

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

CALL TO ORDER: Chair Molly Manzanares approximately 12:33 p.m.

ROLL CALL:

Molly Manzanares, Chair
Tobin Dolan, Vice Chair
John Conniff, Secretary
Tony Casados Jr., Board Member
Kathy Longinaker, Board Member

Rita Padilla-Gutierrez, Board Member
Morgan Switzer-McGinley, Board Member
Edward Torres, Board Member (Not Present)
Tara Vander Dussen, Board Member (Not Present)

Quorum Established

NMLB STAFF PRESENT:

Belinda Garland, Executive Director
Shawn Davis, Deputy Director
Ralph Zimmerman, State Vet
Leif Rasmussen, Chief Legal Counsel

Julie Gauman, CIO
Troy Patterson, Area 2 ROM
Stephanie Lujan, HR Manager

OTHER ATTENDEES:

Randell Majors, NM Cattle Growers
Loren Patterson, NM Cattle Growers
Michelle Frost-Maynard, NM Cattle Growers
Kenneth Bobroff, Pueblo of Laguna
Steven Etter, Pueblo of Laguna
Richard Bonine, Pueblo of Laguna
Buddy Eby, Grant County Cattle Growers
Ty Bays, Grant County Cattle Growers
Caren Cowen, Grant County Cattle Growers
Ralph Pope, Retired USFS
Nancy Henry, NM for Equine Rights and Open Government

Jerry Schickendanz, Dean Emeritus NMSU
Alex Stahl, Grant County S&WCD
Katelin Spradley, NM Farm and Livestock Bureau
Craig Ogden, NM Farm and Livestock Bureau
Max Henkels, NMDA
M. D. Hobbs
Troy Sauble
John Richardson
Alisa Ogden
Dustin Johnson
Three unidentified callers.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

APPROVAL OF AGENDA FOR SPECIAL MEETING:

Board Member Padilla-Gutierrez moves to approve the agenda. Board Member Casados seconds the motion.

ROLL CALL VOTE:

Vice Chair Dolan – Yes

Secretary Conniff - Yes

Board Member Longinaker – Yes

Board Member Switzer-McGinley – Absent

Board Member Torres – Absent

Board Member Vander Dussen - Absent

Motion to approve the agenda for the June 18, 2021, NMLB Special Meeting passes 5-0.

PUBLIC COMMENT:

Chair Manzanares announced since there are many requests for public comment, the time will be extended to 5 minutes to comment on the issue for the special meeting. For other issues, public comments will be held to 3 minutes.

**** NOTE: Board Member Switzer-McGinley joined the meeting at 12:36 PM**

Mr. Randell Majors - President of NM Cattle Growers Association.

They do not think the United States Forest Service (USFS) has the legal right to perform an aerial gunning of the cattle. Staying within the laws of the State of NM, it is the recommendation of the NM Cattle Growers Association that the US Forest Service work with the NM Livestock Board, Livestock Producers, and their Associations to come up with a plan for clearing the cattle from the Gila Wilderness.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Mr. Kenneth Bobroff - Legal Counsel for the Pueblo of Laguna. Speaking on behalf of Governor Antonio. The Pueblo of Laguna is in full support of the request by the Grant County Cattle Growers, as he understands it, to gather and sell unbranded cattle captured on the Gila National Forest. They do not support the slaughter and waste of animals.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Ms. Nancy Henry - Lead Administrator for NM for Equine Rights and Open Government.

Their stance is the cattle should be rounded up humanely, checked for brands as many could have been stolen or dumped and sort them out.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

Ms. Caren Cowan - On behalf of Grant County Cattle Growers.

There are Estray livestock on the Gila that have become the subject of a lawsuit with environmental groups. There has been a suggestion the livestock be shot from a helicopter. The livestock producers do not support that idea. When they saw the area in the law that allowed the board to pay impoundment costs, they thought there might be a way to come up with a solution to the problem. The Forest Service has not sent the Grant County Cattle Growers to this meeting today. The livestock producers would like to assist the Forest Service in a solution.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Mr. Steve Etter - Environmental Natural Resources Director for the Pueblo of Laguna.

He voiced an objection to the matter being discussed and handled inside Executive Session and outside of public earshot. He believes it the process should be completely transparent and in the open.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Written comments submitted by State of New Mexico House of Representatives were read by Director Garland and reported to the Board. Comments submitted on behalf of Ms. Rebecca Dow, NM State Representative - HD38; Mr. Luis M. Terrazas, NM State Representative - HD39; and Ms. Gail Armstrong, NM State Representative - HD49.

They oppose the aerial killing of the cattle and support the Grant County Cattle Growers suggestions.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Written comments submitted by Ms. Candy G. Sweetser, NM State Representative - HD32 were read by Director Garland and reported to the Board.

She opposes the aerial killing of the cattle and support the Grant County Cattle Growers suggestions.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Written comments submitted by Mr. Buddy Eby, President of Grant County Cattle Growers were read by Director Garland and reported to the Board.

They oppose the aerial killing of the cattle and support a MOU between the NMLB and the USFS.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Written comments submitted by Mr. Jerry G. Schickendanz were summarized by Director Garland and reported to the Board.

Points for the Board to consider on the death and feral cattle in the Gila Wilderness.

* Full comments may be requested by contacting the NMLB at 505-841-6161

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

Mr. Ty Bays - Grant County Cattle Growers.

This issue was caused by the Forest Service and litigation from the Center for Biological Diversity. He concurs with Mr. Majors; the USFS does not have the legal right to do the aerial killing of cattle. Mr. Bays does not feel the estray rule is applicable to these cattle, in that these cattle cannot be stolen as they are not owned by anyone. In Grant County they are united in one voice, until the Forest Service can find some money to pay contractors, people are willing to go and gather the cattle, but they need the proceeds from those cows. They cannot have the cattle tied up in the estray process. They are asking the Board to allow the proceeds to go to pay the people gathering the cattle. If no action is done soon, the federal government will override our state government to do something as extreme as killing the cattle.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Mr. Buddy Eby - President of Grant County Cattle Growers – also, Retired Livestock Inspector of NMLB for 26 years of service.

Unbranded cattle are a growing problem and needs to be addressed by the Board. These cattle have been running loose on the Gila National Forest for 30 years. There is no former allotment owner to put in a claim for these cattle. The surrounding permittees and private ranchers are deeply concerned about the issues these cattle may cause. Mr. Eby knows the US Forest Service and the NMLB had a MOU in place concerning a previous gathering of these cattle. Upon talking with Rusty McCorkle, he is paid by the USFS, and they put in claims for the cattle and that was how it was handled. For a lien to be put in place, the owner of the cattle must be notified. There is no owner or permittee of the cattle.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Mr. Ralph Pope - Retired US Forest Service Employee.

Mr. Pope worked for the USFS when the wild cattle were gathered previously. He worked in range land management 1972 and retired in 2009. He worked in the Gila Nation Forest in livestock management divisions. He stressed he is not representing the US Forest Service in this situation. He has experience and knowledge when the original lawsuit and gathering took place. He will not try to convince one way or another. Mr. Pope began working with the permittee in 1991 because the cattle were wild and unmanaged. In 1998 the lawsuit was filed for allowing livestock to graze in the riparian areas on the major rivers in the southwest which included the Gila National Forest. After years of trying to manage the livestock, the permittee came forward asking for assistance on the gathering of the cattle so he would not lose all his interest in the cattle. The USFS got with the NMLB, thru many meetings, to set up an agreement on the clearing of the cattle; killing them was not an option. US Forest Service got money and did the impoundment thru contracting with cowboys. There was an agreement with the NMLB, as soon as the cattle were out of the forest, they were inspected to make sure there were no brands. They had something set up with the Deming Livestock Auction and once there, they were turned over to the NMLB, that is where the USFS job ended. They would sell them as estray and if no one claimed them the money would go to the NMLB, and they would take their cost out of the sale proceeds and then make available to the USFS any remaining funds.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

Mr. Alex Stall – Grant Soil & Water Conservation District.

Mr. Stall stated they support what they are hearing from Grant County Cattle Growers. They have resource damages that are occurring with the potential of overgrazing. They do not support the aerial gunning of the cattle.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

No other public comments were made.

CLOSED EXECUTIVE SESSION:

Board Member Casados moves to go into Closed Executive Session. Vice Chair Dolan seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Switzer-McGinley – Yes
Board Member Longinaker – Yes	Board Member Torres – Absent
Board Member Padilla-Gutierrez – Yes	Board Member Vander Dussen – Absent

Motion to go into Closed Executive Session passed 6-0. Meeting closes at 1:20 PM.

Meeting will re-open at 2:00 PM.

RETURN FROM EXECUTIVE SESSION:

Vice Chair Dolan moves to leave the Closed Executive Session and confirm that nothing else was discussed in Closed Executive Session other than items listed on agenda. Board Member Longinaker seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Switzer-McGinley - Yes
Board Member Casados – Yes	Board Member Torres – Absent
Board Member Padilla-Gutierrez – Yes	Board Member Vander Dussen – Absent

Motion to leave Closed Executive Session and confirm that nothing else was discussed other than items listed on agenda passed 6-0. Meeting re-opens at 2:05 p.m.

GILA NATIONAL FOREST LIVESTOCK DISPOSAL

Director Garland went over what matters were discussed in Closed Executive Session following legal advisement, she would like to make a few comments. Director Garland stated the NMLB can find no statute or rule that allows for stray cattle to be turned over to anyone who gathers them, instead the

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

estrays laws strictly prohibit that act. They can find no statute or rule that allows funds from the sale of estray cattle to be turned over to anyone before the two (2) years expires for claims of ownership to come forward. Director Garland noted, in our opinion the NMLB is not in the business of range management, that was established by the passing of the resolution during the 2021 Legislative Session, regarding the wild horses and range management. There is no authority to alter state law to comply with the Grant County Cattle Growers' request. Director Garland believes the board should take a stance by issuing a letter to all concerned parties that we do not support the shooting of the cattle in the Gila Wilderness. Instead, we encourage the US Forest Service to explore all avenues to pay for the gathering of the livestock and work with NMLB to follow proper estray procedures once impounded. The NMLB has a mechanism for disposal set forth by the NM Legislature. Director Garland reminded the Board on the paying of a lien falls under NMAC 21.32.10.8 Subsection J, pursuant to Section 77-10-4 and 77-2-29 NMSA 1978.

Chair Manzanares stated their job as a public body is not to pick and choose where we follow the law but to administer the laws and policies as evenly and as possible.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Chairwoman Manzanares called for discussion by the Board. Board Member Longinaker asked Director Garland once the impounding is done, does the NMLB takes ownership and decide what to do with the estrays? Director Garland explained once the estrays are impounded there are 5 days for the impounder to notify an inspector at that point they are turned over to the NMLB and they are sold at public auction. The funds will then be held for two (2) years in accordance with state statutes. Board Member Longinaker asked about the legality of allowing the cowboys who gather the cattle to take possession, brand and sell and they keep the money. Director Garland explained Section 77-13-1, possession of estray.

Board Member Padilla-Gutierrez asked the difference between this Gila National Forest issue and the Armendariz issue. Legal Counsel Rasmussen explained there are a lot of similarities, but the Armendariz is on some private land but does not have enough knowledge to go into detail.

No further discussion from the board.

*Full discussions are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

Chair Manzanares entertains a motion to take no action on the Grant County request and to affirm and uphold the estray laws.

Board Member Padilla-Gutierrez also wants a strong letter to go out on behalf of the NMLB that they do not agree with the slaughter of the cattle. She is adding that to someone's motion.

Board Member Longinaker added it needs to be publicly printed out and make a public statement cause its going to be news.

Chair Manzanares clarified the motion: To take no action on the Grant County request and to affirm to uphold the estray laws and to send a letter out to all interested parties and publicly stating we are opposed to the slaughtering of the livestock.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

Board Member Casados makes a motion to take no action on the Grant County livestock growers request and to affirm to uphold the estray laws and to send a letter to the concerned parties and make a public stance that we are opposed to the slaughter of the cattle on the Gila National Forest. Vice Chair Dolan seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Switzer-McGinley – Yes
Board Member Longinaker – Yes	Board Member Torres – Absent
Board Member Padilla-Gutierrez – Yes	Board Member Vander Dussen – Absent

Motion to take no action on the Grant County livestock growers request and to affirm to uphold the estray laws and to send a letter to the concerned parties and make a public stance that we are opposed to the slaughter of the cattle on the Gila National Forest passes 6-0.

BOARD CONCERNS:

Board Member Casados has a concern, he wants to meet in person. He wants to interact personally with the board.

Vice Chair Dolan encourages the entities that have involved to reach out to there legislature to give the NMLB more latitude on this topic. It seems to be a statewide concern at times. But the NMLB cannot change state law.

Director Garland commented the Governor has re-opened the state. Hopefully for the next meeting will be in person.

*Full comments are available in the recording for the June 18, 2021 NMLB Special Board Meeting.

ADJOURNMENT:

Vice Chair Dolan moves to adjourn the Board Meeting. Board Member Switzer-McGinley seconds the motion.

ROLL CALL VOTE:

Secretary Conniff – Yes	Board Member Padilla-Gutierrez -Yes
Board Member Casados - Yes	Board Member Torres – Absent
Board Member Longinaker – Yes	Board Member Vander Dussen – Absent

Motion to adjourn the meeting passed 6-0.

Meeting adjourned at 2:20 p.m.

MINUTES OF THE NEW MEXICO LIVESTOCK
BOARD (NMLB) MEETING
FRIDAY, JUNE 18, 2021
12:30 P.M.

VIRTUAL MEETING:
<https://global.gotomeeting.com/join/790216597>

BY PHONE:
[1 877 309 2073](tel:18773092073) Access Code: 790-216-597

APPROVAL:



John Conniff, Secretary



Molly Manzanares, Chair