

**MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION  
November 16, 2017  
Elephant Butte Inn  
401 NM 195  
Elephant Butte, NM 87935  
9:00 a.m. –5:00 p.m.**

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

Game Commissioner Thomas Salopek

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

**A B S E N T**

None

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Present.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Thanks for having me here today. I am present. Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: I'm present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: I think I'm here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Thank you. Ralph, you want to lead us in the Pledge of Allegiance here?

COMMISSIONER RAMOS: Thank you.

ALL MEMBERS: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

CHAIRMAN KIENZLE: Thank you. Motion to approve the agenda?

COMMISSIONER SALOPEK: So moved.

VICE CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Introduction of guests. You want to go first Don?

GUEST SPEAKER: Good morning, Commissioners, Director. Donald Jaramillo, I'm Deputy Director, New Mexico Department of Game and Fish.

GUEST SPEAKER: Good Morning, Mr. Chairman, Commissioners, members of the public. My name is Jim Comins and I'm the Assistant Director of the Resource Division for the Department of Game and Fish.

GUEST SPEAKER: Chairman, members of the Commission. My name is Jacob Payne. I am General Council for the Department of Game and Fish.

GUEST SPEAKER: Mr. Chairman, Commissioners. I'm Chris Chadwick. I'm Assistant Director for the Department of Game and Fish.

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

GUEST SPEAKER: Good morning Mr. Chairman, Commissioners. I'm Robert Griego, Colonel, of Field Operations for the Department of Game and Fish.

GUEST SPEAKER: Chris (Indiscernible).

GUEST SPEAKER: Good morning. Kerri Romero, New Mexico Council of Outfitters and Guides.

GUEST SPEAKER: Good morning. Robert Cane [Phonetic]. Santa Fe Guiding Company.

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the public. My name is Paul Varela and I'm the Chief of Administrative Services for the Department of Game and

GUEST SPEAKER: Mr. Chairman, Commissioners, Director Sandoval. My name is Craig Sanchez. I'm the Assistant Chief of (Indiscernible).

GUEST SPEAKER: Chairman, Commissioners, public, I'm Michael (Indiscernible), Deputy General Counsel of Game and Fish.

GUEST SPEAKER: I'm John Crenshaw, President of the New Mexico Wildlife Federation Game and Fish. I retired 20 years and four months ago.

[Laughter]

GUEST SPEAKER: Good morning, Chairman, Commissioners, members of the public. Stewart Liley, Chief of Wildlife.

GUEST SPEAKER: Good Morning. Dustin Long. The Turner Endangered Species Fund.

GUEST SPEAKER: My name is Chris Vizier [Phonetic] with the Turner Endangered Species Fund.

GUEST SPEAKER: Good morning. Patricia Meads, Department of Game and Fish.

GUEST SPEAKER: Good morning. Jake (Indiscernible). Corporal stationed here in Tieracee [phonetic].

GUEST SPEAKER: I'm Jeff Rankin. Hunting Outfitter in Roswell. Member of the New Mexico Council Outfitters and Guides and Southern New Mexico Chapter (Indiscernible).

GUEST SPEAKER: (Indiscernible) Ranch Consultant Albuquerque.

GUEST SPEAKER: Good Morning (Indiscernible) W Ranch Consulting.

GUEST SPEAKER: Chad Waynes [Phonetic]. I'm a Registered Guide in New Mexico.

GUEST SPEAKER: Lawrence (Indiscernible). Silver City, New Mexico.

GUEST SPEAKER: (Indiscernible). Silver City, New Mexico.

GUEST SPEAKER: I'm Jerry (Indiscernible).

GUEST SPEAKER: (Indiscernible).

GUEST SPEAKER: Good morning Chairman and Commissioners. Owen Duff, I'm the South Major for the Department of game and Fish.

GUEST SPEAKER: (Indiscernible) Fisheries.

GUEST SPEAKER: I'm Mike Bell [Phonetic]. I'm retired for folks who hunts and fishes here (Indiscernible).

GUEST SPEAKER: Good morning. Bruce Morrison [Phonetic]. Retired about 20 years ago.

GUEST SPEAKER: Good morning Chairman, Commissioners. JCM [Phonetic], President of the (Indiscernible) Kemp Youth Hunting Club in Las Cruces.

GUEST SPEAKER: Good morning. This is Scott Wagner with The (Indiscernible) Club in Las Cruces.

GUEST SPEAKER: Good morning. Ray Sanchez, Major Northern Field Operations, New Mexico Department of Game and Fish.

GUEST SPEAKER: Good morning. I'm Dan Williams, Department of Game and Fish.

GUEST SPEAKER: Mr. Chairman, Commissioners and Ladies and Gentlemen. I'm Martin Fierro. Videographer with the education and Information Division of Game and Fish.

GUEST SPEAKER: Good Morning. I'm Sandra DuCharme. I'm the Executive Assistant to the Director.

CHAIRMAN KIENZLE: And we wouldn't be here without you. Thank you. I think we covered everybody. Good morning. Thanks for coming.

DIRECTOR SANDOVAL: Good morning. Mr. Chairman, I have a point of personal privilege.

CHAIRMAN KIENZLE: Uh-huh. Yes.

DIRECTOR SANDOVAL: I recognize Mr. Mike Bell and Bruce Morrison. They were on the Game and Fish. Worked for Game and Fish when I was just a rookie. Mike actually happened to be my Second Sergeant and I just want to reach out and say thank you very much for all that you did and everything that I learned from you, appreciate it. Miss you guys. Good to see you here.

[Applause]

CHAIRMAN KIENZLE: Welcome. Can I get a motion to approve the minutes from our last meeting, please?

VICE CHAIRMAN MONTROYA: So moved.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. All right, Agenda Item Number 7. Permit Renewal request by Turner Endangered Species Foundation on Black-footed Ferret. Good morning.

DUSTIN LONG: Good morning Mr. Chairman, Commissioners. As your briefing indicates here, I'm simply here to request a three-year renewal of our Ferret Permit. We didn't take any action on the permit this year. We did not import ferrets or export ferrets due to lack of habitat at Vermejo but we do plan to release ferrets in the near future. If you want more information you can ask.

DIRECTOR SANDOVAL: So Mr. Chair, Members of the Commission, you may recall they're bringing this in front of you because of the fact that it is a required by rule. They have come back in front of you on an annual basis to report out what they've done this year. They didn't just happen to have any activity but in order to move forward, we had given them a three-year permit in the past with the one-year reporting cycle to come back in front of the Commission which they have upheld their requirements per the permit and here again to get another three-year permit which expires, the one now expires at the end of December.

CHAIRMAN KIENZLE: This, is the renewal includes the one-year come back and visit with us?

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Committee that is up to you, this Commission to decide that.

CHAIRMAN KIENZLE: Well I think I'd like to hear from you every year. I think it's helpful to hear what's going on with your program. So I would entertain a motion or a condition on permit renewal to have you come back on a yearly basis to report on your program.

COMMISSIONER: Mr. Chairman? Go ahead.

COMMISSIONER RYAN: Chairman, I move to renew the Turner Endangered Species Foundation Scientific Permit for Black-footed Ferrets Permit for three years on the condition that they come back to us on an annual basis to update us on their program.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Thank you. We'll see you in a year or so. Agenda Item Number 8: Revocations.

COLONEL GRIEGO: Good morning Mr. Chairman.

CHAIRMAN KIENZLE: Good morning, Colonel. How are you today?

COLONEL GRIEGO: Doing well.

CHAIRMAN KIENZLE: Excellent.

COLONEL GRIEGO: Mr. Chairman, Commissioners, before you today I'm going to have a list of two groups of individuals that are up for suspension. Group one is 302 individuals that have been certified by the General Services Department as being out of compliance with the Parental Responsibility Act. The Commission is required to suspend all license privileges of noncompliant obligors and Group two is going to be a group of 41 individuals who failed to pay their penalty assessment within 30 days. Statute does require that they submit payment within the 30 days and that they are subject to suspension until it is paid also by statute. So with that, I will take any questions regarding those individuals.



CHAIRMAN KIENZLE: Any questions or comments? Whenever a Parental Responsibility Act folks continues, I'm still surprised meeting over meeting how many people are caught up in that. Any motion to make?

COMMISSIONER RAMOS: Mr. Chairman, I move to authorize the Department to administer these 302 suspensions on behalf of the Commission, including the issuance and service of a notice of contemplated action to each individual listed that is out of compliance with the Parental Responsibility Act.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. That was Group one?

COLONEL GRIEGO: Yes, sir.

CHAIRMAN KIENZLE: And then tell us about Group two.

COMMISSIONER RAMOS: Mr. Chairman, I move to –

CHAIRMAN KIENZLE: Go ahead. Yeah, you have not told us about Group two yet.

COLONEL GRIEGO: Mr. Chairman, Group two is those 41 individuals who have failed to pay their penalty assessment within the 30 days.

CHAIRMAN KIENZLE: What type of violations are those typically?

COLONEL GRIEGO: Typically, those are going to be shooting from the road, hunting small game without a license, fishing without a license. Some of the minor infractions.

CHAIRMAN KIENZLE: Can I get a motion on this item?

COMMISSIONER RAMOS: Mr. Chairman, I move to revoke the hunting, fishing and trapping license privileges of 41 individuals who have failed to pay a penalty assessment within 30 days of the violation as presented by the department.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Thank you.

COLONEL GRIEGO: Yes, sir.

CHAIRMAN KIENZLE: Agenda Item Number 9: Update on the Construction of Albuquerque Office Complex. Any pictures? I have one.

JIM COMINS: Yes and you'll appreciate it.

CHAIRMAN KIENZLE: All right.

JIM COMINS: All right.

DIRECTOR SANDOVAL: You may or may not.

[Laughter]

CHAIRMAN KIENZLE: No between and I shouldn't of asked.

JIM COMINS: Good morning Mr. Chairman, Members of the Commission. I'm here today to present an update on the construction of the department's new Albuquerque office. As you are

aware, construction began in October with the official groundbreaking being held on October 31<sup>st</sup>. Moving forward, we're currently on schedule for the new office. It will be 30% complete in January, 60% complete in April.,90% complete in June with final completion in July. We plan to initiate the transition of our current office to the new office in August and with that I'll stand for any questions.

CHAIRMAN KIENZLE: So if we went on Halloween and dressed as Commissioners and a—

JIM COMINS: Would you like me to go back to the (Indiscernible)?

[Laughter]

CHAIRMAN KIENZLE: Or construction workers. One of the two, but it is really a lovely location. They already moved a significant amount of dirt and I'm sure hard at it since then to meet the dates that you just gave us but it's a beautiful location and as I said at the time, I think the Commission is committed to having those kinds of facilities and all the different quadrants in parts of the state. So you know, let's keep moving forward on that front to make sure we upgrade all of our facilities around the state but this one's pretty cool. I encourage people to the extent you can go to the fence and look through it. Go take a look at where it's at because it's really a neat spot. Maybe we can have a meeting there next August, right? When we have the doors open August, September, October?

JIM COMINS: We'll certainly see. Yeah.

CHAIRMAN KIENZLE: All right.

JIM COMINS: If I can add one thing, Mr. Chairman? The (Indiscernible) Benjamin, our Construction Project Manager is the one that typically presents this. His wife is very ill and that's why he couldn't be here today. So keep them in your thoughts and prayers.

CHAIRMAN KIENZLE: Yes. Thank you. Okay. Will we hear about this sometime next year? Maybe in the spring?

JIM COMINS: How about June?

CHAIRMAN KIENZLE: That sounds good to me.

JIM COMINS: Okay.

CHAIRMAN KIENZLE: Right on. Excellent. Agenda Item Number 10: Special Hunt Draw Deadlines 2018-2019 License year.

PAUL VARELA: Good morning Mr. Chairman, Commissioners. To note Item Number 10 is special hunt draw deadlines for the 2018-2019 seasons. New Mexico (Indiscernible) Code 19.31.3.8, the Commission must set and approve application date deadlines. The date for draw one for bear wildlife managing areas and special turkey draw permits is February 7, 2018. For draw two for public ground, deer, elk, pronghorn, antelope, oryx, ibex, barber sheep, bighorn sheep and Javelina will be March 21, 2018 and for draw three, public draw special upland game and waterfowl permits is August 22, 2018. With that, I stand for any questions.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RAMOS: Paul, what is the first date that we can start putting in?

PAUL VARELA: We'll put the application deadline on January 10<sup>th</sup> for (Indiscernible) and turkey and July 25<sup>th</sup> for pheasant and crane.

COMMISSIONER RAMOS: January 10<sup>th</sup>. Thank you, sir.

COMMISSIONER: July 25<sup>th</sup>.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER ESPINOZA: Paul, do these dates fall in line with this last cycle?

PAUL VARELA: Mr. Chairman, Commissioner Espinoza yes, they do.

CHAIRMAN KIENZLE: Any questions, comments? All right.

COMMISSIONER RYAN: Mr. Chairman, I make a motion to approve the department's recommendation to set the following application date deadlines for the 2018-2019 special hunt draw licenses. February 7, 2018 bear wildlife management area and special turkey draw permits. March (Audio interference) 2018 public land deer, elk, pronghorn, antelope, oryx, ibex, barber sheep, bighorn sheep and Javelina and August 22, 2018 public draw special upland game and waterfowl permits.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Agenda Item Number 11: Request to Recognize New Mexico Wildlife Federations Safari Club International Foundation, New Mexico Cattle Growers

Association and Outdoor Experience 4 All as Qualified Nonprofit Organizations to receive donated licenses or permits. Mr. Varela?

PAUL VARELA: Mr. Chairman, Agenda Item Number 11 as you see this nonprofit organization seeking approval to accept a rate of hunting licenses. New Mexico Administrative Code 19.31.3.11F specifies that nonprofit organizations must demonstrate their history and ability to promote hunting, fishing and trapping in New Mexico to be approved by the Commission to receive donated hunting licenses of the transfer to eligible recipients. The next slide is a summary of our department's licensed donation procedure. All donation requests must be received in writing. The department shall maintain a record of (Indiscernible-coughing) nonprofit organizations. The list shall be ranked in order based on approval date. If the multiple nonprofits are approved on the same date, they shall be listed alphabetically and will be added to the bottom of the list. Donated opportunities would be provided to the next nonprofit organization on the list. Nonprofit organizations will be required to provide the necessary documentation for the recipients' eligibility and the license will be transferred the application of eligibility and other license requirements in that. The qualifying nonprofit organizations that have provided the department with documentation of their nonprofit status demonstrating their history and ability to promote hunting, fishing and trapping in New Mexico. The New Mexico Cattle Growers Association. The New Mexico Wildlife Federation. Outdoor Experience 4 All and Safari Club International Foundation. And with that, I stand for any questions.

COMMISSIONER RYAN: Mr. Chairman, I would like to recuse myself from this vote because I'm a member of one of these organizations.

CHAIRMAN KIENZLE: Understood. Thank you. Any questions or comments on this one and we do have a little couple of public comment. Do you want to take public comment first and then

if you have any questions? Okay. Mr. Crenshaw. Nice to see you again. I don't think I've seen you a while.

MR. CRENSHAW: John Crenshaw, Vice President of New Mexico Wildlife Federation and (Indiscernible) our smart help was busy today so they sent the good looking one. Thanks a lot. Basically on this. I just really want to say thank you and I'm glad we're able to participate. The Wildlife Federation has been in this (Indiscernible). It's a state-wide organization and through that entire time. One of our tenants and in our by-laws is to promote youth hunting and to get people out (Indiscernible) hunting and everything. So thank you. We're glad to be part of the team.

CHAIRMAN KIENZLE: Thank you. Mr. Kemp [Phonetic].

MR. KEMP: Good morning Chairman and Commissioners. I'm Chase Kemp, President of the Donald R. Kemp Youth Hunting Club down in Las Cruces. I guess I want to come in and just show a little bit of concern about what's going on with the youth. When we were able to work with Officer Griego to get this law changed some three to four years ago. The original intent was to provide more opportunities for some youth. Our organization was formed 17 years ago and that's all we do, is get kids involved in the outdoor and help give them the opportunity. The majority of these kids that we work with would not otherwise have those opportunities. They come from single parents. They come from families that don't know anything about the outdoors but they have friends that would like to get involved in the outdoors and they bring them. So we work with them. We train them. We get them after they go out through the Hunter's Ed. classes and we try to give them opportunities to get out in those fields. Our organization has done a great job of that. We've gotten hundreds of hundreds of kids involved in the outdoors. The stories that we get back are great. When this donated tag program came in and about when we found out that

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they were not used at the end of the year after they had gone through the wish granting organizations we partitioned to have it changed and we were able to get that done. It's been a huge success with our club dealing with these kids. I'm not exactly sure. I just saw when I pulled up this morning some of the numbers that were coming up that of the tags that will not be used. I don't know exactly where those are coming from because at present we had one tag that we're trying to get out to an individual right now but we used all the tags that have been passed down to our organization. This year we've used up to 80 almost 90% of these tags. Some of the tags that we couldn't use were tags that we were given two or three days' notice. We just can't, you know it's hard to utilize those. I just wanted to show some concern and say I hope that the main focus of this because as soon as we changed the law to remove youth from the language, now as you know, you're going to open the door up to all nonprofit organizations that may or may not have affiliations with or main interest in getting youths involved in those outdoors. Trying to open it up to first responders and veterans. I understand that. They provide amazing you know, jobs in all of our communities but our concern is that somehow we retain a good portion of these tags or a majority of these tags go to youth because I know that you offer an incredible amount of 1,900 and some odd youth incentive tags but a good portion of those are not usable by most of the kids because, that we deal with, because they can't go by their self. They have to have an adult. They have to have funding to be able to take them. I just hope that you'll look into that or try to keep youth in the forefront of some of these so that we can continue to do what we're doing. Thank you.

CHAIRMAN KIENZLE: And Mr. Kemp, before you go, I totally understand what you're saying. So to give you an example, we made it easier to put youth (Indiscernible) at least for the first time. I think we started that bout five years ago. We went rock and rolling along for a while



and got some data on how that program was working and then we changes it. So I would encourage you to keep after us on this. If you don't like the way the numbers are trending or it looks bad, make the Director aware. Make Commissioners aware and I think we're all willing to revisit how the program is structured. So I appreciate what you're saying.

MR. KEMP: Thank you so much.

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

COMMISSIONER SALOPEK: Mr. Chairman, I move to approve the New Mexico Wildlife Federation, Safari Club International Foundation, New Mexico Cattle Growers Association and Outdoor Experience 4 All as qualified nonprofit organizations to receive donated licenses or permits.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any further discussion? Comments?

COMMISSIONER RAMOS: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RAMOS: I would like to comment. First of all, I do want to commend The Donald Kemp Organization down there. They've done a super job. The thing that I really admire about this organization is that their aligned with our Hunter Education Program in promoting ethics and training and just ethical hunting overall providing a great experience to kids and I do, I would like to see a higher percentage. Maybe a 60-40 percentage to go to youth with this program. I know logistically, it's a nightmare. I do understand the rotation that you're presenting

today to go from one organization to the other and that's very fair with that system as well but I would just like to see more go to these youth organizations. I think they've done an extremely well job by not just allowing any kid before they go through their training to get these permits and I think that's just you know, a great way to do it. Also, these kids that don't have the adult supervision or someone to take them out into the field. These guys are going above and beyond and doing a tremendous job. Not only in New Mexico but also you know, throughout Texas, wherever they can take kids to experience hunting. My other concern is that I hope that the organizations that are involved are only New Mexico Chapters. I'm not nothing against the national level of the Rocky Mountain Elk Foundation or Turkey Wild Federation but outside of New Mexico. I think if there's a Clovis, Silver City, Las Cruces chapter, I think that would be dedicating, Mule Deer Foundation you know? I think it should be dedicated to New Mexico Organization and Chapters only versus outside of New Mexico being able to tap into this great resource for these donated tags. So that's kind of where I stand on that but you know, that's just my strong feeling on that.

COMMISSIONER ESPINOZA: Mr. Chairman, I have a comment.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I've been, as most of you are aware my son runs Sportsmen for Fish and Wildlife and the other two organizations other than Donald Kemp. I talked to him yesterday. He said as of yesterday he had filled or matched 98 licenses, donated licenses with youth. I mean at two outstanding and one that unfilled because again, it was kind of a unique situation but my point of that is, is there's a lot of those tags out there. Kids there's obviously, I think should be in the forefront of that. So there and but there's also a need for other organizations and more so of as word gets out. There's still public hunters out that don't even

realize this program exists. So there's tags that are going unused simply because they don't know that there's the ability to transfer them or donate them rather. If you don't mind going back to your procedure Paul? I'd like to make a couple of recommendations if—for at least the department to consider. Instead of the rotation, what about just asking the donor who he would like to give it to? If he has no preference, then go through the rotation. The other thing that I think everybody's in agreeance of is the primary purpose of this rule is to get those donated licenses matched with the sportsmen. Whether it's a youth or first responder or veteran. So would the department have an issue in issuing an email to all the groups involved and saying these are available? This license just became available and is right now it's been assigned to Wildlife Federation and if those other groups have an individual, they possibly could contact them and say you know, I've got an individual that is just waiting for that unit to hunt. We've got him lined up, etc. Again, fill those tags as soon as possible. Get everybody involved because as the gentleman pointed out, sometimes these tags come available the day before the hunt. Sometimes two or three days. Sometimes weeks but there is lots of those tags that become available right before and if those other organizations have an opportunity, at least be aware of it, they possibly could have somebody to fill it. So that would be a recommendation that you could look into if you don't mind, Paul. Again, I think it's a great program. I really encourage that these other groups have stood up as quickly as they have. We just passed that rule at our last meeting, Red River and I agree with Commissioner Ramos. You know, get these local organizations, these chapters involved. Again, the primary purpose of this is to match those donated licenses to an individual and get them out in the field. So everybody participates and is involved in that and hence that reason for that email to where everybody is aware of it. Some of

these tags are difficult to match last minute but somebody else might be able to do it. Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: So Commissioner Espinoza, are you suggesting approving this procedure that's written now with the understanding that the department will look at what you just suggested or are you suggesting a different procedure?

COMMISSIONER ESPINOZA: I don't think that we're approving this procedure within this motion. We're just approving the organizations or is that correct?

CHAIRMAN KIENZLE: Yes and no. I think is the procedure the department is going to use once a license is offered up for donation.

COMMISSIONER ESPINOZA: But my understanding is, is this is a procedure they recommended but the motion itself does not mention regarding anything regarding the procedure, just that.

CHAIRMAN KIENZLE: That's correct. I believe that's correct. I think the department is telling us though this is the procedure they would really use, absent the Commission or the department changing that procedure.

COMMISSIONER ESPINOZA: Okay. And my recommendations was to look at this because again, this procedure in reality won't come into play until the next license year. Pretty much all the licenses are going to be donated for this license have been donated. So we've got several months to look at it and possibly change it.

PAUL VARELA: Mr. Chairman, Commissioner, right now we are just approving these for nonprofit organizations and the procedure in front of you is just our procedure as it stands right

now but I'm sure the department will meet and make other considerations based on your recommendations.

CHAIRMAN KIENZLE: So Commissioner Espinoza, will you stay involved to the extent you're not, even though you want to see a different procedure, I mean this may be something that needs to come up on a different or later --

COMMISSIONER ESPINOZA: Yeah, I could stay involved if you don't mind. I'll give you a call in the next month or two Paul and we'll look at it.

COMMISSIONER RAMOS: Mr. Chairman, if I may and I will highly respect and due to this topic and the involvement with my peer Commissioners, I do respect Commissioner Ryan who recused herself from this topic being a member of one of these organizations. On the other hand, I do on the contrary is, I think Commissioner Espinoza also brought this agenda and also there's a conflict of the interest here as well and I would--I know if I would have been in his shoes I probably would have recused myself as well. I know you'll see down the road other agenda items with the Outfitter Rule. Being an outfitter, I'm going to recuse myself from that agenda item but I just think that he's tied in too close to family members being a part of that organization and that's just my opinion and I just hope that we do consider that as well. I see the involvement with recommendations but when we bring it to the table here, that homework should have been done prior to as assigned by you earlier in the previous meetings.

CHAIRMAN KIENZLE: So absent any further action by the Commission, this is the procedure the department will use?

PAUL VARELA: Mr. Chairman, yes. That's correct.

CHAIRMAN KIENZLE: And with regard to this procedure, I see it written down here but is it written down somewhere that the public will have access to it so we'll know how the program works?

PAUL VARELA: Mr. Chairman, right now the public does not have access to the procedures but we can publish the procedures. There is more detail included in these procedures. This is just a summary.

CHAIRMAN KIENZLE: Sure. I think it might be useful to put that online so the public can see exactly how the program works. Again, my concern when we visited about this in Red River was picking favorites or choosing who gets or which origination gets a license even if it's done with the best intentions. Somebody can find fault with that so I think if it's randomized or random there's a better chance that we're insulated from that kind of chance that we're playing favorites. I know the donor may have thoughts on where they want the license to go and I haven't quite thought through all of that but a lot of times when you give money to an organization for instance, you don't always get to direct where that money goes. You just give it and they spend it as they see fit. Sometimes you can attach a condition on how that money is spent. Sometimes the organization rejects that and says no, we want to set our own priorities with the funds that we're given. It doesn't mean that either system is right or wrong. It just depends on the organization. I think, I think what might be useful is I'm pretty sure when somebody says here's a tag. I want to donate it. They may have in mind an organization that they want to donate it to. I would suggest that perhaps we gather up that data to the extent that we're able to and then maybe it's something that we can revisit later on. I think a lot of donors, whether they're aware of the organizations involved or not may just say look, I want to donate this license. Make sure it gets to the right

place but I think it would be helpful for the Commission to learn whether donors are specifying an organization or not.

PAUL VARELA: Mr. Chairman, included in the procedures right now, it states the requester may not specify what organization they wish to receive the request. They may not specify the category of the eligible recipient.

CHAIRMAN KIENZLE: Okay.

PAUL VARELA: That's in our current procedures right now.

CHAIRMAN KIENZLE: Why don't we—I think it would be useful to figure out though are people donating the use with the understanding or at least the request, send it to this organization because I—what do they say? If you can measure it, you should measure it. I mean I would be interested to know if that's what people are doing when they make the donation. Again, a lot of people won't. They'll just say, here. Do with it what you need to do to make it gets to someone that can use it.

COMMISSIONER SALOPEK: Can I ask a question?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER SALOPEK: I'm going to ask a question. I know the answer. So I'm for the youth. I'm for the first responders but I always thought and I believe it would have to be legislative mandated. To me, it would make it so simple if somebody put in whatever hunt and then it goes to the first person that did not draw. You hear from the public hunters they can't draw tags. So if we're talking 100 tags or whatever, it would make sense if the next—go down

the list. We have them numbered. One, if there's 50 in the unit, to draw number 51, 52 but I believe that's legislative mandated. Is that correct?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Salopek that's correct. We'd have to go back and look at how those licenses would be distributed after the initial draw.

COMMISSIONER SALOPEK: I just wanted to feel like that, how I felt. Thank you.

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER ESPINOZA: On a couple of things. If I may make a recommendation on the procedures to have the department spear-headed with all the groups that either currently involved or being approved today or would come online later on to work out a procedure that, with anybody's input to recommend the department to bring to the Commission in a later date. Again, even though I'm involved, be a family if you would so be inclined. I could spear-head that and with the department but I'd leave that call up to you. As far as recusing myself, again I understand the conflict but again we're not voting on any of the organizations that I'm involved with currently, unlike Commissioner Ryan. We're just approving four organizations that have applied to be approved but I don't mind recusing myself and I would leave that up to the Chairman's call.

CHAIRMAN KIENZLE: So it's my problem.

[Laughter]

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.



COMMISSIONER: (Indiscernible-static) with the New Mexico Cattle Growers and even now we'll probably, by this procedure, have nothing to do with which organization receives (Indiscernible-static).

DIRECTOR SANDOVAL: So Mr. Chairman, just a point of technical clarification. Commissioner Ryan is correct in recusing herself at the onset of the conversation. The other Commissioners who wish to not be party to this would have to abstain because they've been included in the conversation and that leaves us to depending on, that would leave us with four Commissioners at this point which is fine.

CHAIRMAN KIENZLE: So here's what I would suggest. We'll take care of the action item that we've got here with as many Commissioners as we have provided we've got a quorum and then beyond that, let's put this license donation procedure on an agenda and we'll get it approved. It's too technical and there is some element of policy in here I think that probably needs to be approved. So drop it on, I don't know. Does it fall within strictly rule making?

DIRECTOR SANDOVAL: Mr. Chairman, no. It's not a rule making procedure but it would be just a policy as a Commission.

CHAIRMAN KIENZLE: I'm sensing enough, well sensing perhaps a lack consensus on this that we should probably get it on an agenda and get it approved. Just so everyone has the opportunity to have their say. Okay, with that let's go back and redo the motion procedure and the second just to make sure we –we're going to have folks that may abstain. We've got one recusal and then Commissioner Espinoza I'm going to have to leave it to your good judgement. I mean I can't substitute my judgement for yours on whether you want to participate in the vote but as the Director pointed out, it would be an abstention rather than a recusal at this point in

time. So you don't have to tell me that now. We will—it does create suspense which makes the meeting exciting. So we'll –

COMMISSIONER: (Indiscernible) the number approval.

CHAIRMAN KIENZLE: No, we'll vote for that. So can I get a motion to approve this agenda item?

COMMISSIONER SALOPEK: You want the whole motion?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER SALOPEK: I move to approve New Mexico Wildlife Federation, Safari Club International Foundation, New Mexico Cattle Growers Association and Outdoor experience 4 All as qualified nonprofit organizations to receive donated licenses or permits.

VICE CHAIRMAN MONTROYA: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor?

COMMISSIONER SALOPEK: Aye.

VICE CHAIRMAN MONTROYA: Aye.

COMMISSIONER ESPINOZA: Abstain.

COMMISSIONER RAMOS: Nay.

COMMISSIONER: (Indiscernible) abstained.

DIRECTOR SANDOVAL: So Mr. Chairman, we would need to do a roll call vote.

CHAIRMAN KIENZLE: Perfect. Okay.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Abstained.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Nay.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Recused.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Abstain.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: Mr. Chairman, the motion passes with three yes's and one opposed.

CHAIRMAN KIENZLE: Okay. I guess we'll see you in perhaps January or at least during the legislative break.

PAUL VARELA: Thank you. I look forward to it.

CHAIRMAN KIENZLE: What number was that? That was 11. Okay. Agenda Item Number 12: Discussion Developing New rule Making Rules per the State Rules Act 14-4-1 NMSA 1978.

DONALD JARAMILLO: Good morning Mr. Chairman, Commissioners. All we need to know about rulemaking. So we back then [Phonetic] during the 2007 regular session House Bill 58 was passed by the legislature, signed by the Governor somewhere around April for rulemaking. It became effective July 1<sup>st</sup> and so these last Commission meetings in over the summer I think we've been kind of living through this process of rulemaking with our own rules. There is a section of the new bill that allows each Commission Department to come up with their own rulemaking rules per say. The department has never had a set of rulemaking rules. I'm aware of some other agencies that do have rulemaking rules. So we're here today to kind of discuss the opportunity to potentially have some of our own department rulemaking rules come out probably in, hopefully in front of each of you in January if you guys so choose. So a little bit about the discussion. The department is requesting to adopt a new section of their own, specifically for rulemaking. The new rule is going to basically describe initiation of how rule is brought to the Commission or how it is brought up. It really talks about the notice, the requirements of the statute. This is to provide to public all the different mechanism we know have to go through as far as noticing to the Sunshine Portal through the Legislative Council. Also the requirement of the 30 days. The record. So what we hope to do is describe this you know, the process of how the hearing I going to be held with this new rule. Part of it also is the, we have to keep a record after the rulemaking and how that record is going to be also distributed as far as to the public and how it's going to be presented. Much in the same way as we do provide notice to public to all those organizations and websites that we had talked to about before and in reality here in the initial steps of bringing this to in front of you. So this is our first discussion for our meeting. We have

been working closely with the Attorney General's Office. I know they're in the same process of developing their own rulemaking process which is part of what we're here talking about today. So I guess the default if the department decides not to make any kind of rulemaking rules of its own within its own Chapter 30 then the default would be the Attorney General's Office that we would have to follow. And in reality, that's all I got at this point in time unless there's –

CHAIRMAN KIENZLE: So the (Indiscernible) of courses interested in this so if you move forward make sure we'll be in on development of the rules before they hit our desks.

DONALD JARAMILLO: Absolutely. Mr. Chairman --

CHAIRMAN KIENZLE: What is the procedure you intend to use to put those together other than somebody getting in front of a computer and typing it out? Do you have an enteral meeting set? What's the plan?

DONALD JARAMILLO: Yes, Mr. Chairman. We have initially discussed it with like I say, we've been working with some draft rules with the Director herself. Initially we haven't gotten a whole bunch. We are looking at the Attorney General's. I think that right now they are on the record for having a hearing and they believe they do have a draft rule that they're going to adopt so we're kind of looking at that draft rule to make sure we're following all our P's and Q's when we adopt ours as well.

COMMISSIONER RYAN: Chairman, I also have special interest in this particular rulemaking and I remember a clause that in addition to the items the department listed to be included in the rulemaking procedure that we would also add an appellate procedure so when a rule is adopted and when it's appealed, that that procedure is also included in this rulemaking We briefly touched on this a couple years ago. So I think we can revisit it and do all of this at one time.

CHAIRMAN KIENZLE: If it makes you feel any better, the oldest undealt with email that I have is the appellate procedure.

[Laughter]

COMMISSIONER RYAN: Was it me?

CHAIRMAN KIENZLE: No, I don't recall who it was from but it sits there mocking me all the time. So you are correct.

COMMISSIONER RYAN: We just do it all at one time.

CHAIRMAN KIENZLE: It's a good opportunity to roll that into this as one package I think because the two really go together. Caren. Welcome back.

CAREN COWAN: Good morning Mr. Chairman, Members of the Commission. My name is Caren Cowan. I'm here today on behalf of the New Mexico Cattle Growers and New Mexico (Indiscernible) in New Mexico Federal Loans Council. A big mouthful. I'm assuming that the kind of rules that you're looking at were what was published on this agenda earlier, on an earlier version that would require anybody testifying to provide a whole bunch of information in terms of having written from our board, that sort of thing. I've been looking at membership numbers [Phonetic] or proprietary information and I would request that you look at not including that as a stipulation. Thank you.

CHAIRMAN KIENZLE: You know I fought that battle once in court and I lost but I'm not saying you're wrong.

[Laughter]

CAREN COWAN: Okay.

CHAIRMAN KIENZLE: But I fought that battle once in court and there's a case with the NAACP that actually, Supreme Court Case that touches on that and I still lost and I'm still, as you can tell, not happy about that result but at any rate, I understand exactly what you're saying. Okay, this is just an informational item, right?

DONALD JARAMILLO: Yes, sir. That's correct.

CHAIRMAN KIENZLE: I can't recall, maybe the Attorney General's Office can tell us when, when is your default set of rules? When do you think it comes online?

SPEAKER: Mr. Chair, Commissioners—

CHAIRMAN KIENZLE: Not actually online. You can't use that term anymore. When do those go into effect or when would you anticipate?

SPEAKER: Mr. Chair, Commissioners, the Attorney General's Office has published October, I think it was the 30<sup>th</sup> or the 31<sup>st</sup>. So that would be for the opening of the 30-day comment period and its November—sorry—January—

DIRECTOR SANDOVAL: 1<sup>st</sup>.

SPEAKER: Thank you. It can't be January 1<sup>st</sup> but maybe January 2<sup>nd</sup> or 3<sup>rd</sup>? The Rule Hearing is already scheduled. So 30-days, approximately 30-days from that whenever it gets published. So the answer to your question, the default rules are already drafted--

CHAIRMAN KIENZLE: Right.

SPEAKER: And ready for comments and there will be a hearing on it and will be adopted, voted on and adopted in the first few days of January. So without looking at, because I don't have access to the calendar for publishing but let's just say about 45 days after that.

CHAIRMAN KIENZLE: So spring.

SPEAKER: At the latest.

CHAIRMAN KIENZLE: March?

SPEAKER: At the latest.

CHAIRMAN KIENZLE: Roughly?

SPEAKER: Right.

CHAIRMAN KIENZLE: Okay. Got it. So we'll probably, if we do our own rules, we would probably be either which meeting? January or—

COMMISSIONER RYAN: January 11<sup>th</sup> is ours.

CHAIRMAN KIENZLE: When it's session? January 11<sup>th</sup>?

DONALD JARAMILLO: Mr. Chairman, Commissioners, January 11<sup>th</sup> is our January meeting. That's when we would like for you to potentially vote on it.

CHAIRMAN KIENZLE: Okay. Got some work to do over the holidays then. Okay. Let's take a quick break. The next sets of Agenda Items are Rulemaking. Okay.

[Break]

[Meeting Resumes]

CHAIRMAN KIENZLE: Okay. We have the series of Rule Hearings coming up and so let me, let me read a statement here. Bear with me. This is for the record. This hearing will please come to order. My name is Commissioner Paul Kienzle. I'll be serving as the Hearing Officer and be advised by the Commission's Council from the office of the Attorney General, Marylou Poli The



purpose of these hearings, one for the Commission to receive public comment and proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part 9 and Title 19, Chapter 31, Parts 10, 12, 13, 14, 15, 16, 17, 21 of the New Mexico Administrative Code regarding rules on Game and Fish Licenses/Permits and Hunting and Fishing Manner and Method of take for carcass tagging. The Commission welcomes those who provided written comment and everyone here today and two, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part paid. Is everyone awake? Okay--of the New Mexico Administrative Code regarding the Guide and Outfitting Registration. The Commission welcomes those who provided written comment and everyone here today. Three, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 2 of the New Mexico Administrative Code regarding the Hunting and Fishing Licensed Revocation. The Commission welcomes those who provided written comment and everyone here today. Number Four, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Parts 4 and 10 of the New Mexico Administrative Code regarding Fisheries and Hunting and Fishing Manner and Method. The Commission welcomes those who provided written comment and everyone here today and Number five, the Commission has terminated the current Rulemaking Process and will postpone until a later date the commission's Rule title 19, Chapter 31, Part 10 of the New Mexico Administrative Code regarding Trespass Certification. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. The hearing is being audio taped, recorded and it may also be video recorded if I recall correctly. Anyone interested in a copy of the audio tape should contact Sandra with the Game and Fish Department

to get a copy. Public matters of this hearing was advertised in the New Mexico Register, The Albuquerque Journal and the Terrace Herald, The New Mexico Sunshine Portal and on the department's website. Copies of the proposed changes have been available on the department's website and at the department office. Those here today should sign in with comment cards and also there should be a sheet somewhere to sign-in as well and then those sheets and I believe these comments cards, I know the sheets will but probably the comment cards as well will be entered into the record as an exhibit for these particular hearings. Okay. Let's see. Do you need me to do the Hearing Procedures now or do you want to--

MARYLOU POLI: Mr. Chair, yes. Please proceed with the Hearing Procedures.

CHAIRMAN KIENZLE: Got it. This Rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the public. The exhibits may not be removed from this room. After all exhibits are entered we'll proceed to the department and staff presentation of the proposed rule. Afterwards, testimony will be taken from the audience. It's not strictly testimony. We typically call it public comment and if you're going to speak again, you need to fill out that sheet that the Director is holding up and then also a comment card. In order to ensure the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name and you are affiliated with for the record. Generally, if you're coming up time and time again, you need to identify yourself every time. Speak loud and clearly so the record is clear. After a person has offered comment, you may very well be asked questions. The department though the perfecter, is not asked questions by the public. The Commission can ask questions of the department but it's not typically a situation where the public asks questions of the department presenter. This hearing is not subject to judicial rules of evidence, power of the interest of

efficiency; I reserve the right to limit any testimony being irrelevant, redundant or unduly repetitious. The Commission will discuss the proposed rules during a subsequent Commission meeting which typically means we take, we will be discussing it at this meeting and also as an action item on the agenda. Final Commission action, including any adoption of the rules will not take place as part of the Rulemaking Hearing. So as I mentioned, we split this kind of into two parts. One part is informational. Getting the record together of the second part is the actual action item when we take a vote on the proposal that's under discussion. I'm getting there. Bear with me. So on Agenda Item Number 13, Carcass Tagging Rule Hearing. I'm going to open this hearing now. Are there any exhibits for proposed amended rules to 19.30.9 and 19.31.10 and the associated species rules to be entered into the record? And that would be you.

PRESENTER: Thank you, Mr. Chairman. I'm glad we clarified that. We have to provide our process with you. Real quick, I do have three or a total of four exhibits I'd like to enter into rule. Three of them are public comment that we received through our department website and then the fourth would be a copy of the presentation itself. I will bring those to the Director if that's all right?

CHAIRMAN KIENZLE: And as I mentioned at our hearing in Red River when we took up rulemaking, really for the first time. I encouraged the public to submit written comments via the website or any manner that's designed to get those comments to the department and then to the Commission. Getting those written comments in as early as possible helps the department formulate ultimately what comes in front of the Commission. I will tell you again, the worst time to try and make public policy is on the fly at a Commission Hearing with public comment. Which is not to say public is unimportant. It's just a challenge to digest that and really act on it when we're getting it for the first time at a public hearing. So to the extent possible, I encourage

you to submit written comments and then of course, show up at a meeting and try to drive home some of your points that you made in writing but that's typically, the best way to advocate for your position is to do it in writing first and then show up at the public hearing with whatever kind of bullet points or highlights that you want to make to the Department and the Commission. Okay. How many exhibits do we have and what numbers are they \? Got some stickers?

DIRECTOR SANDOVAL: Mr. Chairman, I was just thinking maybe perhaps we should buy some stickers.

CHAIRMAN KIENZLE: You know, I've got so many stickers in my office that say exhibit on them. I should have brought some.

DIRECTOR SANDOVAL: So we have Exhibits A, B, C, which are public comment. Exhibit D is the presentation.

CHAIRMAN KIENZLE: Just a matter of, use numbers.

DIRECTOR SANDOVAL: Okay.

CHAIRMAN KIENZLE: Because some day you're going to get into AA, BB, CC and DD and it's a big pain in the butt. So we'll do 1, 2 and 3.

DIRECTOR SANDOVAL: All right. 1, 2, 3 and 4 and then the exhibit of the sign-in sheet is 5 and 6 for those who have submitted comment cards.

CHAIRMAN KIENZLE: Okay. So those are thankfully, the pre-filed exhibits from the department. If the public has exhibits or anything in writing, I will take those in due course but for now, Mr. Chadwick, can you please introduce the proposed amended rules from 19.30.9 and 149.31.10 and the associated species rule?

CHRIS CHADWICK: Yes, sir. Thank you Mr. Chairman, Members of the Commission. As you know, this has been quite a journey for all of us. Over the last couple years the department has looked at a number of options on how we want to proceed with the carcass tagging of animals upon kill. As this process went through, as this process evolved, we have opted for a paper carcass tag but before I get into that I'd like to talk a little bit about some of the current requirements, review that very briefly and then I'll get into the new requirements. As you know, under the current system an individual can print their hunting licenses with a portion of it can be printed at home and a portion of that license contains an area where a person upon kill would black out the date of the kill and then once that animal was returned to camp or a vehicle it would be signed and further filled out and that would be, really what allows an individual to keep possession of it. The issue with that particular method as you know, individuals can print multiple tags. There's some concern from an enforcement standpoint of people using fraudulent licenses. This was a concern that's been going on and lots of discussions have taken place. As a result of that, the department has had, again we've had numerous discussions but right now we're looking at reinstating a department issued carcass tag. This tagging system would become effective April 1. Essentially, the beginning of the next license year. There would be, the paper tag itself can be printed on an enhanced tag. It would also include not only the traditional carcass tag but it would also have an enhanced antler tag. The license as you can see through these images, the tags themselves, they're on a vinyl adhesive backing. We believe that this will add to the security because the department controls the actual issuance of these tags. Along with that, on the back of these tags, you'll see the instructions that will be provided to hunters so they'll know exactly how to properly tag their animal and of course in this case, there is a place where people would have to notch their tag. Again, moving to that again, they would have to notch the

tag. In order to, as the Chairman stated, in order to address this we had to look at a number of rules and present those for your review. They include 19.31.10 which is the Hunting Manner and Method Rule. We had to change 19.30.9 which is a portion of our Licensing Rule and then we had to go in and make a minor modification to all of the Big Game Species Rules including turkey to deal with just in fact that they needed to be properly tagged as opposed to some other language that existed under the previous rule. Now to date, the rule has been posted on our website since October 16<sup>th</sup>. To date, we've had three written comments that were submitted. There was one comment that was in support of the proposal. There was one that was in opposition to the proposal and then one comment was sort of, just requested that the department send copies of the tags to all the landowners that are enrolled in one the Plus Systems but beyond that, we had very little comment come into our website. I would say though however, we had numerous as you all may recall, we've had numerous discussions. We've had lots of comments along the way regarding this process at various meetings throughout the state. I believe that this is thoroughly vetted. I think that this is really a good proposal and we're pleased that we're at a point where you have something concrete to make a decision on. So with that, I would be happy to stand for any questions and of course, there's a public comment that has to take place.

COMMISSIONER RYAN: Chris, how does this work? I know the department is also, has an app. that could be used in conjunction or as an alternative to the physical tag. Is that up and running yet or is this going to be put in place and then we'll deal with that as it gets ready?

CHRIS CHADWICK: Right now, as we discussed at the previous meeting, we're going to roll this out. This will be what will be in place for the next license year. We are moving forward with an electronic version of being able to fulfill your harvest or to essentially, electronically tag your carcass. As you know, Mr. Cherry, Lance Cherry presented the Pocket Ranger App. We are

currently very involved in the next step modification to that app. In addition to that, we've offered through the IVR System a way for individuals who don't have or you know, a smart phone, they can call in. They can get a confirmation number. I think what you're looking at right now is to get this piece in place. We need to get the infrastructure, the final piece of the infrastructure I would say, in place on the electronic tagging site of things and then the plan at this point would be to move forward with this plan and then also as a pilot project, start to roll people in to becoming accustomed to the electronic tagging method but I think that before this process is complete, there would be opportunities to perhaps even look at that through a rule. That would be surely at the discretion of the Commission but the plan would be to roll it out, get people comfortable with it. Get them using it and get them testing it and then make an evaluation. As the Chairman once said, if you can measure it, you ought to measure it and so we'll start looking at the amount of usage we get on that and get some feedback from our customers and at that point I think that we can evaluate where we need to go further with this program.

COMMISSIONER RYAN: Thank you so much and I appreciate the department's hard efforts on this particular issue for quite a long time. There's a lot of elbow grease and this rule today. So I really want to commend the department and everybody who participated in this today. So thank you.

CHRIS CHADWICK: Thank you.

CHAIRMAN KIENZLE: Go ahead.

COMMISSIONER RAMOS: Mr. Chairman, Assistant Director Chadwick, so just to be clear. My understanding at the last meeting was that the hunter was going to be given a choice.

Electronically versus this tagging system. Right now it's not a choice. We are going with the carcass tagging if voted on today and passed?

CHRIS CHADWICK: Mr. Chairman, Commissioner Ramos that is correct. Right now we are going to the paper carcass tag. We will have that app up and running April 1, but the plan won't be to solidify it or codify it in rule whereby they can select that as an alternative to the carcass tagging. What our hope is, is that we do have a mandatory harvest reporting and so we hope to promote that. Get people to be comfortable using the systems that we provided and tied into that harvest reporting. They receive confirmation number and as we get people more comfortable and as they see the convenience that can be enrolled with this, as we understand, the data that we collect, the timing in which we can collect it and the enforcement application of it from that side, I think then we can start to roll out potentially into a stronger pilot program but right now, that's what it is. It's a pilot program but it's not going to be set in rules.

CHAIRMAN KIENZLE: So my understanding from the last meeting is we're going to have a hybrid system and they were both moving together at the same time. So to the extent my vote will count, I'm not in favor of simply going with this option today. I was told the last time they were moving together in tandem, not separate.

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission we are rolling down both roads to be able to provide an electronic opportunity as presented in Red River. The carcass tag paper option is mandatory for this year. Well the next license year because we don't have that feedback that we need for the electronic piece yet. We need to get that put in place and as Assistant Director Chadwick pointed out, we need to understand what it is. Those four years and those successes within that electronic system so we are looking down both roads but with this first year it will be a paper carcass tag requirement.



CHAIRMAN KIENZLE: Well that's not the way it was put to me in Red River. It was put to me in tandem hybrid system at the same time, not split in two. So again, to the extent my vote will count today. I'm not in favor of this. Now I like the paper carcass tag. I like the option but I want both of them to move forward at the same time.

DIRECTOR SANDOVAL: So Mr. Chairman, Members of the Commission I absolutely understand that perspective and respect that. The law enforcement issue with having someone who does not select at the time of application whether they want to electronically tag or paper tag their carcass allows for an abuse of the system where if you elect or if you don't elect and then you submit an electronic report, you still have a paper carcass in your hand then you're able then to go potentially kill another animal and that's the issue that we have currently with going down both roads and not having in the application cycle a person's ability to elect to either electronically tag or a paper tag their animal. If that option weren't to exist, then we would be able to present that as a viable going down both roads but until we, what I understand is we're not able to provide that selection at this point because we don't know what the electronic use of tagging. We haven't ruled that yet. That's the purpose of the pilot program.

CHAIRMAN KIENZLE: So then in my opinion we're not ready to go. We're not back to square one but we're not far enough along in the electronic side of it yet again. \ and so how many times am I going to have to ask when is the electronic part of this going to be ready to go? And it's a rhetorical question. I don't need an answer to it because it sounds like we're working on it but again, I am not in favor of a system that isn't the hybrid system that was put to me in Red River. So I thought that was an excellent compromise but it sounds like we're not ready to go with half of it. So –

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission if I may. The electronic tagging piece will be up and running by April 1<sup>st</sup>. The difference is in whether we require them to paper tag every animal starting April 1<sup>st</sup> and that was presented in Red River and that people would have to paper carcass tag this year. We will have the electronic tag, the electronic reporting available April 1<sup>st</sup>. It's that this first year we do not have the capacity to say I want either to electronic tag or to do a paper tag.

CHAIRMAN KIENZLE: You all can just keep explaining to me all you want but I have a different soundtrack playing in my head. So I understood we we're moving ahead at the same time on both fronts and so either I misunderstood it or the electronic portion of this is still lagging behind the paper part of it. Anyway, I've spoken enough on this issue. Anyone else have any questions or comments?

COMMISSIONER ESPINOZA: Mr. Chairman, my recollection is the same. Is that I think there was a comment of splitting the baby. That we found a way to incorporate both electronic and paper and again, if my memory serves me correctly, the question was asked by one of the Commissioners if the hunter/sportsmen was offered that decision to either chose paper or electronic and he was locked into that option once he chose it. Again, you know we've talked about going electronic just because of the age that we live in and so you know, I'm not sure what the reasoning is but if there's a pilot program to be made, I'd still like to see if that pilot, if we're going to allow somebody to maybe participate in a pilot via the electronic because we haven't lived it and because we don't know the in's and out's or maybe the pitfalls or the road blocks that we might encounter. I'm not sure why we can't still offer that. That's what I understood and that's why I was in favor of it at that time and that's what I thought we were going to be

presented today but sounds like that's not the case. So I'm not so sure I would be in favor of completely paper carcass tagging today.

COMMISSIONER RYAN: I'll go ahead and chime in. I'm in favor of going ahead and getting something in place right now. We have had lots of public comment and comment from the department that there needs to be something in place and so while I am 100% supportive of the hybrid system, I think it's okay to go ahead and put a process in place for this first initial year that will satisfy the many sportsmen that have come forward and requested that this be in place so that their checks can be quicker and easier as well as law enforcement requesting the same thing.. So I think this is just the very first baby step towards getting that hybrid system so while my understanding was the same from Red River, I'm comfortable moving forward but fully expect that in 2018 there will be a rulemaking on allowing that option.

COMMISSIONER: Contrary to how I feel, I thought that we had-- I knew we were going to paper tag for everybody whether it was Red River, we were talking to whomever, for one year going back to all paper and then working out the details of electronic. I loved the, you know I shouldn't say love, I like the non-carcass tag but I understand law enforcements big deal. I understood we were going back to one year. A paper tag with option after that,

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission I would direct you to page 95 of the draft minutes from the Red River meeting. It clearly articulates that we're doing paper carcass this next year.

COMMISSIONER RYAN: This from I Paul is that if the department feels like it needs to put this in place the first year, then I leave it to the department's discretion and expertise in this area

to tell us this is what needs to happen the first year and with full expectation of what the very next step is.

CHRIS CHADWICK: If I could address the Chairman and the Commission? That is precisely what our intent was. Was to get, go back and roll out the paper carcass tag that was currently my understanding of the last meeting. Moving forward with that but we have not let our foot off the pedal as far as the cell phone app and I would contend too that we've created additional records by which individuals at no small expense, individuals would obtain what we referred to as that confirmation number and that's all been moving along as part of this process because we've heard what many of the people have come forward with. The concerns that they've had about cellular connection activity. About those individuals that aren't familiar with modern technology. All of this is, are being built upon. They're being addressed but we've also listened to the public and the paper carcass tag. This is no small feat for my staff right now to pull this together on both sides and so if we could do it all at once and we're in a position to do that, we would absolutely love to be able to do whatever the Commission decides but I can assure you that we are in a very good spot. We are in a very good spot as far as being able to do the final step on the electronic portion of filing your harvest report. Right now using the Pocket Ranger App, you can file a harvest report and receive a confirmation number. You can do that right now. The only piece that isn't there is if you don't have that good cellular connectivity and so if we build a rule around that, we want to make sure that the infrastructure is in place and so I think we are moving and my understanding is we are moving in the right direction. I think that this is a way that we can maybe address both issues and we can get to a point where hunters can select a method by which they file that report but the rule doesn't provide for an electronic tagging method just to be clear on that. It doesn't tell hunters how to do that. It doesn't give our officers any authority to on

how that would be conducted through internet. So the rule before, the rules that were amended before you, clearly are tied to paper carcass tag. I think we understand that.

COMMISSIONER ESPINOZA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: Kind of going back and understanding what you presented Chris and you mentioned a pilot program. What would it take to offer the option of a sportsmen going into a pilot program to test the waters. Is that an option and if it were an option, how we would adopt it in rule today? Because you need some participants in order to run a pilot program.

DIRECTOR SANDOVAL: Mr. Chairman, Members of the Commission, Commissioner Espinoza, what we were intending is getting the electronic tagging piece up and running April 1<sup>st</sup>, understand the capacity of the electronic whether you're in the Gila or wherever you may be, understanding what connectivity means because the most important piece of electronic tagging is capturing that information either instantaneously or being able to ping when your out of cell service what it is. Whether it's every hour or every fifteen minutes or whatever that may be. That's the pilot. The first step of the pilot program is developing the application that will allow that information to be instantaneously captured on the phone and then transmitted either immediately or at some point after the individual hunter puts that information into their phone. So that was the first step and understanding how to make that work. That is brand new technology for the department so we're working through how to make that happen. It's an issue that we've been working with other states in understanding how to move forward with that. So that would be the first phase, is encouraging those people who are out there to use that, our application which will be running April 1<sup>st</sup> to submit their hunter harvest information and then

work and see how that part of the application works and then move forward with amending the rule potentially in the future where what it would be is you would have to identify the time of application for a big game hunt or whether you purchase a private land license. At that point we would identify you either going to an electronically tag or paper tag your animal. So it's a two-step phase for the carcass tagging from the electronic side of it. First you need to understand the capacity of the system to be able to capture that information accurately so there's no missed keys and law enforcement actions taken when not necessary and then the second step of that is to then enact during the application process. We can either identify that you're going to tag your animal electronically or paper because what you don't want to do is have someone say they're going to tag their animal electronically and also have a paper tag in their hand so they can potentially kill a second animal.

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I've been for a paper tag all along keeping in mind that many hunters, myself included are not very electronically knowledgeable and plus the difficulty is the record of reaching us all or wherever where we field so I can truly live with this as a use and hopefully the electronic system will be viable and use it in use for people that want to use it but I can sure live with it just paper tags as a requirement for this hunting season.

CHAIRMAN KIENZLE: Mr. Ramos? Anyone else?

COMMISSIONER RYAN: Chairman, I'm going to make a motion to amend the Manner and Method –

COMMISSIONER: Wait, wait, wait.

CHAIRMAN KIENZLE: I've got to take public comment.

COMMISSIONER RYAN: Okay.

CHAIRMAN KIENZLE: I think it's Logan Windingham? I get that right?

LOGAN: Close.

CHAIRMAN KIENZLE: Okay.

LOGAN: Vanlandingham.

CHAIRMAN KIENZLE: Vanlandingham.

LOGAN: You got it. It's terrible handwriting on there so--

COMMISSIONER: It was. Like an airplane landing.

[Laughter]

LOGAN: Good afternoon Mr. Chairman, Commissioners. I'm Logan Vanlandingham. I'm the Vice President with the New Mexico Hunt (Indiscernible) Association. I won't be a dead horse. We've been up here a lot of times in the tagging issue. I just want to tell you we appreciate the work that's been done and we do support the double carcass tagging system. Thank you.

CHAIRMAN KIENZLE: Thank you. Colleen? You have a last name?

COLLEEN: Payne [Phonetic]. I thought I put it on there?

CHAIRMAN KIENZLE: No.

COLLEEN: Colleen Payne, New Mexico Regional Director for the Mule Deer Foundation. On behalf of the Mule Deer Foundation, our New Mexico's Chapter and Volunteers and our New

Mexico Members, we are in full support of a paper tagging system. We find that to be a very viable tool for our hunters out in the field and especially our Conservation Officers seeing a lot of that firsthand the past several seasons of having to print out tags. The (Indiscernible) abuse of the system. We're in full support of going back to a department issued paper system, paper tagging system carcass tags etc., and appreciate the departments support on working on that and appreciate the Commission in moving this forward. Thank you.

CHAIRMAN KIENZLE: Any other public comment? Do you want to put any additional exhibits?

DIRECTOR SANDOVAL: Mr. Chairman, no. Not at this time.

CHAIRMAN KIENZLE: Okay. I've already admitted the pre-filed exhibits. I don't think we've got any exhibits from the public. I've got the comment cards on this. You've got the attendance sheets?

DIRECTOR SANDOVAL: Yes.

CHAIRMAN KIENZLE: I'll give you the comment cards. What number are they? Six?

DIRECTOR SANDOVAL: Mr. Chairman, it would be seven and eight.

CHAIRMAN KIENZLE: Seven and eight. Okay.

COMMISSIONER RYAN: Mr. Chairman, may I make a motion?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RYAN: I move to amend Manner and Method 19.31.10 New Mexico Administrative Code Game and Fish License Permits 19.30.9 NMAC and associated species rules 19.31 Subsection 12, 13, 14, 15, 16, 17 and 21 as presented by the department today and  
Final Copy



allow the department to make minor corrections in order to comply with State Records and Archives Rule Filing Requirements.

COMMISSIONER RICKLEFS: Second.

CHAIRMAN KIENZLE: Any further discussion or comment? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER ESPINOZA: Nay and (Indiscernible) putting my vote.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: Only because I'm in favor of where we're going but I still feel like this isn't what was presented to us in Red River but I am in favor of the paper tags. Thank you.

CHAIRMAN KIENZLE: Ayes have it. Number 14a.

COMMISSIONER RAMOS: Mr. Chairman?

CHAIRMAN KIENZLE: Yes?

COMMISSIONER RAMOS: Can I recuse on this item, Agenda Number 14?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER RAMOS: Thank you.

CHAIRMAN KIENZLE: We will now proceed with the hearing on Proposed Amendments to the Commission's current rules in Title 19, Chapter 30, Part 8 of the New Mexico Administrative

Code regarding the Guide and Outfitting Rule. Are there any exhibits for proposed amended rules to 19.30.8 to be entered into the record?

COLONEL GRIEGO: Mr. Chairman, Commissioners, yes there is. I've got my presentation, the proposed rule, strike through rule and the claim [Phonetic] version and public comment paper and electronic.

CHAIRMAN KIENZLE: You want to just hand those up to the Director? How many total?

DIRECTOR SANDOVAL: So Mr. Chairman, we have approximately 22 exhibits right now. I'll number them and can we do that now and –

CHAIRMAN KIENZLE: Whenever it suits you.

DIRECTOR SANDOVAL: Okay.

CHAIRMAN KIENZLE: And those are 22 pre-filed from the department?

DIRECTOR SANDOVAL: Mr. Chairman, from the department there would be three pre-filed. We have a number of comment cards and information that I just passed out from the Council of Outfitters and Guides and there are a few other comments. Keri Romero from the Council of Outfitters and Guides as well in addition to the letter that you have in front of you.

CHAIRMAN KIENZLE: And did you say you have the comment cards or who has the comment cards?

DIRECTOR SANDOVAL: Mr. Chairman, I do have the comment cards. I will mark them as an exhibit each individual.

CHAIRMAN KIENZLE: Okay. Usually I enter those at the end. The comment cards. So you can just give those to me now. So I know who I'm dealing with. Thank you. So absent these, how many pre-filed exhibits do you have then?

DIRECTOR SANDOVAL: Mr. Chairman, I have three from the department, two from the Council of Outfitters and Guides, one from Miss Romero and one from looks like the entirety of the interested parties from Council of Outfitters and Guides.

CHAIRMAN KIENZLE: That's a total of how many then?

DIRECTOR SANDOVAL: Five.

CHAIRMAN KIENZLE: So I will admit exhibits, pre-filed exhibits one through five. Does that include the November 15 letter that you handed out?

DIRECTOR SANDOVAL: Mr. Chairman, yes it does.

CHAIRMAN KIENZLE: Okay. Thank you. Colonel Griego, can you please introduce the Proposed Amended Rules for 19.30.8?

COLONEL GRIEGO: Mr. Chairman, Commissioners, I'm here to discuss the repeal and replace the Guide and Outfitter Rule 19.30-8 of the New Mexico Administrative Code. I also have with me our Letitia Mee. Our Guide and Outfitter register. She's here to help me out if I need it. As you all know, that regulation establishes the methods to register, regulate and set professional standards for guides and outfitters and their operation within New Mexico. The department has worked very diligently with many stakeholder groups. We've been having meetings I would say probably the last six months which involved primarily the New Mexico Council of Outfitters and Guides. Commissioner Ramos was also involved in many of those. We've had multiple meetings

in Santa Fe with various outfitters and guides within the Council and outside of the Council. I would venture to say that some of these, the discussions have approached well over probably 60 hours put into this rule development. The rule was posted on the public for public comment as of today. Yesterday when I left Santa Fe we had approximately 52. There's been some more that have been straggling in but lots of public comment. Basically, a review of the changes. We added some new definitions to the rule. We clarified language. We tried to set consistent professional standards for the Guides and Outfitters. One of the biggest things we did was we restructured the rule. We left a lot of the language intact but we structured it where it was kind of logical. We really make sense where from the time an outfitter is looking at his work space from registration to the process of all the registration contracts all the way down, each one all the way to the criminal violations so it's very much easier to read and follow with this new restructuring. During these last several months talking to various outfitters there's been several issues that have been brought to the table that they wanted addressed and as the department, we would like to address and we tried very hard to address all of those concerns. One of the main things with the new definitions. This is all the new definitions but the biggest one there is that accompanied definition and the big part of that is that it says that an outfitter guide shall physically escort the hunter client in the field during the license hunt dates. That will become apparent why that's important further on. We also added the term conviction for the administrative Code and we just felt it was important to have a defined term of conviction in our rule which was not there. We worked on some of the language for the definition of outfitter. All that that you see in black is what has always been there but we tried to address some of the concerns with some of the exceptions to becoming an outfitter is that agent of the landowner exemption. So we tried to address some of the issues that have come up over the years and especially when dealing with

landowner permits. I did some additional requirements for guides to make it consistent. Outfitters currently have to have a Hunter education Course. So we're recommending that that's in the requirement to be put forward for guides and then also history of violations that where it's applicable for guides also. Meaning currently outfitters, if they have a history of violation meaning that their personal hunting and fishing or trapping privileges are revoked they cannot apply to be an outfitter if they're revoked for their own personal practice. Guides currently can be revoked of their hunting, fishing and trapping privileges but still apply to be a guide. So we wanted a history of violation to apply to guides also. Again, one of the exceptions is the agent as a landowner. That would be what you see in the black is what has always been there. We added some language where they just specifically cannot act independently from the landowner and then added some language in there that pertains to guiding anyone on federal lands. They require that if you are doing a commercial activity on federal property regardless of landowner permit, that you must be registered with the state. So we just wanted to make it as consistent as possible across all agencies. Again, to eliminate any confusion out there. Contracts were a significant issue that was discussed over the several months so we tried to give two options. Currently all outfitters or guides that have outfitted hunts. They must carry the contract with them in the field. We gave them a second option of allowing them to submit the contracts electronically to the Guide and Outfitter Register at least 48 hours prior to their hunt. Also with contracts that did for a hunter-client choses to hunt beyond their contracted dates. The two-day minimum contracted dates, that they must carry that contract with them in the field to show us that they were contracted with an outfitter and the only reason they would need to carry that was unless it was not submitted to the department prior to the 48 hours. If nit was submitted, that requirement would no longer be applicable. In the special drawing pool, the contracts that the 10% pool we're

recommending that every outfitter showing sure that each hunter client who obtains a license in that 10% pool is accompanied and again, if you remember that definition of accompanied, that they would be physically escorted in the field during their hunt dates. During the hunt dates is important as we've had multiple discussions on abuses of the system or perceived abuses of the system where outfitters (Indiscernible) have been meeting at the coffee shop or via the telephone. We feel that that accompanied definition will tighten that up where they have to be in the field guiding them for those two days. Another addition to addressing some of the perception of the saturation of the special drawing pool is that an outfitter cannot guide or contract with themselves in applying special drawing pool. They must again, we felt that that legislative intent of that special drawing pool was to ensure that a percentage of hunters go to guide outfitting industry for guided hunts. So we put that in there to address some of that concern. One of the other issues that came up with a lot of the outfitters was misconduct and being accessed points for misconduct. So what we've tried to do is we took as much or as many of the misconduct violations that we could or that made sense and made them criminal and the reason for doing that is that if we make them criminal, all of those violations must be heard by a court of competent jurisdiction before reassessing points. So the court system will be, they'll be going through their due process if they're convicted we will access points. If they're not we will not. So the few that we did keep were breached contract and misrepresentation but again, we added that they must be determined by a court of competent jurisdiction. So there must be a civil lawsuit and a judgement before we would access any misconduct points for those violations. Failure to report illegal activity or failure to comply we added that those only apply to those regulations state laws and federal laws that are applied to hunting, fishing, trapping or outfitting or guiding or land management type rules. Failure to comply with the registration audit. You know, in that scenario an applicant

must make a conscious decision not to supply us with the pertinent information we're requesting and the whole point of all of this is that we wanted to show that someone couldn't accidentally violate these misconduct scenarios and then put our Guide and Outfitter Register in a predicament of having to access points. We wanted it as clean as we could make it before any points were accessed. So with that I will take questions.

COMMISSIONER RYAN: Public comment first or not?

(Indiscernible)

CHAIRMAN KIENZLE: Not strictly speaking. I mean, we can do both. But I think public comment's fine because there's enough of it. Jim Wells.

JIM WELLS: Good morning Mr. Chairman, Commissioners. My name is Jim Wells. I own and operate JFW Ranch Consulting with my wife Kelly in Albuquerque. We've been in the outfitting business since the law was first enacted in 1997. I want to thank you and Colonel Griego, Captain Jackson [phonetic], Letitia Mee for the willingness to openly discuss the proposed rule, the statues thereof, and the pros and cons of the proposed rules. I very much appreciate their reconsidering verbiage that was reworded to combat the abuses in the field that they are confronted with. We hope that these changes will allow law enforcement the tools they need to do their job effectively. We support the rule as rewritten. I believe it will promote the legitimacy, success, and professionalists providing outfitting and guiding services for hunters venturing into New Mexico. With that I am open to any questions you may have.

CHAIRMAN KIENZLE: I don't think we've got any. You've submitted written comments I believe. Is that correct?

JIM WELLS: Yes.

CHAIRMAN KIENZLE: Okay. I think we've got it. Thank you. Kelly Wells.

KELLY WELLS: Good morning Mr. Chairman, Commission. I just want to stand here on behalf of our guides. There's about 15 of them. And I want to say thank you for rewriting this. They are anything but illegitimate because they are offered two days of full guiding in the field as they have been accused of being so I thank you, too, for adding the (indiscernible). Thank you, Colonel and Letitia for sitting in meeting with us and for all the effort that's been put forth. Thank you.

CHAIRMAN KIENZLE: Roger Gabaldon.

ROGER GABALDON: Mr. Chairman, members of the Commission. I'm Roger Gabaldon. I'm from San Antonio, New Mexico. Mr. Chairman, I'd just like to make a comment on the regulation as far as a private landowner, agent, and I have been a professional outfitter in New Mexico since 1973. And through all these years I've never seen such a big loophole in the laws concerning the state, this non-residents coming into the state and residents, working under the auspices of a private landowner agent. I work both ways. I am a registered outfitter and I am a landowner agent. I do not have, if this is a catch-me-if-you-can as far as these taxes go, it's not working. It's not working for the outfitters. It's not working for the states. So basically that's my only comment.

CHAIRMAN KIENZLE: You're in favor of the rule change?

ROGER GABALDON: I'm in favor of the rule change, sir.

CHAIRMAN KIENZLE: Yes, sir. Thank you. Chris Guikema. Okay. It looked like your middle name. I'm glad I wrote it clear enough that you could read it.



CHRIS GUIKEMA: Okay. So, members of the Council, my main statement to you guys, I also submitted it. And you know, my main thing is, this isn't a class fight. This isn't a fight about money. You know, this is a fight for the diminished opportunity for nonresident hunters looking to come to New Mexico and maximize their opportunity and money through fully guided or guided hunting. You know, my general feeling is that the opportunity is fading rapidly as the pools are becoming indistinguishable between each other. I believe the true legislative intent of the 10 percent pool was to allow nonresident hunters to come to the State of New Mexico and maximize. I think the loophole in this 2-day rule is entirely too vague and it's being taken advantage of and it's, you know, it's hard for me to see as this is my sole income and my family's sole income.

CHAIRMAN KIENZLE: So you're in favor of the rule change.

CHRIS GUIKEMA: I'm in favor of modifying the 2-day rule.

CHAIRMAN KIENZLE: Okay. Thank you. Mike Barraclough. That's a pretty cool name. I want to say that we checked in at the same time last night, didn't we? You look familiar to me.

MIKE BARRACLOUGH: Thank you for having me here today. A couple of questions, clarifications. On the 2-day portion where it says accompanying in the field, is camp considered the field? That would be a question we have. We perform, we provide self-guided. We provide the camp, we provide cooks, we pack out the animals for them. We're in the field with them but So does that fall into —

MARYLOU POLI: Under the current proposal by the Department, no. That's basically a drop camp and the Department is eliminating that possibility. So, in your situation the guide outfitter

would have to accompany the hunter for at least two days actually in the field hunting, doing hunting activities rather than just camp.

MIKE BARRACLOUGH: So it becomes a guided pool and not a –

MARYLOU POLI: It becomes a guided hunt for at least two days.

MIKE BARRACLOUGH: Okay. And then, a little part that we had kind of a little question on was the submittable contracts. Back up on that thing. Um, once we submit a contract saying we sent them in 48 hours prior and, do they become open to public record at that point once the Department has them cause the contracts then have sensitive information on them, date of birth, social security numbers.

COMMISSIONER: There you go.

SPEAKER: The addresses, once the Department has them, can someone then do a public record request and have access to all this?

CHAIRMAN KIENZLE: What's your sense of that?

COLONEL GRIEGO: Mr. Chairman, Commissioner Sloan [phonetic], yes I do believe that it would be subject to inspection by records request but as all documents that have sensitive information, even though we would turn them over, they're highly redacted. Any of that information that would be sensitive would be redacted.

SPEAKER: Such as?

COLONEL GRIEGO: Such as addresses, telephone numbers, account numbers obviously, dates of birth except for the year, social security numbers, but the contract in itself, the wording would be there but all the personal identifiers would be redacted.

CHAIRMAN KIENZLE: Does price get redacted out? Compensation?

COLONEL GRIEGO: I wouldn't think that that could be redacted, no sir.

SPEAKER: Cause that was our question. And it opens up somebody being unable [phonetic] to request public record on other outfitters to see who's charging what.

CHAIRMAN KIENZLE: I'm familiar with the act and I don't know if it protects proprietary information like that necessarily. [crosstalk] Let me ask a quick question. So, in the past, has the Department ever turned over that information? I don't know that we have.

DIRECTOR SANDOVAL: Mr. Chairman, members of the Commission, if I may. Not necessarily with regards to hunting contracts but we do receive IPRA's on a regular basis regarding bids, competitive bids that come in for the purposes of invitation to bids or requests for proposals. We are obligated to turn those over once a final determination is made. And I know that there has been some discussion that those are proprietary as well. But we were directed to turn those over.

CHAIRMAN KIENZLE: This may be one of those things where the price of doing business is turning over some of your information.

SPEAKER: Gotcha.

CHAIRMAN KIENZLE: To the state.

MIKE BARRACLOUGH: And then, for the carrier of the contract itself, is soft copy still going to be a viable option?

COLONEL GRIEGO: Mr. Chairman, Commissioners and Mr. Barraclough, yes. Soft copies are fine. Electronic copies are fine as long as there is all the pertinent information and our officer is able to review it.

CHAIRMAN KIENZLE: You don't have to carry a filing cabinet with you, as Commissioner Ramos said.

MIKE BARRACLOUGH: That was all I had. Thanks.

CHAIRMAN KIENZLE: Thank you.

SPEAKER [*background*]: His Dad used to work here.

CHAIRMAN KIENZLE: Bob King [phonetic].

DIRECTOR SANDOVAL: Oh, his name is on here. Don't have the card.

GUEST SPEAKER: Mr. Commissioner, Commissioners, I have an issue with this 2-day rule that we're implementing here, or trying to. It's basically a devaluation of our wildlife and our businesses here in the state. We have a sweet business deal. We're given 10 percent of these tags to do business with. We have a rule that we are, a statute that we must be New Mexico entity businesses. Why not bring the value up of those tags that go out? The current system with this 2-day rule has been an open flood gate of hunters being able to bribe their way into this market, to be able to pay an outfitter some to have a minimal guided business. The impact of that is with the guides, our businesses, our support services, just a less of an income flow into New Mexico. That's really my point is a devaluation. I think we ought to protect our game and our species in our state as a business and make it a 5-day rule. Make the guided and outfitted pool a 5-day or a duration of their hunt guided rule. Keep the income in our state. We could use it. Currently, the

way it's going on is a bribe fee. As my investigation, I called, I looked. I gave you all a letter. All that's in there. The applications have been greatly increased by calling or finding these hunters in the field and sending them letters. They are being guided by 2 days minimum or maybe just DIY. We would use to protect our state. It is a dollars-and-cents thing here in New Mexico. We need income and the current system of opening the flood gates with this 2-day rule, it'll be big coming up. It will be a way where we usually drew in 50 to 60 percent of our hunters at contract whereas if I put in 30 applications into the elk pool, I'd get 50 to 60 percent repeat business year after year, people coming through. It's not the case now. Hundreds of applications are being put in these pools. So. And it will open the flood gate and it will be wide open when we make it an okay 2-day thing. The original intent, intent of a drop camp, I packed in the wilderness. I tried to use my horses as much as I could to make them pay for their lives of luxury the rest of the year. I know that's what it was in there for. But the intent of the outfitted pool was for business here in New Mexico. So please, let's maximize our businesses here in New Mexico. Thank you.

CHAIRMAN KIENZLE: Thank you. Mr. Crenshaw. John Crenshaw. Pick him up on the way back around. Jess Rankin.

[Background discussion, indiscernible.]

JESS RANKIN: Good morning, Mr. Chairman, ladies and gentlemen of the Commission. I appreciate you all looking into this and I appreciate the Department's efforts to clean up the 10 percent outfitter quota drawing. But the trouble is, with a 2-day minimum, there's, first of all it's not enforceable. You know, if a game warden checks on the first or second day, even a 5-day hunt, he can say, oh, we're going to be guided on Tuesday and Wednesday. On an archery antelope hunt—excuse me, on an archery deer hunt in January, he can say oh, I got guided back in September. And I talk to hunters every year that pay an outfitter a very minimal fee to draw

their tag and if they get checked, they just say they've already been guided. There's no way of enforcing that. I think a hunter should have to be guided his entire hunt, however long he hunts. If he contracts for a 2-day hunt, he should go home Monday morning whether he got an animal or not. If he contracts for a 5-day guided elk or deer hunt with a firearm, that's fine. He should be guided the whole 5 days. But there are some legitimate services out there that are doing 2-day hunts. I don't dispute that. But there's so much abuse of it and there's no way of getting around it. You know, the intent of this deal, the legislation had in mind to give us 10 or 12 percent, start out 12, now it's 10, was to create job opportunities in rural areas that are economically depressed because of cutbacks on logging and things like that. You know, an outfitter that draws some hunters for a 2-day hunt and go there and spend two days with them himself, he's not hiring a guide, he's not hiring a cook, he's not buying groceries at the grocery store there in Rosario [phonetic]. All he's done is basically pocketing some money. Now this two-day doing a hunt will help but it's not going to stop the abuse. When we first got this outfitter rule, I could draw a lot of elk hunters and some years I drew over half my elk hunters. The hunts I'm working to do now, a lot of them are 1-in-50 odds in the outfitter pool. It's because resident hunters got a buddy with an outfitter license and they use his number or there's entities like the Cabela's where they're advertising, we got real cheap semi-guided hunts with outfitters. And the people aren't being guided and they're not spending any money into the local economy. And that's not what this 10 percent quota was supposed to be about. You know, I do a lot of internet advertising, mail, direct mail advertising. I go to a lot of shows. I talk to a lot of hunters. I go (indiscernible) in Utah. And all Utahans [phonetic] are the cheapest hunters on earth. And I'm constantly getting hit up for my outfitter is charging me \$400, can you beat that price? That's not what this 10 percent quota was for. And to close that loophole, you can't have a 2-day rule unless they hunt

two days and they go home. You know, there's 37 days of archery deer season. They can hunt two days, semi-guided, and then hunt the other 35 on their own. There's 28-day Barbary sheep season. You know, up to two years ago, Barbary sheep hunting, the Guadalupes was hunter subscribed in an outfitter pool. Last year, I didn't look at the odds but I had several hunters that didn't draw. This year I have several hunters that didn't draw. I looked it up and there was 170 applicants for 60 tags. It went from 47 to 170 in two years. That's not 'cause there's a lot of people out there wanting to pay money, real money for a guided hunt. It's because there's people figuring out how to get around this system with this 2-day rule. So we really need to eliminate that. They need, if how long they're hunting, they need to be guided. And after the guide quits and goes home, the hunter should be through hunting. He shouldn't be able to stay and hunt on his own. Like I said, that's not what the legislature had in mind when they gave us this 10 percent quota, you know. Thank you for your time.

CHAIRMAN KIENZLE: Thank you. I'm going to call Mr. Crenshaw again, and I suspect he's back now.

MR. CRENSHAW: Mr. Chairman, if I may, I signed up on the wrong sheet and I had not really intended to talk to this.

CHAIRMAN KIENZLE: Strike this one from the record. [Laughter] That's okay. Stricken from the record. Okay. Thank you. Jack Diamond.

JACK DIAMOND: Can Kerri Romero go before me, or is that . . .

CHAIRMAN KIENZLE: I'm taking these kind of in the way they came to me.

JACK DIAMOND: No problem. Hello. I'm Jack Diamond. Good morning to all of you. Our business is strictly a guided hunt. We take people and we're with them every day. I really think

that some of the big issues are some of these big companies, Cabela [phonetic] and other groups that are putting people in and then advertising these cheaper hunts and then they're with them for a half a day and that counts and a half a day at the end. I really believe, I was there in the 90s when they made this law, also in the two thousands and I know Robert was there as well. And I'm really concerned about the outfitters in the state of New Mexico and the rural communities in the state of New Mexico. So we pay our state [phonetic], we see tax and it's a higher fee than a lot of other people because, you know, they can do this half a day and then on the fifth day do another half a day and they can charge \$800, they can pay their guide for two days where we have to pay our guide for six days. So I think it's just a way to get around the reason we actually had the law. The law was guided hunts. And I think we're trying to get away from that.

Everybody kind of works an angle. I don't get it. You know, it seems to me like a guided hunt, you're with a guide and you're not with somebody for half a day one day and then the last day a half a day. To me, that's not a guided hunt. This year we had somebody come into Beaverhead [phonetic] where we live, back on the fourth day, tried to hire us because he was with somebody for two days, they didn't kill a bull. Then he didn't know where to go. We didn't have anybody to take him so we turned him down. He was legal but he was scrambling because he had no idea where to go. So I'm in favor of a longer period than the two days. I think that would bring more income into the state. I think makes it a guided, a guided hunt and that's what we're trying to do, not where we just communicate for 5 minutes and that's considered a guided hunt. That's not a guided hunt. A guided hunt is with the people, the clients, on a daily basis. So that's where I stand. There is some legitimate drop camps out there and I feel for those people because they are people that are packing them in and that there's a lot of abuses going on with this two day because people are just paying for, to get something cheap. And you know what? There's



another pool. If that's what they want, let them apply in the other pool. Keep the guided hunt a guided hunt. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Chad Williams.

CHAD WILLIAMS: Good morning. I just want to say that I'm in favor of the rule as rewritten. Thanks.

CHAIRMAN KIENZLE: Thank you. Kerrie Romero.

KERRI ROMERO: Thank you, Mr. Chairman, members of the Commission. Kerrie Romero with the New Mexico Council of Outfitters and Guides. First and foremost, I would like to say thank you to Colonel Griego, to his Department, and especially to the outfitter and guide program manager, Letitia Mee, for all the hard work that went into revising this rule. During the process the Department went out of their way to include the Council in their conversations and to address many of the concerns of the outfitter industry. We know that this was not something that was required of the Department to do and we are very grateful to have been able to participate at the level that we did. We are in favor of the majority of the rule as written originally and rewritten. There is one sort of sticking point, the providing contracts in the field remains a sticky point with the industry. However, we feel that having the ability to submit contracts to the Department before the hunt begins is a good middle ground. Hopefully over time, outfitters will gain trust in the electronic submission process and the contract issue will become obsolete. In regards to the 2-day rule, as you are all painfully aware, we ran into a bit of a snag over the past week when it came to our attention that our original recommendation to close the loophole was receiving a lot of pushback from non-resident hunters. We had to do a lot of damage control to prove to you all that the recommendation, the first recommendation, the original draft of the rule

revision, is in fact the desire of the outfitting industry. I have provided each of you with a letter that was drafted and emailed on Sunday night to the list of registered outfitters, both NMCOG members and non-members. The email stated that, if they were in favor of closing the 2-day loophole to please cosign the letter. The outfitters had just three days to respond. Now let me just say that normally I can't get five people to respond from the months of September to January to anything. So the fact that there are 70 names on this list is significant. The industry wants to see the 10 percent pool used for its original intent which was for fully guided hunts or legitimate drop camp operations. Semi-guided hunts should be reserved for hunters who draw in the resident pool or the 6 percent do-it-yourself pool. I'm sure there are going to be a lot of hunters that are upset about this change. After all, they have had the ability to pay to increase their draw odds without actually having to pay for an outfitter for years. But the fact of the matter is, this is the guide and outfitter rule. This rule regulates the livelihoods of outfitters and guides, not non-resident hunters. The emphasis should be placed with the industry. We would appreciate your voting to approve the guide and outfitter rule as it was drafted when it was originally posted to the registrar on October 14th. Thank you.

CHAIRMAN KIENZLE: Okay. Any further public comment? Any further exhibits? Any other written material from the public? I will admit the comment cards, the attendance sheet, and I think I have already admitted the pre-filed log ins [phonetic].

DIRECTOR SANDOVAL: Mr. Chairman, that is correct. We have Exhibits 6 and 7 as the two sign-in sheets that were given to us and then I will admit all the other written comments as individual exhibits.

CHAIRMAN KIENZLE: All right. I am closing the record at this time. Discussion, comments from the Commission? Stoney silence. Nobody has anything to say?

COMMISSIONER RYAN: Okay. So here I go. We received a lot of comments via email and I appreciate the involvement of all the hunters and outfitters and guides that have contacted us with their concerns and so we really appreciate the involvement from the public on this. You know, on the one hand it's, what it's been is an all or nothing resolution to completely closing the loophole and not allowing abuse of the system or allowing, you know, not doing that. And so I think there is something to be said for the hunter that can't pay for the entire duration of his hunt or five days or more of a guided hunt, and there's something to be said for that. I don't really care about the out-of-state hunters wanting to be able to be in our state and hunt. I mean, that's great but as has been stated by the public, this is an outfitter rule and I was absolutely shocked in hearing about the abuse of the system for a long time. We actually received dozens of emails from hunters out of state who said, I still want to be able to have my own outfitter number and go hunt and take myself hunting. And it was really shocking that we had so many just openly say they were abusing the system and wanted to continue to do so. I don't think anyone on the Commission or the Department wants to allow that to continue to happen. And so what the revisions to the rule today do is strike a balance between trying to close that loophole and not allow those self-guided hunts but still allow those that can't afford a longer duration hunt be able to choose a shorter duration. So I appreciate the Department's language regarding accompanying in the field and the situation with what has to be in the contract. So the situation that was proposed previously is that someone is hunting in January and they were guided back in September, their contract better say when those two days were, and it has to be either with the Department or with them. So I feel like it may not be 100 percent fixed but I think as far as (indiscernible) it's a good compromise and will curtail greatly the abuse of the system that's currently happening. It's certainly not going to allow people to fit in their own outfitter numbers

and take themselves out any more. So that situation is going to be eliminated by that here [phonetic]. So the only thing we're talking about is how much money and business the outfitter wants to insure on his hunts that the hunters have to pay for a longer duration hunt. That's really the only issue that it boils down to today. So, where I fall on it is to allow that hunter who can only pay two days to continue to do that while eliminating the abuse by the self-guided hunt. So I support the Department's proposal today.

COMMISSIONER ESPINOZA: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I've talked to, for whatever reason, over two dozen outfitters over the last few days, or last few weeks, several just yesterday. In fact, I had two of them call me this morning while we were sitting here. But the majority of what I call good business men, good outfitters in the state, are stating that they like what we're proposing. They, but most of these guys are like Jack Diamond stated, you know, they offer fully guided hunts and at the end of the day that's what brings revenue, more revenue into this state. I'm kind of seeing that (indiscernible/background noise) just letting them do the two days may create another loophole. You know, if an outfitter wants to do two days and he hires a guide and pays him a couple hundred dollars a day, then he can offer the same service again—well, I'll let you apply but you're obligated to pay me a few hundred dollars to cover the guide and a few hundred dollars for my pocket. So I'm thinking that might create another loophole but, and I understand, you know, the guys that can't afford it. You know, I can't afford a fully guided hunt. But I appreciate the guys that want to do this. But I don't think that was the intent of the law. When, cause I was there, you know, fighting alongside everybody else or at least understanding what was going on back when SP196 was going on. I'd be in favor more of the entire term of the contract. And it

could be just for two days. But it could be for five days or whatever it is. And I don't know how that amendment would work, Mr. Chairman, but I'd be in favor of changing it today to allow for the entire term of the contract, whatever that term might be. Beyond that, Bobby, I have one question for you. You and me have talked about it. In the rule that we're passing today, you added an additional rule for penalties for outfitters that may offer that service again, you know, sell their outfitter number but nobody's there and you've found, you found that sportsmen in the field without an outfitter or a guide so you've had that in rule today. Is that right?

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

COMMISSIONER ESPINOZA: That would be my sense, Mr. Chairman. And again, I'll go with the favor of the Commission but I don't know if that's possible to make that amendment and have a separate vote or would we just vote on one time?

CHAIRMAN KIENZLE: Well, if there's going to be—well, I suppose we need a motion first. But if there's going to be amendment to whatever has been proposed then I think that amendment has to be approved by the Commission. So, as we get on down the trail here, if you want to make that motion, you can make that motion to amend whatever is being proposed by the Department. That make sense?

COMMISSIONER ESPINOZA: Sure.

CHAIRMAN KIENZLE: But then that would have to be seconded, approved by the Commission and then we would vote on the amended . . .

COMMISSIONER ESPINOZA: For clarification, the motion as presented would have to be presented and then a motion, if I so desire, a motion . . .

CHAIRMAN KIENZLE: You amend first.

COMMISSIONER ESPINOZA: First, yeah.

CHAIRMAN KIENZLE: And then you—

DIRECTOR SANDOVAL: Yes.

CHAIRMAN KIENZLE: —and then you, we approve the amendment. And then we approve the amended overall. So it's a 2-stage process.

COMMISSIONER ESPINOZA: I understand.

SPEAKER: Mr. Chairman?

CHAIRMAN KIENZLE: I think if we, depending on how much you amend, if you change a comma then it's not a big deal. It's not a problem. But I think whenever you change [crosstalk] too much substantively it has to be republished. Correct?

DIRECTOR SANDOVAL: That's correct, Mr. Chairman. Mr. Chairman, Commissioner Espinoza, should you make a motion, if you could please contain the rule number in that and the exact language that you intend to amend it to or wish to amend it to so that basically so that I can look at it and see if it falls within the scope of the contemplated proposed changes. So I can say, Commissioner Espinoza, that I am not clear as to exactly where and what you want to change.

CHAIRMAN KIENZLE: The 2-day rule, I think would, I think what Commissioner Espinoza is, I'll just put words in your mouth [laughter]. I think what he's saying, instead of what we're calling the 2-day rule, the hunter would have to be with the guide or outfitter during the entire duration of their contract.

COMMISSIONER ESPINOZA: That is correct. And that's a whole . . .

CHAIRMAN KIENZLE: And that, in my way of thinking is a substantive re-publishing type of amendment, the way I, so maybe I'm not the end of the line but if we make an amendment like that, to me it seems significant enough that the public, outfitters, and guides might want to weigh in on it again. In fact, was that the original?

SPEAKER: (Indiscernible/audio interference).

CHAIRMAN KIENZLE: That's okay. I think it's [crosstalk] a common problem. So –

COMMISSIONER RYAN: What's the original?

[Crosstalk]

COMMISSIONER ESPINOZA: That's what they're proposing today, less the drop camp.

[Crosstalk]

COMMISSIONER ESPINOZA: Either that, or today they're saying the entire term of the contract. Is that correct, Kerrie?

KERRIE ROMERO: What we're saying is the original recommendation which included drop camp, definition of drop camp. What the revision does, and I don't know that (indiscernible) you can correct me is, is that it doesn't, it wouldn't allow –

DIRECTOR SANDOVAL: Excuse me. Could you please come to the microphone so that we have it on the record? Thank you.

KERRIE ROMERO: Thank you. Mr. Chairman, so I'm a little confused about the new revision, the way it's written in front of you today. What we have recommended is to go back to the first draft revision which included language that stated that a client must be with their guide for the duration of the hunt if they draw a license in the outfitter pool or in their contract they must be a

drop camp, a legitimate drop camp situation which would be labeled in their contract and also defined in their contract. What I'm a little bit confused about is how this new revision with the two days, do the two days have to be back-to-back? Because if that's the case you would alienate all drop camp operators completely out of the 10 percent pool which the original intention of the pool, which is why we submitted the recommendation the way that we did is because originally drop camps have always been in the bag basically as part of the legitimate industry and that's why there has always been, going back to the original intention of the law, an ability for legitimate drop camp operators to utilize the 10 percent pool. So going to this current revision draft it seems like you might be alienating those legitimate drop camp operators.

CHAIRMAN KIENZLE: Two days consecutive. What's two days mean?

COLONEL GRIEGO: Mr. Chairman, Commissioners, we just stopped at two days. The further we started getting into trying to define, the harder it was becoming. And Ms. Romero was correct in that this new version is a hunter-client, an individual who is contracted with an outfitter must be accompanied for two days in the field. So our drop camp scenario is going to have to be accompanied in the field for two days to be in the special drawing pool.

CHAIRMAN KIENZLE: So I will say again that anything other than minor technical changes or changes to punctuation, grammar, capitalization, those kinds of things, if it is a substantive change then we would vote on that amendment but it's probably something that has to be republished and we're back here again in 30 or 60 days to do it all over again.

MARYLOU POLI: Mr. Chairman, Commissioners, it's within the scope of what's been contemplated. We can make those changes. We don't have to limit it to punctuation. So the question is, for me, whether the contemplated amendment to what's been published and



proposed is within that scope. And to clarify for myself, and the question is directed to Mr. Chair, are we looking at 19.30.8.12?

CHAIRMAN KIENZLE: Which code section are you . . .

DIRECTOR SANDOVAL: NMAC.

CHAIRMAN KIENZLE: I'm sorry. Commissioner Espinoza, which code section he's referring to.

COMMISSIONER ESPINOZA: Could you guide me maybe, Bobby, in what section that is.

COLONEL GRIEGO: She is correct, Commissioner Espinoza.

SPEAKER: Got it.

SPEAKER #2: Twelve.

SPEAKER #3: Twelve?

DIRECTOR SANDOVAL: 12 (f).

SPEAKER: Yes.

MARYLOU POLI: So, if I'm following, I'll read it as it's been proposed and published: A New Mexico outfitter showing each hunter-client who obtains a license through the special drawing pool is accompanied by the outfitter or the registered guide for at least two days during the contracted dates of the hunt. It continues but I'd like to stop there. So Commissioner Espinoza, are you proposing to say at least 2 consecutive days? Is that?

CHAIRMAN KIENZLE: No. [cross talk]. The full duration of the number of days in the contract or of the hunter's hunt I think is what he's saying.

COMMISSIONER: Between that hunter and the outfitter which, if you have a 5-day contract or a 6-day contract or 2-day, they want, what Robert is asking is if it's a 6-day contract between the outfitter and hunter, then it's, has to be, that guide has to be with that hunter six days. That's what Robert's asking for.

COMMISSIONER ESPINOZA: Basically, I would strike the two days and insert for the duration of, for the entire duration of the contract between the hunter-client and outfitter.

MARYLOU POLI: Thank you for clarifying. Mr. Chair, that would be a substantive change.

COMMISSIONER RYAN: I'd like to point the inconsistency in supporting a drop camp and then also supporting the having to be guided for the duration of the hunt. Drop camp services can still be provided but would require them to be accompanied by a guide for two days. So there won't be drop camps where these hunters just self-guiding themselves. That's the situation we want to eliminate. What outfitters can still do is set up camp, guide them for two days and then continue to provide, you know, camp services for the duration of the hunt and the contract can cover that situation that's only for 2 days' guide and the rest are basically drop camp services. So that situation can still happen. But what was happening under the previous revision was that they're really completely inconsistent with one another because we're wanting to eliminate those self-guided hunts. So I just want to make that clarification.

COLONEL GRIEGO: Mr. Chairman, Commissioner Espinoza, would it address your concern if the rule stated that a hunter-client must be accompanied by a guide or outfitter for the duration of their contracted hunt dates. All contracts must be at least two days.

COMMISSIONER ESPINOZA: Yes, because the two days are in statute so that would follow statute.

COLONEL GRIEGO: But that would ensure that if I did contract for 5 days that I must be accompanied by a guide for those five days but I would have the option of doing a contract for only two days.

COMMISSIONER ESPINOZA: That is correct. That would, I think that would clarify it.

COMMISSIONER RYAN: That was my understanding of the current, the current rule, is that you have to be accompanied by a guide for whatever is in your contract for at least two days. So my understanding is that's what's already being proposed today.

COLONEL GRIEGO: Mr. Chairman, Commissioner Ryan, that is correct. And I do believe if I contracted with an outfitter for five days I think the expectation is that I'm going to be guided for five days. But I was trying to satisfy Commissioner Espinoza's idea. I don't know.

COMMISSIONER RYAN: I mean, if there was a hunter out there beyond, let's say they only contracted for, they say they contracted for five days but he's out there beyond that time period and that contract reflects that he's doing that, it's unlawful and he's going to have to, he's going to be cited for it. So again I mean the goal is to eliminate the self-guided hunter and I believe the current rule does that while still allowing those on a, you know, a smaller budget to participate in the pool.

SPEAKER: I think you got that right. [Laughter]

CHAIRMAN KIENZLE: So if I have a contract with an outfitter or guide for five days, two of those days I have to be accompanied by the outfitter or guide?

COLONEL GRIEGO: Mr. Chairman, per the statute, you have to be accompanied for at least two days. And that's why we brought that back to it. A hunt has to be at least with a guide or

outfitter for two days. The expectation is, if you're, per your contract, you're going to be guided for the duration of your contract.

CHAIRMAN KIENZLE: Unless I agree with my outfitter and guide, I don't want you the remainder of my contract, the last two days or three days of my contract?

COLONEL GRIEGO: That outfitter would have to address that in a release of some sort where if we contacted that individual we will have some proof of that occurring.

CHAIRMAN KIENZLE: Right.

COMMISSIONER RYAN: Okay. I'm going to make a motion to repeal existing rule 19.30.8 NMAC and replace it with the new 19.30.8 NMAC as presented by the Department and to allow the Department to make minor corrections to comply with filing this rule with state records and archives.

CHAIRMAN KIENZLE: Is there a second?

COMMISSIONER ESPINOZA: Mr. Chairman, a point of reference. If I wish to make an amendment, I'd have to make that amendment prior to that motion?

CHAIRMAN KIENZLE: Correct. The motion hasn't been seconded yet.

COMMISSIONER SALOPEK: Second.

CHAIRMAN KIENZLE: So, it has been seconded now. So I guess we vote on the motion that's on the table. If it [crosstalk] then we'll have an amendment on the table again.

SPEAKER: So we're ready for a vote?

CHAIRMAN KIENZLE: We're ready for a vote. But if the vote, you can do a motion I suppose to postpone the vote, change the vote, hold the vote off until you make your amendment.

COMMISSIONER: Excuse me, Director, I'm sorry, Chairman, I believe just Robert's Rules of Order is, you have a motion on the floor –

CHAIRMAN KIENZLE: (Indiscernible) vote on it.

COMMISSIONER: . . . is supposed to be open for discussion and then within that discussion you can amend the main motion.

COMMISSIONER #2: And then you have to vote—

COMMISSIONER: And then you vote on the amendment. If the amendment passes or if it fails, it goes back to the original motion.

CHAIRMAN KIENZLE: Right. You have the, same, we arrive at the same place. So we're not just going to just immediately vote. I usually call for discussion or further comment. So if you have a motion to make within the context of what's been moved and seconded, we can take that up and see if that amendment in fact passes, if you will, to amend the motion that's on the table.

COMMISSIONER SALOPEK: Are we in discussion now?

CHAIRMAN KIENZLE: We are in discussion now.

COMMISSIONER SALOPEK: Can I ask Marylou a question?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER SALOPEK: Marylou, so what we're looking at proposing, what you're saying is, I'm a little bit confused. Are we changing it from the 2-day to where it's going to be

now, not what we have on the table but with me and Beth [phonetic], right? Okay. If in the amendment, Marylou, here's my question, that Robert wants, are we going to have to re-advertise and start this process all over or will that, if the amendment is passed, would we be able to get that done? And I want something done in place for this next hunting season. If it's a 2-day, it's a 2-day. So be it. I agree. I appreciate all the outfitters that spoke today while you never see an industry that basically everyone said the same thing and that's encouraging. So now my question to you, Marylou, is if we do an amendment to make it where it's the length of the contract by the outfitter and hunter, do we have to re-advertise?

MARYLOU POLI: Mr. Chair, Commissioner Salopek, thank you. If a motion to amend is made, it would change the language from (quote) where the registered guide for at least two days during the contracted dates of the hunt (close the quote), if the amendment were changed to move the language of the two days to read instead, with a registered guide for the duration of the contract, that's a substantive change and it would have to go back through the rulemaking process.

COMMISSIONER SALOPEK: Thank you.

COMMISSIONER RYAN: I disagree. I'm sorry. I completely disagree with that. I think it's within the scope for us to discuss the duration of the guided hunt and that's substantive completely to what was noticed to the public and I respectfully disagree.

COMMISSIONER SALOPEK: Thank you, Marylou. Thank you, Beth. And thank our legislators for creating House Bill 58, thank you, because it messes everything up. [Laughter] I'll shut up.

CHAIRMAN KIENZLE: So, we're still, I don't have an amendment from you yet to the motion that's on the table for instead of what we're calling the 2-day rule for a duration of hunt. So, are you choosing to make that.

COMMISSIONER ESPINOZA: Yes, sir, before I make that motion, is it Chairman's opinion as well that it is, that we would have to go back to and open it up again?

CHAIRMAN KIENZLE: I can assure you that anyone who is unhappy with whatever the outcome is of this rule, everything that has come out of our mouth will be used in court against us. [Laughter]. So my personal feeling is, you go from 2 days to the duration of the hunt, it feels like a substantive change to me. Now you can have a difference of opinion on that but that's what lawsuits are made about or made of. And so, I share Commissioner Salopek's comment that House Bill 58 is a challenge to the way we have typically done business in the past which is not to say we did it the wrong way in the past. But it makes it more difficult to tackle amendments on the fly. And so, one person's substantive amendment is another person's technical correction or something that's not substantive. So, you know, Marilou is not looking at a playbook saying this is, and this is her judgement and just as we all can exercise our judgement, we can go against what the Attorney General's Office has to say. But of course, it's always, you know you're at risk as to whether it's substantive or not. And so that's, that's the system we have in place right now. The net effect of your amendment, should it be passed and then amends the motion that's on the table, is we're not quite back to the drawing board but we will re-publish on that and there's no guarantee that when we get through that process that there isn't further amendment upon the proposal, perhaps to go back to where we started today. So that's why a lot of the hard work . . .

SPEAKER: [Background] . . . is that acceptable?

CHAIRMAN KIENZLE: . . . and compromises to the extent they're made should be made before they get here. It doesn't mean any of this is a foregone conclusion as this long-winded explanation is indicating. But making amendments on the fly just is challenging to get things done and it, and the other problem we've got is we are driven by the seasons and by nature, right? So when we delay things it has an impact that we may lose a hunting season through amendments.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I would call for the question.

CHAIRMAN KIENZLE: So that means we're?

DIRECTOR SANDOVAL: Go ahead on the current motion.

CHAIRMAN KIENZLE: We're voting on the current motion, right?

[Crosstalk]

COMMISSIONER: Could we ask the Commissioner to restate her motion?

COMMISSIONER RYAN: My motion on the table is that I move to repeal the existing rule 19.30.8 NMAC and replace it with a new rule 19.30.8 NMAC as presented by the Department today and to allow the Department to make minor corrections to comply with filing this rule with state records and archives.

CHAIRMAN KIENZLE: So we have a call to question. Do you have any further comment?



COLONEL GRIEGO: Mr. Chairman, Commissioners, I was just going to state that I want you all to be, rest assured, and our outfitters be rest assured that they have our commitment we want to get this right and I know the Director is committed to insuring that we get it right. We want enforceable rules and if we need to come back in a year or two because we're seeing something did not work, we will address them. I think we've built relationships over especially this year with the industry to keep that dialogue going and if we're seeing that loophole was not closed we will address it. So.

DIRECTOR SANDOVAL: Mr. Chairman, we have a call for the question which needs immediate addressing.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: You don't have to second it.

COMMISSIONER: Okay. Just checking.

CHAIRMAN KIENZLE: All right. Motion on the table, and I believe the motion has been seconded by you earlier. All right. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER ESPINOZA: May I explain my vote? I voted 'aye'. But again, I'm going with what Bobby said, I thank him for that. Keep on top of it, Bobby, because I think it's right.

CHAIRMAN KIENZLE: Okay.

DIRECTOR SANDOVAL: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: As a matter of procedure, when you do the call for the question, you must have a second and you vote on the call for question and then you vote on the motion in front of you.

CHAIRMAN KIENZLE: All right. So we want to back up and do it again?

COMMISSIONER: Do I send another second out? Second.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: So, let's vote on call for the question. All those in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

DIRECTOR SANDOVAL: Call for the question has a majority vote. Move forward with the motion.

CHAIRMAN KIENZLE: We will go back to the motion which has been moved and seconded. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: And then you made your previous comments that I assume stand, Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

SPEAKER: Thank you, Mr. Chairman.

CHAIRMAN KIENZLE: All right. Okay, next in line, 15, rule hearing on proposed amendments to hunting and fishing revocation rule 19.31.2 NMAC. I will proceed with hearing on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 2 of the New Mexico Administrative Code regarding the hunting and fishing license revocation rule. Do we have any exhibits, pre-filed exhibits, on this one?

COLONEL GRIEGO: Mr. Chairman, we do. I have the presentation, the rule and public comment.

CHAIRMAN KIENZLE: Okay.

COLONEL GRIEGO: Hard copy and electronic.

CHAIRMAN KIENZLE: Thank you.

DIRECTOR SANDOVAL: So, Mr. Chairman, I have in front of me Exhibit 1 and 2, and Exhibit 3 as public comments.

CHAIRMAN KIENZLE: We will go ahead and admit Exhibits 1, 2 and 3 into the record. Colonel Griego, you can proceed.

COLONEL GRIEGO: Mr. Chairman, Commissioners, before you today is agenda number 15 to repeal and replace the hunting and fishing revocation rule. As you all know, the revocation rule 19.31.2 establishes criteria to revoke or suspend the hunting, fishing, trapping, guiding or/and outfitting privileges and/or licenses of those individuals who flagrantly and knowingly violate statute of rules. An overview of the rule replacement we've come up with, we've added a few definitions, addressed the point values to fit severity of the violation, set a time frame for the revocation due process to occur, addressed some continuances and time frames, and also

addressed some allowing the Department to move forward with the process of notice of contemplated actions in various scenarios. Again, one of the definitions that was missing from this rule that we felt was important was conviction so we added that, and protected species because protected species is mentioned in the rule. As far as point values go, the Department has recommended reducing the point values of 10 specific violations, increasing the point values of 4 violations, adding 3 specific violations and adding 5 criminal violations that were once administrative violations under the outfitter and guide rule. These are the specific rules that we are recommending a value decrease. There are the 10 of them. Some of the big ones are hunting big game outside the range boundaries or in the wrong unit. We are recommending moving that from a 20 to a 17-point category, creating that 17-point category basically if there's those scenarios where the individual inadvertently ends up in the wrong unit because they did not recognize a boundary whether it be a canyon [phonetic], road, fence, whatever the case may be. If caught it really just puts them on notice that 17 points is not enough to revoke them but if they were to kill something in the wrong unit that would put them over that threshold. As you can see, there's those 9 others that were recommended point value decreases. Some of the point value increases we're recommending, for example, waste of game from 15 to 20 points. As you know we were in the legislature this past year and we got where wasted game is now a felony so that is significant enough that we should move that to a revocable offense if committed. Additional violations, what that means is we've got the catch-all if a rule is not specifically noted. It falls into that 5-point category so what we're doing is specifically noting these violations as we're starting to see occur more over the last several years and believe that they hold significance more than a 5-point violation and one of those being harassing of protected species by the use of motor vehicle. We've seen that across the west now with these new lasers, low side-by-sides where

those machines are capable of hitting 70, 80, even close to 100 miles an hour. We're seeing a trend across the state where cases where individuals were literally able to run a wildlife down. So we'll be able to make those cases like we recently did in Roswell. We would like to address it with more than 5 points as it currently would stand. And then again, the addition of 5 criminal violations that used to be misconduct guide and outfitter rule.

CHAIRMAN KIENZLE: What's retention of wild animals? What . . .

COLONEL GRIEGO: Retention of wild animals is just that, having one of our protected species in their possession and we are seeing that in various instances and again believe that should be more than 5 points. Under, specifically under the rule 19.31.2.10.K, is the language we put for the timeframe for revocations basically giving the Department 1 year from the time a person accumulates 20 or more points; we have 1 year to institute the revocation process and get the sending of that notice of contemplated action or remove that revocation until they accumulate another violation and if that's within that 3-year period where they have points we could continue the revocation process. But it does give us that 1 year from the date of conviction for that threshold, that 20-point threshold is exceeded, we have 1 year to initiate the revocation process. Notice of contemplated action, what we're recommending is that you all would give the Director the authority to move forward with the sending of notice of contemplated action for individuals who are in the Parental Responsibility Act, wildlife violators compact or failure to pay penalty assessments that, as soon as they show up on those lists we would send them a notice of contemplated action immediately. If they choose not to have a hearing we would automatically suspend them and at the next available Commission meeting we would provide you with a list of those individuals that were suspended for those 3 scenarios. All other criminal

would continue with the same process. We would go before you before we sent any notice of contemplated actions. With that, I will take any questions.

COMMISSIONER MONTOYA: (Indiscernible/poor mike pick up).

COLONEL GRIEGO: Commissioner Montoya, (indiscernible). [Laughter]

COMMISSIONER MONTOYA: No, no I was behind the bid [phonetic].

CHAIRMAN KIENZLE: Any questions or comments? Let me get some public comment here. Kerrie Romero.

KERRIE ROMERO: Thank you, Mr. Chairman, Commissioners. Kerrie Romero with the New Mexico Council of Outfitters and Guides. I'd like to re-iterate what I said during the last agenda item. Thank you to the Colonel and the Department for all the hard work that went into revising this revocation rule. We are in favor of the changes being made and we feel that the revisions will both strengthen the Department's enforcement division and more fairly identify violations within the outfitter industry. We appreciate the fact that anything that is criminal is going to be required to be heard by a magistrate judge rather than a Department hearing officer. And we appreciate the Commission's support. Thank you.

CHAIRMAN KIENZLE: Any further public comment? Any exhibits from the public? All right. And we've got an attendance sheet?

DIRECTOR SANDOVAL: Mr. Chairman, we do. Exhibit 4 is the attendance sheet, excuse me, the sign-in sheet, and the comments is Exhibit 5.

CHAIRMAN KIENZLE: All right. I will admit Exhibits 4 and 5. I'll close the floor. And, any further questions or comments?

COMMISSIONER SALOPEK: So what Kerrie just said, what happens if somebody gets a ticket? It goes to the magistrate and then goes to our hearing or, I'm a little bit confused.

COLONEL GRIEGO: Mr. Chairman, Commissioner Salopek, what would occur is if an individual is cited they'll be sent to magistrate court. If they are convicted in magistrate court and we have that judgement and sentence in hand showing that they were convicted in a court of competent jurisdiction, at that point we will assess them the points for that violation. Once that gets in excess of 20 points, they would be sent a notice of contemplated action and the revocation process would begin. If they requested a hearing, they would still go in front of a hearing officer. But we will not assess points [phonetic] unless there was a conviction in the court.

COMMISSIONER RYAN: Or a plea of guilty or nolo contendere.

[Crosstalk]

CHAIRMAN KIENZLE: No further questions or comments? Can I get a motion?

COMMISSIONER RYAN: Mr. Chairman, I have a motion. I move that the Commission approve the proposed changes to the revocation rule 19.31.2 NMAC and provide that such approval is in recognition of the policy change initiative made by the Commission today regarding the 1-year limitations periods. Consistent with this policy shift [phonetic], my motion includes the Commission rescinding all current revocations acted upon by this Commission after August 1st, 2015 except for those revocations resulting only from violation of the Parental Responsibility Act, the Wildlife Violator Interstate Compact, and that criminal trespass statute 30-14-1 of the New Mexico Statutes Annotated and require the Department to make any necessary updates to all administrative point values for all potential future violations. If so

approved I would instruct the Department to bring forward to the Commission those potential revocees as required by the new rule that may have reached the 20-point revocation threshold.

CHAIRMAN KIENZLE: Any questions or comments?

SPEAKER: I have one.

VICE CHAIRMAN MONTROYA: Second.

COMMISSIONER: Commissioner Ryan, in your motion you said rescind all existing?

COMMISSIONER RYAN: Yes. It would include rescinding all current revocations acted on by the Commission from August 1st, 2015 forward.

[Crosstalk, indiscernible]

CHAIRMAN KIENZLE: And we've got a motion, a motion and a second. Any further questions or comments?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER: Nay. Let me explain that. I'm opposed to the rescinding back to that further date.

CHAIRMAN KIENZLE: The ayes have it. Agenda item number 16 has been postponed or terminated. Number 17 [crosstalk/background sounds]. Mr. Sloane, I will now proceed with the hearing on proposed amendments to the Commissions current rules in Title 19, Chapter 31, Part 4 and Title 19, Chapter 31, Part 10 of the New Mexico Administrative Code regarding the



fisheries and hunting and fishing manner and method of taking rules. Mr. Sloane, are there any exhibits for proposed amended rules to 19.31.4 and 19.31.10 to be entered into the record?

MIKE SLOANE: Mr. Chairman, due to a (indiscernible) in error, we left two waters out of the proposed regulation and I believe we are going to have to request that rule be tabled come back next month.

DIRECTOR SANDOVAL: Mr. Chairman, I believe what we can do is, you can vote on the current rule as is and we will have to come back, advertise the two additional waters and add those in at a later date.

CHAIRMAN KIENZLE: Well, I guess you gotta dance with the person who brung you, right? [Laughter] So let's go with what we've got and then we'll just do a quickie amendment the next .

..

SPEAKER: January?

CHAIRMAN KIENZLE: . . . next meeting. We'll take this one up we got today. What two waters are they, just out of curiosity?

MIKE SLOANE: The Rio Grande from the Colorado border to the Taos Junction Bridge and 2-1/2 miles on the Los Pinos.

CHAIRMAN KIENZLE: Okay. Got it.

COMMISSIONER: Which will still be for next year's fishing, right? Will we be able to get in for next year's fishing? Next year, we get it?

CHAIRMAN KIENZLE: On exhibits, you've got some exhibits for the Director.

MIKE SLOANE: I do.

Final Copy

CHAIRMAN KIENZLE: Okay. You can, somebody can hand them up to her.

DIRECTOR SANDOVAL: So Mr. Chairman, I have: Exhibit 1 would be the presentation; Exhibit 2 is the proposed rule; and Exhibit 3 would be the—is this public comment or is just the rule itself?

MIKE SLOANE: It is the rules (indiscernible/poor audio) technical information that was relied upon, public comments, agency response to public comments and a copy of the draft rules again.

DIRECTOR SANDOVAL: Mr. Chairman, I don't believe that needs to be entered as an exhibit necessarily. It's just for the record. We can keep it.

CHAIRMAN KIENZLE: Do we have any public comment cards by any chance?

SPEAKER: Thank you.

CHAIRMAN KIENZLE: So I will admit, what did you say, 1, 2 and 3?

DIRECTOR SANDOVAL: 1 and 2, [crosstalk] Mr. Chairman.

CHAIRMAN KIENZLE: And you may proceed.

MIKE SLOAN: Thank you, Mr. Chairman. As we discussed in the past, the fisheries rule expires on April 1st, March 31st of 2018 so a new rule needs to be in place. We have initiated that process and in the process of doing that we based our recommendations on the statewide fisheries management plan, also trying to clarify language in the rules and add rules for new fishing waters. The biggest change is the creation, the changes to special trout waters creating three categories of water, Red Chile, Green Chili and Christmas. We're adding 13 new special trout waters with unlimited harvesting of non-native species. Remove 7 special trout waters that no longer meet the trout water standards. And then, obviously, we reduced the types of special

trout waters. We are creating 3 trophy bass waters, reducing the limit down to 2 on those waters and banning spear or bow fishing in those waters to (indiscernible) bass. Those waters, Lake Roberts, Bill Evans Lake and Clayton Lake. Brantley Reservoir has had a long-standing catch-and-release requirement. We are proposing to rescind that due to additional information collected by the Environment Department, reviewed [phonetic] by the Department of Health allows for consumption of fish from the lake and still will be a consumption advisory but some level of consumption is now allowable so we are proposing rescinding that catch-and-release rule.

CHAIRMAN KIENZLE: How did DDT get I there?

MIKE SLOANE: There are any number of . . .

CHAIRMAN KIENZLE: Same as any other water, body of water (indiscernible).

MIKE SLOANE: The run off from somewhere or somebody had an accident with a barrel of it somewhere [phonetic]. There's any number of possibilities there.

CHAIRMAN KIENZLE: All right.

MIKE SLOANE: We're going to change some trout water designations, remove Caballo Lake and Dry Cimarron as trout waters because they really no longer support trout fishing. Add Aztec Pond and then we have some new winter trout waters that we're managing as winter trout waters that we'll propose to add to that category and then remove the youth designation from the Grants Riverwalk Pond. We have some new big catfish waters one of which is a state park and the other two are open gate properties that we're proposing to add. And then we had 8 public meeting, as you can see, from across the state and they were moderately well attended for (indiscernible).

CHAIRMAN KIENZLE: Is that the number of fish that were there? [Laughter]

MIKE SLOANE: Fortunately, that's the number of public. We had a web posting. We also sent out an email blast to over 90 thousand individuals. We've received 35 public comments largely in support of the rule, some wanting more restrictive rules in certain waters. But we feel like we've struck a balance with what we're proposing. With that I'll stand for any questions.

CHAIRMAN KIENZLE: Okay. Let's get some public comment first and then we'll pick up from there. Mitchell, Trout Unlimited.

TONER MITCHELL: Toner.

CHAIRMAN KIENZLE: Toner? Sorry about that.

TONER MITCHELL: Mr. Chairman, members of the Commission, I wanted to commend Mike and his staff for really working hard on this and developing rules that are practical and well thought out especially with regard to native trout. I do have one comment, however. I've been working for the past 4 years as a member of the Quеста, their economic development leadership team. The town has dedicated itself to improving fishing and hunting around the area to try and make itself a destination, sportsman's paradise, in the wake of the closing of the moly mine up there. Particularly they are interested in developing a diverse high-quality and varied experience for their anglers. And regarding the lower Red River below the fish hatchery, that is proposed for a reduction of bag limit from 3 to 2 according to the new special trout rules. The village would like an addition of a prohibition on bait [phonetic] in there simply because anglers hit their limit and they have to stop fishing and that section of the river is a very steep and rigorous hike and they're concerned that it would limit the opportunity there.

CHAIRMAN KIENZLE: Okay.

TONER MITCHELL: And Questa, the Village of Questa, Trout Unlimited and Questa's Economic Development Fund Board have submitted letters to this effect.

CHAIRMAN KIENZLE: Thank you. Earl Conway.

EARL CONWAY: I'm Earl Conway, Chairman, Mr. Chairman. I'm the president of the New Mexico B.A.S.S. Nation and also the conservation director. And again, I'd like to commend Mike Sloane for the efforts they put into these proposed rule changes. We're extremely excited to see him following the statewide fisheries management plan. Those strategies and goals are well founded and one of the reasons you didn't see a lot of people at the Albuquerque meeting was they did any excellent job communicating with us up front and getting input very early in the process. Probably did Mike a disfavor this morning by submitting my comments about 3 o'clock this morning. But anyway, I do appreciate their efforts. We're especially appreciative of relieving the catch (indiscernible) rules. I think the lake was ready for harvest. It will help both the hatchery, both the fishery and the community over there. So appreciate that effort. Also, just like to comment on the support of (indiscernible/audio interference) fisheries biologists. They're doing a lot of hard work right outside the (indiscernible) supporting our efforts with the habitat project. So, anyway, I'm just very appreciative. Thank you.

CHAIRMAN KIENZLE: Thank you. Any further comment from the public? Any exhibits from the public? All right. I'll close the record at this point in time. Any questions or comments from Commissioners?

[Crosstalk] Yes?

DIRECTOR SANDOVAL: So, Mr. Chairman, I have Exhibit 3 as the sign in sheet and 4 and 5 as speaker cards.

CHAIRMAN KIENZLE: (Indiscernible) exhibits. I think we're ready for a motion on this one.

COMMISSIONER SALOPEK: Let me see if I can find the motion. I move to adopt the new Fisheries Rule 19.31.4 NMAC to be effective April 1st, 2018 as presented including the addition of the 2.5 mile portion of the Rio de los Pinos—

SPEAKER: No.

CHAIRMAN KIENZLE: No. We're going to re-publish on that one.

SPEAKER: Just number 3.

COMMISSIONER SALOPEK: Okay, just number 3?

CHAIRMAN KIENZLE: Yes. So why don't you start from the beginning again.

COMMISSIONER SALOPEK: I move to adopt the new Fisheries Rule 19.31.4 NMAC to be effective April 1st, 2018 as presented including to allow the Department to minor corrections to comply with filing this rule with the state records and archives.

VICE CHAIRMAN BILL MONTOYA: Second.

COMMISSIONER: Is that the (indiscernible) we wanted?

[Crosstalk]

CHAIRMAN KIENZLE: We actually have two parts to this, right? We've got dot 4 and dot 10. So I think we'll take the two up independent of each other. So there's a motion on the table, can I get a second.

VICE CHAIRMAN BILL MONTOYA: I did.

CHAIRMAN KIENZLE: So we've got a second. Okay. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. All right. And then I need the second motion on the dot 10 portion.

COMMISSIONER SALOPEK: I move to amend the manner and method (indiscernible) of 19.31.10 NMAC as presented and allow the Department to make minor corrections to comply with filing this bill with the state records and archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. Okay.

MARYLOU POLI: Mr. Chairman, (indiscernible), members of the Commission, regarding the two waters that need to be added, in order to get the rule making process completed more quickly, if the board, excuse me, the Commission so chooses, you can vote now to have the two waters go through rule making process which will allow your staff to go ahead and publish right away. In other words, I'm recommending that the Commission vote to add the two waters that are missing to go through the rule making process.

COMMISSIONER SALOPEK: I make that a motion. Do we need to restate it?

CHAIRMAN KIENZLE: Not if it gets on the record. Can I get a second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: And my understanding is, that speeds up the process?

MARYLOU POLI: That is correct, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it.

COMMISSIONER: Thank you, Marylou.

CHAIRMAN KIENZLE: And we will take a break for a few minutes. But I don't expect we will be taking lunch today.

COMMISSIONER: We're almost done. Are you working on my diet? [Background noise/crosstalk]

CHAIRMAN KIENZLE: Am I the only one who never gets any blueprint for anything on this? I guess it's my own fault, right.

SPEAKER: Are we on?

CHAIRMAN KIENZLE: We're on.

CHAIRMAN KIENZLE: All right. Agenda item number 18, discussion for proposed new rule in Title 19, Chapter 31, Part 22 NMAC on landowner certification of non-navigable water, presented by me. There is currently posted on the Department website the new rule, landowner certification of non-navigable water. It is a 2-part rule if you will. Now one part of it ultimately leads to a certificate or certification for a landowner that has some sort of water course on his or her property. Ultimately participating in that process results in a certificate of non-navigable water which has the net effect of recognizing, just as an example, that some stream beds or river beds under existing law are private property while the public water in them is not private



property necessarily the stream bed, the physical stream bed itself would be. So there's a certification process that will be built into the rule should that rule pass that requires among other things the landowner to make application, provide deeds, maps, evidence of non-navigability at the time of statehood. And there's 5 or 6 categories of information that they have to provide. Ultimately through the Director's office, there will be a section on the Department website that will guide or provide guidance to the land owner and the general public on the application process among other things related to the rule. Once you go through that certification process, assuming the Director and Commission sign off on the certificate, that certificate would be suitable for recording in the different counties where the water is located. That would become a matter of record in the County Clerk's Office and it's something that would run with the land so to speak. Also, once that certificate is issued and that process is complete, the landowner would have the ability to receive signs from the Department. They would have to pay for those signs. The signs would essentially be your typical brown and white sign, doesn't strictly say no trespassing but will have specific language that tracks the language in the statute that enables us to enact this rule. With those brown and white signs it is hoped, and I'd hope they'd be brown and white but the color might change, with those signs it is hoped that when law enforcement engages in the public and landowners out in the field that they'll have clear guidance then on whether the water course, the stream bed, river bed is private property or not. Right now, there's not, if not a gray area and if not confusion, there's probably not as much clarity as I think is needed in the field to assist law enforcement in doing their job in this particular area. This is, and it's not, and this particular issue, although it won't be dealt with on straight up dry land, we do have this same issue in some form with other land owners but at least the stream beds will tackle it with Department issued signs in hopes that law enforcement would be given better guidance

when they're in the field and they don't have to guess as to what the status of that particular water course is or not. And with that, I'll take any questions or any comments from the public. I do encourage you, though, again, to look on the Department website. The proposal in full is on the Department website. And since it's a new section, not an amendment to another section, it kind of hangs together and it doesn't X out or have any additions or deletions at this point in time. But it's one that bears looking at before we have a final meeting on it because it's not just one line and it's a series of code sections. Any questions or comments from the Commission or the public? Yes, sir.

COMMISSIONER: Mr. Chairman, were you going to do the public first?

CHAIRMAN KIENZLE: That doesn't make any difference. I don't see much enthusiasm right now for the public to weigh in on this.

COMMISSIONER: My question is, why is the Department going to be the ones who certify, you know, these property owners?

CHAIRMAN KIENZLE: So the way it works, it's a 2-stage process. The landowner would make application initially to the Director who lines out what the different requirements in the rule are fulfilled. Ultimately the Director makes a recommendation to the Commission and then the Commission takes up that recommendation, either accept or reject. It's ultimately, the decision is made by the Commission. But the first vetting of this, if you will, is done by the Director.

COMMISSIONER: Okay. And one of my concerns is, and actually we have a 20-point violation for anyone who is with the intent to fish and trespasses on private property. So if currently we have a property owner who does have their property posted, you know, private property and they go onto this stream, you know, without permission, then that's trespassing.

CHAIRMAN KIENZLE: Right. So this doesn't do away with that part of it. That's an entire other set of rules, and that can apply to dry land, too, not just stream beds hunting and so where we've had some lack of clarity is on whether, can I float on my boat, you know, down in front of your house or through your property or can I get out of my boat, wade into the stream there and start fishing. So there's been, I think law enforcement has done a great job of running the traps on this but I don't think it's as clear to the public, even to law enforcement dealing with it in the field. So this is a matter of clarifying exactly what's what out in the field so nobody has to guess.

COMMISSIONER: Okay. So what I would like to see is if we are going to use signs, red means stop. That means you can't be on here. Is that what the intent of these signs [crosstalk] would be.

CHAIRMAN KIENZLE: Exactly. Color, the color doesn't make much difference. If red is the preference then we can make them red. The sign is contemplated right now, it exactly tracks the language from the statute that enables us to engage in this rule making.

COMMISSIONER: I'm glad to see the trend with signs and working with private property owners. And I'm just going to kind of deviate away a little bit but down the road I would hope to see landowner unit wide and also landowner private ranch only use similar type of signage system as well.

CHAIRMAN KIENZLE: So I think, Colonel Griego—oh, there he is—what is it, 12 by 12, 144 square inches? And I mean that comes from the other system as well. So tell us more about signs.

COLONEL GRIEGO: It is per criminal trespass statute, sign has to be a minimum of 12 by 12, 144 square inches and state what is prohibited, no trespass, and have the contact information of the individual who can grant that permission.

COMMISSIONER: In two languages.

CHAIRMAN KIENZLE: In two languages, correct. So there is provision for that in this new rule but also under the existing criminal trespass rule, there is that same, and I don't know that under the existing rule I don't know if landowners strictly follow that or not. I know under the new rule basically the signs would be issued by the Department and to give good clarity on what is prohibited.

COMMISSIONER RYAN: So if they don't do through the certification process, there can be no violation that our law enforcement can enforce?

CHAIRMAN KIENZLE: I don't think so. I mean, I think this gives clarity and certainty both on the record title side of things with the county clerk and then on the law enforcement and the public work side. What has happened, sort of an easy case, is somebody walks from the road down to the river. Well, you've trespassed on that person's private property. But it's a little harder I think for both the public and for law enforcement for somebody who floats in or walks in from a public access point and stops in front of my fishing lodge and starts fishing. And so this is more designed to account for that second situation than the more obvious one where somebody walks in over private property from the road.

COMMISSIONER RYAN: So it just gives those owners the option to try to make it certain so if someone is floating down, law enforcement can very easily prove a violation.

CHAIRMAN KIENZLE: Correct.

COMMISSIONER RYAN: Gotcha.

CHAIRMAN KIENZLE: I suppose law enforcement can write a ticket or politely visit with them and say, maybe it's time to move on. I don't know how they handle those interactions in the field but again it's to give guidance as much to the general public as it is to law enforcement

because I'm not sure the public is clear on what their rights are if they were to walk in or float in from a public access point.

COMMISSIONER: And this is an information only today, and we'll have a deeper presentation on this?

CHAIRMAN KIENZLE: Well, it's probably going to come from me, so that's why I would encourage people to read the rule that's proposed and then to understand the system that would be set up. But that's essentially, it's two parts. One is the certification part. The other part, the signs that follow from the certification.

COMMISSIONER RYAN: We didn't have copies in our binders to review so we just need to get the language . . .

CHAIRMAN KIENZLE: Yeah, they . . .

COMMISSIONER RYAN: . . . get the language in front of us.

CHAIRMAN KIENZLE: Correct. It went up on what day?

DIRECTOR SANDOVAL: Mr. Chairman, it went up on Tuesday.

CHAIRMAN KIENZLE: On Tuesday. So get a look, certainly get a look at it, the Commission and the public and then we'll take it up again. Any other questions or comments at this point in time? Okay. No comments from the public. All right. Close executive session.

COMMISSIONER RICKLEFS: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RICKLEFS: I move to adjourn into Executive Session closed to the public; pursuant to Section 10-15-1(H)(2) NMSA 1978, to discuss limited personnel matters relating to complaints and discipline; Section 10-15-1(H)(8) NMSA 1978, to discuss the property acquisition issues; and Section 10-15-1(H)(7) NMSA 1978 on matters subject to the attorney-client privilege relating to threatened or pending litigation in which the Commission and the Department is or may become a participant as listed in Agenda Item 19, subsections A, B and C.

VICE CHAIRMAN BILL MONTOYA: Second.

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Yes.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Yes.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTTOYA: Yes.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Yes.

DIRECTOR SANDOVAL: So this is our Executive meeting room. So everybody will have to leave the room.

SPEAKER: Scat, scat.

[MEETING RESUMES]

CHAIRMAN KIENZLE: This meeting 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 took no action as to any matter.

COMMISSIONER RAMOS: Mr. Chairman, I do have a couple of motions I'd like to present. First of all, I move to accept the property located in Grant County that is a donation of 126 acres located next to the Commission's Red Rock property from the natural resource trustee of New Mexico. And my second motion is to purchase approximately 78 acres located south of the Department headquarters' property in Santa Fe County and authorize the Chairman and Director to act upon behalf of the Commission regarding this property.

CHAIRMAN KIENZLE: So we'll take up the first motion, that is, 19.B.2, the Red Rock Wildlife Management area. Can I get a second on that motion?

VICE CHAIRMAN BILL MONTTOYA: Second.

CHAIRMAN KIENZLE: Any discussion or comments? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. All right. And then on item 19.B.3, discussion of property acquisition located near Department headquarters in Santa Fe County. There was a motion on that. Can I get a second?

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: Any discussion or comments? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. All right. Public Comment. I'm going to go first, very quickly.

COMMISSIONER: Did we come out of Executive Session.

COMMISSIONER #2: We did.

CHAIRMAN KIENZLE: I read the –

COMMISSIONER: Oh, you read it? Okay. I'm sorry.

CHAIRMAN KIENZLE: I was, I hope I read it out loud and not just (indiscernible) [laughter]. I did have occasion to go to the Tres Piedras shooting range a couple weekends ago. There were about 12 people that were there. At first there were three fellows that were there and they suggested a number of improvements to the range, can we do this, can we do that. I said sort of. I said make sure you get those requests to the Department but all of the suggestions were good ones, like putting range gongs or metal targets that would be permanent in the ground perhaps. But they had some suggestions so hopefully they'll run those by the Department before they do anything. Then as I was fixing to leave another group of nine people showed up and it was, I got



to visit with all of them for about 15 minutes. They're all very appreciative of how the range—one fellow is going to open Jung's [phonetic] Military Surplus I think is the name he chose in Taos which will in part cater to the range, selling ammunition and other things. So I would say with that range it's certainly in that positive in that part of the world and I had a little bit of trouble finding it and I did ask the folks that were there, how would you feel about a sign. And, like, well, kind of like it without a big sign up here because then it's not super crowded. But it is a little challenging to pick it out of the fence line, finding the opening. But if you haven't been there I would encourage you to make the trip to go see it. It is not what you would call a thing of beauty. It's very much utilitarian. But it is certainly something that is well, seems to be, well used up there and I feel like it's a net positive. So my congratulations to the Department for making that one happen and I look forward to more of those being open and coming on line and hopefully next year. So, anyway. Guikema?

GUEST SPEAKER: Yes.

CHAIRMAN KIENZLE: Did I get that right?

GUEST SPEAKER: Yes.

CHAIRMAN KIENZLE: Okay. Chris.

CHRIS GUIKEMA: Chris Guikema, Compass West. I just wanted to come into back to the Guide and Outfitter 2-day rule and kind of, you know, put a scenario out there so you guys understand a little bit better. The way it's set up, it's still almost unenforceable. You know, I mean, the way it works is if you want to draw a Barbary sheep hunt with me, it's a 28-day season. I'm going to put you in the pool through the guide (indiscernible) your odds go up by about 5 times. So I'm going to put you in and I'm going to book you the 27th and 28 days of

February. So you have independently the opportunity to hunt from 1st to the 26th completely on your own with no guide and I have skirted the rule and put a quick, easy 500 bucks in my pocket. I mean, that was really my main comment was to point out the scenario. As it is now I don't see how law enforcement can enforce the 2-day rule. You know, it's the same with, legally I can't take more than three people by guide statute. So I can guide 9 hunters on a 6-day Barbary sheep hunt by taking three the first two days, three the second two days, and three the following days. So I can take 9 people essentially out of the guided pool and just spend two days with them randomly whenever and if Game and Fish checks my hunters on the first, second, third or fourth day and they are my fifth and sixth day guys, they've completely skirted the rule and they're outside of it. That's my problem with the way the rule was amended. So, if you have anything for me, I just wanted to put that on the record.

CHAIRMAN KIENZLE: I think I understand your position. Okay. Kerrie Romero.

KERRIE ROMERO: Thank you, Mr. Chairman, members of the Commission. Kerrie Romero with the New Mexico Council of Outfitters and Guides. So a lot of what I was originally going to say for my public comment sort of changed during your executive session. Bobby sort of talked me off the ledge. And I think the way that it was revised is going to strengthen the rule somewhat. There is still going to be a loophole and the guys who are, you know, charging 500 bucks to use their outfitter number and then they can just do a minimal guide fee, they're still going to have the opportunity to do that. It is going to prevent those coffee shop guys that meet you at the Allsup's [phonetic] on Tuesday and then I'll meet you again on Thursday. It is going to clear that up. But one thing it is going to do is alienate the drop camp hunters. And I understand that perhaps that is the point but drop camps were originally, when the law was drafted, seen as being part of the industry, providing a necessary service to the industry. That's why we have

always sort of protected the drop camp outfitters. The way that the rule was approved completely alienates the drop camp operator because they pack in the day before the hunt and then they pack out the day after the hunt. And the way it's written now, per the contract section, it says that you can hunt beyond your contract dates but not before. So they'll have to be there for two days. It's going to completely eliminate the pack in and pack out scenario. So . . .

SPEAKER: I will answer that. [Interference from microphone] They can pack in, they just can't hunt those days. So it doesn't eliminate that scenario.

KERRIE ROMERO: They still have to be there with them for 2 days before they can hunt beyond their contract date. [Crosstalk] Essentially the guys who are doing legitimate drop camps which have always been seen as being a necessary service that was protected under the 10 percent quota are no longer part of the 10 percent pool. They can no longer draw hunters out of the 10 percent pool if they are legitimate drop camp operators. So . . .

CHAIRMAN KIENZLE: So do you represent the drop camp operators, too?

KERRIE ROMERO: I represent the industry and whereas my personal feeling might be something different because drop camps have always been seen as being a part of legitimate outfitter industry I feel that it's the Council's responsibility to protect what the original intention of the law was which was to include an area for legitimate drop camp operators.

CHAIRMAN KIENZLE: Understood. Well, I guess it's called policy for a reason. It's never quite perfect. And I think as the Colonel pointed out, while not quite a work in progress, if it doesn't prove to work in the field after a season or two we'll go ahead and revisit it. I think none of these are written in stone to the extent they can't be changed. But I think this was a compromise and we're going to let this one play out for a season and see how it goes and if your

organization and other people that are affected see problems this year, things that need to be fixed, I think we're more than willing to revisit the issue. So none of these are closed for all time.

Mr. Diamond.

MR. DIAMOND: Thank you again. I would just like to add to that, remember the people that have a budget, they can still apply in the unguided pool. So, you know, they still have an opportunity to get in. What they're trying to do is better their odds is the reason they're in a 2-day hunt. It is only to better their odds. If it was about the money, have them put in the unguided pool. It's simple. So I think that's something you guys need to think about. I think it was a step in the right direction but I don't think it solves the problem because the problem is people are still going to apply a bunch of people in the guided pool just because it betters their odds to draw a tag. They can still do a drop camp. They can still be guided for 2 days in the unguided pool. So that's just something to think about. I was just going to tell you a couple of issues in the Gila. And Dickie [phonetic] and I have talked about this. And some of these guys might not agree with this but I just wanted you guys to know, we'll go to a dirt tank in the Gila and there'll be 5, sometimes 6 trail cameras. Do we use trail cameras? We do. It's legal. And we're going to do everything that's legal. I mean, we have to compete. But just something to think about. I think Arizona has changed that to trail cameras are legal but they have to be taken down prior to the hunt. And I think that would be something good that, I think most people believe in fair chase and I think that would be a way to maybe help us get some of the bigger bulls in the Gila. I know of people that put up 70 trail cameras and they're starting to run them like they did in Arizona and that's the reason Arizona changed their law was because some guys had 3 or 400 cameras up and they were spending all day just running their cameras, trying to pinpoint one deer or one elk. So I think that's something you guys can think about. One other thing, and that's airplanes. I

believe we should do the same with airplanes. I think airplanes should not be allowed after the hunt begins. What's happening is, if you have a first rifle elk hunt, okay? And say it's the last day of the first rifle elk hunt. And you have a guy that's got a second week elk tag, okay? He can fly on Thursday or Friday and be legal. And I don't think that's right, either. And it's happening in the Gila. Believe me. I mean right over our heads. So I think you could do the same thing with—Oh. Oh. One other thing. I do know one instance where people used helicopters to find a big bull with the Governor's Tag. I mean, that's taking it a little too far in my opinion. You know, again it's fair chase. You know, let's go out. Let's do fair chase. So that is happening. You've got helicopters. It's not big but it did happen on occasion. It was legal. So what you could do with airplanes and what you could do with trail cameras, and I'll hold, prior to the hunt you could just say it's done. They can still fly. They can still put up trail cameras. But once the hunt, September 1, starts, everything goes down. Just something to think about. Thank you very much.

CHAIRMAN KIENZLE: Is there another Diamond? Jack?

SPEAKER: John.

SPEAKER #2: That was Jack.

CHAIRMAN KIENZLE: I got them backwards.

JOHN DIAMOND: Good afternoon. My name is John Diamond. My family has a ranch in the Gilas. My dad is also an outfitter. First of all I wanted to condemn—condemn? Sorry—  
[Laughter and crosstalk]

JOHN DIAMOND: —commend the Department and all the staff on the wonderful job the Commissioners, you guys, I see you guys up here and I appreciate you guys being part of this

Commission and I appreciate the Department and everybody that's part of it. I had a few points. You know, I was looking at some numbers of deer and I actually hunted 2C this last week and was wondering, what do they have that's different than us? I don't know if it's necessarily genetics but I think a big part of it is the number of licenses that are issued. And I did some numbers. And in 21A, and most of you know that unit. It's a fine deer unit. It has the habitat. It has a lot of the habitat needed to raise big deer. There's some big deer in there. The age is not there just because there's too many tags. So if you look at 21A, there's 850 rifle tags issued in 21A. There's a hundred youth rifle tags. There's 500 archery tags. There's 350 muzzle loader tags. That's a total of 1800 tags in one unit, 21A. And I don't know if there's 1800 bucks in 21A. And that's the problem I have. I think if we did some management in some of these areas that could produce big deer and have the habitat, 21A is a heck of a unit for deer. It really is. But there are too many hunters, 1800 hunters. That's a lot of hunters if you really sit down and think about it. Where you go to 2C and look and there's 25 tags, and then there's some archery tags and some muzzle loader tags. Well, they're producing big deer, a lot of deer. We have the does here. We just don't have a lot of bucks. Bucks are getting shot when they are 2 or 3 years old. They don't have a chance to grow up to be big bucks. I think we could go around the state and manage some of these other areas that can produce and be a 2C unit. I just wanted to put that in you guys' heads as something to think about maybe on the Commission as going to some of these other units and managing them like 2C. Can I have a little bit more time?

CHAIRMAN KIENZLE: Yes, sir.

JOHN DIAMOND: Okay. Another thing I wanted to talk about is the youth hunting opportunity. And before I get into that, I have two girls. One's 9 and one's fixing to be 8. One has hunter safety and she's going to hunt. I think we've gone away from, and I wanted to bring

that point up because I'm going to talk about the youth hunts and where it's gone. I'm not a fan of this early season youth hunt. I think that during the youth hunt in October, the earlier youth hunt in October in the Gila, I think you're getting into the rut and you're disturbing the rut because that time between September 24th to the first rifle hunt in October, the second weekend in October, that's the time when we leave these elk alone to rut and get the cows bred and to get those calves on the ground. You put a hunt in the middle of it and you disturb it. And I think that hunt's a little too early. And I have daughters, too. I'm going to apply my daughters for that hunt, don't get me wrong. But it's coming from a father of youth. I think if you were to take these rifle hunts in the Gila, for instance, and allocate a percentage of the tags during the regular season in say your first rifle hunt, maybe 10 percent of the tags go to youth. Do away with that hunt. They still can go kill a big bull but they're hunting during the regular season and allocate some of the tags during the regular hunts to the youth rather than have the youth go a week earlier for the hunts. I think it would help the elk population. I have seen the elk population drop quite a bit and the big bulls in the Gila are going away. The Gila's going on the last 5 years, 10 years, that's the reputation and so now it's not what it used to be. My last point is that I think that we need to look at some different methods of population counts. We do one population count that's during the rut. But between September and October, the archery hunt and the rifle hunt, and I just don't think we're—I think there's some other methods we could look at. And I'd like to see the Department look at some other methods of doing some population counts and see what's out there. And maybe there's some things you can change. I'm not a fan of the late muzzle loader hunt. I think we're killing some of the older class of bulls, the bigger bulls there. I'd like to see that cut out. I want to see the Gila stay where it was 10 years ago, and it's not. It's on a decline. That's my personal opinion. But I think the Department really needs to look at that. And my last

point is—I said that was my last point but I had one more point. I’m a little bit concerned about the amount of cows that are taken out of the Gila. I think we need to look at that and that’s why I went on what the population is. I don’t know if we’re getting the correct numbers. I think we’re killing too many cows. There’s 4 cow elk hunts in the 16C where there used to be 2. And I think that the people are hunting more proficient, bigger guns, better optics and I think we really, really need to protect the Gila as I see it going down. Thank you guys.

CHAIRMAN KIENZLE: Thank you.

SPEAKER: Thank you.

CHAIRMAN KIENZLE: Mr. Conway, are you here or did you give up?

SPEAKER: He left.

CHAIRMAN KIENZLE: Mr. Conway gave up. So I have no further public comment. Any further public comment from Commissioners or any other questions or comments? No? Then I will entertain a motion to adjourn.

COMMISSIONER: So moved.

COMMISSIONER RYAN: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. We’re adjourned.



**NEW MEXICO STATE GAME COMMISSION**

**November 16, 2017  
Elephant Butte Inn  
401 NM 195  
Elephant Butte, NM 87935  
9:00 a.m. –5:00 p.m.**

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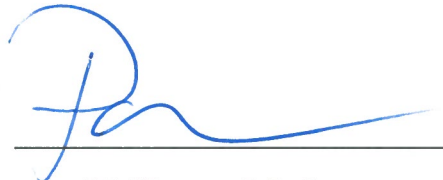
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**APPROVAL OF MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION**

**November 16, 2017  
Elephant Butte Inn  
401 NM 195  
Elephant Butte, NM 87935  
9:00 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**