

MEETING MINUTES

NEW MEXICO STATE GAME COMMISSION

**New Mexico State University Martinez Hall
1500 North 3rd St.
Grants, NM 87020
Thursday, November 17, 2016
9:00 a.m. – 5:00 p.m.**

A P P E A R A N C E S

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

Game Commissioner Thomas Salopek

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Here.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Here.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Thank you. Let's do the Pledge of Allegiance.

[Pledge of Allegiance is recited.]

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

COMMISSIONER #1: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Now let's go around the room and introduce ourselves. You want to go first, Donald? Thank you.

GUEST SPEAKER: Donald Jaramillo, Deputy Director, Department of Game and Fish.

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

GUEST SPEAKER: Mr. Chairman, I am Chris Chadwick, Assistant Director, Department of Game and Fish.

GUEST SPEAKER: Mr. Chairman, Commissioners, members of the public. My name is Jim Comins, and I am the Assistant Director, Resource Division, for the New Mexico Department of Game and Fish.

GUEST SPEAKER: [Indiscernible]

GUEST SPEAKER: Good morning, everyone. Jessica Fisher. I am the Shooting Program Coordinator for the Department of Game and Fish.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. I am Craig Sanchez. I am the Assistant Chief of Education over at the Department of Game and Fish.

GUEST SPEAKER: [Indiscernible] and I came to talk about the State Wildlife Action Plan.

GUEST SPEAKER: Good morning. Robert Griego, Colonel.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners, members of the public.
[Indiscernible]

[Multiple introductions/Indiscernible/background noise from open mikes.]

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

GUEST SPEAKER: I am Mitch Krakauskas [Phonetic]

[Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning. Jerry [Indiscernible/background noise from open mikes].

GUEST SPEAKER: Garrett VeneKlasen, [Indiscernible]

GUEST SPEAKER: [Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. I am Herb Atkinson representing Sierra Club International.

GUEST SPEAKER: Good morning. Mike Sloan, Chief [Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning. [Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning. Michael Dax, Defenders of Wildlife.

[Multiple introductions—Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. Benjamin Otoro, New Mexico Conservation Officers Association.

[Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. [Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning. [Indiscernible/background noise from open mikes], New Mexico Conservation Officers Association.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners, Officer Clarkson.

GUEST SPEAKER: Good morning. [Indiscernible] New Mexico Conservation Officers Association.

GUEST SPEAKER: Good morning. Logan Vanlandigam, New Mexico Conservation Officers Association.

GUEST SPEAKER: Mr. Chairman, Commissioners, Shawn Carrell, New Mexico Conservation Officers Association.

GUEST SPEAKER: Russell Silva. I'm here to [Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. Craig Sanchez, Field Operations.

[Indiscernible/background noise from open mikes]

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners [Indiscernible]. I am here for item 15, shooting ranges.

GUEST SPEAKER: Good morning, Commissioners. My name is [Indiscernible], Secretary of [Indiscernible] County

GUEST SPEAKER: Good morning. My name is [Indiscernible]. I am a Cibola County resident and small business owner here. And I am also here for information on the [Indiscernible]. Thank you.

CHAIRMAN KIENZLE: Anybody in the back? Did we get everybody? OK. Thank you. Good morning. Can I get a motion to approve the minutes from our October 5, 2016 meeting place?

COMMISSIONER #1: So moved.

COMMISSIONER RYAN: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Agenda Item No. 7, Statewide Wildlife Action Plan. Mr. Comins. Good morning. Are you ready to proceed?

GUEST SPEAKER: Mr. Chairman, Commissioners, we are here today to present the State Wildlife Action Plan for your approval. The purpose of the State Wildlife Action Plan is to obtain Federal funding to be used — I'm sorry — to prevent endangered species listings or to get threatened or endangered species delisted. If approved, the Department will use these funds to expand the [Indiscernible] Wildlife Program, to support restoration efforts for a species of greatest conservation need and their habitats, being able to meet the Department's statutory obligations under the Wildlife Conservation Act, to implement recovery plans for state listed species. Just a brief update on the last steps in the revision process. On October 14, a copy of the draft SWAP was provided to the 20 individuals and/or organizations that submitted comments through the August review period, for a 14 day review period. As a result, the Department received a total of 6 comments. One comment was submitted on behalf of 3 organizations. This comments included concerns about the categories of SGCN's, a request to reword specific language within the document, and compliments on the document. Before I

stand for any questions, I would like to give a special thanks to the individuals listed here on the slide. Each one of these individuals contributed to the final draft that is being presented to you today. And with that, I will stand for any questions.

CHAIRMAN KIENZLE: Somebody's got to have a question. Would you like me to move on to the [Indiscernible]?

DIRECTOR SANDOVAL: Yes, I would. Thank you.

CHAIRMAN KIENZLE: Why don't we just go down on down the line? Commissioner Ricklefs, anything?

COMMISSIONER RICKLEFS: Can I pass?

CHAIRMAN KIENZLE: You can pass, of course.

COMMISSIONER RICKLEFS: I pass.

CHAIRMAN KIENZLE: Commissioner Montoya?

COMMISSIONER MONTOYA: Mr. Chairman, I don't have any questions, but I do have a statement. I think that we've done this thing for a long time, and it's been in and out of lots of hands and lots of changes have been made to it. It took me 2 evenings to kind of glance through it and we've come a long ways with it. I'm glad to see that some of the folks that had some changes had gotten those taken care of. And very briefly, Mr. Chairman, we're to a point where it's the best we can get [Inaudible/feedback from mike] semi-happy. And I'm tickled with it.

COMMISSIONER: I do have a comment.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: You know, I'd like to thank Jim for what you did. The people I've talked to, it was open. It's never going to be exactly right. But I think it's a lot better. But the openness and willing to listen and work with different groups of people I think was very commendable and very great on what you did. Thank you.

COMMISSIONER RYAN: I appreciate all the hard work of the Department. This is definitely a completely different draft than what we began with. And they've worked very hard to work with a lot different agencies and interested parties and I appreciate your availability to all those people and listening to all the concerns that everybody had. I know it's been a long process but we definitely have a better document today. With that said, I'm still not a huge fan of this [Indiscernible]. It's more of a principle of the matter rather than anything that the Department has done. I am very pleased with the Department's actions in this matter and I am in support of Federal grant money going to help conserve our wildlife in New Mexico. What I've been concerned from the beginning is this just being used by Federal agencies as a tool to make onerous changes to land use permits, for U.S. Fish and Wildlife to list or delist animals on the endangered species list that should or shouldn't be. I just really don't trust the Federal government at this point. I trust what we've worked with and that's for the purpose that the SWAP is intended for, I'm in support of. But I don't know what happens to it when it leaves here. So that's my concern. But I'm overall really pleased with all the Department's hard work and I really appreciate it.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Yes, Chairman, thank you. Same thing. I appreciate your leadership with this, being open, transparent with all the organizations and people listed here. Again, good job. Thank you.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Again, same comment, Jim, you know especially your leadership. I know you had to deal with both left and right and everything in the middle and you brought it together, especially the Department folks that you worked very closely with. I think we have a document that is, as was mentioned, the best that we're going to get, that's not perfect in anybody's eyes because we have such a diverse group that you deal with. But it is the best we can get today. It's a lot different. And I want to compliment you on following our direction last year to work with these guys. I've talked to several of them in the interim as this has been developed and everybody has nothing but compliments for you and your staff for working, listening, especially listening, to what they were saying. And I think that was a big thing from last year—the Department just wasn't listening or incorporating what they were recommending or suggesting or their concerns. And I think you've done a fantastic job doing that. So kudos to you and your staff, and kudos to all people who worked on it or provided comments. You know they took a genuine interest in it and we are in a whole lot better place. So, again, thank you.

CHAIRMAN KIENZLE: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: I would like to compliment the Department on all the hours and hours put in on this. The document is way better than the one presented a year ago at this time. I know there are many stakeholders who are not completely satisfied with the document. I'm not sure that I am. I think there are maybe too many species on the document. But it is considerably

better than before. I want to urge the resource users out there to let the Department know if this document is used as a club instead of as a guide. I think it's important, it's clear, that this is a guide and the summary at the beginning of the document says it is a guide to be used to conserve these species. So if it is being used as a club or a document which forces resource managers out there to do certain things, I think the Department really needs to know that, and we can try to work through that. Thank you, Jim. And thank you, all those people that put their hours and hours in on this document.

CHAIRMAN KIENZLE: We're going to get a chance to circle back around here in a second. I'm going to do public comment. David Forgen [Phonetic].

DIRECTOR SANDOVAL: Come up to the microphone, please.

GUEST SPEAKER: Thank you for giving me this chance to talk. I appreciate that. I am David John Foriyon [Phonetic], a son of Joseph and Louise Foriyon [Phonetic] from [Indiscernible], New Mexico. Can you guys hear this OK? Is this audible?

CHAIRMAN KIENZLE: Yes.

GUEST SPEAKER: OK. Sorry. I live in Tularosa, New Mexico, and I come here by way of 8 years in the wilderness where I saw and appreciated God's creations all around us. And where I realize there truly is a God, and I'm here now on a mission from God. The amazing creations we live with, all the plants and the insects, and the reptiles and the amphibians, and the birds, and the mammals, wondrous creations, and all of them are God's creations. And now, since last year, with all due respect, I'm a citizen, I'm not privy to all the information you guys have, but I'm here to give a point of view that I know that God would want me to give. And since last year, 220 species have been removed from the species of greatest conservation needs list. Last year's

State Wildlife Action Plan had 455. You deserve all the credit, Director Sandoval, for all the work you guys did for that. It was very objective, unbiased and honorable effort to identify that many species. Unfortunately, since then, the Commission or some group of people — I don't know if you guys were involved with that — decided to reduce the list of the species of greatest conservation need to, I believe, 235. And I'm here to say that God loves all his creations. He doesn't favor humans over any other particular species. So as I said I came here to give you God's opinion. God would want you all to include, re-instate, the original 455 species of greatest conservation needs because God cares about all of them. And so, now I ask God to make it clear to all of you, one way or another, individually or collectively, that God wants you to re-instate the original 455 species of greatest conservation need to this year's final version of the State Wildlife Action Plan. Like I said, I just hope God can make it clear to you individually or collectively that he would like you to do that and that he would appreciate it like you can't imagine. Thank you for letting me have my say. Thank you.

CHAIRMAN KIENZLE: Mitch.

GUEST SPEAKER: Good morning, Mr. Chairman, Commissioners. I want to thank you guys for sending us back to the table a year ago. I think that a lot of work has been done on it. It's still not a perfect document but I do want to thank Jim and his team for the work they have put in on this. I think they did a great job. They need to be applauded. And once again, thank you guys for letting us work on this for a year. I think we addressed a lot of concerns that many of us had and Jim did a great job and thank you again, Jim.

CHAIRMAN KIENZLE: Garret.

GUEST SPEAKER: Pass.

CHAIRMAN KIENZLE: You sure? OK. Jerry Fanning.

GUEST SPEAKER: Thank you, Mr. Chairman, Director Sandoval, members of the Commission. My name is Jerry Fanning, Jr., and I am here today representing the New Mexico Oil and Gas Association where I serve as co-chair of the NMOGA Regulatory Practices Committee, and co-chair of the NMOGA ESA Committee. As you know, NMOGA represents approximately 300 member companies within the State of New Mexico which play a very important role in economy of this great state. I'm here today to provide thanks to the Commission and Department for the great cooperation NMOGA and our member companies have had over the past several months during the development of the SWAP. As you know, the document which is being considered by the Commission today looks much different than the document you saw almost a year ago, and I heard that in some of your comments. The document a year ago contained a number of statements about oil and gas development that were misleading or lacked updated scientific or regulatory references or context. Over the last several months, NMOGA along with other interested parties have worked together with the Department and their personnel to try and ensure that the State Wildlife Action Plan contained the most current scientific and regulatory information available. Although we didn't always agree, the conversation was open, professional, and considerate at all times. It is NMOGA's desire that this updated information will help identify [Indiscernible] species of greatest conservation need and that this plan will enable the Department to make reasonable decisions on how to best utilize funds to conserve those species. NMOGA looks forward to a continued relationship with the Department and additional opportunities to work on future project such as SWAP where the interest of our industry may be affected in any way. Thanks again.

CHAIRMAN KIENZLE: Thank you. Michael Dax. Teresa, you're next.

GUEST SPEAKER: Michael Dax, Defenders of Wildlife. I also thank Jim and Matt Wonder [Phonetic] for the opportunity to give our input on the document. Again, like some other people, I would echo it's not perfect from our perspective but at this point, we really need this in place. We can't lose out on this funding that helps us conserve so many non-game species in the State. So, please, I urge you all to vote for its passage and I would just say, 10 years from now hopefully we can start this process again early enough that we don't have a situation like last year where maybe we got a little bit caught off guard, and again not risk losing out on some of this essential funding. Thank you.

CHAIRMAN KIENZLE: Teresa Seamster. I think this marks about 10 meetings in a row for you on this issue.

GUEST SPEAKER: I missed a few. I'm just a whole lot more excited about this. I just want to say, Director Sandoval and Jim Comins, this has been a very long year I think with an awfully lot of meetings and an awful lot of work has been done. I have to say that the SWAP, the way it is now, and really in the first draft it was the same, you have a wonderful stand-alone set of plans for each eco-region. I can't tell you how great that is for the types of things that the Sierra Club does with the schools. You can walk in and you can talk about a specific region. It has all of the species that a lot of the children are interested in. We've had a tremendous surge of interest in children wanting to become water sentinels and water monitors and go out and monitor species. They are much more connected with the land. And in an increasingly changing New Mexico where a lot of children are not out on the land the way they used to be, this document really helps, just articulates all those different areas and it makes it very, very clear where the problems are and what people can do to change it. So I just have to say again, thank you. It has been a tremendous effort.

CHAIRMAN KIENZLE: Caran Cowan.

GUEST SPEAKER: I am Caran Cowan speaking on behalf of New Mexico Cattle Growers and New Mexico Wool Growers. We, too, appreciate the path this document has taken and the openness with which the Department has allowed us to participate. That was not something that had happened up until a year ago. And we just feel that the document is so much better than it was to begin with. Obviously, there are concerns that remain and I appreciate Commissioner Ricklefs' comments, and we will keep you apprised when Federal Land Management agencies begin to use this document. And if they use it right, you know we want to tell you that, too. But we appreciate everything that's been done. We hope that, if we see things that don't work, that we don't wait 10 years to re-look at this, that we keep it as a living document and if things need to be changed let's not wait 10 years for it to happen. We greatly appreciate this document and all the work with the Department that went into it. Thank you.

CHAIRMAN KIENZLE: Commissioners, any other questions or comments before I jump in here?

COMMISSIONER: Jump in. Are you ready for a motion, Mr. Chairman?

CHAIRMAN KIENZLE: Not yet. Not before I have to say a couple of things. Again, I appreciate your efforts. I'm going to suggest a couple of motions to amend the SWAP, mostly to put in language which forces whoever is going to use this document to look at things that are site specific. So, we use a lot of generalizations—we're a big state—but some of the decisions that may be made in relation to this plan really do have to be site specific. So I'm going to have a number of amendments that are directed at that issue. And then, kind of a second motion which does indicate that the SWAP is not necessarily a policy statement and doesn't have the force of

law rule or regulation, that it is basically an assessment and it is done under certain general grants of authority that the Commission has. So, with that, I will entertain motions as follows. If the Commission could turn to page 38 of the SWAP. Page 38 has a table that is entitled “Table 8”, and I would like to change the title of that table from what it presently states to “List of IUCN and CMP Threats Potentially Affecting SGCN’s. I would entertain a motion to that effect.

COMMISSIONER RYAN: Would you repeat that?

CHAIRMAN KIENZLE: So, we would re-title Table 8 to read, “List of IUCN and CMP Threats Potentially Affecting SGCNs”.

COMMISSIONER RYAN: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion?

COMMISSIONER: Just for clarification, you are striking that entire sentence that is written there and replacing it with what you’re [Indiscernible]. OK.

COMMISSIONER: Mr. Chairman, do you have those notes available or do I need to copy them for voting?

CHAIRMAN KIENZLE: I came prepared. By education and training, I seem to write everything down, actually, so yes, I’ve got it. We had a motion and a second. Any further discussion?

COMMISSIONER: What was the motion?

CHAIRMAN KIENZLE: The motion is to retitle Table 8 to read, “List of IUCN and CMP Threats Potentially Affecting SGCNs”. So, it is again to show the intent of this particular amendment, would be to show that it’s potential and that it is not a definite effect.

COMMISSIONER: So moved.

CHAIRMAN KIENZLE: I think we had a motion and a second. Any further discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Opposed? [No response from Commissioners] Same page, page 38, there is a footnote, footnote 6. I would like to add to that footnote, “Threats listed in this document are generalizations that do not support conservation actions without appropriate site-specific information”. I would entertain a motion to that effect.

COMMISSIONER: So moved

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? And that is, again as I said at the outset, to draw attention to specific areas rather than saying, hey, we’re painting with a broad brush on these things. So, we have a motion and a second. Any further discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Opposed? [No response from Commissioners]. Page 64 has a section, Conservation Actions and Overview. I would entertain a motion to add to the first paragraph, the sentence “Conservation actions should only be considered when supported by site-specific information.” Can I get a motion to that effect?

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? And that's again to draw attention to the site-specific nature of any actions that should be taken. Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? The ayes have it. Page 65. My own page 65 is missing. I think the wind blew it away outside. There is a fourth bullet point on page 65 that currently reads, "Strengthen or develop state laws, regulations and policies to protect the biotic and abiotic resources of ephemeral aquatic ecosystems and to support higher water quality standards for wetlands." I would propose that the first part of that bullet point be stricken, 'Strengthen or develop state laws, regulations and policies' and that it be replaced with one combination of words, rather, "Consider appropriate policies", so that is one part of what I want to entertain. In the second part, I would add to that same sentence, "only when supported by site-specific information." I would entertain a motion to that effect.

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion?

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? The ayes have it. Page 81, there's a list of ephemeral catchments which includes playas, pools, tenajas, kettles, and tanks. I would propose deleting

tanks. I think that's something other than perhaps a natural feature and I would propose deleting that from the list of items there. I would entertain a motion to that effect.

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

CHAIRMAN KIENZLE: And then, throughout the document, we have a number of sections where threats and conservation actions. I would propose adding to each and every one of those sections, the following language: "Conservation action is not warranted merely because a potential threat is identified. Conservation action is not appropriate without site-specific data." I would entertain a motion to that effect.

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? And that's again to draw attention to the nature of site specific information needed to take action. Any discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? [No response from Commissioners]. All right. And then, I would entertain a second motion which is motion which is basically to put as the first page of the SWAP the following statement: "This State Wildlife Action Plan is not a policy

statement of, and is not a rule or regulation adopted by, the New Mexico State Game Commission and shall not be construed as such. The State Wildlife Action Plan is part of a grant application for Federal funds and is merely an assessment prepared in that regard, conducted under the New Mexico State Game Commission statutory authority to conduct studies of programs for the management of endangered and non-game species of wildlife, and to apply for and accept any State, Federal, or private funds, grants or donations from any source for game and fish programs and projects. This State Wildlife Action Plan does not have the force of law, rule or regulation.” I would entertain a motion to that effect.

COMMISSIONER: So moved.

DIRECTOR SANDOVAL: Mr. Chairman, if I may, I think you need to add the work ‘threatened’ in there for endangered, threatened, and species of greatest conservation need, so that when you are discussing what the applicability of the SWAP funding goes to. It leaves out a category of species that are indicated under the WCA.

CHAIRMAN KIENZLE: So, let me read it again and stop me when I’m getting there.

DIRECTOR SANDOVAL: It’s just an addition.

CHAIRMAN KIENZLE: Two of these items are drawn straight from statute. So, “This State Wildlife Action Plan is not a policy statement of, and is not a rule or regulation adopted by, the New Mexico State Game Commission and shall not be construed as such. The State Wildlife Action Plan is part of a grant application for Federal funds and is merely an assessment prepared in that regard,” —(now, this comes straight from statute)— “conducted under the New Mexico State Game Commission statutory authority to conduct studies of programs for the management of endangered and non-game species of wildlife, and to apply for and accept any State, Federal,

or private funds, grants or donations from any source for game and fish programs and projects”
—(those two items come straight from statute).

DIRECTOR SANDOVAL: OK. Just the addition of threatened, but if it’s strictly out of statute, we will leave it.

CHAIRMAN KIENZLE: Directly out of statute. “This State Wildlife Action Plan does not have the force of law, rule or regulation.” Can I get a motion in that regard, please?

COMMISSIONER: So moved.

CHAIRMAN KIENZLE: Can I get a second?

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? Did Commissioners understand what I’m saying here? This in part addresses Commissioner Ricklefs’ concern, that this document will be used inappropriately by — whether it’s individuals, governments, or whoever — once it’s approved by the Commission. Any discussion, further questions or comments?

COMMISSIONER: Mr. Chairman, I do want to make a comment. I do want to thank you for your leadership and direction also with the amendments as well as this statement. Thank you.

CHAIRMAN KIENZLE: Thank you.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I have a question for both you and Jim. With these new amendments, will we given a revised copy, if you could, with those sections highlighted?

GUEST SPEAKER: Mr. Chairman, Commissioner Espinoza, yes.

CHAIRMAN KIENZLE: So, we have a motion and a second. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

COMMISSIONER: OK, aye. I'm for it.

CHAIRMAN KIENZLE: You're an 'aye'? OK.

COMMISSIONER: I was waiting for a vote.

CHAIRMAN KIENZLE: OK. So we have a number of motions to amend the SWAP. And then I think with those amendments, we need a final motion to approve the SWAP as amended. Somebody other than me.

COMMISSIONER: Mr. Chairman, I move to approve the State Wildlife Action Plan as amended.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? Any questions or comments? Well, I think once I call for a vote, we can put this one to bed. Everyone did a great job. There's a lot of hard work that went into this, so thank you. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Ayes have it. Agenda Item #8, Revocations.

[Multiple speakers/background noise/indiscernible and inaudible, from open mikes]

ROBERT GRIEGO: Mr. Chairman, Commissioners, I'm here for Agenda #8, hunting and fishing license revocations. Today before you I have 3 groups of individuals. Group 1 is going to be reciprocal revocation of 13 individuals whose license privileges under the Interstate Wildlife Violators Compact. The second group is going to be a group of 5 registered outfitters and guides who have accumulated 20 or more points. And then group 3 is going to be the sanctions of individuals who are subject to the Parental Responsibility Act. That Group 1, 11 of those individuals were convicted of wildlife violations that were in New Mexico and if they had occurred in New Mexico they would have accrued at least 20 points thus being subject to having their license privileges revoked. They all went through their state's due process. The recommended time period is recommended at the end of the date of revocation and 2 of those 13 failed to appear in court or comply with the conditions of wildlife citations so under the compact we suspend them until they come into compliance with those citations. I can stop right there, and we can break them into groups. So do we have a motion for that first group?

CHAIRMAN KIENZLE: This is Group number 1, right.

ROBERT GRIEGO: Mr. Chairman, that is correct.

COMMISSIONER: That's the first motion?

CHAIRMAN KIENZLE: Yes. Garrett, you wanted to speak on Number 8. Does it make sense to have you speak at the beginning or the end?

ROBERT GRIEGO: [Inaudible]

CHAIRMAN KIENZLE: OK. Usually the only people that want to speak are people who have violated something, so I am curious. Maybe you were going to admit to something, I don't know. [Laughter].

GARRETT VENEKLASEN: 18.

CHAIRMAN KIENZLE: All right. Thank you. I think we can just do a motion on this one, then unless there are any questions or comments.

ROBERT GRIEGO: None of these are here today for this category.

COMMISSIONER: Mr. Chairman, I move to reciprocally revoke the license privileges of 13 individuals under the Interstate Wildlife Violators Compact as presented by the Department.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The ayes have it.

ROBERT GRIEGO: OK. Mr. Chairman, Commissioners, Group 2, we have presented a list of 5 individuals that meet the established criteria for revocation of their outfitting registration and their hunting and fishing and trapping privileges. Each of these requested a hearing. The hearing officer's report and recommendation are provided. Two of these individuals have submitted written exceptions for your consideration, that you also have. And I believe with the introductions at the beginning we just have 1 individual here, Russell Silva is in the room for

this. But the second motion is going to be the first of those individuals who submitted a written exception, Mr. James Provincio. So he is here.

CHAIRMAN KIENZLE: Just for the record, Mr. Provincio, you are here. Will you raise your hand? Thank you.

COMMISSIONER RYAN: Mr. Chairman, it looks like from the documentation provided by us that Mr. Provincio had pleaded, I believe, no contest. But his testimony was that he swapped the hunter's paperwork and so they had each other's. And that's summary provided by the Department and supported by Mr. Provincio's testimony and letter to us. I don't see where this is a situation where — I mean, he should have reviewed the paperwork before handing them to the hunters and made sure his I's were dotted and his T's crossed but I don't think it was something where they intentionally went out to hunt on the wrong game unit.

ROBERT GRIEGO: Mr. Chairman, Commissioners, this individual, what it was they were hunting antelope so when they crossed the licenses, each of those individuals was hunting on the wrong ranch.

CHAIRMAN KIENZLE: Were the hunters legally in the field, though? I mean, they had a tag, they were in the wrong place, though?

ROBERT GRIEGO: Mr. Chairman, that is correct. They were licensed. They just had each other's license and the officers did not cite the hunters for that mistake. They just cited the guide.

CHAIRMAN KIENZLE: And what was the reason given for the mix up?

ROBERT GRIEGO: Mr. Chairman, I am not completely clear on all of it but as I read in the report it was, according to Mr. Provincio, just an oversight. He didn't pay attention to the documents in his hand when he started.

COMMISSIONER RYAN: Mr. Chairman, in my opinion I just don't think that's a level — I mean, to me, it just doesn't justify a revocation and suspension for 3 years. I would be interested in discussing a lesser period of time.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: I agree with that. I think this is one of those classic cases of just not paying attention. We pay attention to what we are doing, but I don't think it was negligent or belligerent on his part. So I would entertain a lesser sentence as well.

COMMISSIONER RYAN: I think it's important in Mr. Provincio's statement that he says, I'm not trying to get away unpunished. He is just asking for a lesser charge and he accepts that his actions resulted in these violations and I respect that. I respect that position. I would make a motion that we reduce his revocation period to 1 year.

CHAIRMAN KIENZLE: I need a second.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: I just want to make a couple of comments. This is perhaps a cautionary tale. I'm somewhat concerned and bewildered that this also involved a hunter firing a shot into a house which goes beyond bad behavior. I mean, it's extraordinarily dangerous. So I guess the cautionary tale is, to the extent that you can do it when you're a guide and outfitter

check out who your customer is. And it is not always possible, I understand that. But while the outfitter-guide has a responsibility to make sure that licenses are in the right hands, I would think the hunter also has a responsibility, too. And I'm puzzled by this one because the hunters seem to be as much at fault, if you will, as perhaps the guide was. Anyway, we have a motion and second on 1 year instead of 3 years. Any further questions or comments?

COMMISSIONER MONTOYA: One other question. Bobby, was the individual who fired the shot into house, whether accidentally or otherwise, was he cited for — I can't remember the statute — negligent use of a firearm?

ROBERT GRIEGO: Mr. Chairman, Commissioner Montoya, yes, he was. That individual was cited for negligent use. The hunters just were not cited for the mix up on hunting on the wrong ranch.

CHAIRMAN KIENZLE: Any further questions or comments? All in favor of the motion that's on the table.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Ayes have it.

ROBERT GRIEGO: The second individual that filed the written exception, Christopher Franich, was at the point of introductions, not here either. I don't know if he is here, but you have the hearing officer's report and exception in front of you.

CHAIRMAN KIENZLE: Mr. Franich, are you here? Christopher? Not here. Sorry to interrupt.

COMMISSIONER SALOPEK: Question. Mr. Franich — and I ask Bobby this. You know, when we go hunting, I make sure I know my units. I guess my question is, for the conservation

officers, how much are the hunters trying to get in a different unit? My cell phone, my GPS, if you go look at the map, if there was a road he crossed, he was wrong. So is there a bunch of that going on in the field, I guess is my question, or is it — can a GPS be off a half a mile to a mile? I don't think so in today's vote [Phonetic]. That's just my opinion.

ROBERT GRIEGO: Mr. Chairman, Commissioner Salopek, this location is on Border Hill. The boundary is the paved highway, Highway 70. So they did go north of the pavement. We do also provide legal descriptions, verbal and written descriptions, so they can put it onto a map because I have seen GPS's off a matter of feet. Even on your phone, I've seen it off temporarily. But once it gets calibrated or gets good service, it will move over. But these individuals were, according to the officer, about 3/4 of a mile into the other unit 37, and they did have to cross a paved highway to do that.

CHAIRMAN KIENZLE: Type of highway?

COMMISSIONER: 4 lanes.

CHAIRMAN KIENZLE: 4-lane paved highway.

ROBERT GRIEGO: It's at least 2 lanes right there, but it might be 4 right there at the top of Border Hill.

CHAIRMAN KIENZLE: It is paved?

ROBERT GRIEGO: Mr. Chairman, that is correct. It is US Highway 70. It's a good highway. And, Mr. Chairman, Commissioner Salopek, the second part of your question. You know, there was a statement in there that this was a problem area and we were just sitting on it waiting for violations to occur. That could be said of most areas along a boundary, where we have

consistent game, that's where we have these violations where individuals try and sneak in. You know in each district there's a boundary somewhere where our officers patrol just because it's common for individuals to try.

CHAIRMAN KIENZLE: He's complaining about that? That you were in the right place at the right time?

ROBERT GRIEGO: Yes, sir, Mr. Commissioner. We were sitting with a rancher waiting for a violation to occur. This area is common for violations, this Border Hill area. But the vast majority of that is because of the amount of game there. There are a lot of deer in that area. There's a lot of Barbary sheep. It's right off the highway. There is some BLM land in the area. So, yet, it is an area where we have violations of not just hunting in the wrong unit but criminal trespass, hunting without a license, and the landowners and ranch managers pay attention to that area very heavily because it is money out of their pocket for their paid hunts.

CHAIRMAN KIENZLE: I think you call that good police work. So I am not sure what the guy is complaining about in that regard.

COMMISSIONER RAMOS: How big was the deer?

ROBERT GRIEGO: Mr. Chairman, Commissioner Ramos, I'm unaware of how big the deer was.

COMMISSIONER: And you answered my question as far as it being a highway. You know, we have the Gila. When you're going by the [Indiscernible] there's the wilderness. If you look at the map it's pretty concrete. Now through the web you can use a GPS and Locus [Phonetic]. I

don't know if that's legal because it's battery operated and I'll shut up. But anyway, there's a highway there that divides that and that's what disappointing to me in this case.

COMMISSIONER RYAN: Mr. Chairman, I would make a motion to approve the hearing officer's recommendations and revoke that outfitting and guiding registration privileges and the hunting, fishing, and trapping privileges of Christopher Franich who has accumulated 20 or more violation points and/or 20 or more misconduct points in a 3 year period as presented by the Department.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: Any further discussion? All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Ayes have it.

ROBERT GRIEGO: Mr. Chairman, Commissioners, the second part of this group is 3 additional guides and/or outfitters: Michael Bency, Brendon Rosales, and Russel Silva. That will be motion number 4. Mr. Silva is in the audience today.

CHAIRMAN KIENZLE: Mr. Silva, are you here? Thank you.

DIRECTOR SANDOVAL: Mr. Bency is the first one in our notebook for discussion, Chairman.

CHAIRMAN KIENZLE: I think since Mr. Silva is here we will do his separately. Can you tell me more about Mr. Silva's case, please?

ROBERT GRIEGO: Mr. Chairman, let me pull up that report. Mr. Chairman, Commissioners, I do know that one of the charges was picking up an elk head and per rule you can't pick up the dead heads without a permit. And it was, I did see pictures of it, it was, it looked like a smaller 5x5 chalky head. But he was cited for that. That was 10 point — no, actually 20 points to begin with that. And then the second portion is the 2 counts of outfitting without a license which I think was some landowner authorizations that were bought and sold [Inaudible]

COMMISSIONER RYAN: And then would the additional points just be the administrative points?

ROBERT GRIEGO: Mr. Chairman, Commissioner Ryan, that is correct. Those will be misconduct points. The criminal points count towards the revocation of your hunting, fishing, trapping license, and outfitting and guiding licenses. The misconduct points count only towards the license you hold as the guide or outfitter.

COMMISSIONER RYAN: I'm concerned because there's just multiple violations over — it doesn't seem to be one instance of some kind of misunderstanding. There's been 7 charges from antelope hunts, elk hunts in separate years. And I'm just curious as to why Mr. Silva didn't show up at the bench trial because if there had been evidence to — exculpatory evidence — then that would have been the proper place to present it. And without any other statements by Mr. Silva here . . .

BACKGROUND SPEAKER: Looks like several things. Gee.

CHAIRMAN KIENZLE: Somebody's got to give me a motion on this one.

COMMISSIONER: Mr. Chairman, I move to approve the hearing officer's recommendation and to revoke the outfitting-guiding registration privileges and the hunting, fishing, and trapping privileges of 3 individuals . . .

CHAIRMAN KIENZLE: Let's do Mr. Silva first.

COMMISSIONER: OK, that's easier. He's the very last one here.

CHAIRMAN KIENZLE: No, he's part of the same group but you just put his name in there and then we will get the other two . . .

COMMISSIONER: . . . privileges of Mr. Silva who has accumulated 20 or more violation points and/or 20 or more misconduct points in a 3-year period as presented by the Department.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Opposed? OK, the ayes have it. Then, as to the other 2 individuals, Michael Bency and Brendon Rosales, can I get a motion as to those 2 individuals?

COMMISSIONER: Mr. Chairman, I move to approve the hearing officer's recommendations and revoke the outfitting and guiding registration privileges and the hunting, fishing, and trapping privileges of 2 individuals that were Michael Bency and Brendon Rosales who have accumulated 20 or more violation points and/or 20 or more misconduct points in a 3-year period as presented by the Department.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Good work on those. Thanks.

ROBERT GRIEGO: Mr. Chairman, Commissioners, I do have that final group. We have 111 obligors that Human Services Department reported as being out of compliance with the Parental Responsibility Act in August and September.

COMMISSIONER RYAN: Mr. Chairman, I move to authorize the Department to administer these suspensions on behalf of the Commission, including issuance of and service of a notice of contemplated action at each individual listed that is out of compliance with the Parental Responsibility Act and to each individual that is held to pay a penalty assessment within the 30-day time frame.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. We're done with that one, right? Why don't we take a quick break then we will go on to agenda item number 9.

CHAIRMAN KIENZLE: Agenda item number 9, carcass tagging draft rule presentation on portions of rule effecting a great number.

GUEST SPEAKER: Mr. Chairman, Commissioners, we are presenting options along with information you [Indiscernible/background noise from open mikes]. You all know what those

are. The recent discussions we've had [Indiscernible/background noise from open mikes] reporting system. The combination of harvest tags [Indiscernible] by the Department, issued by the Department for all [Indiscernible] hunts across the state, for all of them, over-the-counter or private land [Indiscernible/background noise from open mikes]. With the carcass tag system, [Indiscernible] removing the harvest tag [Indiscernible] licensed hunter would not [Indiscernible] still in the bag, attached to the antler and carcass tag for the [Indiscernible] would be a very simple process. I would expect it to be efficient. The officers could easily review [Indiscernible] in the field. With the Department issued carcass tag, this would require amending manner and method and/or license administration or licensing.

GUEST SPEAKER #2: Mr. Chairman, members of the Commission, moving forward with reference to the electronic reporting system option, in this system hunters would continue to be able to print their licenses at home. Hunters would be required to record the date, time of kill, and a configuration [Phonetic] on their license. And of course hunters would have to, under this option, file a harvest report within 72 hours or within some specified period of time as decided on by the Commission. Once they do that, they would receive a confirmation code. That code would be written on the copy of the paper license and that would allow them to possess that animal. In order to implement this system, the Department has developed an electronic reporting system that uses a variety of methods. These include the Department Information Center, an automated phone system at the Department's information center where they can use a voice-activated system to report their harvest. They could utilize the Department's website, making use of their mobile device, cell phone, home computer, or a pad of some kind. And, of course, they can go into Department offices or file their harvest report using the Department's cell phone application. We are on track to have these, all these, in place by April 1st. And, of course, the

biggest step is between the system that we have now versus a paper tag is that we would have a much shorter period in which people would have to report their harvest and of course that confirmation number is what would allow them to retain possession of that animal for a [Indiscernible] period of time. In order to implement this portion of the regulation of this option, we have to amend to amend the hunter-trapper reporting system here, hunting and fishing manner and method, and actually with both rules there's a host of species rules that would require slight amendment. But this option would require amending these 2 rules. And with that, I guess we'll both stand for questions.

MALE SPEAKER: Mr. Chairman

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: Bobby and Chris, I guess, Mr. Chairman, I'd like to see this laid, I'm not making a motion now, I'd like to hear from everybody. I think we need to get this one right. Either of these options, I'm for the conservation officers. I think as a Commissioner, when we went to this, dealing with the vendors, we looked at the other side, wow, that's going to be easy. I truly believe then if we had — there's some states — and I think we need to vet this and I think we could have something maybe voted on whenever our meetings are in May or June in place for the big game hunts. We could still do the draw. I think that I, as a Commissioner, if we had made it to where even online if you put it in a paper bag and still put it around the horns, it's in camp, I understand the conservation, where they're coming from. They have to have something in the field. Now, are people printing off tags and hunting 2 or 3? If they're illegal, they're still illegal. I just think we need to delay this and get it right because there are some states that are doing it. And if getting it right means going back to the carcass tag, I can live with that down the

road. I just think we are right in that Catch 22 right now. I would like to see it delayed. That's just my opinion.

CHAIRMAN KIENZLE: Who wants to go next? Go ahead.

COMMISSIONER RYAN: I have a lot of questions. The options in front of us today are not really what I recall being asked by the Commission and the public comment last meeting or the meeting before that. We had 100 percent support for, from guides and outfitters and sportsmen, was simple carcass tags that were mailed out from the Department. There is testimony from the Department saying that wasn't going to be an administrative or economic burden to the Department. Everybody was for it because it was easy, hunters liked it, it wasn't any additional burden for the hunters. And hunters liked having a tag and making any check with a Game Department official go easy. And then the conservation officers liked it because they can get, move past the hunters that are doing it right and get to the ones that are not doing it right. And so there was a consensus in that direction. And when I saw the proposal that's in front of us today — it's an onerous carcass tag system where people have to go into a vendor or get to a Department office and get their carcass tag. And I'm for regulations that make sense, that make things easier and simple. I am not for having regulations just to have regulations when there doesn't seem to be a need for it. I mean, what I heard from the conservation officers was, this might not necessarily help catch the bad guy. But they, and sportsmen, agreed that it was going to help them move the good sportsmen along and help them stay focused on the bad sportsmen. And everybody was on board with that. Every sportsman's organization within New Mexico has chimed in, and there was zero dissent on that. And so, I'm just confused with the Option A, what happened in the Department for this option to have come forward, and I haven't gotten the same answer from anyone I've talked to within the Department. It seems to me that there just is

not any — you know, I think Commissioner Salopek has a really good point, that normally when proposals come before us, generally the Department is behind the proposal for the most part.

And I don't feel like that is the case right now. And the same with Option B. I support keeping our Department, our system, in line with the times. I'm not against an app. I'm not against re-thinking a harvest period. But I'm not sure that option is completely 100 percent backed by the Department either. So, what led to — let's take Option A first — what led to the change on everybody having to go a Department office or vendor to get their carcass tags? Why that change?

GUEST SPEAKER: Mr. Chairman, Commissioner Ryan, it's not a rule, it would have to, that was an administrative decision. But I don't know if the Assistant Director has a better answer for it?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, if the Department takes the position that we will be the issuer of a carcass tag with the control on it, whether it is a different color or whatever it may be, the only way to control the issuance of that would be through a vendor or a Department office, or we would mail it out. So in the case of the special hunt draw, as we did in the past, we would mail the 60-some thousand tags out to the license holder at that point. But if you were to go get an over-the-counter, say, Barbary sheep, in order to control that carcass tag, that person would have to go to a vendor or a Department office. That part has never changed. That was always part of the proposal for carcass tags. When we allow for those over-the-counter licenses that require a tag, the only way to control a carcass tag is to have it issued through a vendor or through an office. So, just for clarification, that wasn't a change necessarily. That's just how process would have to work in order to control the document.

COMMISSIONER RYAN: Well, I think you're bringing up valid administrative and logistical concerns. And I'm just feeling like there needs to be more brain power and people and I'd like to see you guys really work through this because I think there's a way to mail out carcass tags for most people, and people know that if they're going to go get like a Barbary sheep tag from the vendor that they are going to — I don't know, I think there's a logistical way to do it, used to do it, you could do it again. And if the carcass tag is not what the Department wants to do, that's OK, too. I just don't feel like there's a consensus within the Department about how to do this and so it's really difficult from a policy perspective to adopt something that really — I'm not feeling good vibes from you guys on what this really should be. I want to get it right. If we're going to do carcass tags, I want to get it right. I want it to be a system that is easy on the Department and easy on the sportsmen. And if we're doing the — I want to keep moving forward on the technology but I'm not sure how I feel about the 72-hour period. There are 2 separate subjects in my mind. One was to aid conservation officers in the field to help make probable cause determinations right away and to keep people from exceeding their bag limit. Harvest reporting is a whole other ideal and poachers are — if you don't report now before April, you can't apply for your license for the next year anyway. So it's not like moving it to 72 hours is going to help that situation and for using harvest reporting as some kind of tool rather than a carcass tag system to help the conservation officers, that doesn't seem to be connecting. That seems to be like, are we or are we not going to do a carcass tag system and how do we want to update and talk about harvest reporting and are there good reasons. I don't think updating harvest reporting to 72 hours is really helping much the conservation officer or dealing with poachers. So, I just think they are two different conversations, and I'd really like to see the Department go back to the drawing board on those items and come back to us when there's a

consensus, when it is streamlined, when it's not onerous on the hunter, and not onerous on the Department. And I think there's a way forward because there are a lot of people that want to go back to carcass tag. I've never talked to anyone that didn't want to go back to carcass tags. I simply have not run into them in the past few months. But I don't think they want to go back to carcass tags under Option A. So I'm just not willing — I'd just like to talk again after you guys have had more time to vet this through the proper channels.

MALE SPEAKER: Mr. Chairman

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I have some questions as well, and I know the last meeting I had a lot of questions. I brought them to the table. And I'd like to know, what was the process that you all went through to get us here today because I'm still not sure about all the why's and how-comes and all the logistics on how you're going to hash this out. I mean, were you both at the table to come up with both options and able to — you guys in the same room to figure out, hey, these are the pro's, the plus, the deltas [Phonetic] on this issue, and how can we support each other and embrace to make something work. I just came from Wisconsin and they print out their tags just like we do currently with this current system. You know, if I was to harvest a deer here, it says registration is required by 5 pm the day after recovery of game, regulation, and it's listed there with an 800 number. You must write the confirmation number on this tag, retain the tag until meat is consumed. So, other states are using the electronic but it also states here: "Immediately on killing a deer, validate this tag by writing the date of kill and circling A.M. or P.M., you may not leave the carcass unless this tag is attached to it. This tag must remain intact, legible, consider protecting with a plastic bag." You know, a little bit more specifics, and to me I would hope that our leadership team on this — and I don't know if you need Commissioners to come

and be part of this process with you so we can really articulate some how's and how-comes, to support our officers that took all their time off today to come here. But on the other hand, what is this going to be the right thing? I think we're back in the same saddle we were in a month-and-a-half ago and it's really quite frustrating because it is consuming all our time and I think we need to put some focus again with an executive team or something on these hard core issues and maybe even with a workshop for Commissioners prior to generating this kind of dialogue and discussion going on right now. What we need is collaboration with all the troopers and bring up that brain power to think outside of the box to do what's right for New Mexico.

MALE SPEAKER: Mr. Chairman

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I want to re-iterate a few of those points. Looking at this and going back on what Commissioner Ryan said, when we started this it was a carcass tag. Now it seems like it's gotten way complicated. It seems like you're trying to address a lot of issues with Option A or B. Again, the conservation officers that have come, they want something. Our sportsmen, Commissioner Ryan, everybody I've talked to — and I get a lot of calls on this for whatever reason — they want something, they want a carcass tag. But I obviously embrace technology, I want to move forward with that. I think there's a way we can move forward with either one but I kind of go back on the SWAP and the collaboration that happened on that. I think we're in the same position where we were last November with SWAP with carcass tags today. And I think we need to go back and bring all the stakeholders, as Commissioner Ramos says, conservation officers, administration, law enforcement, Commissioners, into that discussion and come up with a collaborative system that's going to benefit everybody involved. It's going to be one of those that's not going to—just like SWAP—that's going to be the perfect

system. It's going to be something that — and it's not going to be something that everybody is absolutely behind, but it's going to be something that we all can — the best for our customer, our sportsmen, and for the Department and ease. Because there's a lot of moving parts in this that I'm seeing. You know, I got a comment that probably resonated with me more than anything. I was sitting at the airport and an outfitter from San Juan County called me and asked me what the Hell we were doing. He said, you guys are moving backwards, I thought we were trying to move forward and we're moving backwards, he said. So I think I want to echo exactly what everybody, what some of the Commissioners, have stated. We need to take this and really wrap our arms around it, to coin a phrase that Commissioner Ramos said, because I don't think we're there yet. I think we're trying to fit a lot of pegs into a hole that's got many dimensions and I just don't feel comfortable with doing either one right now. My recommendation, Mr. Chairman, would be to do a motion to move this forward, and appoint maybe some of the Commissioners to a committee to get involved and address this. I do have one question for the Director. Even though it wouldn't be in the reg, and I know we've got spring turkey hunting coming up, but could we implement something in — and I know session is not, legislative session is going to be, and everybody's busy, and not the proper time, but after that, can something be implemented or adopted rather and implemented prior to game hunting season.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza, that's always a very difficult thing to do. It's not impossible to do but the enforcement of it, depending on which way we turn, whether we do a paper tag or electronic tagging, oftentimes people get what they get from the Department and then they go to their hunt without actually reading the reg, unfortunately. But we can — it would not be my preference to implement in the middle of a hunting season or year, but we could. It would be difficult.

CHAIRMAN KIENZLE: We can always change the rule and you can either make it apply in that year and have some leniency in how it's applied for that half-season if you will. Or you can always delay the implementation of it until the next hunting season. But one way or the other, we'll take the issue up. If we can get it done, we'll get it done. If we can't . . .

COMMISSIONER: This is a discussion item today anyway, so there is no motion required. Is that correct, Mr. Chairman?

CHAIRMAN KIENZLE: Right.

COMMISSIONER: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: I've been for the paper carcass tag for some time. Everybody I talk to really wants to go back to that. I would hope that it would be a simple system to get carcass tags to hunters as efficiently and as quickly as possible, mail, whatever it takes. Under the second option, electronics, I still see a difficulty with hunters being able to go out and taking an animal back to the freezer and reprinting a license and going out again. I don't like the thought that that's possible. I don't know how often that happens, but I know it sure can. So I like a carcass tag. I would agree with Commissioner Salopek that we need to get this right. And, also agree with the other Commissioners that we need to sit down and get it completely right before we move forward.

CHAIRMAN KIENZLE: Commissioner Montoya.

COMMISSIONER MONTOYA: Well, Mr. Chairman, I've studied this thing quite a bit and I wouldn't have to say anything different than what's already been said. I think we've got time to

do it right. I think it should be done right. I think there are both sides to look at this thing, advantages in the electronic system. There's advantages in the carcass tag. But it's not an agenda item, it's not an action item today, but I think we've got time. I'd rather see it done right and done to the satisfaction of what we can handle than just jump off and say, this is what we need to do. There are a lot of people out there looking at it from both ends and I agree that a carcass tag is a necessary thing in some instances but let's make sure that we alleviate all those concerns we've got before we jump into anything. And let's maintain the ease and ability of being able to do things on the electronic system. There's a lot of points that have been brought up and I think that all those should be considered and let's make sure we've looked at every possible option and try to get this right and try to get it so that's handle-able and not creating a monster that we can't deal with. And I think that having the ability to have the field people know whether this is an original tag that's being used, whether it be printed electronically or otherwise, there's some apps that I believe we could still pursue and get right. I've said this from the very first — we've got to look at all the options. And I believe that if we do, we can provide those things necessary to alleviate the concerns that both sides have got. So be it.

CHAIRMAN KIENZLE: Director, tell me about electronic tagging and where we're at in that system.

DIRECTOR SANDOVAL: Mr. Chairman, we are in the final stage, I guess. We're about 95 percent there on our phone app. We're just now going to be moving into a testing phase and should have that up and ready and can actually utilize that for current hunter harvest system today as we have it. So, as far as the tagging goes, from an electronic perspective, we'll be up and running by April 1st and that would be all of the different, what they call the IVR, that's the voice system where people can call in or they can punch it in on their phone, either way, the web

of course and then the phone app or walk into an office. So that system will be up and running April 1st with all the different mechanisms.

CHAIRMAN KIENZLE: Is any other state using a system like that right now?

DIRECTOR SANDOVAL: Mr. Chairman, there are several. We have actually adopted the Alabama web-based model for the phone app, and so they are up and running with that. We are working with the vendor that Alabama uses, so there are other states that are using electronic tagging.

CHAIRMAN KIENZLE: Any other questions or comments at this point in time.

COMMISSIONER: I just want to see, Mr. Chairman and Commissioners, we need to also look at the long-term education of the public because I think there's still some questions out there, wondering if we go to the electronic printing, to continue that, where does it stay, the antlers, does it go with the meat, those types of things that we really need to massage and get it right as well. Versus traditional practice of, let's say we did go with a carcass tag, and let's say that — I know Kerri Romero brought up some good points as well on her email, with outfitters, who's going to get the tags, who's not. Let's say a hunter loses his tag out in the field, what's going to be the process with that? Obviously, you run into town, to Albuquerque, Las Cruces, or any of our main offices is going to be difficult. But on the other hand, that's where maybe electronics can kick in and you can still print one out that night. And that way, our records, our system, documents, hey there was a duplicate purchase during that time frame or whatnot and hopefully that would also help support our conservation officers out in the field on how to prove a case with some of these guys that are making it difficult for us today. I wish there was a simple fix. When I look at it just globally really quick with electronics, with our current system, I think we

lack that confirmation number with that. How long has it been that we've had this system now? I know it was a pilot that we were going to look into, waiting on technology upgrades and things like that. Three years? So it's a good thing and I'm glad that as an agency we're reflecting on our practice, what procedures we're doing. We obviously know both sportsmen and conservation officers, it's not working currently the way we have it and we need, we are barking for the need of change with that.

CHAIRMAN KIENZLE: Let's take some public comment and then we'll take further questions and comments from Commissioners, and then I will suggest a way forward. Colleen Payne.

COLLEEN PAYNE: Good morning, Commissioners, Mr. Chairman, Director Sandoval. It's nice to be here today on behalf of the Mule Deer Foundation. I'm the New Mexico Regional Director. On behalf of thousands of MDF members who are both resident and nonresident hunters here in New Mexico, we are still in support of a carcass tagging system as many of our hunters have expressed that interest to you and to the Department to assist in our accountability by our hunters and support the Department's field staff and our officers. We are not in complete support of an electronic system just because a lot of those bugs need to be worked out. We need to identify what the best process is going to be for that. It still gives those individuals an opportunity to kind of cheat the system and print too many licenses. The only benefit to this system that we see is that the outfitters are able to print additional licenses or print the necessary licenses for their clients, just like you mentioned, in case any of those are misprinted or lost out in the field the outfitters are responsible for getting those printed. The system needs final touches and plans before implementation and I encourage the Commission and Department to develop a simple paper tagging system. I agree with Commissioner Ryan that those sportsmen

and the Department need to be comfortable and confident with this system before implementation and any changes made to it. Thank you.

CHAIRMAN KIENZLE: Kerrie Romero.

KERRIE ROMERO: Thank you, Mr. Chairman and members of the Commission. Kerrie Romero, New Mexico Council of Outfitters and Guides. During the previous 2 Commission meetings, we spoke in favor of a durable carcass tag. However, at that time we were under the impression that the distribution of these tags would not disrupt the efficiency of the current license printing system. After reviewing the Department's more detailed recommendations under Option A, we find that we need to retract our support for this initiative. The distribution of the proposed carcass tags will be inconvenient and overly burdensome, especially in the landowner permit segment and with the over-the-counter tags. Additionally, we feel that Option B is an overly complex version of the system that we already have. Therefore, our industry would prefer to keep the current system and make no changes at this time. If it is found that the current system truly is causing abuse and increasing poaching, we feel there are numerous, less disruptive, ways to fix the system. So, at this point, we cannot support the Department's recommendations. Thank you.

CHAIRMAN KIENZLE: Ben Otero. Mr. Otero, you are not going to be bound by the 2 minutes, so take as much time as you need.

BEN OTERO: Good morning, Mr. Chairman, Commissioners, Director Sandoval. Today, the officers are here in support of carcass tag, as you all very well know. One thing that we are noticing when it goes to an electronic tagging is the lack of reliability of our network. That goes down on a consistent basis causing a problem for not only us as officers but also for our

sportsmen and women that are out in the field. Something that we have looked at when it comes to technologies is that this technology has been offered to us before. When you look at your license, there is a QR code on there that was supposed to scan, was supposed to work. We were supposed to move in that direction in the future as we are trying to go to, to be able to scan that and be able to give real-time information. That has still not happened to this date. All we can get on there are names, date of birth, information that's already on the license. So, we have not moved forward at all, and that has been already something that has been given to us and nothing has happened. One other thing is that the complex nature of electronics system, we have so many sportsmen out there that don't understand the computers, don't understand even printing their license. We run into sportsmen and women that say, Well, I had my nephew do it, I don't even know what's on there, I don't know what's right. This is a consistent thing we are seeing across the board. We are doing this all the time, and seeing this kind of stuff. Our current license and tagging system that we have has been implemented for a brief 3 to 4 years and we are still seeing very — a lot of sportsmen and women who do not know how to properly fill this out. For example, I will use myself as example, this year I went elk hunting, killed an elk. I left that elk head in camp. I went to town. Well, I know the rule. I can keep that license with the meat to go take it. But my Dad and my brother in camp with the head, now they're going to be the ones that, where's that head at, it is separated from the tag. That game warden is going to have to do a lot more work to figure out who actually killed that animal. They are going to have to spend 3 or 4 hours. They're going to have to come back constantly to the camp. So, that as an example in itself, if there was a carcass tag there at the camp, my Dad would say, it's right there. They would check it, and done, and moved on. That game warden can go check another 10, 20 people in that same time period. The simplicity of this carcass tag, multiple sportsmen and women see

it. They've done it for years. Even new hunters say, well my Dad tells me I put it on the horn. We still see it. Everyone puts it around the horn at some point in time. So, that's why we're still in favor of carcass tags. Controlling those issues with the tag is something that we support, whether you mail it in or to vendor. We used to have those tags that would get mailed to you, and you'd be able to have your carcass tag there. When it comes to the other things, I agree there probably are some things we can fix in buying over-the-counter but many outfitters and landowners and people that are converting authorizations come to that office. We see them all the time. They tell those of us in Santa Fe, Albuquerque, wherever. So they are still going out of their way to do it because most of them, those people, fly in on a plane to Albuquerque and then they go to the office and that's usually how it works. That's what I've noticed. Once a hunter, a sportsman or sportswoman kills something, they should feel that they have accomplished something whenever they are able to take that carcass tag, notch it, and put it on. So when I come along or my coworkers come along, we're able to say, you're good to go, have a good day. We're not there trying to wait for X amount of people to show up or trying to wait for 'where's this, where's that'. It takes a lot more effort than the way the system is now. So, in closing what I have to say is, we have not contacted a sportsman, woman, sportsman's group, or a conservation officer who is in favor of electronic tagging. We cannot find that person to this day. By voting in an electronic system, you're going against every person that we've ever contacted, and you're taking away something that could be an officer safety thing [Phonetic]. I know maybe you don't understand some of the things we deal with. But when you go to a camp and they say, I called it in, we have no jurisdiction there because there is nothing physically there to tell me if they actually called it in or not because I could be out of service for the next 2 days. So I'm walking into a camp where there is nothing there showing that they have legally harvested

this animal. So, with that, we are coming here today in support of the carcass tag and by voting against the carcass tag and bringing on that electronic system, you are voting against what most people want and they are the people, the sportsmen and women, who you work for and who I work for, and that is who we want to support the most, are the sportsmen and women of New Mexico and other places. Thank you.

CHAIRMAN KIENZLE: Thank you. Commissioners, any questions or comments? Let me suggest a way forward here. This reminds me, kind of, of a budget issue. We meet in platoons with the Director and other folks to visit line items in the budget and those kinds of things. I would suggest that is similar to that and it is appropriate for us to meet with the Direct and whoever else is appropriate to hash these things out. So, using that kind of model, I think that's the best way to tackle this. And rather than do a subcommittee or just a collection of 3 of us, I think this issue is too important to not have all of use weigh and hear it directly before we get to another meeting on this issue. And so, with that comment, I would entertain a motion to table this. Let's have those meetings similar to what we do on the budget and then come back here, whether it is in January or a meeting after the session and we will pick it up again. By that time, we'll be able to get more input from the law enforcement side. We'll be able to get more input on the electronic side. I want to see what's going on in Alabama, see what's going on in Wisconsin as Ralph pointed out. And when we've gone over some other sort of 50 state laws — I've had you make some telephone calls, hey what are you guys doing — I'm hoping we can do something similar, visit with Alabama, Wisconsin and some other folks and say, are you seeing anything good or anything bad. But let's get some more information and, as people have suggested, let's get this right. So with that I would entertain a motion to table this issue for the time being and then have meetings along those lines as soon as possible.

COMMISSIONER: So moved.

COMMISSIONER #2: Second.

CHAIRMAN KIENZLE: Discussion? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? Ayes have it. So, Director, get your calendar out and it is something we are going to need to visit with all of us to set it up in groups of 3 or 2 or whatever the number is as we go forward. But this is not something to delay. It is something to get done sooner rather than later.

DIRECTOR SANDOVAL: Will do, Mr. Chairman.

CHAIRMAN KIENZLE: Thank you. Agenda Item Number 10: Final Rule Presentation Changes To the Fisheries 19.31.4 NMAC and Manner and Method Rules 19.31.10 NMAC.

KIRK PATTEN: Good morning, Mr. Chairman, Commissioners. I am here to present, I guess, some final proposed amendments to the Fisheries Manner and Method rules. We brought this, I guess a conceptual amendment, to you back in August at your monthly meeting there. And then again, we drafted language and presented that to you in October of this year. The first of the amendments is designating a special trout water on the Rio Chama, El Vado Reservoir, just downstream from Cooper's Landing. The original proposal was about 3-1/2 miles that would be catch and release only, artificial fly or lure, and single barbless hook. In some of our estimates, we came up with 3-1/2 miles. There's probably a better place to demarcate that area which would make it about a 3-mile reach which was different than the original proposal. The next amendment is changing rules which apply to the Gila trout angling down in the southwest part of

the state. These primarily came out of a framework for the management of Gila trout angling which was agreed to by the Fish and Wildlife Service because it is a federally protected species as well as a Department. First rule is to set a 2 fish limit on any tackle for Gila trout in Mineral Creek and Whitewater Creek. Mineral Creek was stocked earlier this year and we're planning on slinging some more fish with the use of helicopter again tomorrow. We also have a need to expand the free Gila trout permit system for all recovery and recreational waters open to angling. The purpose of this is to help us get a better handle on what angling actually does to Gila trout populations. There is also a need to open up the upper West Fork Gila River to angling. It's been closed for 8-9 years now. We would like to maintain the closures for all the tributaries which currently support Gila trout populations and we also added some more language to clarify that South Diamond Creek which [Indiscernible] population of Gila trout remains closed to angling. There are two waters we are proposing to add to the big cat waters. That is where we stock large catfish during the warm seasons. It would change the regulations from state-wide bag limit of 15 fish down to 2 fish per day. The purpose of this is to more equitably distribute those large catfish to a variety of anglers. We are also proposing to add 3 trout waters, that they are actually formally designated trout waters so we can manage them as winter trout waters where we stock rainbow trout during the cool seasons in warmer parts of the state. And finally, the amendments include opening the Pine River which was originally closed — it is a tributary to Navaho Reservoir — open it during the snagging season. We had closed it to facilitate spawning operations for Kokonee and we no longer do that in that location and are proposing to close the buoy-no wake areas at the Pine and Sims rams to assist with our spawning operations at Navaho. So here's a summary of some of the public outreach we have done specific for these amendments. After we presented the concept to you in August, we posted information on the

website. On September 8, we sent out emails to interested individuals and partners. Last winter, in preparation for some of these rule amendments, and I guess last fall as well, we did public meetings down in Glenwood, part of the state, for the Gila trout regulations. We did a press release of the special trout water on Rio Chama in October, and then held a public meeting in Heron Lake State Park to specifically discuss the Rio Chama special trout water last month. And here's a summary of the responses to those amendments so far. As far as the big cat amendment, the winter trout amendments, and the Kokonee, we've had 3 letters, 3 comments, in support of those amendments. We received 4 letters of support for the Gila trout amendments. We received some concerns expressed by Fish and Wildlife Service biologists that we feel like we're working — can you hear me — we feel like we talked to those concerns. At the public meeting in the Chama area last month, there was a fair amount of disagreement of the appropriateness of that regulation or not. In fact, attendees at the meeting were split down the middle on whether they supported or opposed that regulation. After the meeting, we received [Indiscernible/cannot discern 15 versus 50] additional comments in support of the regulation and 5 letters in opposition to it. At the meeting we also had the County Board of Commissioners [Indiscernible] resolution where they were asking the Department, but it should have been for you, not adopt that regulation at this time. One thing that we came away from that public meeting with was that everyone that attended was committed to the Rio Chama and the fishery that is there. They just have different ways of getting there and the level of protection that's needed. So, based upon all the public comment that we've had — the Department, I guess — our recommendation is to move forward with the amendments as proposed but to hold off and conduct some additional public meetings with respect to the special trout water on the Rio Chama. So, thanks, and I guess I will answer any questions you have.

COMMISSIONER SALOPEK: Kirk, on the limit on pond, that's in New Mexico State, right.

KIRK PATTEN: Mr. Chairman, Commissioner Salopek, yes.

COMMISSIONER SALOPEK: In those 2, I think that's a great call. I've always questioned, but I've never said anything, why can somebody go into a little pond and catch 15 fish. We had to put limits to distribute it because it serves a great purpose there in that community, either the students or families. And the other thing, thank you on the Gila trout. I think Jason might allude to some of that, too. And when I get pounded on questions on fishing it is, why can't we fish the Gila, we used to be able to fish, just want to catch a fish or two. And I know every time I get to talk to you, to you and Mike, it's when can we open more of that fishing like it used to be. And I just want to thank you on that one. Thanks.

MALE SPEAKER: Mr. Chairman

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: I've gotten a couple of calls from Chama and not even from Chama, they've fished there. There's a lot of people that — that's where those traditional areas, the locals have always fished because it's such a great fishery. And I know, being from the San Juan, fished in San Juan a lot, I know the value of catch and release. I'm not so sure that this — we're impacting the wrong crowd. And even the Board of Commissioners, they recognize that same fact. I just got a call yesterday from a gentleman in Aztec that fishes that all the time. Somebody from Cuba called me on it. So, is there another way, I guess my question is, to — and I'm sure you have it in public comments in Chama — everybody values that fisheries, values and wants to improve it. Is there another way other than just catch and release to better that fishery?

KIRK PATTEN: Mr. Chairman, Commissioner Espinoza, yes. I think during the conversations that we had, some people who were adamantly opposed to any sport special trout water designation began to say, well I'd be okay to reduce bag limit then our state-wide five fish limit. Others were expressing concern that it really wasn't the anglers that are causing problems, it's water releases from El Vado Reservoir. So I think there are other things that we can consider. You know I think there's room for compromise among traditional anglers in that area and those individuals who would be more in favor of catch and release.

COMMISSIONER ESPINOZA: I would see if we could amend it and remove this section for now pending some more input from you guys and come up with a different solution.

CHAIRMAN KIENZLE: What section are you referring to?

COMMISSIONER ESPINOZA: I'm sorry?

CHAIRMAN KIENZLE: Which section?

COMMISSIONER ESPINOZA: The special trout water on the Rio Chama below El Vado.

DIRECTOR SANDOVAL: Mr. Chairman that is the motion to remove that section for the public discussion.

CHAIRMAN KIENZLE: Okay. So it's not a change in the motion that's being proposed?

COMMISSIONER ESPINOZA: With that exception or would it just be exception then?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Espinoza that is correct. The exception is noted in the motion that's in front of you.

CHAIRMAN KIENZLE: And you're going to do further homework on that?

KIRK PATTON: Mr. Chairman, I'm sorry?

CHAIRMAN KIENZLE: You're going to do further work on the exception?

KIRK PATTEN: Yes.

CHAIRMAN KIENZLE: Okay. Commissioner Espinoza was your concern that – the Director and I have appeared in front of the, was it the Land Grant? What do they call that committee?

DIRECTOR SANDOVAL: Mr. Chairman, it's the Land Grant Committee.

CHAIRMAN KIENZLE: Land Grant Committee. Is your concern that people that have traditionally lived in the area can't keep what they catch?

COMMISSIONER ESPINOZA: That is true you know and there's a lot of, if you've ever gone down there, I've gone down there in times and there's just been families. You know, just kids had been fishing off the bank and they would lose that and if you understand the Rio Chama, that first three and a half miles, there's some sections that are easy at the beginning and some are hard but if you get any further down then you start getting into difficulty obtaining it and you also get into the issue of private land further down. You would lose that opportunity for those families and it's not one or two families, its several families.

CHAIRMAN KIENZLE: Let me suggest if that's a concern that you can build in something says, with the Director's permission, somebody can, instead of catch and release, they can keep. So there is a way to address those traditional communities. I don't want to throw the baby out with the bathwater and their brother trying to get the opportunity to use that but if that's a concern there's probably a way to build in something that respects those traditions.

COMMISSIONER ESPINOZA: And I guess that's what I was asking.

KIRK PATTEN: Mr. Chairman, just one thing to point out is that the proposed reach is approximately, it would start 1.3 miles downstream the El Vado Dam and the reason we excluded that reach is because that is a high use family oriented area. So I believe we've taken that into consideration.

CHAIRMAN KIENZLE: So you've already accounted for that?

KIRK PATTEN: We've already accounted for some of that readily accessible area but I mean, there's some concern about losing their tradition, the traditional ability to catch and keep a fish.

COMMISSIONER ESPINOZA: You mentioned earlier, you know releasing, bag limits, etc., and you know I think that's one option. The individuals that want to practice catch and release, that wouldn't prohibit them from doing that as well.

KIRK PATTEN: Correct.

CHAIRMAN KIENZLE: Well if you've already accounted for it, my inclination then is to go with what we've got and if we hear from those communities that it's a problem or that they're getting boxed out or we're stepping on their toes, I expect we'll hear from them or their representatives and at that point in time we can pick up perhaps amending it to account for what I suggested before. I'm not discounting their concerns but maybe we go with what we've got today, upon further discussion and you know, if it proves to be a problem or it needs to be changed or something like that can we can pick it up again. We'll have to answer that, just saying.

COMMISSIONER ESPINOZA: What of the Board of Commissioners, what was their objection to this?

KIRK PATTEN: I think their objection was the, you know if you were to do catch and release in the reach as we designated, there would be, I guess a change loss of traditional fishing values, fishing opportunities, ability to harvest a fish, that sort of thing. That's what was really driving their concerns.

CHAIRMAN KIENZLE: You have tried to neck down the catch and release areas as much as possible just to account for that concern?

KIRK PATTEN: Yes, sir.

CHAIRMAN KIENZLE: Further questions or comments?

DIRECTOR SANDOVAL: So Mr. Chairman, just to clarify, the motion that's in front of you all today excludes the catch and release provision for Rio Chama and with the understanding that we'll go back and meet with that community and with the County Commissioners. So that's what's stated in front of you. If you would like to change that to go ahead and leave that catch and release in there that would be a different motion than what's in the book.

CHAIRMAN KIENZLE: Thank you. So is this suggested motion different than what you proposed the last time, last meeting, or is it the same?

KIRK PATTEN: Mr. Chairman, this is different than last time.

CHAIRMAN KIENZLE: Okay.

KIRK PATTEN: So this would be doing everything as we proposed as last time with the exception of doing nothing with the, you know having no change and regulations for special trout water on the Rio Chama at this time.

CHAIRMAN KIENZLE: Okay. Does someone have the folder that was being passed along here? I would like to take a look at that again. Let's take some public comment here and then we'll pick it up in that. Garrett.

GARRETT VENEKLASEN: Mr. Chairman, Members of the Commission, Garret Veneklasen, New Mexico Wildlife Federation. I would like to note that New Mexico compared to other western states has so little special trout water and the amount of fishing pressure that we're seeing is increasing exponentially. When I was a little kid when I fished at Cooper's, you know there wasn't even near the amount of fishing pressure that we see now and I grew up there during spawning season when those big browns are up on their nests and people are ripping those browns off the nest and taking them home. Some temperance and some restraint I think is in order now simply because of the amount of fishing pressure that we're seeing. It doesn't mean that we don't value traditional use and consumptive use and I think that there can be a balance where we have some really quality catch and release waters, that we protect our fisheries and it costs the department much less. When you look at the stocking regiments of Colorado for example, it's a culture of catch and release and there is opportunity for put and take but it cost the department much less. So I think this idea of having catch and release water and more catch and release water with put and take water that's stocked heavily to give people opportunity to keep fish makes a lot of sense but I think we need to have more catch and release water. It makes sense economically. It makes sense for the health of the fishery, especially for wild trout and we're seeing huge impacts on wild trout and native trout populations because there's just a lot more fisherman than there used to be and that's a fact. So, we really do support this. We do have some members that are a little bit nervous about it but again, giving them some water, put and take water, I think we need to have this catch and release water and we need to start

changing this culture of catch and release and embracing it. It makes a lot of sense. Thank you very much.

CHAIRMAN KIENZLE: Kerrie Romero.

KERRIE ROMERO: Thank you Mr. Chairman, Commissioners, Kerrie Romero, New Mexico Council of Outfitters and Guides. We would like to urge the Commission to approve the changes to the fisheries management and to include the previously recommended changes to create special trout waters on the Rio Chama within your motion today. There's been strong industry support as well as public support for special waters along the Rio Chama below El Vado since this initiative began two years ago. It's extremely unfortunate that a handful of disgruntled Rio residents have seemingly dis-railed the hard work so many department employees and individuals directly impacted by the fishing industry in that area. One thing I wanted to mention about the Rio Arriba County Commission Resolution is that within that resolution they said that there was no economic benefit to the County of Rio Arriba in the form of gross receipts tax which is a 100% fabrication of the way the economy works in Rio Arriba County. I can think of five outfitters who operate fishing only operations that have paid collectively millions of dollars in gross receipts tax to Rio Arriba County over their years of operation. So for them to say that the Outfitter and Guide Industry has no benefit to the County of Rio Arriba is completely false. In fact, the Hunting and Fishing Industry is the number one industry in Rio Arriba County and the number one employer of residents of Rio Arriba County. So we would like to urge the Commission to put emphasis on the hundreds upon hundreds of supporters that you've received for this proposal and move forward to approve the proposal today rather than drawing it out with a number of additional public meetings. Thank you.

CHAIRMAN KIENZLE: Toner Mitchell.

TONER MITCHELL: Mr. Chairman and Commissioners, I'm Toner Mitchell with Trout Unlimited. I want to reiterate our support from our State Council and all of our four State Chapters and support of the catch and release changes on the Chama. This fishery especially, I fished and guided all around the west, the Chama's an extremely outstanding fishery and one that needs to be protected more. I would put it up there with many great rivers around the west. You were here and you probably have heard a lot of the reasons why this is a good idea. I won't go into those anymore. I will reiterate what Garrett said which is that compared to a lot of western states, we are woefully falling short on protecting our special waters. The San Juan is a really great fishery and a lot of that is from the catch and release. We could be protecting the Chama more, the Rube [phonetic], the Pecos, the Rio Grande, all of those fisheries that are excellent in their own right. Just to assuage any concerns, whatever you decide today, Trout Unlimited is prepared to do significant outreach in that county and really speak to those folks and see how we can address their concerns in the wisest manner possible. Thank you very much.

CHAIRMAN KIENZLE: Don't go anywhere. I got a question for you. So I'm looking at a letter here from Trout Unlimited and also I believe, the New Mexico Council of Trout, Well I guess it's both. In the second paragraph, this letter, October 22, 2015, it says we are asking the department and Commission to improve the quality of wild trout fishing experience in New Mexico by managing fishing areas in appropriate sections of the Rio Chama, most notably on the Tailwater Sections below the El Vado and Abiquiu Dams with a Golda Meade Trophy [phonetic] or quality waters parameters. Does the proposal in front of us accomplish that?

TONER MITCHELL: The one that, I guess the one that you heard first in August I believe.

We're in support of the 3.5 mile of catch and release water beginning below, what was it Kirk, a mile and a half below the dam? I think we're generally in support also of put and take or catch and keep at the easily accessed areas right there at Coopers.

CHAIRMAN KIENZLE: So I guess for, Kirk don't go anywhere yet. For Kirk and Mr. Mitchell then, is this exception, does that change what they're suggesting they want to see?

KIRK PATTEN: Mr. Chairman, it's in the suggested motion? Yes, I believe that will change what they were supporting at that time. I believe they expressed support for establishing special trout water, catch and release regulation on that reach, approximately 1.3 miles downstream from the dam, 3-1/2 miles downstream would be end of it.

CHAIRMAN KIENZLE: So this exception does not accomplish what they're trying to accomplish in what I read?

KIRK PATTEN: Correct. The only thing I would change if the Commission were to move forward on this, is I would change it from 3.5 to 3 miles because there's a better place to set that up and there's also a little bit of private land down there that one of land, one of the opponents...

CHAIRMAN KIENZLE: Don't go anywhere yet. So why is this exception in here from where we were the last time we heard this? How does this exception end up in here now?

KIRK PATTEN: Mr. Chairman, the exception is there because of, primarily because of the opposition we received from the locals in the area as well as the Rio Arriba County Board of Commissioners in their resolution saying that they wish to engage in further dialog on the regulations.

COMMISSIONER SALOPEK: So Kirk, in both of these proposals or the proposal, below the dam, 1.5 miles, you're still going to allow fishing or is the proposal starting at the dam going down now to 3 miles instead of 3.5? That's where I'm a little bit confused.

KIRK PATTEN: Mr. Chairman, Commissioner Salopek, in both proposals, the special trout water would start approximately 1.3 miles downstream from the dam.

COMMISSIONER SALOPEK: So the locals could still fish there?

KIRK PATTEN: There would be a, there is a five fish daily limitation. We stock it routinely through the season. We put Rio Grande Cutthroat Trout in that reach so, yes. Nothing would change in that 1.3 miles.

CHAIRMAN KIENZLE: So let me tell you what I'm struggling with here. So when I heard this the last time there was a lot of cheerleading and rah, rah, rah, we love this, right? And so now you come to me with an exception which appears to be counter to a whole bunch of organizations that have a lot of skin in the game and they all, they're all referencing Tailwater Sections below the El Vado and Abiquiu Dam. So we've taken that out of catch and release with this suggested motion.

KIRK PATTEN: Mr. Chairman, the Tailwater effect would probably extend beyond that initial reach. The Tailwater effect is high nutrients coming through at reservoir, hold water coming out produces San Juan type fishery.

CHAIRMAN KIENZLE: The motion that's here now doesn't address Tailwater Sections below the El Vado and Abiquiu Dams whereas when we visited on this the last time it did. Am I right?

KIRK PATTEN: Mr. Chairman, no. The original proposal was, always had that exception of that 1.3 miles that would be unaffected by a new regulation.

CHAIRMAN KIENZLE: Okay, so let me circle back, don't go anywhere. So I'm struggling with the exception right now. So when Trout Unlimited says most notably in the Tailwater Sections below the El Vado and Abiquiu Dams with a Golda Meade Trophy, quality waters parameters. I'm looking at another one from trout Stalker, it says especially in the Tailwater Sections below the El Vado and Abiquiu Dams. I'm looking at the Mesilla Valley Fly Fishers references Tailwater Sections below the El Vado and Abiquiu Dams. So are we doing catch and release in those areas or no?

KIRK PATTEN: Mr. Chairman, kind of, because the 1.3 miles is, would be considered Tailwater. Part of the reach down below that would part of this regulation is still within the Tailwater reach. So.....

SPEAKER: Mr. Chairman, perhaps I can help with a little clarity. We have not proposed a special trout water below Abiquiu though there is an existing one that is there. So, we left that out of any proposal that we've given you to date. That's a recommendation from Trout Unlimited. We feel like we need a lot of study and public input on that particular reach before we address this.

CHAIRMAN KIENZLE: What if this exception is stripped out of here. Tell me what it means because I'm concerned that again, when we did this the last time, there was enthusiasm for what was there and now we have an exception and that concerns me because we've been operating all along without the exception. The exception shows up now in a relatively short period of time and I'm concerned that we haven't heard from all the stakeholders because a lot of these letters

are dated a year ago, 2015. So we now got a different proposal from what people said were in favor of. So that concerns me. Tell me what happens if we strip this exception out.

SPEAKER: So Mr. Chairman, what would happen is we would not designate the 3 mile stretch below the 1.3 as a special trout water. We would go back out to the public, engage with the County Commission with the public and see if there is a way that the catch and release section would be acceptable to everybody or if there is a compromise as Kirk mentioned, a two fish limit. Then bring something back to you once we felt like we had good solid public support. We do have very strong support from the segment of the community for catch and release but there's another segment out there that is adamantly opposed.

CHAIRMAN KIENZLE: So Mr. Mitchell, what say you on this?

TONER MITCHELL: I represent an organization with lots of chapters and members and a council. I cannot represent Trout Unlimited on a proposal right now or on an alternative. Like I said, we are willing to do, or not willing but we're committed to public outreach whether or not you decide on the proposal on the table today. Another thing we heard from that meeting where opponents vociferously opposed it was that they were generally bemoaning a lack of fishing opportunity on their area and we would like to address that. Hopefully the department would work with us, too, to address the lack of fishing opportunity there but a lot of us in favor of this proposal believe that we can, that the catch and release-a lot of it informed by a Game and Fish Department Survey showing that anglers using all methods of fishing equipment, generally favor increase catch and release opportunities. So, you know we do want to do this outreach and we want to get it right but the Chama is just too excellent a fishery to not address in this fashion.

CHAIRMAN KIENZLE: Okay, you're free to sit down, thank you. Mr. Parker. Somebody is going to have to help me out of the wilderness on this one because I'm just not tracking.

MR. PARKER: Mr. Chairman, Commissioners, thank you so much for letting me speak on all this. I think that I kind of jump around. I'm not quite as a professional speaker in front of you folks as some of the other folks. I would like to address a couple of things. That blue folder you have with the letters, there's also, I brought you guys 486 surveys that were done on this. They're all signed, addresses and I'm not sure where they ended up but a bunch of us folks — did you receive the letters — did these surveys over about a year and we did them all over the state, in Chama, in all kinds of areas. We had trouble finding people opposed to it, this catch and release area. I own a guiding business and we guide in the Chama area quite a bit. It could be a much better fishery than it is. It's a great fishery now but it's being impacted by more and more people there. I think this catch and release area would be a great benefit to the local economy, anglers, everybody like that but I really think that, I'm kind of surprised seeing all the public support that's been shown. If you look at those letters for the individuals and businesses and associations they represent, you're looking at probably 2,500 people. I think those surveys, some of them probably cross over but a lot of them don't. That's 486 people that are interested in this. I think the Game and Fish, when this was addressed as far as the new Fisheries Management Plan for well over a year ago, you guys received how many emails did you get that were in favor of it, quite a few. I approved it was for what was over a hundred wasn't it, to my recollection but I guess what I'm suggesting is, you know there was this meeting in Chama, I was at the meeting as well. I kind of feel like this has been improved and exposed to the public comment for quite a while and now all of a sudden we have a meeting and seventeen people are opposed, seventeen against and we're going to shelve the whole thing for further use. I would also note that in those

letters, in the surveys as Mr. Chairman you were addressing, the initial proposal was for two catch and release areas, one below El Vado, one below Abiquiu. As Mr. (indiscernible) talked about and I have his opinion (indiscernible) the initial request has already been cut in half by tabling out the reach below Abiquiu and I'm not so sure the reach below Abiquiu might have been more beneficial than the one below El Vado as a catch and release area. So, all these people and organizations and businesses that have recommended this have already taken half of the game off the table so to speak. I do have this letter from the Commissioners if you want a copy of it. I don't know if you've all seen it. I was actually quite insulted. My business does operate for Rio Arriba County. I've been licensed there with Rio Arriba County business license, pay all my gross receipts there, quite thousands of thousands of dollars and they just said none of did. I mean, it's complete false, also I'm terribly insulted by that but it is what it is but it looks good on this snazzy letterhead here.

CHAIRMAN KIENZLE: I don't want to run down the Commission, they've got their reasons, I understand that. So let me ask a question to you two fellas. So is the exception we're dealing with the language that was stricken from 4.11(b), .31.4.11(a)4(b)?

SPEAKER: I believe that it probably is. It's the motion you have before you if you adopt it as it is written would result in no, the creation no special trout water below El Vado. So.....

CHAIRMAN KIENZLE: Let me read the language. When its stricken in yellow here, this means that, different from the original proposal than?

SPEAKER: I'm sorry, I think we confused the issue. The original proposal had that language in it and what we did was struck it to support the motion that we gave you today which is different than what we had been presenting so that's why we confused you.

CHAIRMAN KIENZLE: So let me read the language that's concerning me that is stricken from the proposal right now. It says in Rio Arriba County the Rio Chama from the United States Geological Survey Gauging Station located 1.3 mile downstream of El Vado Lake Dam, downstream 3 ½ miles to the Historic War Grenache, every person angling for fish on these portions of Moyenne Creek must be in possession of a Gila Trout Permit issued in their name by the department or its designee. A photo copy, duplicate copy or computer printout of this permit will suffice as evidence of receiving such permit. Is that the exception your talking about?

SPEAKER: No. So the language, when you particulate to the water in Rio Arriba County, if that language is left in there, that would create the special trout water. If it's removed, it would not create a special trout water.

CHAIRMAN KIENZLE: So with that, somebody's going to answer my question. Is that the exception that's referred in the proposed motion?

SPEAKER: Yes.

CHAIRMAN KIENZLE: Okay. That exception came about based on your last meeting in Chama. It happened between our last public meeting and today?

SPEAKER: Correct. Yes.

CHAIRMAN KIENZLE: That sound all right?

SPEAKER: To the best of my knowledge, yes. Can I make one more comment?

CHAIRMAN KIENZLE: Yes, sir.

SPEAKER: There's myself and six full-time guides in my little company. We do have in that area a fair amount, you know I would assume a couple three hundred days a year. The 1.3 mile section from the El Vado Dam to below Cooper's where the gauging station is, is where 99.9% of the people that fish that retain their fish, go.

CHAIRMAN KIENZLE: That's the exception.

SPEAKER: That's the area that will remain under current regulations where you keep your state-limited fish. Below that gauging station, we're there an awful lot because we hike along ways. It's not a utilized area. Compared to Cooper's which you can drive up, get out of your car, there's a big basin there by the swinging bridge and fish. That's where most of the people that retain fish go. So the area that we're requesting, my secondary reason for being so pro on this, is economical. The primary reason is environmental. It's an area that's not fished as rather heavily but it is the critical area for in my observation, for the sustain ability of that fishery. So I think you're getting the best of both worlds. You have a gray area below the dam for a mile, 1.3 miles where the baulk of the people would retain fish, catch and keep already. In the area below is where most people go that are trying to fish more for sport.

CHAIRMAN KIENZLE: I've never been more confused in all my life and that's saying a lot. So let me if I, if it's your preference to have the exception area be catch and release or not? What is your preference?

SPEAKER: Catch and release.

CHAIRMAN KIENZLE: Okay, don't say anything else, you'll confuse me.

[laughter]

COMMISSIONER RYAN: So Chairman, it seems to me that there was a lot of support to keep from what has been restricted in subsection b that was recently stricken. There was a lot of support until this recent meeting and I think what I'm hearing from public comment and from the department is that despite this recent meeting that the locale of the proposed catch and release area is taking into account those people that do want to fish and retain the fish and that this an area that is not having a large impact on that segment of the fishermen. So, I mean I'm just hearing that in order to, to use what you said is that you get the best of both worlds. That we're doing something to protect the fishery and we're doing it in a location that isn't going to have an enormous impact on those that want to go down there and keep what they fish. Is that a good summary?

CHAIRMAN KIENZLE: My concern is we had our last meeting and then I think the same proposal we heard for many months was X and now it's X minus the exception area and my concern is the broader public has not had the opportunity to weigh in on this issue. All the letters that have been provided to me are dated a year ago and they all specifically address this particular exception area. So my concern is we are not giving those people that are interested in this a fair opportunity to weigh in on it and you could say, yes, it's been out there for a month. It's been out there for X number of days. They've had the opportunity, they didn't do it but we kind of put the full core press on for this for what, a year? Six months? Whatever the timeframe is and now we've changed the proposal. So my concern is we haven't given enough time for public input on areas that, you know. I just pulled a few of these out of here that people of organizations have expressed an interest in and that's of concern to me. If nothing else, I'm about notice and doing it the right way which is not to suggest we didn't do it the right way but

this one may require a little bit more public notice so we can hear from more people and perhaps bring these letters up to date if you will, and make sure that people are still on board.

COMMISSIONER RYAN: Were the letters in support of the language that was stricken?

SPEAKER: Yes.

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RYAN: Okay, so X has been out there forever. So we have public comment all supporting X, it's just been now. So our Commission can either adopt the proposal with the stricken language or can we keep X?

CHAIRMAN KIENZLE: Yes. We can stop the exception.

COMMISSIONER RYAN: Yes, I mean and that's what I think, that's what I'm suggesting is that X has been out there for a very long time. It has a lot of support. If a concern arise in the future it can come before the Commission, we can adjust them as you've suggested but I just think it's the least amount of, I just think it's been identified and it's in area with the most amount of impact for the health of the fishery, the least amount of impact for the segment of the fishermen that want to keep what their fishing. So I'm in support of X.

COMMISSIONER: Mr. Chairman, a question. To simplify what the hell I'm thinking, if we remove the exception, add back this language from 1.3 miles, now if we moved it to the 3 miles instead of 3 ½, that ½ mile, how much private property and/or people that are unhappy would be removed out of that equation?

SPEAKER: The last ½ mile and the 3 ½ is all on private land.

COMMISSIONER: Okay, so to me, I would be in support of removing the exception, put the language back in, make it from 1.3 to 3 miles and I think that simplifies it. We have to start somewhere in trophy water and if there's not that many people fishing it. They can still fish. It's not like they can't catch fish, you just have to release them.

CHAIRMAN KIENZLE: The only thing I say in that regard is the department came to us with 3 ½ miles back in the day for a reason and so, I say let's stick with the 3 ½.

SPEAKER: I think that we came to you with 3 ½ based on a clerical error on GPS.

CHAIRMAN KIENZLE: So is it the ½ mile crossing a paved road and shooting a deer?

SPEAKER: No, it's 3 miles on a map.

COMMISSIONER: Mr. Chairman, again, you know I want to reiterate. I appreciate the rest of the Commissioners but I want to reiterate, you know these 17 people came up for a reason and so I don't want to throw them under the bus. I think that there's opportunity to follow exactly what you guys have presented today, bring this up in a couple of months because nobody is going to fish the Rio Chama during the winter a lot anyway. Now it's going to impact next spring to re-bring this up after you get sufficient public comment just to reiterate what the Chairman. You know, I don't know if we've given that section of the public ample opportunity whether they had it because they've had it in front of them or they just simply woke up, I don't know. So I would be in favor of the motion the way it sits. I also would be in favor of you guys looking into, which I know the San Juan, we had this argument way back in the day. Mike, you might have been around, for the retaining of one fish over twenty inches. That was a compromise that the outfitters fought hard against but people that fish in now love that section because they can go out and catch a big fish and retain one of those or catch as many as they want and still have the

opportunity to release it. That section of water now is one of the most highly sought after sections on the San Juan. So that kind of addresses a lot of issues so I would even if we went and struck the motion, I would entertain an amendment to that catch and release section as retaining one fish based on your recommendation of whatever length that might be.

COMMISSIONER RICKLEFS: Mr. Chairman, it appears to me the department is deferring and respectfully, (indiscernible-coughing) permission in Rio Arriba County and that's the reason that they've worked with back [phonetic] but I believe I would agree that this has been talked, it's ruined the (indiscernible) for fisheries and that's 17 people in the Rio Arriba. I understand, we do try to respect the County Commission and that's the reason I'm sure that the department has decided back off on its proposal and listen to the County Commission again but like I say, it's been talked about for a year and a half for sure. So I would say let's go with it. If this motion, do you have that in front of you? Director, if the motion just had a period after department.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ricklefs we would actually have to make a stated change to the document itself that's been presented to you if that's your pleasure and I can develop that motion for you if I'm hearing from the Commission...

COMMISSIONER RYAN: Can I articulate that?

CHAIRMAN KIENZLE: If we add back, take the exception out, add back the last, where is it, three sentences of paragraph B, is there anything that that impacts, anywhere else in the rule change so we can simply add that language back without requiring a lot of other surgery on the....

DIRECTOR SANDOVAL: Mr. Chairman, Mike I believe that the last sentence talks about the Moyenne, so we don't want the last few sentences, you just need the last part about the Rio Chama.

MIKE SLOANE: Mr. Chairman, Commission I think you could adopt the motion that, that adopted all of the changes by the department including special trout water on the Rio Chama and allow us perhaps some flexibility to correct clerical errors so that we get that yellow language corrected out for you.

CHAIRMAN KIENZLE: Clerical error is one thing but 3 miles to 3 ½, that may not be a clerical error depending upon what your perspective is.

COMMISSIONER RYAN: Chairman, can I offer that we just take a quick break and maybe after our break the department would have a proposal for those last few sentences?

CHAIRMAN KIENZLE: Got it, motion to adjourn for a few minutes?

COMMISSIONER RYAN: Yes, so moved.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

MIKE SLOANE: We recommend a motion that reads move to repeal and replace the Fisheries, 19.31.4 (NMAC) and Manner and Method Rules 19.31.10 (NMAC) as presented and to include designation of 3 miles of the Rio Chama as a special trout water and provide the ability for the department to make required clerical edits to 19.31.4.11 (a) 4 (b) (NMAC).

CHAIRMAN KIENZLE: You said 3 miles?

MIKE SLOANE: I did.

CHAIRMAN KIENZLE: So currently, the proposal is 2.2 miles so you're upping it to 3 to jigger it?

MIKE SLOANE: I'm sorry, Mr. Chairman, no. So there's 1.3 miles of stream below the dam that will remain unchanged.

CHAIRMAN KIENZLE: Right.

MIKE SLOANE: And then from that point downstream, we would go 3 miles instead of 3.5.

CHAIRMAN KIENZLE: I'm still, I would prefer 3 ½ so with what you....

MIKE SLOANE: So, Mr. Chairman if I may, that last half mile we have received, we've been contacted by the landowner multiple times that on both sides of the stream within that ½ mile stretch, requesting that we not apply it to.....

CHAIRMAN KIENZLE: Who is that landowner?

MIKE SLOANE: Rip Anderson and Marcia Fernandez.

COMMISSIONER: But that is all private?

MIKE SLOANE: Correct.

CHAIRMAN KIENZLE: 3 miles?

COMMISSIONER: 3 miles.

COMMISSIONER RYAN: 3 miles.

COMMISSIONER: I like 3 miles, personally.

CHAIRMAN KIENZLE: Going once, going twice. So can I get a motion in line with what Mr. Sloane just said?

MIKE SLOANE: Mr. Chairman, should I read it again?

CHAIRMAN KIENZLE: Yes.

MIKE SLOANE: Move to repeal and replace the Fisheries 19.31.4 (NMAC) and Manner and Method 19.31.10 (NMAC) Rules as presented to include designation of 3 miles if the Rio Chama as a special trout water and provide the ability for the department to make required clerical edits to 19.31.4.11.(a) 4 (b) (NMAC).

CHAIRMAN KIENZLE: And just one more item of clarification, the 1.3 miles downstream, that's still in place then?

MIKE SLOANE: Correct.

COMMISSIONER RYAN: So moved.

COMMISSIONER: So second.

CHAIRMAN KIENZLE: Discussion?

COMMISSIONER: And that's assuming that the last sentence in that thing is still in the regulation, in other words to include Moyenne Creek?

MIKE SLOANE: Correct.

COMMISSIONER: Okay, fine. Then we're good with it or I'm good with it.

CHAIRMAN KIENZLE: So let me add one more question. I know this is frustrating but you know, darn it I'm going to get this right.

MIKE SLOANE: I'm mostly frustrated by our inability to be clear, as are you.

CHAIRMAN KIENZLE: Yes. Well remember your audience. We're not as smart as we look. This sentence, every person angling for fish on these portions of the Moyenne Creek, that stays in?

MIKE SLOANE: Yes, sir. Mr. Chairman, below that is a large paragraph in yellow that talks about all waters within the Gila, require Gila Trout Permit, that new paragraph covers the language that's being removed from Moyenne [phonetic] above.

COMMISSIONER RYAN: We're keeping it. It's staying in there. It's staying. You have to have a permit.

MIKE SLOANE: If you were going to fish in Gila Trout recreational or recovery waters you must have a free Gila Trout Permit issued by the department.

COMMISSIONER: That's free.

CHAIRMAN KIENZLE: Free.

MIKE SLOANE: If we were to leave the sentence with Moyenne in it, it would be redundant to the paragraph below.

CHAIRMAN KIENZLE: So you're omitting it?

MIKE SLOANE: Correct.

CHAIRMAN KIENZLE: Okay. Then the last sentence, photo copy, duplicate copy, that stays in?

MIKE SLOANE: Sorry, the last sentence...

CHAIRMAN KIENZLE: There's a photo copy, duplicate copy or computer printout of this permit will suffice with applicants for receiving such permit. Does that come out or stay in?

MIKE SLOANE: That sentence is repeated in paragraph five below.

COMMISSIONER RYAN: Yep, I see that, paragraph five. Okay.

CHAIRMAN KIENZLE: So it's coming out?

MIKE SLOANE: Correct.

CHAIRMAN KIENZLE: So the only sentence that essentially remains intact subject to what you've already said, is that third to last sentence that starts with in Rio Arriba County?

MIKE SLOANE: Correct.

CHAIRMAN KIENZLE: Okay. I'm cool with that. Any further questions or comments from anyone? Robert, anything else?

COMMISSIONER ESPINOZA: I know where it's going to go and I just want to explain why I'll vote the way I'll vote. Again, I don't think that we've addressed the general public that have been opposed to this and I think we owed them a little more consideration, so just to explain my vote.

CHAIRMAN KIENZLE: All in favor of the motion on the table?

MEMBERS: Aye.

CHAIRMAN KIENZLE: Opposed?

COMMISSIONER ESPINOZA: Nay.

CHAIRMAN KIENZLE: The ayes have it. Thank you for your patience on that. I know it was difficult.

MIKE SLOANE: I apologize for our lack of clarity.

CHAIRMAN KIENZLE: Moving right along, Agenda Item Number 11: Final Rule Presentation on Additional Bighorn Sheep season in the San Andreas Mountains 19.31.17 NMAC) I smell controversy.

STEWART LILEY: Mr. Chairman, Members of the Commission, as stated, this is the final presentation and adoption of amendments to the Bighorn Rule. What it is, is that in San Andrea portion of that, of the herd population, we've seen significant growth over the years. Right now we only have one hunt period in there for hunters. We have three hunters in there at a time which is kind of creating an overcrowding issue given the Military Restrictions on San Andreas and White Sands Missile Range. What we're asking to do is split the season in two so we create two different seasons and put more hunters in there, given the increase in the Bighorn herd. Last, in 2015, we observed approximately 150 animals on San Andreas which was significantly up. We went out and two weeks ago, let's say you flew the survey on the 15th and 16th of this year and saw the same so we at least stabilized the population or didn't have a decline this last year. So we could increase Bighorn licenses on the San Andreas and that is the proposal in front of

you, to split that one hunt into two hunt periods and add additional hunting opportunities in the San Andreas. So that is the motion in front of you.

COMMISSIONER: Back up. Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER: Back up two slides. Those numbers that you've got there, is that your survey numbers or what is that?

STEWART LILEY: The survey, that's the estimate. So the survey, the point estimate on the observed was 143 animals. Our estimate of actual Bighorn in there is 180 to 220. What you'll see, those green blocks or survey blocks that we fly. We don't fly every single block, every single year. It's not a full census and so we're estimating out from the 143 we observed to the 180 to 220 Bighorn that we estimate on that population. The licenses that we're requesting or asking from the Commission is sustainable for that population and we hope to actually see it go up through time.

CHAIRMAN KIENZLE: Show me that last slide again, the very last. That's a cool picture. I understand the pictures. I don't understand the fishing part of it but I get the pictures. Any questions or comments on this one? Any public comment? I don't think I have any cards for this one.

COMMISSIONER: It tickles me that we have come to where we are right now on that particular herd.

CHAIRMAN KIENZLE: Garrett?

COMMISSIONER RYAN: He stepped out.

CHAIRMAN KIENZLE: Going once, going twice, all right. This is a motion, yes.

COMMISSIONER: Move to amend 19.31.17 NMAC as presented by the department and allow the department to make minor corrections to comply with filing this rule with state records and archives.

COMMISSIONER 2: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. Number 12, Presentation of Draft Recovery Plan for White-tailed Parmigin [phonetic] and Mexican Gray Wolves. Ptarmigan, I'm sorry.

[laughter]

STEWART LILEY: It's going to take a couple minutes to extend my presentation if your going to put laws on that one.

CHAIRMAN KIENZLE: I'm just kidding, it's only birds.

STEWART LILEY: Mr. Chairman, Members of the Commission, before I begin I would like to introduce John Bulger. John is our Recovery Program Coordinator and receives most the credit for the work that's been done on this Recovery Plan. I believe you received a draft via email about a week and a half ago. John's with the department less than a year. He's almost finished three Recovery Plans in the year that he's been here. So we really appreciate John's efforts and we believe he's going to be a great asset to the department. So with that, I'm going to get right into it and describe this Recovery Plan that's in front of you as a draft form right now.

Ptarmigan is a unique species in New Mexico that it's the southernmost extended Ptarmigan extending from basically Canada down into the southern extent in New Mexico. It only occurs in those high altitude basins up in Northern New Mexico in the Sangre de Christos. It spends its entire, basically its entire life above timberline in that alpine zone throughout the year, including the winter. The requirements of it, because it spends that time up there, is these large rock fields and as you'll see, that multi kind of coloration of the bird is white. They use that rock field to blend in from predation. So they escape predation, really low predation rates on these birds because of that. They use those alpine meadows for food and willow is really the key driver of this species in terms of the needs. They really need that willow in order to over-winter in those alpine zones and they use the soft snow, basically they can burrow into it in the winter time for thermo-regulation, get out of the high winds but stay alive in that high alpine zone. What you have here in front of you is a map of where Ptarmigan are located throughout the state. Again, I'll point out, in the lower corner that is Santa Fe. So it's not a whole state map, it's just a northern clipping of the state. The areas in purple, excuse me, in blue, are what we call year-around habitat to include breeding habitat. That's where the willow density is the highest and stand height is the highest to where willows, actually buds are sticking above the high snow fall in the winter that sustain the population over that winter and into the breeding season. Those purple areas are areas in which birds seasonally use when the snow is free and when they can forge on other things outside of willow. A little background on Ptarmigan, it was one of the first species listed on the Wildlife Conservation Act in 1975. It was really listed because of the limited habitat that I just showed in that previous picture. Habitat really is not going to expand above timberline anymore in the state and at least in our periods, we're not going to see any expansion in that hopefully. But we think it's efficient to maintain that species. It's been

maintained throughout since listing so we have not seen any declines necessarily in the population and it's sustaining. A little bit of public background, what we've done so far with this Ptarmigan Recovery Plan. In April of this year, the department went out to all stakeholders, sent a press release out to stakeholders that we are initiating the Ptarmigan Recovery Plan, including users of the forest. We wanted to make sure that we included those on the notification and we held public meetings in Taos where the majority of the bird is going to occur or where interested stakeholders would be. We had five attendees that came to and then we created an advisory committee based upon that to help us with the Recovery Plan. As you have in front of you, our plan is after this meeting, to put the Draft Recovery Plan that you guys have seen, on our website to solicit public comments on the actual plan until January, when we hope to approve the plan. Some of the stuff that's in the plan, again the objective of the plan is to insure the long-term persistence of the Ptarmigan in high altitude, these alpine meadows, alpine areas in the state. The plan contains a background in the natural history of the bird, the historic and current distributions of the bird and the abundances. Again, we're not talking about a bird that was highly abundant in the state. It never probably numbered over 300 animals in the entire state but come activity in the Colorado and those high alpine areas all the way through up into Canada, etc. One of the other things it talks about is a habitat assessment. Like I said earlier, willow is the important component for this bird. They need willows and high mountain meadow or willows in those high alpine areas. We are out there right now serving willow components and we'll have it within the next year, a survey of all willow habitats across the Sangre de Christos where these birds occur. Threats to persistence, really the only threat to this bird is loss of willows, maybe the drought. There's really no other threats to this bird, grazing isn't a threat, the skiing industry isn't a threat. There's really not much use up in these areas because it is

snowed in most of the time of the year. There really aren't any anthropogenic threats to this bird, it's only the potential loss to willow habitat. Willow habitat has been secure probably since the 1950's in this area, after the late early 1800 grazing in there of those high alpine areas. Again, no sociological. So in WCA, Recovery Plans have to consider any sociological or economic concern. We don't think there are any sociological or economic concerns at all by this bird because we don't, again very limited use and the management practices and the anthropogenic threats are not there for this bird. In fact, it might actually have a potential positive recovery as we may be able to do a very limited Ptarmigan season at some point in time if we do D-List this bird. Colorado does have a limited season in there. We would probably be at a very, very limited compared to them at a special draw for a Ptarmigan. It is a sought after bird for a lot of these birders that are going after their calamitous birds. Really, again no issues that we can think of as threats. It's really getting a handle on occurrence and what habitat use they're doing. One of the things that we did initiate this fall, that John was able to do, was go up on those Sangre's up in the Pecos and actually put some transmitters on birds to see if their using other habitats outside those willow habitats, that maybe their wintering in different areas and can we expand upon some, look at different habitat areas we can help improve for the bird and really how their using those wildernesses. One of the other things is connectivity to the north into Colorado. We believe because of the persistent populations, they had to be connected somehow to the north and looking at the genetics through that, looking at birds in Colorado parks and wildlife, he's already done that, looking at the genetic makeup of those and we can see if we're getting integration and connectivity through which we believe we are, through the Calabasas. So again, our plan is after this meeting, put this on the website for public comment, go back out to that stakeholder group and give them the plan to let them go through it, make it necessary changes based upon that and

come back in January with a presentation to you, talking about what was found through the public and for a formal adoption in January and with that, we will take any questions.

CHAIRMAN KIENZLE: Commissioners, questions or comments?

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: Yeah.

COMMISSIONER: The difference between a White-tail and a willow Ptarmigan?

STEWART LILEY: We'll defer to John on that one.

CHAIRMAN KIENZLE: African or European Swallow?

JOHN BULGER: All the Ptarmigan are quite similar in many respects. Willow Ptarmigan is found simply on, in tundra areas and to some extent open areas but not south of Columbia.

CHAIRMAN KIENZLE: Garrett?

GARRETT VENEKLASEN: Mr. Chairman, Garrett VeneKlasen, New Mexico Wildlife Federation. We're just really excited about the prospect of this and it'll be really cool to have some birds to hunt. So, kudos to the department for this initiative, thanks.

CHAIRMAN KIENZLE: These are all on public land, is there private?

STEWART LYLE: Mr. Chairman, some of them do occur on private land on the Vermejo Park Ranch and the RCCLA. We have been in contact with them. We don't know the exact density in there but we are working on that with them.

CHAIRMAN KIENZLE: Great.

COMMISSIONER: Just curious, what willow species is alpine species? What is that specie?

JOHN BULGER: There are four principle species and I'm sorry, the Latin names aren't on the tip of my tongue but two of them are taller, you know shrub size willows that these birds rely on more in the winter and early rainy season. Then the Dwarfers less, the ones that are only sometimes that tall that are right up on top of those ridges, there are two prominent species of those as well that the birds feed on through the early part of summer but isn't particular in the fall. So there are four very important species up there. Is that good enough?

CHAIRMAN KIENZLE: Yes.

COMMISSIONER RYAN: John, thank you. It sounds like that we have the benefit of a really hard worker and I really commend you for that, thank you and I assume just after the winter season we're going to have some more data after you've collared some of those birds, we're just going to have better data on what they're doing in the winter season and you'll be coming back to us at that point or?

STEWART LILEY: Mr. Chairman, Commissioner Ryan, so this is a long-term for the recovery of the species. We will update you with any information that we might have. It's really going to depend upon the snow. So right now up top, there's not a lot of snow going on so, on big snow years it's curiosity. Do they fall off and maybe go to other areas or are they still utilizing all in that tall willow? That said, we're going to continue to monitor populations not only through marked birds but also systematic trend surveys throughout the summer months when we can get up on top there, try to mark more birds next year and try to really get at where, again like I said, mapping all the willow habitat across the northern extent. So as we keep going through recovery

of this bird and then hopeful, eventual D-Listing which would come in front of you guys. We will update the Commission as time goes on.

COMMISSIONER RYAN: Great.

CHAIRMAN KIENZLE: Any other questions or comments?

COMMISSIONER RAMOS: I just appreciate the energy and the, you know just taking this initiative to continue with this study and keep moving forward. It's nice to have somebody excited to take off with it. I can feel the energy on that. Thank you.

CHAIRMAN KIENZLE: That's a discussion Item. We will move on to Number 13, Special Hunt Draw Deadlines 2017-2018 License Year. Mr. Varela?

PAUL VARELA: Mr. Chairman, Commissioners, Agenda Item 13, a special hunt draw deadlines for the 2017-2018 season. The Commission must set and approve application date deadlines. The proposed deadline for Draw One is February 8th, 2017 for Bear Wildlife Management Area and Turkey Draw Permits. The proposed date for draw Number Two is March 22nd, 2017 for public land, Deer, Elk, Pronghorn Antelope, Oryx, Ibex, Barbary sheep, Bighorn sheep and Javelina. The proposed date for Draw Number Three is August 23rd, 2017, public draw special upland game and waterfowl permits. With that, I'll stand for any questions.

CHAIRMAN KIENZLE: Questions, comments?

COMMISSIONER ESPINOZA: One quick question here. March 22nd, does that fall online? I don't remember this last date was it?

PAUL VARELA: Mr. Chairman, Commissioner Espinoza I believe it falls on a Wednesday.

COMMISSIONER ESPINOZA: But I mean the 22nd, was it the same, real close to this last season?

PAUL VALERA: Mr. Chairman, Commissioner, yes.

COMMISSIONER RAMOS: When's the start time to put in?

PAUL VALERA: I'm sorry?

COMMISSIONER RAMOS: Putting in, one through the deadlines that you have here?

PAUL VALERA: Mr. Chairman, I'm not sure. I would have to get you that information.

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ramos, we'll be opening the second week in January.

CHAIRMAN KIENZLE: Any other questions or comments? This is an Action Item.

COMMISSIONER RYAN: Mr. Chairman, I move to approve the departments recommendation to set the following application date deadlines for the 2017-2018 Special Hunt Draw Licenses, February 8th, 2017 for Bear Wildlife Management Area and Special Turkey Draw Permits March 22nd, 2017 for Public Land Deer, Elk Pronghorn Antelope, Oryx, Ibex, Barbary sheep, Bighorn sheep and Javelina and then August 23rd, 2017 for Public Draws, Special Upland Game and Waterfowl Permits.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: Any discussion? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Opposed? Nobody opposed, the ayes have it. Thank you. Agenda Item Number 14, Final Recommendation for Regional Citizen Advisory Committees for Sikes Act Projects. I see Jason O'Morrow is on this list.

REUBEN TERAN: Mr. Chairman, Commissioners, (indiscernible) thank you for having me today. I want to talk about the employments for the Citizen Advisor to the Habitat Stamp Program. Just a quick overview of the program itself. There's a \$5.00 Habitat Stamp purchase required for hunters, anglers, trappers who recreate BLM and USD Forest Service in New Mexico and I did want to point out that 2016 actually marks the 30th Anniversary of the Habitat Stamp Program in New Mexico. The Habitat Stamp Program is a collaborative process for wildlife and habitat management between the Department of Game and Fish, BLM, US Forest Service and the Public through Commission appointed Citizen Advisory Committees. A brief overview on our Citizen Advisory Committees, there are currently 35 members across the state appointed by the State Game Commission. They are currently serving three-year terms. There are five committees state-wide, as you can see the map in front of you, Northeast, Northwest, Central, Southwest and Southeast. Within each of these regions there are seven committee members, five representing sportsmen or sportswomen, one representing non-sporting conservation and one representing public land permittees or lessees. So a brief overview on the appointment process, back in June we started the appointment process for this program. Solicitations for applicants were implemented through the public (indiscernible) website, the Department of Game and Fish email Distribution List, the Department of Game and Fish News release, the Wildlife Society New Mexico Section email list, Conservation Organization email list, Social Media and through word of mouth. In total, 98 applications were received for the, to serve on as a Habitat Stamp Citizen Advisor. A subcommittee of the Commission was appointed

at the June Commission Meeting to review the applications and provide recommendations and at this time on behalf of the department I would like to thank Commissioners Espinoza, Commissioner Ramos and Commissioner Salopek for their time reviewing the applications and sitting on that subcommittee. So here before you, are the recommendations of the subcommittee members for each of the regions. I can read each name for you or you can read them yourself, however you would like to proceed with that but essentially these are the recommendations that have come through from the subcommittee meeting in October.

CHAIRMAN KIENZLE: How does that jibe with the spreadsheet?

REUBEN TERAN: Okay, what the spreadsheet does providing in your context. When we did the subcommittee, again these are the names recommended from the subcommittee. However, the Commission has the ability to review everyone on the list because it wasn't a formal public meeting that they made those recommendations. It was a

CHAIRMAN KIENZLE: So this is all 98?

REUBEN TERAN: Yes, Mr. Chairman.

COMMISSIONER: Can I throw a comment out there?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER: You know, I just want to thank Rayburn and Ralph and Robert. This was pretty interesting. I mean if you've got the names up here, we went through 98, you'll probably see some names that aren't up there that maybe should be but when you start throwing out in each region, you have a public land permittee that you have to have or you have the sportsmen. What's others, non-sporting conservation, it got pretty interesting to see how they applied and

what they did to, you just didn't pick names from a hat and we sat there for what, four or five hours. It was a very thought through process is I guess what I'm saying.

COMMISSIONER AMOS: Mr. Chairman, I would like to include also, if you notice on the Northwest Region the top candidate or the number, I guess the top candidate there, Robert Espinoza, Jr., I do want to bring to the attention of everyone that I know that father, Robert Espinoza, Commissioner Espinoza was next to and he did participate in that committee but when we covered that region, he did remove himself out of that so I just want to make that clear that by all means we didn't have any favoritism or anything on that as well. It was very competitive with all the different regions. I just want to thank all the candidates that did submit and went through this process and you know, just a lot of top candidates and I'm sure that they could still be involved somehow, you know when they seek out other volunteers of whatnot.

COMMISSIONER ESPINOZA: Mr. Chairman, if I might?

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER ESPINOZA: Again, I want to thank Rueben and Donald, you know you guys, the way you guys put this together when it was presented to us that day and going through it, it was, it made it easier for us. I want to thank you for that and then like the other Commissioner said, it was highly competitive. It wasn't a matter of just picking names. We scrutinized them and at times it got difficult to pick one. I want to say again, I appreciate all the participants and I hope you're sending the letter out to thank each and every one for applying and hopefully, they stay engaged because all of them brought something to the table. Thank you for being able to participate in that committee as well.

CHAIRMAN KIENZLE: Donald, your awful quiet. Any further questions or comments? This is an Action Item.

COMMISSIONER: Mr. Chairman?

CHAIRMAN KIENZLE: Yes, sir?

COMMISSIONER: I move to approve the 35 individuals recommended by the Commission Subcommittee to serve as Citizen Advisors to the Habitat Stamp Program and authorize the Director to appoint ultimate's with the concurrence of the Chairman that any selected Citizen Advisor is unable to serve.

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: The ayes have it. Agenda Item Number 15, Update on Development of Shooting Ranges in New Mexico. Come on Lance, lead off with the good news, man I need a high five.

LANCE CHERRY: You're taking all the bang out of my presentation. Chairman Kienzle, Commissioners I'm here to present an update on the development of shooting ranges in New Mexico and so I actually wasn't starting off with really great news but it is good news. Since we're in the community that has been such a strong partner and really supportive of one of the ranges that we've been working on, the Cibola County Shooting Range in Milan, I thought I'd just take a quick opportunity to give a very brief update on where we're at on that range. Just this past Wednesday, the Federal Register package went to the State BLM Office for a final
Final Copy

review. Currently, the Cadastral Survey Plot was officially filed and so both these actions mark an important step towards the transfer of the property requested, 211 acres from BLM to Cibola County and continue to open the pathway for us to put together what really will be a fine facility. Tres Piedras Shooting Range is really, I'm very pleased to report that the ball has moved forward on this one and so we are on the verge of beginning construction. Just this past, yesterday all the signatures got put on the contracts and we have completed our construction invitation to bid. I got to look at that name again, CBKN Dirtworks is the contractor who will be doing the work for us, they've been awarded the contract. So what that really did for us is that it opened the doors for the Groundbreaking Ceremony. So we're here today to ask you to save the date on your calendars, December 12th. We will have a Groundbreaking Ceremony at Tres Piedras Wildlife Management area and with that, I will stand for any questions.

CHAIRMAN KIENZLE: Three years in the making maybe, longer I don't know.

COMMISSIONER ESPINOZA: Is this the first one?

DIRECTOR SANDOVAL: First of many.

COMMISSIONER ESPINOZA: First of many. One little quick question but one, congratulations in all the hard work, persistence, you know in order to have two we've got to have one. In order to have a hundred, we've got to have one, so thank you and I look forward to many more but a quick question, the amount of the award?

LANCE CHERRY: Mr. Chairman, Commissioner Espinoza the cost of this range is approximately \$350,000 for a primitive range.

COMMISSIONER ESPINOZA: Is that what the award to the contractor was?

LANCE CHERRY: Correct.

COMMISSIONER ESPINOZA: That follows within budget then?

LANCE CHERRY: It does.

CHAIRMAN KIENZLE: Public comment, John Brenna.

JOHN BRENNNA: Good afternoon, Mr. Chairman, Commissioners, Director, John Brenna from the Bureau of Land Management. Thank you for having me again. We love these trips out to these venues; you guys have the neatest venues. I just would like to say that this is the best partnership that BLM and my office has in the (indiscernible) with Game and Fish and the County. Both staffs have worked tirelessly to get this thing moved forward, a great bunch of people, we're in it to win it. So that's the good news. Progress is as Lance said, the first Federal register notice has been completed and it's gone through its 60 day period. We are now on the second Federal Register Notice which is actually for the project itself. It's on the desk of Debbie Lacero [phonetic] in the state office. It will go from there to Washington, DC. We have a person poised, waiting to take this around the Interior Department to get it signed. Once that's done, it's two days to process the Federal register Notice and then it's a 45 day period. Once the thing is published, I can order the appraisal which BLM is paying for and then we will ask for some special help from some of the overseers of this project and move that along. It's usually a three month endeavor, hopefully we can do it in less time. So we're trying to move that along. The last portion of this is the cultural mitigation issue. Our people have worked with the contractor on that issue to save money and time on that project, whiting it down to almost half of what it was initially apparently and as soon as that's done, the transfer of land will take place with the county and we will have ourselves a gun range.

CHAIRMAN KIENZLE: Right on!

JOHN BRENNNA: So we're all excited about that. The project was initially 343 acres and it was whittled down because of cultural issues to the 211 acres which also saved time and money. So for the government, this is rocket speed.

CHAIRMAN KIENZLE: An early Christmas present.

JOHN BRENNNA: I'm telling you, so we're really happy to be here and we're happy to participate in this project and it's going to be successful. I'm anticipating January, maybe March, but I think that's very optimistic but I think it's a good optimistic so, we're good.

CHAIRMAN KIENZLE: Right on. Thank you for your help. I appreciate it.

JOHN BRENNNA: Thank you for having us.

CHAIRMAN KIENZLE: Tony Mace [phonetic].

TONY MACE: Mr. Chairman, Commissioners, good afternoon. Thank you for allowing me this opportunity to speak with you. I'm here on behalf of the citizens of Cibola County as well. They are eager for this range too, as most of you know, it's been six, seven, eight years we've been trying to get this off the ground and now it's moving forward. The citizens are eager for it. Our youth are eager for it. You know, Jessica, Lance and Craig have been diligent in communicating with me, keeping me posted, keeping the community together. Jessica hosted a huge range clean-up out there where we cleaned up the property very nicely. We had numerous citizens show up, help clean up the range. That facility, once a month our shooting sports or our gun club gets together and goes out there and cleans things up and its just, we're eager to get this

going and I can't give enough props to Craig and Lance and Jessica on everything that they're doing for us and we're just eager to get this range going, so thank you.

CHAIRMAN KIENZLE: I had a question for you. So from a law enforcement perspective, does this help focus shooting in a place where its more controlled?

TONY MACE: It does, currently we have where people go to practice, target practice and shoot. It's just right off the Lobo Canyon Road and it's not even a designated shooting range. It's actually a stock piling point for the State Highway Department for gravel. Initially, back in the days, that's what it's for and its now transitioned into a place where people go to target practice and shoot. I mean, the road is not from me to the wall so for us to actually have a facility out there, our youth are using paper targets with air rifles inside of a gym and were competing with other activities to use that gym. So for a facility, a one place facility, it will bring the public together and shooting sports, archery, the skeet shooting, everything and the guy that wants to go out and sight in his deer rifle. You know. Doing it in a safe controlled environment and not only that, we in the law enforcement side can monitor what's going on out there as well. So, it's a good deal.

CHAIRMAN KIENZLE: Right on, I hope it's a net positive.

COMMISSIONER: Will it be available to law enforcement for qualification, etc.?

TONY MACE: Yes, that's initially what we'll have, is what we planned during the design, when we get to that point, is a section for the law enforcement, different yardages marked out and positions and different things like that. So it will be a training facility for all law enforcement and you have the Sherriff's Office, two municipalities, three tribal agencies and then the state as well that will be utilizing that facility.

CHAIRMAN KIENZLE: Right on, it's all good news. So this designates a man, only gave his email address as, old buzzard. Is old buzzard here? Dude, you called you and it wasn't me but there is no name on it.

GUEST SPEAKER: My name is Tad Suzle [phonetic] and I am the Secretary of the infamous Cibola County Shooting Club which we started three years ago and we now have six members and it's nice to see that this progress being made on this project. We spent a lot of time out there cleaning the place up many, many times and I've talked with a few people and I'm glad to see the BLM and Fish and Game and other members of the Federal Government are finally getting on board and getting something done. So we much appreciate your help and thank you very much.

CHAIRMAN KIENZLE: Thank you. Ronnie Pines [phonetic].

RONNIE PINES: Thank you, my name is Ronnie Pines. I'm a small business owner here at Grants, Cibola County. I've been here forty years. I'm one of the guilty ones that Sherriff Mace spoke of, out on the side of the state road shooting with my three sons. That's where I had to take them and teach them and show them gun safety as they were growing up. They're all grown but I have Grandchildren. I have jokingly made comments at meetings when BLM and Mr. Congressman Pierce was here in many occasions and I stayed in touch with his office on many occasions to hope this is progressing which I can't thank you enough for. But I jokingly said I hope I live long enough to see this develop. I'm 65 years-old and I think we're going to make it, I hope I am. Anyway, thank you guys for the time. Thank you for the commitment financially and Greg, who used to be, are you still my neighbor Greg? Thank you, Greg. He's on the road all the time so I don't know if he's still my neighbor or not. Lance, Jessica, the BLM people,

you know, it's been a joint effort. Our County Commissioners unanimously voted a resolution to support this and back it to make payment. I just, (indiscernible) twice. Many of the things that Sherriff Mace just mentioned, I won't go over again. We see this as a really big deal. I'll repeat that, we really see this in this community as a big deal, finance wise, economic wise, the things that we hope to attract. So those are all things that our community is in favor of and support of and are glad to see and hope to see many others in the state. I know the state has Agenda for what they would like to see this used for but we hope that it can be as multi-use as possible. So anyway, with that, if there's a couple of concerns and I was involved personally with eight others as a volunteer when we built our High School here in Grants, which was just completed about three years ago. It was a fifty million dollar project and it took ten years to do that plan design and build and the only contractors I mentioned earlier and I would hope that our community and I would be more than happy and I know other people that would, to be involved with the plan, the layout, the design, so that we could do it hopefully right with amount of property and real estate we have and make it as usable as we can for as many different entities. Thank you very much and appreciate your time.

CHAIRMAN KIENZLE: Whoop, before you go, to that end, stay in contact with these two gentlemen.

RONNIE PINES: He's my neighbor, I know where he lives.

CHAIRMAN KIENZLE: Without you staying in contact with them, what you want may not happen. So, I say again, stay involved in the process so you're not unhappy at the end that you didn't have input.

RONNIE PINES: I'll echo your motions when you made when it first came out.

CHAIRMAN KIENZLE: Well I hope it's a net positive, both of these and it has taken a long time. I appreciate all the progress. A lot of strides this year and it's great. So, we'll get these two rocking and rolling and then we'll see about some other ones. We've got a few more irons in the fire. So, right on, great work. Any questions or comments?

COMMISSIONER RAMOS: I do have a comment that's relating to education, Chairman. I do want to report that Jennifer Morgan was out on my campus this week training 200 education facilitators. So, that balls rolling as well. We applied, we went through that whole application process and hopefully we'll get that. We're planning on January 01, when students return to offer our first course, online course that is and we're hoping to have at least two courses this next semester but kids are excited and right along with that, we do have an archery course that NASP also works with our Game and Fish so we're going to really build on that. So we're really excited to do that and again, good job with Craig and Jennifer and the whole crew. Thank you.

CHAIRMAN KIENZLE: Right on, thank you. All right, that's a discussion Item. Number 16, I'm going to call for a motion one more time to table this one until our next meeting.

COMMISSIONER: So moved.

COMMISSIONER 2: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Okay, 16 is kicked. Agenda Item Number 17, Renewal of Federal Aviation Administration's Lease on Tres Piedras Wildlife Management Area.

MATTHIAS SAWYER: Mr. Chairman, Commissioners, Director Sandoval, there's not a lot to say. I just wanted to give you an update on some action from the Commission on this. In May the department brought this lease to the Commission for approval. This is a lease between the Commission and Federal Aviation Administration. The FAA has located on the Tres Piedras Wildlife Management Area of Wartac [phonetic] Site which is a very high frequency on the directional radio range, tactical air navigation lead. I'm sure you all know what that is. In any event, the lease has been in place for a number of years and then the term of the lease ran. We were working on this new lease after the Commission approved the lease in May we took it to the Board of Finance and the Board of Finance had some issues with some of the terms of the lease. For the most part, they are nonsubsidized provisions of the lease but provisions that never the less and need to be addressed for the board to approve the lease. Some provisions such as the term of the lease, some of which about rehabilitation of the site and then appropriations clause, things that are relatively trivial. However, there was one piece that does require a little bit of modification and that is arguably more subsidence is the Board of Finance would not approve or is not in the practice of approving leases that have an indefinite holdover clause. The lease that we had put before the Commission did have an indefinite holdover clause and then the most that the Board of Finance would approve would be a six month holdover clause. The FAA is not willing to enter into a lease with a non-indefinite holdover period. So what we are doing based on advice from Council for the Board of Finance is requesting a waiver of the Board of Finances position on that they won't approve an indefinite holdover clause. So we are taking, with the Commission's approval, we intend to make some modifications to the lease and take the lease back to the Board of Finance in December with those modified provisions and with the ask of a waiver pertaining to the holdover clause.

CHAIRMAN KIENZLE: Did we approve this lease sometime in the last three or four years?

MULTIPLE RESPONSES: May.

CHAIRMAN KIENZLE: Oh, know but did we, I thought this issue was in front of us in the last three or four years, same Wartac [phonetic]?

DIRECTOR SANDOVAL: Mr. Chairman, not that I'm aware of. It was just this one that you all did approve this lease in May. It's just when Board of Finance reviewed it they had some further issues.

CHAIRMAN KIENZLE: Is this a new deal or has this been there for a while?

MATTHIAS SAWYER: It's been there for decades.

CHAIRMAN KIENZLE: So why are we revisiting a lease that's already in place? Is it expired if their holding over indefinitely?

MATTHIAS SAWYER: Yes, the lease has actually been expired, the prior lease for a number of years.

CHAIRMAN KIENZLE: Is this part of National Security and all that stuff?

MATTHIAS SAWYER: It's a component of it, yes its aviation.

DIRECTOR SANDOVAL: Mr. Chairman, it is the radar that tells air traffic control what's going on.

CHAIRMAN KIENZLE: I'm cool with it, I'm just, it's out of our hands right? I mean we approve it and the Board of Finance goes to work on it some more right?

MATTHIAS SAWYER: That's correct.

CHAIRMAN KIENZLE: Have they ever issued waivers?

MATTHIAS SAWYER: They have.

CHAIRMAN KIENZLE: All right.

MATTHIAS SAWYER: And again, the Counsel for the Board of Finance obviously can't commit the Board of Finance to a position but they were confident that we were in a good position.

CHAIRMAN KIENZLE: So rather than just approve it right away, they want us to come and kiss the ring and get that actual waiver, got it. All right. Any further discussion, questions or comments? This is an Action Item.

COMMISSIONER RAMOS: Mr. Chairman, I move to allow the Director to make updates to the lease to fulfill the administration obligations of the lease with the New Mexico Board of Finance.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

MATTHIAS SAWYER: Thank you.

CHAIRMAN KIENZLE: Agenda Item Number 18, Selection of Title for Premium Hunts Opportunities.

STEWART LILEY: Mr. Chairman, Members of the Commission, at the previous Commission Meeting at Las Vegas at the last one, the Commission approved two new special hunt opportunities, one for deer and one for elk to near that of our enhancement elk and deer tags be put in this year's draw. At the time of the approval there was discussion about a special name for that and it was decided by the Commission at that time to defer naming it at the meeting and to bring it back up as a Discussion Item to see if we want to name it. As we put forth in an email a while back, the department proposed or suggested naming after two of our employees that crashed in an airplane while feeding Pronghorn in 1960, that would be O. C. Gray and Austin Roberts. What we are in front of you today is let you guys decide if you want to change the name of those and the direction forward.

CHAIRMAN KIENZLE: Questions, comments?

COMMISSIONER: Matt, I'm probably the one that initiated that because I looked at other states. When we first looked at this I did some research and everybody has a unique name for it and I proposed, although I feel that we do need to honor our fallen employees, all employees in fact. But you know, I thought because moving forward these aren't the only two that were looking at. I'm looking at you know, like we talked about doing one for sheep, ibex, etc., all the big game species. I would like it to be consistent all the way through and the recommendation that I had back then was to kind of follow along with the authorization, the enhancement packages and the names that people could relate to as more of a Commission Sportsmen Authorization or we could leave the same as just a premium tag.

COMMISSIONER 2: Mr. Chairman, I had the pleasure of knowing both Austin and OC, two pretty dedicated employees. I was a summer student in college then and I worked with them a little bit and I can't think of anything more appropriate than that suggestion.

CHAIRMAN KIENZLE: So?

COMMISSIONER 2: So?

CHAIRMAN KIENZLE: I mean, it's on the Agenda. We can take action on it if you want to. Do you want to say anything on this Garrett? You're okay with it? I ignored you on 17, did you really want to say anything on 17? Okay. I can't imagine you're against what amounts to National Security but anything is possible. Do you want to take action on this today? I mean, we can.

COMMISSIONER 2: I could make a motion that we do that if it's appropriate.

CHAIRMAN KIENZLE: I mean is there any, I don't see that further study on this one is necessary.

COMMISSIONER 2: Mr. Chairman, I would move that we use the names of OC Gray and Austin Roberts as the identification for those premium permits.

COMMISSIONER RYAN: I second.

CHAIRMAN KIENZLE: And that's the department's recommendation?

MATTHIAS SAWYER: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Any further discussion? Commissioner Ricklefs, anything? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: You still have the chance to say aye on naming.

COMMISSIONER RICKLEFS: Aye.

CHAIRMAN KIENZLE: Aye, all right. We'll make it unanimous. Agenda Item Number 19.

COMMISSIONER RICKLEFS: Oh I thought that was (indiscernible).

CHAIRMAN KIENZLE: This was tonight, to name the premium hunts opportunities. OC Gray and what was the other gentlemen's name?

MATTHIAS SAWYER: Austin Roberts.

CHAIRMAN KIENZLE: Austin Roberts. Roll Call on, I need a motion to adjourn.

VICE CHAIRMAN MONTOYA: Mr. Chairman?

CHAIRMAN KIENZLE: Yes.

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

COMMISSIONER: Second.

DIRECTOR SANDOVAL: Commissioner Espinoza?

COMMISSIONER ESPINOZA: Yes.

DIRECTOR SANDOVAL: Commissioner Ramos?

COMMISSIONER RAMOS: Yes.

DIRECTOR SANDOVAL: Commissioner Ricklefs?

DIRECTOR SANDOVAL: Commissioner Ryan?

COMMISSIONER RYAN: Yes.

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: Okay, we will be adjourning to a separate room so you all can stay here.

CHAIRMAN KIENZLE: Discussed only those matters specified in its motion to adjourn and it took no action as to any matter.

DIRECTOR SANDOVAL: So Mr. Chairman, we do have a few items in there. So in the Executive Session we had an offer from Mr. Merriball up in San Juan County for some acreage

that exists right next to State Game Commission owned property right on the San Juan and he has offered to donate that to the State Game Commission so we're not going to let this opportunity pass. We did discuss that property in closed session and I believe Commissioner Ryan may have a motion.

COMMISSIONER RYAN: Yes, Mr. Chairman, my motion is to allow the Director to accept the donation of the Merrillball property in San Juan and sign all appropriate documents on behalf of the State Game Commission.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

DIRECTOR SANDOVAL: Great. We did discuss another property, a potential property acquisition in Executive. Miss Ladyhawk owns 275 acres next to our Rock Lake Hatchery in Guadalupe County. She is interested and we have worked with her over the last couple of years, engaged in negotiations and she would like to sell the property to the State Game Commission. It sits directly next to the Rock Lake Hatchery, its 275 acres. The yellow book appraisal comes in at \$220,000. It's of great interest to the department. It actually is the property where we get our water from for the Hatchery and so we would like to protect that and there's some potential other uses for the department in the future.

COMMISSIONER RYAN: So Mr. Chairman, with that in mind, I would like to make a motion to purchase the 275 acres from Mrs. Ladyhawk in Guadalupe County located next to Rock Lake Hatchery.

COMMISSIONER: Second..

CHAIRMAN KIENZLE: Any discussion, questions or comments on that one? All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

DIRECTOR SANDOVAL: And lastly, as many in the audience are aware, the New Mexico Department of Game and Fish has been working through a number of issues in the Pecos Canyon located in San Miguel County. The Commission actually owns a number of properties, I believe the total of 11 and I have requested that a subcommittee be formed of the State Game Commission so we can go through these, there's a number of issues that are there on those properties and would like to form a subcommittee work through those and bring some proposals forward to the entire Commission to finally put some resolution in place regarding our Pecos Canyon properties.

COMMISSIONER RYAN: Yes Mr. Chairman, I would like to make a motion to form a subcommittee of the State Game Commission with Commissioners Ryan, Montoya and Ricklefs to serve in that regard to work with the department to determine how best to manage the Pecos Canyon properties located in San Miguel County.

COMMISSIONER: Second.

CHAIRMAN KIENZLE: Any discussion? Good luck with that one. All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it.

DIRECTOR SANDOVAL: Any further motions? Garrett, and then Kerrie, if you've got anything.

GARRETT VENEKLASEN: Mr. Chairman, Members of the Commission, Garrett VeneKlasen, New Mexico Wildlife federation. I wanted to go back to some of the SWAP conversation and the amendments that you had accepted. During your conversation Mr. Chairman about the Chama you had stated that I'm all about public notice and doing this regarding transparency in public input the right way and I want to implore upon this Commission that those amendments that you passed that was not a transparent nor public action and that the implications of the amendments that you have recommended in the SWAP Document have considerable impact on not only the document but the intent of the document and also I want to remind this Commission that the cornerstone of the document is based on a statutory obligation of the department and I would like to reconsider those amendments that you made because they do have considerable consequences to the intent of this document. I want us to be able to read those, see them and have the opportunity to publicly comment on them. Thank you very much.

CHAIRMAN KIENZLE: Thank you. Miss Romero.

KERRIE ROMERO: Mr. Chairman, Commissioners, Kerrie Romero, New Mexico Council of Outfitters and Guides. We'd like to make a formal request to the Department and the Commission to consider expanding the season for Enhancement tag buyers to be year-round. We've been hearing lately from a number of outfitters who have been hearing from their clients who bought Enhancement Tags. That they feel the restrictions on the Enhancement Tags in New

Mexico are more rigorous than the tags offered by other states. We've received six letters to date from Enhancement Tag buyers and they all say the same thing, that they would like year-round Enhancement Tag opportunity. These buyers are of the opinion that the current restrictions substantially reduce the value of the tags even though we have world class game hunting opportunity. So we would recommend that the Department and the Commission consider the potential benefits of amending this restriction to Enhancement Tags. Thanks.

COMMISSIONER ESPINOZA: Mr. Chairman, Kerrie if you might, could I ask you. Is it, because I've read a couple from outfitters, is this mainly, not mainly but did outfitters bring this to the attention of the clients that they've got or are they just hearing it from their clients that they've come. I know GT Dunn is probably the premier sheep hunter or sheep outfitter in ...

KERRIE ROMERO: I don't know the answer to your question. I'm not sure if it was posed as a question to the hunter or if the hunter posed it to the outfitter. I don't know the answer to that but it is primarily in the sheep industry that we're hearing from outfitters.

COMMISSIONER ESPINOZA: Do they feel that the tags would bring more money during the next season, you know, starting in January when they (indiscernible-coughing).

KERRIE ROMERO: Yes, that's what the letters are stating, that they feel that the tags would result a higher value at the auction.

COMMISSIONER ESPINOZA: Could you provide us all a copy of those letters and any letters that might come in?

KERRIE ROMERO: Sure, is email okay?

COMMISSIONER ESPINOZA: My email would be fine.

KERRIE ROMERO: Yeah, sure, I'll get those emailed to you right away.

COMMISSIONER ESPINOZA: I know this has come up before. You know I'd like to see if we couldn't address this in the very near future. At least get from the department you know the consequences and/or opinion of them and possibly, I'm presuming that this is something that we can do to expand those.

CHAIRMAN KIENZLE: Director, who does Miss Romero need to visit with to further discuss this issue with the department?

DIRECTOR SANDOVAL: So Mr. Chairman, it would be Stewart Lyle and myself. We can have those conversations. I would just note that I think some of the reasons were biological and the foundation of the reason why we didn't do year-round. So we would need to asses that in its entirety.

CHAIRMAN KIENZLE: Will you do that?

DIRECTOR SANDOVAL: Sure, I mean yeah, once we talked about it and if it comes down to biological issues just so that I can explain that to the industry would probably be helpful.

COMMISSIONER ESPINOZA: Kerrie, could you initiate that, that conversation and try to set a date. If it would be appropriate, I would like to be invited to that meeting.

DIRECTOR SANDOVAL: Yes, Commissioner Espinoza, I'll do that.

CHAIRMAN KIENZLE: Seeing nothing else in front of my list, can I get a motion to adjourn?

COMMISSIONER: So moved.

CHAIRMAN KIENZLE: All in favor?

ALL MEMBERS: Aye.

CHAIRMAN KIENZLE: Ayes have it. We are adjourned.

In Re:

NEW MEXICO STATE GAME COMMISSION

**New Mexico State University Martinez Hall
1500 North 3rd St.
Grants, NM 87020**

**Thursday, November 17, 2016
9:00 a.m. – 5:00 p.m.**

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NEW MEXICO STATE GAME COMMISSION

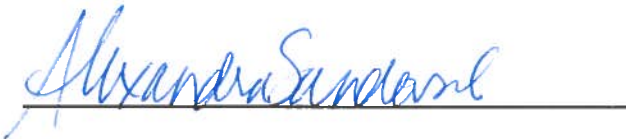
*As Amended
by motion*

November 17, 2016

New Mexico State University Martinez Hall

1500 North 3rd Street

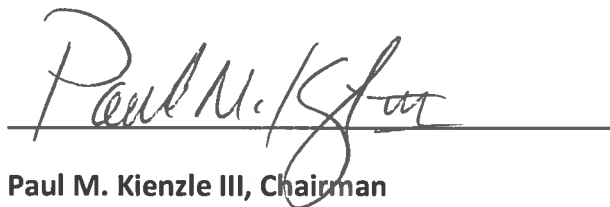
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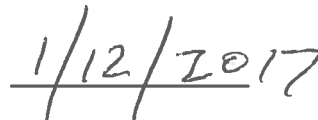
Alexandra Sandoval, Director and Secretary



Date



Paul M. Kienzle III, Chairman



Date

New Mexico State Game Commission


AS/scd

1 CHAIRMAN KIENZLE: Donald, your awful quiet. Any further questions or comments? This
2 is an Action Item.

3 COMMISSIONER: Mr. Chairman?

4 CHAIRMAN KIENZLE: Yes, sir?

5 COMMISSIONER: I move to approve the 35 individuals recommended by the Commission
6 Subcommittee to serve as Citizen Advisors to the Habitat Stamp Program and authorize the

7 Director to appoint ultimate's ^{ALTERNATES} with the concurrence of the Chairman that any selected Citizen
8 Advisor is unable to serve. [^]  1/12/2017

9 COMMISSIONER RAMOS: Second.

10 CHAIRMAN KIENZLE: All in favor?

11 ALL MEMBERS: Aye.

12 CHAIRMAN KIENZLE: The ayes have it. Agenda Item Number 15, Update on Development
13 of Shooting Ranges in New Mexico. Come on Lance, lead off with the good news, man I need a
14 high five.

15 LANCE CHERRY: You're taking all the bang out of my presentation. Chairman Kienzle,
16 Commissioners I'm here to present an update on the development of shooting ranges in New
17 Mexico and so I actually wasn't starting off with really great news but it is good news. Since
18 we're in the community that has been such a strong partner and really supportive of one of the
19 ranges that we've been working on, the Cibola County Shooting Range in Milan, I thought I'd
20 just take a quick opportunity to give a very brief update on where we're at on that range. Just
21 this past Wednesday, the Federal Register package went to the State BLM Office for a final