any questions I'd be happy to answer them.

CHAIRMAN KIENZLE: So when would this come up for a final, roughly?

KURT PATRICK: Mr. Chairman, I don't know the exact timeline but if we could get something by the New Year, I would be pleased with that.

CHAIRMAN KIENZLE: Okay. Questions? Comments from Commissioners?

COMMISSIONER: I would.

CHAIRMAN KIENZLE: Okay. We've got a few public comments. Oscar Simpson?

OSCAR SIMPSON: I think he's answered my question (indiscernible). I just wanted to make sure I had no other comments so I'll pass, thank you.

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CHAIRMAN KIENZLE: Jason Watt [phonetic].

JASON O'MARO: Mr. Commissioner, Commissioners, so yes, we're finally talking about trout. If you guys can help at all, if I can help at all please let me know. We want to be involved in the process.

(Indiscernible) has this big southwest native trout initiative going on so we're totally on board and we'll do whatever we can to help. So please keep us engaged and we'll rally the sportsmen and we'll help get people out there for those public meetings. So please keep us involved. A special request of mine, shooter trout, hopefully we can get some of those issues resolved because I know the fish are being grown and (indiscernible) are being shipped across New Mexico and dumped in Arizona for recreational opportunities and there are no recreational opportunities in New Mexico for Gila Trout. So hopefully we can get some of that stuff resolved because I would love to go to Willow Creek and catch a few Gilas. So thank you very much.

CHAIRMAN KIENZLE: So you guys expect to have public meetings, comment and all of that. So we're wise to take advantage of those public meetings. I assume you'll have direct contact to Jason and groups like Jason's. And this is a great opportunity for sportsmen and anglers to get involved in the process because a lot happens from the ground up. This, I explained this in other meetings; this is not necessarily a top down organization. Things come to the Commission via the department so take advantage of these opportunities when there are public meetings that are not like this public meeting. When their out in the different parts of the state, interact with department personnel and make known the things that are important to you because they don't come to our attention effectively if they don't come up through the department process. So that's helpful, very helpful to the Commission if you follow that model. David Goodrich? Did I get that right?

DAVID GOODRICH: Yes, it's not entirely what I expected out of the beginning of this, this whole process. But I really want to, I'm with Jason here, I really want to work with a lot of the biologists and especially on issues of Triploid Trout and issues of Muskies and other warm water species that we've

been kind of ignoring for the past twenty or so years. But I really want to work with you guys and instead of having this head-bashing competition where it's just you know, you know. But I would like to send you guys an email and definitely thank you, Commission, for having this meeting and having us all here even though the morning was a little rough.

CHAIRMAN KIENZLE: I'll reiterate that the time is now to get a hold of department personnel that are working on this plan. So, I can't say the board is absolutely open but I know their email is absolutely open and from there you can probably set up meetings and other things within this appropriate. So, this is a golden opportunity to get in on the ground floor and make known things that are important to you and you may not get the absolute result that you want but at least the process, you'll be involved in it to some extent. So, thank you. Any other questions or comments? Okay, thank you. Agenda Item No.16: Potential Acquisition of a Property in Southwest New Mexico.

COMMISSIONER: Is this the work one for you Stewart?

STEWART LYLE: This is the last one for me.

COMMISSIONER: You think so.

STEWART LYLE: Members of the Commission today I'm excited to talk about potential property acquisition in the southwestern part of the state. A little bit of background, the New Mexico Office of Natural Resources, what their concerned is part of the Trusties in U S Fish and Wildlife Service developed a natural resource damage assessment. There are three gold mines in and around the Silver City area owned by the Freeport (indiscernible) copper and gold ink or FMI. Based on what they determined was a wildlife habitat resources had been injured as a result of practices at the mine. So because of that, the trusties determined that there was suffer to wildlife habitat and brought claims against FMI and so a settlement was paid by FMI in the amount of five million dollars and also a transfer of 714 acres of grass into the city of Rock State Park as part of that settlement improvement for damages to wildlife. From that settlement, (indiscernible) conservation of wildlife and wildlife habitat. One of the...

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FEMALE SPEAKER: Bert, we have no hear.

COMMISSIONER: (indiscernible)

FEMALE SPEAKER: We just put it on pause. Thank you.

COMMISSIONER: Have you been there before?

FEMALE SPEAKER: (indiscernible)

COMMISSIONER: I can kick it now.

[Background noise-microphone problems]

COMMISSIONER: Now we've got a problem. There's two their working on.

COMMISSIONER: That reminds me of a joke. How many Game and Fish Employees does it take to  
(indiscernible).

COMMISSIONER: You're getting used to that chair, why don't you just stay there?

CHAIRMAN KIENZLE: You tinkered with it there and it comes on and off. Maybe a loose connection.  
Seems like a loose connection.

FEMALE SPEAKER: Alright, good.

[Multiple background speakers]

FEMALE SPEAKER: Don't breathe.

COMMISSIONER: Got it.

STEWART LYLE: So as I stated, FMI made a settlement of 5.5 million acres and donated or transferred, excuse me, 714 acres of grassland into the City of Rock State Park as part of their settlement agreement for damages towards wildlife. Specifically, there's damages towards bird species and so the trustees, again

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the trustees being the New Mexico basically (indiscernible) US Fish and Wildlife Service depicted twenty-one sites of interest or they determined twenty-one (indiscernible) for wildlife that they could spend potential money or rehabilitation of habitat surrounding. What you'll see there are the three mine sites highlighted in orange. I want to draw attention to both the Double E and the River Ranch. The department has gone through and purchased with the help of the trustees both the Double E Ranch. Their primary objective of that was to protect the native riparian habitat along Dove Creek which is present on the Double E Ranch and also purchase of the River Ranch. Both of these were top priorities by the trustees. The department has worked with them to purchase it using various funds through the settlement agreement. So we used State Wildlife current money as well as share with wildlife money on these pieces of property. Another property that's up as a potential acquisition that's in front of you today and not for a vote but to continue forward with the negotiations of potential acquirement is the Red Rock Property. The property consists of approximately 130 acres along the Gila River in the upper Gila Range. The upper Gila River is kind of running the most, the southwest only three flowing rivers and its natural flow basically so it puts a wide variety of biological diversity both on land and water. Its home to a lot of the threatened and endangered bird species to arrive there. That's why it was chosen as one of the top priorities on the settlement or for habitat restoration. It also directly adjoins the State Game Commission owned Red Rock Wildlife Management area. That is the area where we have the captive breed (indiscernible) for Desert Big Horn Sheep. In the initial proposal there was not water rights included in it however that owner may be ready to include two or three acre feet of water with the property. What we have here is a map of the property itself. Again, it represents an opportunity for benefits of both wildlife and people. It's a high quality habitat along the Gila River that supports that supports array of wildlife including multiple threatened endangered bird species. There are over 15 state listed threatened and endangered species that could benefit from improved habitat along this stretch including southwest (indiscernible) catcher, as the Gila (indiscernible) and low laying leopard frog as well as Mexican garter snakes. The Gila water shed also provides important (indiscernible) habitat for migratory birds and supports a high avian diversity. In addition, this area may support additional dove and Javelina, dove,

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quail and potentially Javelina hunting within that area and it does again, adjoin some of that property. What isn't here is, this piece of property is managed by the department as well as (indiscernible) trust fund. That's inside the Red Rock (indiscernible) facilities too. Those were actually (indiscernible) were reared and captive reared in the state and then released later on. So it really would have management of more or less this whole continuous piece of property throughout the Gila (indiscernible). With that I'll take any questions.

CHAIRMAN KIENZLE: Any questions or comments from the Commissioners?

COMMISSIONER: Have we seen this one before?

STEWART LYLE: Not this piece of property. We did ask the Commission if we could move forward with potentially acquiring this and start the negotiations and coming back to you with a formal later on, on acquiring the property but we'd like to continue in the negotiations.

COMMISSIONER: Stewart, that piece of property, the lows immediately to the left of the acquisition property that you potentially want to get, the one that you talked about earlier. Run that by again on what the ownership of that is. I know you got...

STEWART LYLE: We're trying to let this show this map was actually created by the trustees. It wasn't created by the department. The department that picks that is State Game Commission Land (indiscernible). We're looking to see if it is a transfer from State land originally to the State Game Commission but we're looking into that because it is within the hyphens facility out at Red Rock. It's been in that hyphens facility since I believe the 60's. It's been managed by the department for a very long time.

COMMISSIONER: Okay, thank you.

CHAIRMAN KIENZLE: Any other questions or comments? Yes Sir?

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COMMISSIONER RICKLEFS: Two to three acre feet of water, that's not per acre or I don't assume, that's just total two to three acre feet?

STEWART LYLE: Mr. Chairman, Commissioner Ricklefs that is correct. Just two to three acres feet of water.

CHAIRMAN KIENZLE: a public comment from Oscar Simpson.

OSCAR SIMPSON: I think I'll pass.

CHAIRMAN KIENZLE: (indiscernible)

GUEST SPEAKER: Mr. Chairman, Commissioners, (indiscernible) Lopez with Meso Cattleman's Association. We certainly understand that from time to time the Commission would like to purchase properties around the state for wildlife. You know we believe that with government, you know you surfing private property ownership with National Monuments and other things that are happening in the state purchase of land that we're inching ever closer to some of the other states where the majority of their land is not on private property anymore but is actually federal property or government property of one type or another and so that's our only concern. Thank you.

CHAIRMAN KIENZLE: Thank you. Is Mr. Bays still here?

COMMISSIONER: I think he may have left.

CHAIRMAN KIENZLE: Okay. I don't have any more cards on this one. Any other questions or comments from Commissioners? Yes Sir? (indiscernible) That's fine.

GUEST SPEAKER: I'm Joel (indiscernible) New Mexico Wildlife Federation. You know, this is an area where if this proposed Gila diversion goes in that will I believe have an impact on the Riparian area down below but that would just be something to kind of keep in mind as we move forward with the, as you all



move forward with negotiations just think of the possibility that that area of the river could dry up at times because of version. Thank you.

CHAIRMAN KIENZLE: Sounds like a discount.

JASON O'MARO: Again, Jason O'Maro, so I'm a Silver City resident and I'm real familiar with this country. So if you guys, the idea of this Red Rock would be awesome if we could go ahead and purchase that. There's a ton of Javelina, a ton of opportunities for sportsmen to get out there and play around. Don't tell too many people there's good (indiscernible). But it's really nice country. And then I saw something about the Double E ranches or the Double E Ranch. Is that part of that whole Gila Regional, that Gila resource (indiscernible) that is working on? Is that a done deal? No?

STEWART LYLE: Mr. Chairman, the Double E is now under the ownership of the state Game Commission. It was part of one of the twenty-one projects the trustees stated as would be highly beneficial to bird species as part of that settlement. The department worked with the trustees to purchase it.

JASON O'MARO: So yeah, so we're talking about the same country. That's wonderful country in there. I asked earlier about how the sportsmen get access to there and I guess it's part of some sort of process. I called Mr. Wonder, is that his last name? And I asked about that property. But I guess the issue is that how do sportsmen start to get access? Does it need to go through ERS, get your land card thing? What's that process?

FEMALE SPEAKER: Mr. Chairman and Mr. O'Maro, we are actually in the process of revising our entire rule on State Game Commission owned property and access to that. That should be actually in front of the Commission in September and that will dominate how that happens. So it's not necessarily an EIS process but it is an open rule vetting process.

CHAIRMAN KIENZLE: Two calling wondered about that.

JASON O'MARO: And you returned my call so, but thank you for purchasing that property because that's a great piece of country so thank you.

CHAIRMAN KIENZLE: Yes Mam?

GUEST SPEAKER: Very quickly, my name is Jean O'Sorio [phonetic]. I'm from Dons Ana County. And I'm wondering as you go through that process that you mentioned Commissioner, would there be consideration of access for birders and other non-consumptive users in that area as well?

CHAIRMAN KIENZLE: I'm sure that's all part of the, it's factored in before it gets presented to us. Okay, I see no more public comment on this one. It is an action Item so this is just the action you're asking for is to basically enter into negotiations?

STEWART LYLE: Mr. Chairman that is correct.

CHAIRMAN KIENZLE: Okay, can I get a motion on this please?

COMMISSIONER MONTOYA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER MONTOYA: I move to direct the department to work with National Resources Trustee, the US Fish and Wildlife Officers of the property willing to further develop perspective purchase by the State Game Commission. Get the (indiscernible) Fish and Wildlife Conservation property as presented by the department.

CHAIRMAN KIENZLE: Can I have a second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

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CHAIRMAN KIENZLE: Aye's have it. Agenda Item No. 17: a discussion Item with Greenwood Area Access Agreement with Vermejo Park Ranch. Jim Comins, good afternoon.

JIM COMINS: Good afternoon Commissioners. I'm here to discuss Item Number 17, the Greenwood Area Access Agreement. Just to let you guys know, as we we're working in this process a lot of people, we involved a lot of people in this process and they said, "Where exactly is the Greenwood Area", a legitimate question. So, I want to provide you guys with a map showing you guys the Greenwood Area. (Indiscernible) you'll see that it's on the southern portion of the Valle Vidal, it actually bares the Bobcat Ranch which is in (indiscernible) Valley to the west as well as (indiscernible) Ranch to the south (indiscernible). Just to let you guys know the Greenwood Area is approximately 12,000 acres and is currently owned by (indiscernible) Park Range.

[technical problems]

CHAIRMAN KIENZLE: Do those have a notch on the end?

JIM COMINS: Is it on?

CHAIRMAN KIENZLE: Yeah, should be.

JIM COMINS: Can I proceed?

CHAIRMAN KIENZLE: yes.

JIM COMINS: Just to give you guys a brief history on the Greenwood Area, it is initially (indiscernible) of understanding that was signed by the (indiscernible) Corporation (indiscernible) the department and the United States first service. It was a (indiscernible) of Valle Vidal and that agreement was signed in 1982 and it's been managed as part of the Valle Vidal since that time. Since 1982, there hasn't been any rule meetings, any updates or revisions to the 1982 agreement, or the memorandum of understanding. In July, I'm sorry in September, correction, in May of 2015 the department signed an open gate agreement with

(indiscernible) Park Range on a ten-year lease for the Greenwood Area. The details of that lease are that all rules on the Valle Vidal would apply to the Greenwood Area. As part of that the department will provide the location of the Greenwood Area to the public and we'll do that through the posting on the department's website. We're (indiscernible) the bank and detect violations. We'll conduct our (indiscernible) duties related to the bag limits, harvest gross and licensing. And this is a big one and this is one thing that the (indiscernible) did want us to do and we'll go back through and file through with that, is provide public notice of the (indiscernible) Park (indiscernible) hunting and fishing on the Greenwood Area. We may have (indiscernible) where provided the department has raised public access to the Greenwood Area so that (indiscernible) but no cost to the department or the sportsmen. I think that's one thing that we should really take from this is they essentially allowed us to lease his property for ten years at no cost. With that being said, you guys have any questions?

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes Sir?

COMMISSIONER ESPINOZA: (indiscernible) how big is the Greenwood Area?

JIM COMINS: Mr. Chairman, Commissioner Espinoza, as I stated earlier it's approximately 12,000 acres. It's 11.5 and 700 (indiscernible)

COMMISSIONER ESPINOZA: Okay, I missed that.

JIM COMINS: Okay.

COMMISSIONER ESPINOZA: I wanted to make a few comments. One, I wanted to applaud you for working with Gus and those guys at the (indiscernible). I've heard that you've been just tremendous getting this done with them. Then I want to point out a couple of things. When I first met Gus a couple of years ago, we had lunch and he informed me that the Greenwood Area was in actuality owned by the Mernecio Park. I always thought and I don't know how many people didn't realize but I always thought it

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was (indiscernible), it was part of the Valle Vidal. So when you're telling me that agreement was dated in 1982 that's when I got a few people in the department to get the ball rolling so I'm glad we're at this point, I'm glad you're going to let people know that (indiscernible) and it just shows that you know we do have people that are out there doing good things for sportsmen and the cooperation and it's (indiscernible) land owners and the department have to create opportunities for our sportsmen. That's what I wanted to say.

JIM COMINS: Mr. Chairman, Commissioner Espinoza, thank you.

CHAIRMAN KIENZLE: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Access home change according to your (indiscernible). There's no access whatsoever to the Greenwood. Most of the access comes around from the Valle Vidal from the top to the (indiscernible).

STEWART LYLE: Mr. Chairman, Commissioner Ricklefs, if I may go back and it said that all the roads that apply in the Valle Vidal will apply to the Greenwood Area. We put that in there to insure that there's closures would essentially occur on the Greenwood Area and that would fall under the (indiscernible) closure.

COMMISSIONER RICKLEFS: Course there's no access to Greenwood when the Valle Vidal closes during elk hunting season and so forth.

STEWART LYLE: That's correct.

CHAIRMAN KIENZLE: Oscar, any comment?

OSCAR SIMPSON: Yes Sir. Oscar Simpson, representing the New Mexico Chapter of Back Country Hunt at night. I worked on the Valle Vidal Campaign to keep (indiscernible) from drilling the eastern half there, so it would be great if we could keep this access open. But one question got (indiscernible) reverse

back to the map is coming in from the south end is Mr. Radcliff's (indiscernible). The access is not existant from your property, what's the name of the property on the south end?

MALE SPEAKER: Bob Cat.

OSCAR SIMPSON: Huh? Bob Cat right?

COMMISSIONER: (indiscernible)

OSCAR SIMPSON: So, where's the potential for getting access from that south end?

MALE SPEAKER: You can actually access it through the (indiscernible) but it's for access only.

STEWART LYLE: (indiscernible) hunters that draw Valle Vidal. May I ask, can I answer his question?

MALE SPEAKER: Yes Sir.

STEWART LYLE: Okay. Turkey hunters that actually draw the Valle Vidal in the Greenwood Area will actually come up through the barker and go into the Greenwood Area and hunt. (Indiscernible)

OSCAR SIMPSON: Okay. It's quite a few years ago since that was 2000,14,000,6, when I was down in there but more public information to let people know that would certainly help I would guess is a recommendation. So anyhow, it's a very (indiscernible) and thanks very much for the may hope of giving us access (indiscernible) great elk, deer, bear and turkey. Thank you.

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

COMMISSIONER: Just like to comment again I wanted to (indiscernible) thank Gus for their effort in doing this. I'm coming. So thank you again from me personally.

MALE SPEAKER: Mr. Chairman, can I?

CHAIRMAN KIENZLE: Sure, who are you?

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MALE SPEAKER: Mr. Chairman, Commissioners, I'm Gus Holm [phonetic], I'm the General Manager from (indiscernible) Ranch. I want to thank everybody at Game and Fish for allowing us to continue this partnership with Game and Fish. It's only one of the projects that (indiscernible) has with the Game and Fish. We're working on a large group, a cutthroat trout project. (indiscernible) will be completing this year and next year and I wanted to thank Jim and Ray Sanchez and Kyle Jackson and (indiscernible) for all their help in getting this done and getting it updated so it's got new updated language. It's been, Jim really was helpful keeping everything moving on and I appreciate his help. Commissioner Espinoza, thank you for your efforts. It is a great area. (Indiscernible) is glad to be able to provide public fishing and hunting access to the property and if you haven't had a chance to walk through it, it's a beautiful hike from the (indiscernible) Barker up to Greenwood. It's one of the prettiest sites in the state I'd say. So if you have a chance you should see it. But thank you, thank you for (indiscernible) Commission and especially the department and staff that helped out.

CHAIRMAN KIENZLE: Thank you. That was a discussion Item. So we're on to the Dan Brooks memorial (indiscernible) to amend imputation and possession of Tilapia and other fish. I can't believe you laughed at (indiscernible). Final action Item is not (indiscernible).

FEMALE SPEAKER: Mr. Chairman, I did point that out on the day he walked out of the office.

CHAIRMAN KIENZLE: Yes, and he had a big smile on his face. I'll show those guys. Agenda Item No. 17: Tilapia and other Fish.

MICHAEL SLOANE: Mr. Chairman, Commissioners, I appreciate your mentioning Mr. Brooks (indiscernible). This is in fact one of his Agendas. As we talked about before, Legislature made Tilapia a (indiscernible) species and I'm here to address economic development, interest in terms of (indiscernible) and fish culture. A necessitated change in rules, to allow for importation of tilapia for the possession in (indiscernible). We've done that by amending the importation rule and the classing (indiscernible). Just a few of the changes that are included in the rule, restricting the type of species of tilapia. That they can

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have a higher number of bag limits restricted to the two (indiscernible) pond, laced in the facility of pond and some disease testing and then also used to qualify expert environments allowing rule to restrict who can have fish that can be produced versus fish that cannot. Just with that, I'll stand for any questions.

CHAIRMAN KIENZLE: Commissioners? Does the public have any comment on tilapia and other fish?

FEMALE SPEAKER: I think we have one comment. Oscar.

MALE SPEAKER: I would also point out I happen to see two public comments.

CHAIRMAN KIENZLE: What do those comments say?

MALE SPEAKER: One said they support tilapia and the other was a question by the New Mexico Aquaponics Association, whether they should come to the meeting.

CHAIRMAN KIENZLE: Do you get the fast cooking method? Tartar sauce, or something.

MALE SPEAKER: We do try, (indiscernible).

CHAIRMAN KIENZLE: Alright. This is an action Item. Can I get a motion?

COMMISSIONER RAMOS: Mr. Chairman I move to approve proposed changes to the Importation of Wide non domestic animals, Birds and Fish Rule 19.35.7 NMAC and the Class A Park and Lake Rule 19.35.9 NMAC as presented.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

MICHAEL SLOANE: Thank you.

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CHAIRMAN KIENZLE: Enjoy your new Rule. Agenda Item No. 19: Final Proposal to Amend Permits and Licensing Rule. Colonel Griego and Dave Rohrbach. Good afternoon.

DAVE ROHRBACH: Mr. Chairman, the department is presenting the final proposal to change the structure for miscellaneous fees including those for captive live fish used for propagation and sell and we'll discuss modifying licenses. Vendor requirements and restrictions established in 19.30.09 (NMAC). The major changes for proposal to this rule are to (indiscernible) assessment of financial liability; it's no longer necessary to be online licensing sales. (Indiscernible) to determine vendor eligibility, procedures done on premise. (indiscernible) permit fees for research and up close assistance and eliminating the fee (indiscernible) permit. Chapter 17 establishes the Commission's authority over licensed vendors and authorizes the Commission to set fees for permits, not to exceed administrative costs, Commission Rule 19.30.09 establishes (indiscernible) for licensed vendors plus the fees for many special use permits. This Rule was passed over two years ago. There have been significant changes in the ruling, we process our licenses with the online licensing system and the costs for (indiscernible) special use permits have evolved over time. Vendor eligibility and (indiscernible) requirements. Vendors must follow procedures in the current licensed vendor manual agreement. It also determines when a (indiscernible) bond is needed and when a (indiscernible) bond can be waived. (indiscernible) bond can be waived. The vendors must participate in web based sales system and submit payment every two weeks or \$5,000, whichever comes first. (indiscernible) vendors must provide a credit check. Vendors with less than average credit are ineligible for the waiver. And (indiscernible) with felony convictions, those who are, have hunting, fishing, trapping privileges revoked or suspended or who has an outstanding civil assessment of may not obtain a waiver. The vendor must have a current agreement with the department on the (indiscernible) form. Due to the federation, we have cash acceptance from just suspended or reactivated and also allows the Director to determine if the group of vendors privileges may retained and to continue to waive upon requirement. The exception is the Director's authority. The Director (indiscernible) and place restrictions on vendors who violate agreements and the applicant may appeal to a Director to make a determination.

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In regards to the vendors fees, vendors fee are paid one dollar per transactions. The department will pay vendors for the previous month by the 10<sup>th</sup> day of the next month and all vendors must be involved in the State Central Accounting System.

COLONEL GRIEGO: Mr. Chairman, Commissioners, the reason I'm still up here is we have so much out in field operations; we created a three-tier system for Aquaponics or agriculture. Currently, the only way individuals can (indiscernible) fish is with a Class A Park Permit, Class A Lake Permit, sorry, we're showing is \$101.00. We've created a three-tier system where basically up to 75 fish or 750 gallons will be a \$20.00 permit, 76 to 150 fish or 1,500 gallons will be \$30.00 or more than 150 fish or greater than 1,500 gallons will be \$100.00. So that gives those individuals the opportunity. The aquaponics for the most part is the self-sustaining system where people put fishing to a closed system. They use (indiscernible) fertilizer and then grow small crops but it's for personal use. It gives people an opportunity and it's cost effective to have these (indiscernible) and go on with their program. And then the other thing is we eliminated the fee for applying for a zoo permit. It was costing \$15.00, zoos are very helpful to us, especially when we end up with a critter that we can't house like venomous snakes, alligators and such so their very helpful to us at times. So it was good for us to just waive that fee (indiscernible).

CHAIRMAN KIENZLE: Commissioners, any comments? (indiscernible) sorry.

DAVE ROHRBACH: Mr. Chairman, Commissioners, the department would respectfully suggest withholding motion to move and repeal existing Rule 19.30.09 to replace it with a final proposed changes to Rule 19.30.09. We did receive one public comment.

CHAIRMAN KIENZLE: Actually it was for tilapia right? They just hit the wrong button. Kidding.

DAVE ROHRBACH: No Sir. (Indiscernible) but the one vendor who responded didn't like that they had to pay every two weeks \$5,000. They didn't like the size of our (indiscernible), they didn't like our standard requirements and they didn't like (indiscernible) vendor fee as an option.

COMMISSIONER: (indiscernible)

CHAIRMAN KIENZLE: I'm surprised there was just one comment. I mean there's contentious on the (indiscernible) to today or in the years moving to a lot of online systems, so maybe begrudging acceptance from people that are affected by the Rule, so.

DAVE ROHRBACH: Mr. Chairman, I wouldn't be able to (indiscernible) but I would say the majority of the vendors do like our online licensing system. There are people that don't but the vast majority of them do like how we do business now.

CHAIRMAN KIENZLE: It's a step in the right direction. Any other questions or comments from Commissioners, anyone from the public? This is an action Item. Can I get a motion please?

COMMISSIONER ESPINOZA: I move to repeal the existing Rule 19.30.09 (NMAC) and replace it along with those changes for a new Rule 19.30.09 (NMAC) as presented by the department.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: all in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. On to the Fiscal Year 2017 Operating Budget Approval. Oscar do really want to talk about (indiscernible)?

OSCAR: (indiscernible)

CHAIRMAN KIENZLE: Okay. You just keep crying wolf you know. Thank you.

DAVE ROHRBACH: Mr. Chairman, Commissioners, the department will present and discuss the proposed Fiscal year 2017 Operating Budget request for the Commission to review and approve for bank

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certified. The (indiscernible) final approval from the Commission for (indiscernible) by the statutory deadline of September, 01. At the meeting 2015, the Game Commission and the department presented the FY operating budget time line. Since then the department has sought the Commissions guidance in regards to the Fiscal Year 17 Operating Budget. We incorporated your suggestions and upon Commission approval we will submit the (indiscernible) operating budget to the legislative (indiscernible) for consideration. ISD budget recommendations to be (indiscernible) the 2016 Legislative Session. The goal for Fiscal Year 17 will be efficiency. In the department we request an expansion of ten Game Warden positions two (indiscernible) positions which Assistant Director Chad (indiscernible) will discuss in his presentation. Our overall budget is a little more than thirty million dollars. The Governor's Office did direct general fund agencies to retain five budgets for the department. It's not a general fund agency. So, we we're requesting expansion (indiscernible) with the Assistant Director Chad who will discuss later. The department is doubling with four programs, Field Operations Program which includes all area operations in law enforcement. The Conservation Services Program, P77 which includes the Wild (indiscernible) Management Division, the Fisheries Management Division, Ecological and Environments Planning Division and Informational and Education Division. Wildlife depredation and uses of (indiscernible) and that's part of the Wildlife Management Division and predators that sport support which includes the Administrative Division, the Administrative Services Division and Innovation Services Division. For Fiscal Year 17 Operating Budget requests, the charges you'll see is a break down out of the amount of monies that they requested in each program. This year that P77, which is (indiscernible) for the department is the largest, it's greater than half. We did release the size of the programs in quote and move somebody from up from there into the Field operations and the Conservation Services. This chart you'll see a break-down of the amount of money budgeted into each category. Personnel Services is salary and benefits and insurance for employees and that's greater than 50% of our budget, Contract and Services and Professional Services, for example, attorney contracts or (indiscernible) contracts. Other costs would be tentative products such as vehicles, capital projects or office supplies. And other financing uses would be transfers to other state agencies. And this chart is a Final

bread-down of how our projected revenues broken in by funding. This is an action Item that (indiscernible) and I'll stand for any questions.

CHAIRMAN KIENZLE: Let the public know that we did (indiscernible) as Commissioners individually on the budget before we get here. Otherwise we might be here all day just talking about the budget but we do have that from the department before we get here today so we're familiar with what the department has already presented to us. So there may not be a lot of questions so don't think that we're blowing it off, it's that we've already asked them some of these questions already. Commissioners any further questions or comments you might have on the budget that you didn't get answered as I mentioned? Yes Sir?

COMMISSIONER: I went through this quite heavily as you might remember and I've gone through a lot of budgets in my time, this one is (indiscernible), it's dependable, it's appropriate and I was tickled of the numbers in here.

FEMALE SPEAKER: Mr. Chairman If I may, Sonny I don't want to put you on the spot but I do want to introduce Sonny Lew who's in the back. He is our Legislative Finance Council. Amma Lenttz [phonetic] who will be working with him since the beginning of our process and we will be working with him and these (indiscernible) from the Department of Finance Administration for the next several months. So again, this is the beginning of a process, welcome Sonny, he is brand new to the agency so we will be working with him and his counterpart with the Department of Finance Administration.

CHAIRMAN KIENZLE: And so all the people that breached me should go to Mr. Rohrbach, Mr. Rudolph Rusk [phonetic], would you check and make sure, and then I'll direct Donald, so everyone who participated in there is very helpful because there's a lot of pieces, parts in the budget and so everyone did a fine job on the lead up to today. And we get audited and so it's important that I have confidence in the numbers because they ask me, they take me aside; the auditors do, and say is there anything that you know they're not telling us? So, my butt's on the line too, when it comes to this budget and these things.

So, I have high confidence that this is a good budget just as all of the other ones that I've seen because we've got great people working on them over the years. So that continues so thank you everyone.

COMMISSIONER: I would second that though as Greg informed me and I appreciate the effort. I am happy to see new positions (indiscernible) and I surely hope that (indiscernible).

CHAIRMAN KIENZLE: I commence, that's kind of an (indiscernible) process right? So we can ask for him but we're not always the master of that final decision. So I know people don't want politics involved in these things but there is politicking in things that go on to make sure that we get the personnel they think we need so there's a lot of phone call fighting but there's, you know, some of that jostling behind the scenes that it isn't seen, so we work hard, I know the Commission does, to get the department people that it needs to do the best job for sportsmen. So keep that in mind that this is sort of a beginning and not the end of this process too. So, thank you. This is an action item. If there's any other questions or comments?

COMMISSIONER RICKLEFS: I move to approve the Departments Fiscal Year 2017 Operating Budget and allow the department staff to make technical adjustments and changes necessary to incorporate assessments and later changes. (Indiscernible) and other accepted changes (indiscernible) and prior to the statutory deadline.

COMMISSIONER RAMOS: Second

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Thank you.

FEMALE SPEAKER: And my hats off to Paul Verrella [phonetic] and his crew putting the budget together. It seems very simple, as he pointed out to the Chairman that it's about a month and a half of non-stop work on their behalf. So thank you very much.

[Applause]

CHAIRMAN KIENZLE: Yes Sir I'm sorry, did you have a question?

OSCAR SIMPSON: But you didn't ask (indiscernible).

CHAIRMAN KIENZLE: I'm sorry; I figured you'd chime in.

OSCAR SIMPSON: I think (indiscernible) look at the website. Is all this information transferred on the website so we can see it? (indiscernible)

CHAIRMAN KIENZLE: Only if somebody sees fit to give the Commission a website. I'll let you know. But as far as the department does.....

FEMALE SPEAKER: Mr. Chairman, Mr. Simpson it is not currently posted because this is the beginning of the process. It goes through DFA and LOC and so at that point we're not even at the stage where it's getting to become a final document. That happens through the legislative process. So it is not posted currently on the website.

OSCAR SIMPSON: Mr. Chairman, I would like to make sure (indiscernible) because like you said in politics. The sportsmen in the past (indiscernible) lost staff or want money to put into (indiscernible). I would request (indiscernible) on this. (Indiscernible) and it changes. Indiscernible) But also we would like to know in your revisions (indiscernible) so we'll know who's tied with what department (indiscernible)

CHAIRMAN KIENZLE: ((indiscernible) the Director in terms of the actual budget, I know there's a process that is used.(indiscernible) we see what we can and can't make available that's appropriate. But I understand what you're saying.

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OSCAR SIMPSON: I have a question. See a man on (indiscernible) for a huge amount of money for access and you have a slush fund, or you move money around or how do you know (indiscernible)

CHAIRMAN KIENZLE: Don't use slush fund. We don't have slush funds. But we, however it goes down, we will find the money as we normally do on that same line item, line item that we've had for years and we'll find a way to get it done.

OSCAR SIMPSON: (indiscernible).

FEMALE SPEAKER: Mr. Chairman, Mr. Simpson, within certain statutory, I believe we do. You know it's not unending and whatever we want to do so we have to work both with LOC and DFA to make those types of changes happen.

CHAIRMAN KIENZLE: That's being asked by the Land Office depending upon what the number is. Whether it's today or down the road it's either easy or takes an, not quite an act of congress but you know a lot of moving parts with other parts of the government.

OSCAR SIMPSON: (indiscernible) we want to have a voice in this and I also know the legislative process and make sure the (indiscernible) cost of the budget or staff.

CHAIRMAN KIENZLE: I suspect nobody in any other branch of state government is going to give me any money to pat State Land Office but yes, I understand. So I'll visit with the Director and see as a matter of process what's possible and what and what isn't.

OSCAR SIMPSON: Thank you Sir.

CHAIRMAN KIENZLE: Alright. I think that one's done. 21: Perspective Initiative for the 2016 Legislative Sessions.

CHRIS CHADWICK: Mr. Chairman, Commissioners, what I'm presenting now is pretty much an elaboration of what's presented today. I'm going to talk a little bit more in detail, not only about some of



the budget items that will be requested, answering some of the questions that we had (indiscernible) but also another mission too that we hope to reaffirm with this year in the legislature beginning in January, 2016. Specifically, the department is seeking your approval to pursue the hiring of twelve new positions. Those positions include ten new Game and Fish Officers and then two to be in our Information and Technology Services Division, our IST Division. In addition to that we would like to, we're seeking your approval to seek legislative, to seek a change in (indiscernible) from the legislature that would include licensed (indiscernible) fees in the cost of the license. In so far as our budget expansion request, the (indiscernible) change would be part of Field Operations Division. We estimate that this cost would be somewhere around \$960,000. I think it's important to note that these positions are only for district officers only. Where not talking about (indiscernible) or corporates. These are people that, our officers that we want to have out in the field, that are doing the work on (indiscernible) basis. In so far as our Information Services Division request, again, that's two full time employees. We're looking at expenditure of approximately \$220,000.00 and where we can utilize these folks, (indiscernible) to have about computer security. The other individual would be handling our quality assurance. A lot of people don't know what quality assurance is but as we develop our applications and more and more of our systems go online we want to be able to make sure that the products that we put out there, number one, our products are tested before we go out there and (indiscernible) that all customers can utilize it and understand them and that would breach that gap between them, the technology side and the user (indiscernible) and we feel that this is a product, ready to pursue with that and have some dedicated for that particular cause. In so far as consolidation of the license stamps, this will apply to a game hunting license or fishing license or the combination game hunting and fishing license. With the admin of our online licensing system, we realize that we can take that habitat stamp or public user stamp and our habitat management and access or management access validation fee, and we can roll that into the cost of the license. We believe that doing so would reduce confusion, it will reduce violations and that it will make our processing's much easier. I can tell you from our experience (indiscernible) and the Albuquerque officer of the year selling licenses (indiscernible) that I heard from our customers time and

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time again is that they just want to be able to purchase a license and know that their going to be in violation. So we believe that this would simplify things. We believe that it would be cost neutral to the agency and so we would like to secure approval to withhold with this legislative imitative. Moving forwards in the process, so far as the budget (indiscernible), again we touched on this but we would present our request Fed FC, DFA to come together, we would eventually come up with a (indiscernible) budget once that's being decided upon each side and then that would move forward for the legislative process. As far as the deal that we're making out with your approval, the department would draft the bill consolidating licenses and we'd move to executive branch, we seek their approval, upon that we'd seek our sponsors and we'd try to move forward. Again, this is a show session in January and so we won't have a whole lot of time to do that but we (indiscernible), we can move forward with this bill.

FEMALE SPEAKER: Mr. Chairman to add to that, the thirty day sessions are relegated to financial items only and any other things that are put on the Governor's call.

CHAIRMAN KIENZLE: So you want to consolidate, instead of me going in and saying that give me every possible license and stamp that I need so I'm legal when I go out in the field. You want to basically have one stamp that covers.

CHRIS CHADWICK: Potentially, the way that it worked, for example now the game hunting licenses as a gateway license. You have to have that when you applying for hunts. So theoretically, as a (indiscernible) this would be set up to where, because you would purchase your game hunting license and the \$9.00 that we're talking about which is the fee for the (indiscernible) stamp and the habitat stamp, it would just be rolled into the cost of that license. There wouldn't be a little box that you would check or select, it would just roll into the cost.

CHAIRMAN KIENZLE: So I'd ask Nathius, can you look at the issue whether we can do this by rule or if we have to do it through the legislature? Because I know when I first started my commission, trying to put first time hunters in the field and we we're going to go through a legislative (fix for them but I felt

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like we could do it by rule and we did. So would you take a look at that and report back on it? I was not on recommending approval of what you've proposed here but I would like to see if we can do it by rule instead of an actual legislative fix because it's its neutral right?

CHRIS CHADWICK: Yes, those fees are already currently in statute but the way the proposal I would be wondering with that that it would be safer and more prudent to go before the legislature. However, surely we do have the Council take a look at and make a determination.

CHAIRMAN KIENZLE: Okay. I don't know if we'll put this on the next Agenda or not, that issue. By why don't you take a look at it and then visit with the Director and then Director, talk to me and we'll see what we can do. But I agree it's a good idea.

CHRIS CHADWICK: So with that said, as we move forward (indiscernible) we're seeking approval to move forward so this would be an action Item. However, if there's any more discussion I'm here to answer any questions.

CHAIRMAN KIENZLE: These are new laws that I can get behind because you know I'm not usually in favor of more laws so, these look corporate to me.

CHRIS CHADWICK: It's true, it's something that I thought it would make it easier for sportsmen and reduce chances of unintended violations.

CHAIRMAN KIENZLE: Amen to that. Any questions or comments?

COMMISSIONER: I just appreciate how you're trying to simplify it through the person buying the license and I'm sure once they buy it they would want it transferred to the others, just show up automatically to the (indiscernible).

CHRIS CHADWICK: Yes.

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

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COMMISSIONER RAMOS: Mr. Chairman I move ....

CHAIRMAN KIENZLE: Any public comment on this one? I didn't think so. I have (indiscernible) Jean, do you want to speak on this one?

GUEST SPEAKER: I'll decline.

CHAIRMAN KIENZLE: Okay, and then I have Garret, but I do not have one for you. But you're okay.

GUEST SPEAKER: I'll be Garret. On the license there's one thing that, I was in (indiscernible) New Mexico last year and there at the Walmart I was buying powder bead or whatever and ...

CHAIRMAN KIENZLE: That stuff really work?

GUEST SPEAKER: It does. I got 1,600 thousand fish. And the thing that was ingenious, the guy was selling up there tied for Gila, Gila now even closed. So are there, it would we could try some (indiscernible) but I don't know the solution to that. But now Out of Staters are coming in, they're buying bear tags and most of the areas they're going to hunt are already closed. So I it's a little bit different, we're talking about licensing and stuff but I think if we could somehow take a look at that as far as licensing goes.

CHAIRMAN KIENZLE: Does that make sense?

CHRIS CHADWICK: The bear licenses are over the counter so it's clearly something that, you know they would buy a license and we would like to make sure that people get the word on those closed units and sounds like someone bought one and the vendor really wouldn't know that, it's incumbent upon the hunter and we can certainly do something better to get the word out to the hunters.

CHAIRMAN KIENZLE: Okay. Any other... Yes Sir?

GUEST SPEAKER: (indiscernible) We echo everything that's been said about the importance of simplifying these licenses because you know people have been around for a long time and we still don't

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get it and so if you can just make a \$59.00 license instead of a \$50.00 license and a \$5.00 and a \$4.00 stamp, much better. Easier for you guys and if you can simplify that yourself, perfect. And then, just beyond that, the Game Commission and the department, really you need to know that the Wildlife Federation will once again be there at the legislature. Probably the only sportsmen group at the legislature pulling for, you know trying to get you the full budget that you want and protecting sportsmen's rights. So just want to reiterate that long standing support that we have made to this department.

CHAIRMAN KIENZLE: Thank you. Can I get a motion on this please?

COMMISSIONER RAMOS: Mr. Chairman I move to approve the departments 2016 legislative initiatives.

CHAIRMAN KIENZLE: Okay, the one off of here. Okay, let's make a motion to (indiscernible).

COMMISSIONER RAMOS: Mr. Chairman, I move to direct the departments develop and submit for executive branch review a legislative initiative seeking of recurring budget expansion to fund an additional twelve full time employee FT positions.

COMMISSIONER MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

ALL EMPLOYEES: Aye.

CHAIRMAN KIENZLE: The Aye's have it.

COMMISSIONER RAMOS: Mr. Chairman, I move to direct the department to develop and submit for executive branch review a legislative initiative to consolidate licensed stamps to be loaded as a single license fee at the time of purchase.

COMMISSIONER MONTOYA: Second.

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CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The Aye's have it. Good luck with the legislature. Agenda Item No. 22: Update on New Mexico State and Wildlife Action. Yes Sir, ready whenever you are. I'm sorry, my apologies.

MATT WUNDER: Mr. Chairman, Commissioners, I'm here to present an update on the scheduling and status of the State Wildlife Action Plan Updates and before I get started I would really like to commend Commissioner Ricklefs for attending one of the public meetings that we held and we appreciate your interest in that. (Indiscernible) backgrounds, and we've talked a little bit about this before. The departments been working on the revisions since early 2014. We've been working with (indiscernible) help guide the discussion and the process of selecting species, key habitats, again by (indiscernible) and potential conservation actions. The department posted those components, those first substances of components, on the department's website. We sent out an email notification and then we had five public meetings to present an overview of the program, the revision process and the status of some of those components that have been developed. And we solicited comments during those meetings. The five meetings that we had, there were two in Albuquerque on the 28<sup>th</sup> of July, one specifically for private entities and then one for the public. The numbers in parentheses are the people, the number of people aside from Game and Fish employees that attended those meetings. So there's, like I said the two in Albuquerque, there was one in Los Cruses, one in the Roswell and then one in Taos. In response, the general responses that we received from people that they wanted to see a more complete document. We did as I mentioned put up the substance of components of the documents. The rest is (indiscernible) conservation need, the habitats, the potential threats and conservation actions. But we're working towards a dead line of September 30<sup>th</sup> on that and so we hadn't pulled those together at the point where we presented the public, what we completed to date. So, as I said, people wanted to see a more complete or cohesive document that they can review. They also expressed an interest for more time to view the draft

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document. And they also made comments that federal management agencies were using the CWS, CWCS/SWAB language against them in their administration plan management. As a result of that we established a meeting with the agricultural community to address some of the concerns that they have about the use of this document by the federal loan management agencies. We had agricultural representatives that pointed out that they felt that this CWCS/SWAB was being used as a regulatory document. The Forest Service (indiscernible), it's a natural resource conservation service attended the meeting and we iterated a number of times that their use of this document was during the planning processes, in their plan processes because forest, (indiscernible), Bureau of Land Management also does it. So they reiterated multiple times that their use of this document is strictly during their planning processes, as one of a number of sources and information that they use when developing their forest and so are other land management plans. This is a list of the people that were attending that meeting, we attend that meeting and we had a fairly comprehensive discussion about the issues that were raised by the agricultural community and the response of the land management agencies. I would call your attention to the thanks that the forest service, we did have a regional forester who was in attendance (indiscernible) for the Bureau of Land Management, we had the new State Director. So these were fairly high level representatives from those agencies that were in attendance and the representatives from the agricultural. We had numerous opportunities to raise their concerns and get responses from those officials. So in response to the request that the information that was relayed to us during the public meetings, (indiscernible) requested an extension to the deadline to submit the document until December 1<sup>st</sup>. A letter was sent out yesterday to the Fish and Wildlife Service requesting this deadline extension. I doubt there will be any difficulties with that. My understanding is that there are six other states across the United States that have requested an extension and those have been, you know to the best of my knowledge the services addressing those. So, assuming that extension is granted and like I said, I see no reason why it wouldn't be, we will have a final draft, a more complete cohesive final draft document available for public review from the 1<sup>st</sup> through the 30<sup>th</sup> of October of this year. So essentially a month from now we will have a draft document that (indiscernible) for one month of review. Then the final swab will be Final

submitted to fish and Wildlife Service on December 1<sup>st</sup>. And during that period when the document is out for public review the Director and Director will have an opportunity to review and comment on that document. We'll have the opportunity to address any concerns that are raised in that venue and so then we will still have a month to address any additional comments from what we receive from the public and to make any final modifications to the department over the course of November. And with that I will be happy to stand for questions.

COMMISSIONER ESPINOZA: (indiscernible) go first. Will the Commission have an opportunity to come in on that and review that before you submit it?

MATT WUNDER: I certainly don't see why not. It will be available to anybody that wants to look at it, yourselves included.

FEMALE SPEAKER: Mr. Chairman, Commissioner Espinoza, we'll make a point of getting those documents to the Commission for review.

CHAIRMAN KIENZLE: So tell me what, I sense this federal legislation that this plan comes out at what, tell me more about how this ends on the Director's desk to go out to, who is it ultimately submitted to?

MATT WUNDER: Fish and Wildlife.

CHAIRMAN KIENZLE: Fish and Wildlife. So tell me more about the authorized in legislation for that as you understand.

MATT WUNDER: Back in 2002, congress passed a law that essentially created the State Wildlife grants Program and that's a program that provides funding to the states trust territories to support conservation as species, the idea of being to prevent species that aren't necessarily listed as threatened or endangered but there might be concerns about those, the idea being that their providing funding so that we could implement, our states implement conservation activities to try to try to prevent those species from declining to the point where they would need to become listed. So the goal essentially, is to prevent

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listing of species. Money was allocated or authorized for this expenditure. One of the requirements of that program was that each of the states that are receiving funding must create back by 2005 a strategy for how they were going to be using this money. And there were eight required elements who were identified in the documentation that required what we thought as our comprehensive wild conservation strategy. One of the eight required elements was a periodic update of that document. So within ten years that document had to go through a revision process and so that's the process that we had been going through since January of last year.

CHAIRMAN KIENZLE: And your understanding is that legislation puts the responsibility ultimately on the Director to sign off on that so you can submit it to Fish and Wildlife?

MATT WUNDER: I don't know that it, the legislation says specifically states that the Director of the State Wildlife Management Agency has to be the one that submits that. I don't think that was addressed in the legislation to the best of my recollection.

CHAIRMAN KIENZLE: So do we have a, is there a Rule? There's no Rule on this particular plan. So Director how does it end up on your understanding on these, how does it end up on your desk for your approval rather than going through a Commission process?

DIRECTOR: Right, so it doesn't, as far as I understand the components of that just require that the State Wildlife Agency send in an approved plan, not necessarily through the Commission. So it doesn't specifically articulate that being governing body over the agency is the one to approve it but the agency itself does have to approve the plan before it gets turned in.

CHAIRMAN KIENZLE: Okay. So we visited on this I think in July right?

MATT WUNDER: Correct.

CHAIRMAN KIENZLE: And I can't but I distinctly recall, no I can't recall, if I had the page, if I saw a draft or at that time was it, was it in written form at that point in time?

MATT WUNDER: No it wasn't. At that point we have gone through and I developed you know first going through and identifying the species the (indiscernible) conservation needs. So that was one of the first. One of the required components, one of the other required components is identifying key habitats. So we've gone through and we've done that as a separate process with the (indiscernible). We then run through the process of identifying potential threats to species in habitats and or habitats and then looking at potential conservation actions that would address those threats. And so when we did our last presentation we we're in the process of, you know we'd gone through and completed pretty much the identification of the species and the key habitats who were in the process of working with any departments with our core team [phonetic] identifying what are potential threats, choosing species and habitats and then addressing, looking at actions so we could address those threats. And so we hadn't at that point created all those components. We had selected the species, identified the habitats, we were in the process of identifying the threats in the conservation actions and then we tried to pull those together before presenting those. We felt presenting the over view of the process and the status of the document development during your public meetings in the end of July.

CHAIRMAN KIENZLE: So my concern is that plan is never really put through a public process thing, you take public input but we don't have a Commission Meeting per say on it where various people can say what they want to say about it. So I would caution Director, you know be mindful of that, that if it is an fact something that only gets signed off on by the Director that there's a lot of different viewpoints that they're taking into account. I saw in some of the slides that seemed that some of the stake holders were concerned that it would be used as a regulatory, a regulatory document would be held against them or however you conceive of that. I think a statement in the plan to the affect that it doesn't have that force of law, force of rule or something like that would go a long way to alleviating their concerns. I believe people will always see boogeymen but if we go out of our way you know to say that this is merely a plan, it's not binding, something or other, that might help resolve some of those problems. So if they're not going to detest through a public process, it puts a lot of pressure on you to get it right. In my opinion on

that is less is more. If we got a plan that does not have to drill down to the (indiscernible) let's go with something that's perhaps less substantial but then more flexible in the end. So that's my comment on that. Yes Sir?

COMMISSIONER: I'm pleased to see reaching out to the people on the ground, that that's been done and I'm pleased to see the headway that you're making for sure. I find it very surprising that people out on the ground say that it's being used as a (indiscernible) regulatory document and Fish and Wildlife Service says no, it is not. That does not surprise me at all. Again, that's just a suggestion you know, executives somewhere, some sort of statement even though you cannot direct what the Fish and Wildlife (indiscernible) can do, a statement that says this a planning document and not to be used as a regulatory tool by any agency. That's not going to change what they do. But I'd like to see that type of language in the executives (indiscernible). The list that concerns species is really long. Are there any threatened or endangered listed species in New Mexico on that list?

MATT WUNDER: Yes Sir.

COMMISSIONER: (indiscernible) since there's a separate process for dealing with threatened and endangered species in New Mexico.

MATT WUNDER: Part of the rationale for that was, about a year and a half ago we had a meeting with the Fish and Wildlife Services where initiating this planning process and they, the initial document had 452 species of various conservation (indiscernible) which did include both State and Federally Listed threatened and endangered species. I was not involved with the original drafting or the comprehensive on it, conservation strategy but my understanding is that part of the reason for including those is number one, they are species that are in great need of conservation and highlighting that is one component of presenting the overall framework of the status of species in the state and the potential needs for conservation. Also, in terms of if there are opportunities to use the State Wild Grant Funding,

COMMISSIONER: (indiscernible) you noted (indiscernible) you said the, received (Indiscernible)

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Funding and you wanted us to do a project that potentially would benefit a threatened or endangered species, it would need to be a species of greatest conservation need in order to use the source of funding. So it essentially keeps the door open to provide opportunities to remain assessable as possible in using these State Wildlife grant Funds.

COMMISSIONER: I understand that, but what if the objective of this document was to keep species off of the list and you've got species on the list in the document? It doesn't make a lot of sense, but I understand trying to get money for them.

CHAIRMAN KIENZLE: What is the amount of money that the department receives?

MATT WUNDER: We have since 2202 received about 13.9 million dollars through this process. The (indiscernible) allocations have ranged from somewhere around 1.3 million to somewhere over \$700,000 a year. And funding has been tailing off a little bit of (indiscernible) and so our last allocation was over \$700,000.

CHAIRMAN KIENZLE: Why is it tailing off, any idea?

MATT WUNDER: Congress is just \$5,000 less funding.

CHAIRMAN KIENZLE: Then I guess, hard times. Yes Commissioner Ryan?

COMMISSIONER RYAN: I want to follow up on several concerns that some of our, the Commissioners have already addressed but just in fuller detail what Commissioner Ricklefs just talked about is listing the threatened and endangered species. Specifically, the Prairie Chicken, the Sand dune Lizard. You know we have a lot industry and you know multiple agencies have worked very hard to put in these conservation agreements in place that we can all agree on and you know everybody's in agreement that it's worked in those situations and to keep those species from being endangered and keeping them hopefully scaling down the threats on them. Hopefully we can continue to deal with threatened species in the same manner but it really concerns me that there would be a message going out that their still endangered and

threatened and what we're doing is not working and I don't think that's a very good read for when their on the list. And there are lots of people in these agencies, I've received comments from other agencies, people in industry, ranchers and or gas companies that all signed up and put money into these plans to protect these species that, wait a minute, we had guarantees that signing up and being involved with these agreements is actually going to go somewhere, why are we, why is our own Game department listing these species again? So, I really think that the department needs to really reconsider what's species, I mean 400 something species is a ton and certainly these threatened and endangered species need to be re-looked at and reconsidered. I understand funding is always important and we have plans, big plans on what to use the money with, but undoing a lot effort over the past several years, I don't think is worth it and I'm not the only member of the public that has this huge, huge issue with that. I agree, I would like and it's probably that lawyer in me, but I want it to be clear from interpretation of the document that this is not a regulatory document. It's not to be used, you know it concerns me that the Regional Director committed to not using this as the regulatory document, when all those decisions or action may lie above his head in the administration of what species are going to be priority and what isn't. So I frankly do not have a lot of trust in security level with what that region, we had one meeting with the regional Director and I just, when the Chairman said that less is more, I think that we need to be very conservative with what we present. The understanding is that we can provide it, it gets rejected, it will come back to us for us to have an opportunity to revise. I would rather give a later date on something then just let, just have a document that can be interpreted in a lot broader sense then what it's intended to be. So I'm for, I'm requesting the department to really take a careful editing eye to this document and really drill it down to the priorities and focus on, I think there needs to be a lot of revision. I don't want to see copy and pasting from the ten year old, to the document ten years ago. Why was it on there ten years ago, and is it still necessary for it to be there now and why and could this be viewed out of context and taken somewhere that you guys never intended it to be? I got to voice concern about that. We will be stuck with this for another ten years and so again, that's just an additional reason that we need to use caution. And you know I would, I appreciate the opportunity, I appreciate that they're saying that we can review again and you

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mentioned that you felt very confident that we would be granted the extension and if so, when we know? Is there any indication on when we might know if we actually have that extension?

MATT WUNDER: I don't know about that specifically. The letter was just mailed out yesterday. I'm not sure exactly what the process is that they will be going through and assessing that request will be.

COMMISSIONER RYAN: Okay. So that's something that (indiscernible). That's it for me.

CHAIRMAN KIENZLE: Commissioner Ramos? Commissioner Montoya? Commissioner Ricklefs? I think you got a better sense of where the Commissions at and I think you've heard from a number of segments of the public as well. So I look forward to seeing, sounds like we want a revised document so thank you. I know it's more work but if we've got to (indiscernible) this, every year it would be different but it's ten years that we'll be living with and I want to make sure we get it right. Oscar Simpson?

OSCAR SIMPSON: Mr. Chairman, Members of the Commission, my name is Oscar Simpson, I represent the New Mexico Back Country (indiscernible).

CHAIRMAN KIENZLE: Just real quick, I will be holding you to the two minutes so I'm going to be less forgiving later in the day.

OSCAR SIMPSON: My big (indiscernible) with the previous plan is we had a plan in place but very little of the money was actually put into the budget and action put on the ground to resolve some of the threatened endangered species and actually it would solve some (indiscernible) and get them off the list. But my question is this year's budget, how much money do we got in the budget to address State Wildlife Action Plan? The one that's in existence or (indiscernible) existence. (indiscernible) ground for money we're going to see. Thank you.

CHAIRMAN KIENZLE: Alright. I understand what you're saying.

OSCAR SIMPSON: Mr. Wunder do you know if there's money (indiscernible)

CHAIRMAN KIENZLE: Oscar you can direct your questions to me.

OSCAR SIMPSON: Excuse me Mr. Chairman. I asked who knows, does anybody know if there's any money in this proposed budget to address this Wildlife Action Plan and put money on the ground and resolve some of the issues?

FEMALE SPEAKER: Mr. Chairman, Mr. Simpson, we do have line items that are being supported by the State Wildlife grant Program. We can certainly get those specifics to you. I don't know what they are off the top of my head.

OSCAR SIMPSON: That would be good to know for people commenting on this plan. Show what you've done in the past, actually put money into the budget and what you're going to propose for this current budget so we can actually have (indiscernible) making the (indiscernible) other than (indiscernible) plan. Thank you Sir.

CHAIRMAN KIENZLE: So if you want an answer to that question follow up with the Director by email to get an answer to that question.

OSCAR SIMPSON: I will but I just like to make everybody (indiscernible).

CHAIRMAN KIENZLE: Teresa Seamster? I get that right?

TERESA SEAMSTER: I'm Teresa Seamster with the Sustainable (indiscernible) Commission. I'm also Chair of the Northern Group of the Sierra Club and my comments are on behalf of that northern group that did take a very careful look at the SWAB. It's an impressive undertaking. You're dealing with hundreds of species. I understand what Commissioner Ryan said about industry and so forth but we can't just make up the science. The science is getting grimmer and grimmer when it comes to wildlife and I don't know if the fisherman's people are still here but the data that I've looked at and it has also been put in the climate change chapter that was posted on the website for SWAB is frightening. We've gotten 93% of our wild (indiscernible) in New Mexico. (indiscernible) starting to decrease in (indiscernible). That's

the (indiscernible) all of southern New Mexico was listed in 2002 report that was also (indiscernible) communication. It indicates that all of the southern New Mexico (indiscernible) score of the highest threat of in terms of vulnerability. (indiscernible) is a score that they get looking at things like urbanization, I think my mind is blank at this point, I know there's something about temperature increase and hydrological infrastructure. So our state is in a world of hurt and the study in 2010 looked at the entire West and (indiscernible) so I guess I can't stress the importance of this document. Thank you.

CHAIRMAN KIENZLE: Thank you. Jane O'Sorro [phonetic].

JANE O'SORRIO [phonetic]: Mr. Chairman, Commissioners, Director Sandoval, my name is Jane O'Sorro [phonetic]. I am from Dona Ana County, New Mexico. I have two questions here. One is just a procedural question and the other has (indiscernible) it probably will require answered, perhaps from Mr. Wunder. The procedural question is on the (indiscernible) list, I presume throughout the document between 1 and 30 October, you have it (indiscernible) for public review. Will that be posted on the website of Game and Fish and will comments be accepted that way or do they need to be written?

CHAIRMAN KIENZLE: Yes and yes.

JANE O'SORRIO: Yes and yes, thank you. And the second is, there's been talk about various species that were on this list earlier in your earlier (indiscernible) and that's still there and there are many of them. I guess the question I have that has some substance and it'll probably, I hope be answered in the draft is, how many of those species are threatened by the same habitat threats and how many of them we resolve some of those, using these grants would be no longer as threatened as they are now? That's essentially my question and I'm hoping I will see that in the document.

CHAIRMAN KIENZLE: So what I would encourage you to do is make a public comment on that because that's taken into account for the next meeting on this issue. So again, I will tell people; this is a bottom up and not a top down organization. So it's helpful to give those public comments to the



department because then they apprise me of the public comments they received and factor that into their presentation and hopeful that your question answered in that fashion.

JANE O'SORRO: Thank you. I think if I'm following correctly I intend to do that. However are you saying that it needs to be done before the September meeting or the next meeting?

CHAIRMAN KIENZLE: No, once..

JANE O'SORRO: Once the document is passed. Thank you. I appreciate it.

CHAIRMAN KIENZLE: Thank you. (Indiscernible)? Okay, you want to speak for Darren? Okay. (indiscernible)?

GUEST SPEAKER: Mr. Chairman, Commissioners, Director Sandoval, (indiscernible) speaking on behalf of New Mexico (indiscernible) Association, New Mexico (indiscernible) and New Mexico Federal Lands Council. We deeply appreciate the efforts of the department's leadership in attempting to address (indiscernible) concerns of the people of New Mexico. However, no matter how you cut it, the State Wildlife Action Plan pits animals against people. The areas of concern are numerous. I will mention only a few. Most areas of the premise of the plan are to obtain federal money to keep species from being listed under The Endangered Species Act. (indiscernible) forty species already listed by the corrupt government in the document so we wondered how much time to pick information the department has on each of these species? Also, because of (indiscernible) document changes are ongoing which requires constant revisiting of the website to look for changes and determine their consequence's on our industries. Additionally, with the plan, continuing policy statements has resulted in disgust, we believe that those statements could be used as fire from one litigation from other environmental groups. (indiscernible) we respectfully request that the State Wildlife Action Plan not be filed with the Department of Interior unless (indiscernible) all the affected publics have had an opportunity to review and comment on the document in its entirety. I would also request the number of organizations be listed as cooperators or participants in

the 2005 (indiscernible) be worked into 2005 plan which we all would be able to post. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Alright, you guys bring up a good point. It is a challenge because it's a multi section and it's, (indiscernible). What would be helpful is you know your basic web line addition-deletion, you know kind of like when we do with a rule. So we should go and revise, it would be helpful to see what you're taking out and what you're putting in, those comments you got today. Does that make sense?

MATT WUNDER: Mr. Chairman, I understand your concern and the point that you raise. The document that will be coming out of this revision process would be significantly different. So it would essentially, inconceivable have everything that would be red lines from....

CHAIRMAN KIENZLE: Apples and oranges.

MATT WUNDER: Yeah, and then the new one would be completely new.

CHAIRMAN KIENZLE: You know those little cliché's are good, less is more, apples and oranges. I understand what you're saying. So it would be meaningful to have a red line kind of version like we do with rules.

MATT WUNDER: Not really no. That would be significant.

CHAIRMAN KIENZLE: Does that make any sense Mr. Raul [phonetic]? Because I know even when I went to look through it, it is a challenge because there are different lengths to the document and it's not walking nice, people have complained so I understand what you're saying.

GUEST SPEAKER: Okay.

CHAIRMAN KIENZLE: Mr. O'Sullivan [phonetic] did you, you're not on my list but I will make an exception for you.

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GUEST SPEAKER: Thank you Mr. Chairman, I hadn't planned to speak but I just want to make sure that I understood or perhaps misunderstood something, and that is the roll on this new plan of the list of current endangered and threatened species either at the state level or federally. Because, although certainly the primary purpose apparently is to prevent the listing in the first place. Consistent (indiscernible) is also negatives that will lead towards de-listing, something that we could all celebrate. And my question is, did I misunderstand or somebody is saying that we should no longer list as a species of concern, those species that are already in the emergency room on the threatened and endangered list but we don't have to worry about that for this same plan. Are they still going to be there in some other category? I apologize but I'm sure that I understood exactly what the position is regarding where their endangered and threatened species are going to be considered by the State of New Mexico, species of concern. It's going to sound kind of funny if we send a plan up that says here they are, their endangered, their threatened but they're not our species of concern. So I just, I don't understand that.

CHAIRMAN KIENZLE: I think I understand what you're saying and I guess the best way to address this, address that is let's get the revised plan out and we'll pick it up again. And I again encourage you, those public comments you know they don't go in a dust bin. They are taken into account and there was and I'm sure Mr. Simpson brought this up a number of years ago, he wanted to know about public comments and I'm like hey, that's a good idea. So those public comments, though I may not see each and every one of them, they are factored into the department's analysis and then ultimate presentation to the Commission. We learn typically how many comments there are and what the broader categories are because it's like boxing for us to watch comments that were coming in. So, Oscar will not agree with me that the process is perfect, but it is better, I believe it's better than it was in the past or at least we have with some (indiscernible) some sense of things that are coming in. But on specific items I know that staff does review those so that's a good comment to make and (indiscernible) in October. Alright, I think that is the end of Agenda Item No. 22. We're on to public comment, two minutes again. Oscar, anything you need to say?

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OSCAR SIMPSON: Yes Sir.

CHAIRMAN KIENZLE: Of necessity if you will be brief.

OSCAR SIMPSON: I will. Mr. Chairman, Members of the Commission, my name is Oscar Simpson, I represent the New Mexico Chapter of Back Country Hunting (indiscernible). To reiterate what I said before and several meetings before this, the public and the sportsmen want to see where the Game Departments Programs are. They want to see it on the website. They want (indiscernible) and what their actually doing in those divisions. We need some detail. We need to see what our dollars are being spent for and who do we contact? Now is that, I've asked that before and I thought I had some of the (indiscernible) from the Director but that information you would put on the website. So am I missing something or is that still incognito or it's on hold or what is the problem on not putting it up?

CHAIRMAN KIENZLE: I told you email the Director to get an answer to your specific question. The more broadly I would visit with the director and see where in the process it's appropriate to put the budget, if it's appropriately involved and I'm not suggesting it isn't. But I need to educate myself where it's appropriate in the process to put that out there and I'll visit with the Director and see where we're at. Not to your specific question, feel free to email the Director and get an answer to that question. Thank you Sir. Jean (indiscernible)

GUEST SPEAKER: I'll waive this time.

CHAIRMAN KIENZLE: Peter?

PETER: Mr. Chairman, Commissioners, again I don't represent anybody but myself. The 600 mile round-trip and the nice day is to exercise the core first amendment right, the course of petitioning the government and I appreciate the opportunity to do so. However, I'd like to follow up and reiterate what our neighbors in Arizona are able to do this by video conference form a number of remote locations. Now I understand and appreciate the Commissioners fine salary, certainly nobody pays my mileage or time to

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come and exercise the right. I would hope that in 2015 that the department when it has certain routine meetings does not expose it's employees on the road and pay mileage and per diem to physically assemble them in various parts of the state. But I'm suing this already, some kind of video conferencing system. I notice your trying to get some more IT people that can always be better but I would very much hope and ask the Commission to consider very strongly either with existing resources or to ask for additional resources to be used responsive to the public or to get just as creative in moving resources around in the budget for this issue (indiscernible) for other important issues. I think it would build much more public participation, much more public confidence in buying. Thank you very much.

CHAIRMAN KIENZLE: I thank both of you for your proper comments today and thanks for making the trip. I figured it makes you feel any better or any worse, I'm not sure which. I'm not allowed to appear almost any way but in person so I need to be in a hospital to appear by telephone. So some of it may be our State Law has not perhaps caught up with the realities of being the fifth largest state and moving people around to public meetings. So I guess I sympathize with you in some regard. Let me look into the issue and see (indiscernible). Thank you. (Indiscernible) Garret, you got the last word and then no must.

GARRET VENEKLASEN: Hi, this Is Garret VeneKlasen from National Wildlife federation and I would just like to second Mr. O'Sorio's recommendation about teleconference video conferencing. You know we've got, we've got tremendous IT staff here at the department and it just seems like it would easier to setup a policing in the area offices, (indiscernible) Los Cruses, Roswell. You know set up a place where you know the public can at least go in and maybe watch a big screen TV of a meeting like this this. I spent a lot of time in Alaska and it's a much bigger state then this and so that was a necessity but you know, they we're using video teleconferencing for years, decades really and so it's time to just get us into the 21<sup>st</sup> Century.

CHAIRMAN KIENZLE: So who wants to back me up that we're web cast? Somebody? So, I mean we are a web cast but it's not to ...

FEMALE SPEAKER: Right there, that video machine.

GARRET VENEKLASEN: Oh yeah, no, and I've used it myself and when it's working it's great. And when you can't hear it doesn't do you any good. And there's also this (indiscernible) two-way thing but what Mr. O'Sorrio I believe is talking about and certainly what I'm talking about is for me to be able to sit in the Albuquerque office or even more so Los Cruses and tune in when you guys and speak to the Commission long distance.

CHAIRMAN KIENZLE: I understand what you're saying. Hearing nothing further and not hearing, want to hear anything further. I mean it's been a long day. I think everyone could of (indiscernible) and can I get a motion on (indiscernible) All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: We are adjourned

In Re:

Game Commission Hearing

C E R T I F I C A T E

I, Cheryl Melgarejo transcriptionist, and Rose A. Leonard transcriptionist

DO HEREBY CERTIFY that the

Final

above captioned transcription was prepared by me;  
that the RECORDING was reduced to typewritten  
transcript by me; that I listened to the entire  
RECORDING; that the foregoing transcript is a  
complete record of all material included thereon,  
and that the foregoing pages are a true and correct  
transcription of the recorded proceedings, to the  
best of my knowledge and hearing ability. The  
recording was of (VERY POOR – select one) quality.

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

Rose A. Leonard

(Names of Transcriptionists)

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APPROVAL OF MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION

Santa Fe Community College

Jemez Room

6401 Richards Avenue

Santa Fe, NM 87508

Meeting Date and Time

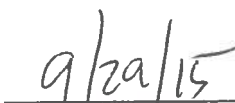
August 27, 2015

8:30 a.m. – 5:00 p.m.

  
\_\_\_\_\_  
Alexandra Sandoval, Director and Secretary

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul M. Kienzle III, Chairman  
New Mexico State Game Commission

  
\_\_\_\_\_  
Date

AS/scd