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STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT
No. GWB 13-05

IN THE MATTER OF THE APPLICATION
OF VALLEY MEAT COMPANY FOR RENEWAL
OF GROUND WATER DISCHARGE PERMIT DP-236,
ROSWELL, NEW MEXICO.

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that on the 23rd day of October,
2013, this matter came on for hearing before FELICIA
ORTH, Hearing Officer, at the Chaves County Courthouse,
400 N. Virginia, Roswell, New Mexico, at the hour of
8:15 AM.

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A P P E A R A N C E S

THE HEARING OFFICER:

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A P P E A R A N C E S (CONTINUED)

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1 MS. ORTH: Let's prepare to begin, please.

2 Good morning. We are back on the record in
3 GWB 13-05. This is an application for a discharge
4 permit renewal of DP-236, Valley Meat Company.

5 Let's talk about what we're going to do this
6 morning.

7 Mr. Dunn, do I understand you have rebuttal?

8 MR. DUNN: Yes, ma'am.

9 MS. ORTH: All right.

10 And who will we be hearing from?

11 MR. DUNN: Madam Hearing Officer,
12 Mr. De Los Santos and Dr. Blach again first, and then
13 I'd like -- I did speak and confer with the state about
14 recalling Ms. Kirby. We couldn't reach an agreement on
15 that, so I won't be, so at least I'll be a little bit
16 shorter on my time on that. Then I'd also like the
17 opportunity to recall Mr. Olson, if that's permitted. I
18 have not had a chance to discuss that with counsel yet.

19 MS. ORTH: Okay.

20 MR. DUNN: So I turn that to them.

21 MS. ORTH: All right. So --

22 MR. DUNN: And this is strictly for
23 impeachment purposes, just for full disclosure on that.

24 MS. ORTH: Okay. Mr. Biernoff.

25 MR. BIERNOFF: Madam Hearing Officer, Mr. Dunn

1 had an ample opportunity to cross-examine Mr. Olson on
2 all aspects of his testimony. I would strenuously
3 oppose any effort by Mr. Dunn to reopen that
4 cross-examination, that has closed, and we certainly
5 don't consent to that.

6 It should be the state's decision -- State of
7 New Mexico's and Mr. Wagman's clients' decision as to
8 whether to bring Mr. Olson back for any rebuttal
9 testimony, and we'll certainly inform Your Honor if
10 we're going to do that when it's our opportunity to
11 present him. But this is very inappropriate, I think.

12 MS. ORTH: Right.

13 Simply recalling him for cross-examination
14 isn't the sort of thing you do in our proceedings for
15 impeachment, if you will.

16 But let me ask you --

17 MR. DUNN: Madam Hearing Officer, by way of
18 explanation, so that the record is clear on that, after
19 the testimony of these two individuals, that's when it
20 would become appropriate to impeach his testimony, based
21 upon that testimony. So it actually is appropriate in
22 that instance.

23 MS. ORTH: All right.

24 In the meantime, Mr. Biernoff, were you
25 planning to put Mr. Olson back on?

1 MR. BIERNOFF: We are reserving our right to
2 do that for a short window of time. We're not expecting
3 to need to do that for an extended discussion, but we do
4 want to see what testimony is elicited from the other
5 witnesses.

6 I just want to respond to Mr. Dunn's point.

7 I don't understand this hearing to be an
8 endless series of back-and-forth rebuttal and cross-
9 examinations. Mr. Olson's testimony has been filed.
10 It's in the record. Mr. Dunn had a full opportunity to
11 examine it and to ask Mr. Olson whatever questions he
12 wanted to about it. That opportunity is completed.

13 Rebuttal is not, as I understand it, yet
14 another bite at the apple for any party.

15 MS. ORTH: Right. Okay.

16 Mr. Powers, were you intending to put on some
17 rebuttal testimony?

18 MR. POWERS: I'm sorry, Your Honor.

19 MS. ORTH: Are you intending to put on some
20 rebuttal testimony?

21 MR. POWERS: No, Madam Hearing Officer. After
22 talking with our General Counsel, Mr. Kendall, and
23 talking with staff, we at this time will forgo. We
24 believe the record made is appropriate at this time.

25 This will allow Mr. Wagman and staff to return

1 to San Francisco today as early as possible.

2 But we do believe that having today's hearing
3 open is good to give the public one last opportunity to
4 express their view.

5 MS. ORTH: Thank you for that.

6 Let me ask, Mr. Dunn, last night you had
7 indicated that there were some county commissioners
8 coming this morning to make --

9 MR. DUNN: They are, and they are present.

10 MS. ORTH: They are.

11 Perhaps we could accept their public comment
12 before we do your rebuttal then.

13 MR. DUNN: That would be fine.

14 MS. ORTH: All right.

15 Mr. Wagman?

16 MR. WAGMAN: Madam Hearing Officer, again I
17 apologize for personal schedules getting in the way, but
18 if we have the public hearing first, then the chances of
19 us getting out of here today are limited, as opposed to
20 if we do the technical, because we would leave before
21 the public testimony.

22 MS. ORTH: Okay.

23 MR. WAGMAN: But if Your Honor wants to do it
24 that way, I would --

25 MS. ORTH: I was just going to invite a couple

1 of what I assume would be brief comments.

2 MR. WAGMAN: That's fine, Your Honor.
3 Whatever Your Honor wishes.

4 MS. ORTH: Okay. Thank you.

5 Mr. Dunn, I'd like to do that.

6 Who is here to offer public?

7 I see an L. H. Kennedy and a James Duffey.

8 Are you here, Mr. Kennedy and Mr. Duffey?

9 Sir.

10 MR. DUFFEY: Yes, ma'am.

11 MS. ORTH: If you'd like to come up to the
12 podium.

13 And is Mr. Duffey also here?

14 MR. DUFFEY: I'm Mr. Duffey.

15 MS. ORTH: You're Mr. Duffey.

16 Is Mr. Kennedy also here?

17 No, just Mr. Duffey.

18 All right. Would you swear him in, Kathy?

19 (Oath administered to Mr. Duffey.)

20 JAMES W. DUFFEY

21 after having been first duly sworn under oath,
22 provided public comment as follows:

23 MR. DUFFEY: I'm James Duffey.

24 I am the vice-chairman of the Chaves County
25 Commission, and I'm also the closest probably resident

1 that's going to give any type of testimony here before
2 the Court this morning.

3 I want to reiterate the things that
4 Commissioner Wooten said. We have discussed this
5 extensively in our County Commission meetings. We are
6 in support of new industry here in our county to process
7 horses. I think it's a much-needed venture, not only
8 here in this county, but in our state and in our
9 country.

10 But also being the -- probably the closest
11 resident -- I live on Cedarville. Pecos Valley Meat
12 Company is less than a half a mile from my house.
13 Cedarville is a very short street. And I'm in favor.

14 As far as a resident, I'm not concerned about
15 any pollution or contaminants from Pecos Valley Meat
16 Company. It's been processing animals for numerous
17 years. Probably about the time I moved out there, or
18 shortly after, which is in 1980, Pecos Valley Meat
19 Company has been in business. It's been shut down for a
20 short time in order to get things in order for this
21 process.

22 I think it's kind of sad that here in America
23 that we have to put a minority businessman through this
24 many hoops in order to open up a business, and I'm glad
25 we don't put every business through that much intense

1 scrutiny in order to open up a business or do something
2 different in the business that they are already doing.

3 So as far as a resident out there, and I'm
4 speaking on behalf of myself as a resident that's in
5 close proximity, I'm in favor of Mr. De Los Santos
6 opening up Pecos Valley Meat Processing in order to
7 slaughter horses.

8 And I stand for any questions.

9 MS. ORTH: All right.

10 I typically discourage questioning of public
11 witnesses, but thank you very much, Commissioner Duffey.

12 MR. DUFFEY: Thank you.

13 MS. ORTH: All right.

14 If we don't have Mr. Kennedy, let's go back
15 to the technical case, and I will invite public comment
16 after --

17 MS. WORTHINGTON: There is another one. There
18 is another person --

19 MS. ORTH: Oh, okay.

20 MS. WORTHINGTON: -- that had signed up when I
21 was bringing you that.

22 MS. ORTH: Does this person have a time
23 constraint?

24 Let me ask, who is it?

25 MS. WORTHINGTON: Mike Joy.

1 MS. ORTH: Oh, Mike. Do you have a time
2 constraint?

3 MR. JOY: No, ma'am, I do not.

4 MS. ORTH: All right. Let's go back to the
5 technical case, then, and we will come back to public
6 comment again after that.

7 Mr. Dunn.

8 MR. DUNN: Rick, Dr. Blach, would you go to
9 the witness table?

10 MS. TOWNSEND: You both remain under oath.

11 MS. ORTH: You're still under oath, that's
12 correct.

13 MR. DUNN: Good morning.

14 MR. DE LOS SANTOS: Good morning.

15 DR. BLACH: Good morning.

16 RICARDO E LOS SANTOS

17 after having been previously duly sworn under oath,
18 was questioned and testified on rebuttal as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. DUNN:

22 Q. Rick, I'd like to start with you, if we could.

23 The first question I have is pretty easy. Are
24 you aware of any other horse processing facilities that
25 have existed in the State of New Mexico?

1 Before you answer, I'm relating this back to
2 the comments from Mr. Olson through his counsel that
3 this was a new business enterprise and that we'd never
4 had this industry in New Mexico.

5 Do you have any knowledge to the contrary?

6 A. I have a good friend of mine that's actually a
7 market manager at Farmers Country Market, and he went to
8 school here at the college as a meat cutter, because he
9 had a job at a horse processing plant in the Mescalero
10 Reservation. So there has been horse slaughter in this
11 state in the past. That was in the mid-'80s, somewhere
12 around there.

13 Q. That was up by Ruidoso, on the Mescalero
14 Apache Reservation?

15 A. Yes, sir. On the Mescalero Reservation.

16 Q. Okay.

17 Next, there has been a lot of discussion about
18 your process and how things -- what goes into your
19 lagoon.

20 So, for instance, if you were to process
21 horses, what would you expect goes down the drain?

22 I mean, in terms of blood or tissues, those
23 kind of things, is there a lot of tissue that goes down
24 the drains, or is it -- are they just kind of cleaning
25 and general stuff?

1 Could you kind of describe that for us?

2 A. Well, the process -- everything that is
3 trimmed off the carcass goes into the rendering
4 material, inedible material. The blood, the hides,
5 everything is removed.

6 At the final wash, final rinse station, that's
7 where you rinse off the carcass, and that's what goes
8 down the drain. Any general cleanup of the facility
9 goes down the drain into the lagoons.

10 Q. When you're bleeding the horse, it's not just
11 going down the drain?

12 A. No, no. It's caught in barrels.

13 Q. All right. Can we talk a little bit about
14 your previous enterprises and how things were going with
15 dairy -- with rates of hot tests, you know, medications
16 and tissues you found and that kind of thing? Is that
17 something that happened commonly? Is that something
18 that did occur at your facility?

19 A. With dairy cows?

20 Q. Yes.

21 A. Yes, sir. With dairy cows, USDA would test
22 the cows we slaughtered. Any suspect cows that they
23 saw, they would test.

24 The test that they would -- that USDA does is
25 a general test. It's -- the carcass is either positive

1 or negative. That's all there is.

2 If a carcass is positive, then it is tanked
3 immediately by -- with our HACCP system that we have in
4 place, it is tanked immediately, and then USDA takes
5 tissue samples, submits them to the lab, and then the
6 lab will let the USDA know what types of drugs are in
7 there.

8 It's a general test, either positive or
9 negative. That's all there is. We can't specifically
10 go in there and say, "Well, it has this, this, and this
11 medication."

12 No, it's just hot or negative. That's all
13 there is.

14 Q. All right. With horses, would you be doing
15 antemortem and postmortem testing?

16 Is there any difference in what you would be
17 testing that -- from what you understand of the testing
18 protocols to be from USDA going forward, is there any
19 difference in what tests you'd be running before and
20 after or --

21 A. Yes. We would be testing every horse that was
22 on the way to the facility, every horse. We have a
23 feedlot set up to draw blood and urine samples from the
24 horses that will be going to slaughter.

25 Q. Okay.

1 A. And then at the facility, according to USDA
2 regulations, whatever tests need to be done, that's what
3 would be done at the facility.

4 Q. Do you know if USDA does antemortem -- or not
5 -- I'm sorry, antemortem is before death -- just testing
6 on those horses?

7 A. No, USDA does not do antemortem testing.

8 Q. So when they do their postmortem testing, what
9 do they generally do? How does that work? What do they
10 do?

11 A. It's a swab test that they test off the
12 carcass itself. They'll take a kidney sample and a
13 liver sample, and with that, it's a quick turnaround on
14 those tests, immediately -- well, within four hours,
15 they will know if that carcass is free and clear of
16 drugs.

17 We keep a record of every -- every carcass
18 that goes through the facility is numbered, and there is
19 no -- no -- there is a process that we have set up to
20 where every carcass is accounted for in a number system.

21 We've worked very closely with the FDA on the
22 -- with drug residue and drug tissue and all that, and
23 so we definitely know how to operate the slaughter part
24 of the business.

25 Q. Okay. Since I'm not going to really have the

1 opportunity to call the state's witness back up, you're
2 familiar with well testing and those list of things that
3 they talked about you test for in a -- for a well
4 testing to see if there has been a contamination or a
5 leak. Is that fair? Are you fairly familiar with that?

6 A. I know what we test for, and I know that we
7 draw the samples from the monitor wells.

8 As far as, you know, contamination or anything
9 like that, I'm not too familiar with it.

10 Q. Okay. Well, then I won't go there. I don't
11 want to take you outside of what your good knowledge is.

12 MR. DUNN: Dr. Blach, if I could turn to you.

13 LEONARD BLACH, DVM

14 after having been previously duly sworn under oath,
15 was questioned and testified on rebuttal as
16 follows:

17 DIRECT EXAMINATION

18 BY MR. DUNN:

19 Q. There was a lot of discussion about the
20 differences in what's administered to horses and cattle
21 and how that horses pose some sort of new or extra
22 threat above and beyond what cattle would present, as
23 far as having some sort of contaminant in their system.

24 In your opinion -- let's use dairy cattle and
25 horses, for example. Which do you think, in your

1 opinion, is more likely to have been administered
2 antibiotics, vaccines, drugs, those types of things,
3 over the course of its life?

4 A. Well, in -- I would say that in cattle,
5 particularly in dairy cattle, which is where my
6 experience is, that they are medicated a lot more on a
7 daily basis than compared to our outside horse
8 population around here.

9 Horses are never put in line for production of
10 any kind for meat or hair or anything else. They are
11 out there as pleasure horses and racehorses, ranch
12 horses. So they require little or no medication, and
13 most of them do not have much.

14 Probably the only place there is more
15 medication, for antiinflammatories and so forth, would
16 be at the racetrack.

17 In cattle, it's a lot different at the
18 dairies, because mastitis is a common problem, and then
19 they have as many as 20, 30, sometimes in rainy weather,
20 they can have a hundred cows in the holding pen, in the
21 sick pen, where those cattle could be treated for
22 mastitis, both intramammary and sometimes intravenously.

23 So that's -- that's where we have to be very
24 careful about the withdrawal times, so that the milk is
25 not contaminated, nor is the meat.

1 One of the things we hear about -- if I can
2 expand on that a little bit.

3 Q. Sure.

4 A. One of the things we hear about in the media
5 is about the racehorses going to slaughter.

6 I would say, by and large, that they would be
7 an insignificant amount of horses that hit the slaughter
8 area, because they usually go into a home, or anybody
9 that's got a stakes horse, a stakes-placed horse, a nice
10 horse that's been a runner, nobody is going to send that
11 horse to slaughter.

12 The horse that probably doesn't make it to the
13 -- you know, the big time or doesn't do well at the
14 racetrack has -- if you run for claim, it goes out and
15 becomes a jumping horse, a riding horse, or whatever,
16 and that horse may eventually end up in the slaughter
17 area.

18 But irregardless -- and then also in
19 comparison is the horses that we see out there now that
20 are just debilitated, starved to death nearly out on the
21 range, turned loose, and all that stuff that we see and
22 hear about -- and I personally see it -- is that those
23 horses are not going to go to slaughter, either. They
24 won't be acceptable.

25 Those kind of horses will have to -- if they

1 are going to go to slaughter, they are going to have to
2 go into a feed yard and will probably remain there for
3 -- and I don't know this for certain, but my personal
4 opinion is it's going to have to remain there for
5 120 days, or four months, maybe six months, until those
6 horses get some flesh on them, and then they are
7 presentable or -- for processing and the meat has some
8 texture to it.

9 It's just like in the cattle industry, you
10 know, if we want good meat, you know, they'll have to be
11 fed out for a while or either hamburger.

12 So I'd say the cattle end of it is -- is cows
13 are a lot more medicated than our -- than our horses
14 are.

15 Q. Okay. You talked about that 120-day period,
16 and I'd like to talk about that a little bit more.

17 You saw the list of medications that's been
18 discussed several times of all the things that are
19 administered to horses.

20 A. Yes.

21 Q. Do you remember that?

22 A. Yes.

23 Q. On that list -- do you know of anything on
24 that list that after 120 days would still be traceable
25 in either the blood or the tissue of that animal?

1 MR. BIERNOFF: I'm going to object, Your
2 Honor, at this point.

3 This is not relating to any testimony that
4 Mr. Olson gave, this line of questioning. I don't see
5 this as an opportunity for Mr. Dunn to continue his
6 initial examination of this witness or to rehabilitate
7 this witness.

8 So I'd ask that Mr. Dunn refocus his questions
9 to testimony that Mr. Olson provided and to any effort
10 that Mr. Dunn might make to rebut that testimony.

11 MR. DUNN: Mr. Olson talked about his personal
12 knowledge of administering these drugs.

13 MS. ORTH: 27 of them, I thought, that he said
14 from the list he was familiar with.

15 MR. DUNN: And he relied on the list for his
16 testimony.

17 MR. BIERNOFF: He did say that, and I didn't
18 understand the question to be asking about drugs on that
19 list, but to be asking about --

20 MS. ORTH: I think that that was his question.

21 MR. BIERNOFF: Perhaps I misunderstood.

22 MS. ORTH: That was his question.

23 Please go ahead.

24 MR. DUNN: Okay.

25 MS. ORTH: So the question pending, I believe,

1 was of those drugs on the list, would you expect any of
2 them to still be in a horse's body after 120 days.

3 DR. BLACH: Pardon me?

4 MR. DUNN: That's correct, that's the
5 question.

6 Do you want me to say it again one more time?

7 DR. BLACH: Yes.

8 Q. (BY MR. DUNN) Of those medications on that
9 list, or medications commonly administered to horses,
10 after 120 days, how many of those do you think would
11 be detectable in the blood or in the tissue of the
12 horse?

13 A. Very few.

14 Q. Okay. Any in particular?

15 A. Maybe some of the aminoglycosides would not be
16 present in the blood or the urine, but may be present --
17 the metabolite, not the drug -- but the metabolite of
18 that drug may be present on a kidney swab or liver swab.

19 Q. Okay. Let's talk a little bit about where
20 those drugs go once they go into an animal.

21 You heard Mr. Olson discuss this -- you know,
22 he's administered these personally. We discussed with
23 you that these are things that are administered commonly
24 to horses.

25 How do they leave the horse? We administer

1 them to the horse. How do they generally leave the
2 horse over the course of its life?

3 A. Well, all drugs -- all drugs given to any
4 animal, large animals, I'm speaking of, horses or
5 cattle, is that no matter of their potential or what
6 we're giving them for, whether it's antibiotics or
7 antiinflammatory drugs, those drugs are metabolized in
8 the liver, primarily, and then they go out in the body
9 and then they do their function.

10 And then they are eliminated in three ways.
11 Most of the -- most of the elimination, after the -- of
12 the drug itself or the metabolite of that drug, after
13 it's been metabolized by the liver, will be eliminated
14 through -- number one is the urine; secondly, it will be
15 -- and then by way of the kidney, and sometimes that's
16 where we get a swab in the kidney. It can also be
17 eliminated through the GI tract or through the feces.
18 That's primarily the way that drug is eliminated.

19 Some drugs will be limited -- I mean
20 eliminated from the body by perspiration, also, but very
21 few of those.

22 Q. Okay. So you would expect -- clearly, there
23 is a test for them through urinalysis, but you would
24 expect that these chemicals are leaving horses through
25 their urine and feces, and wherever that happens to

1 fall, that's where those come out?

2 A. Yes.

3 Q. Okay. Dr. Blach, you are extensive in equine
4 medicine.

5 Are you familiar of any -- with any
6 facilities, paddocks, stables, that have any sort of
7 lagoon or impoundment, lined or unlined, to collect the
8 feces and urine off of these horses that have been
9 administered these drugs?

10 A. I'm not aware of any.

11 Q. So those, in your opinion, are just -- they
12 are probably just falling onto the ground and then --

13 A. Yes, yes. Wherever they urinate or defecate.

14 Q. Dr. Blach, one of the things that's also been
15 discussed is that, you know, these are drugs that are
16 tested for by USDA and FDA, and there are those labels
17 on the bottle that say "Not for use in slaughter
18 animals" or "Not for use before a withdrawal period has
19 occurred."

20 In your medical opinion, is that label so that
21 those -- those chemicals are not present in the
22 environment, or is it so that they are not present in
23 tissues consumed?

24 A. That label is meant that -- that label is
25 meant that it's not going to be present in the body of

1 that horse.

2 It may be -- it may still be present, you
3 know, sometimes in the blood or the urine, but the label
4 indicates that that's -- that would be the clearance
5 time.

6 Q. Do you -- of those list of medications, are
7 there any of them that are -- any labels on any of those
8 medications that are there in order to prevent those
9 chemicals from entering the environment?

10 A. None that I know of. Other -- other than it
11 tells us to dispose of the empty bottle properly, and
12 that -- we have instructions for that. The empty
13 bottle, in case there is any amount left in there, that
14 we do proper disposal so we don't contaminate any type
15 of environment.

16 Q. But there is nothing about collecting the
17 urine or the feces or the perspiration of a horse to
18 make sure that none of that is hitting the environment?

19 A. No.

20 Q. Okay. Dr. Blach, what would you expect the
21 concentrations of any of these chemicals to be after
22 120 days, at the end of a period on a feedlot, before
23 they went to slaughter?

24 Would you expect that those horses would come
25 in with large amounts or high concentrations of any

1 of these chemicals or medications in their system?

2 A. No. I would expect none of it, and that would
3 be -- after 120 days, I wouldn't think that --
4 regardless, I can't think of any drug that would not be
5 cleared within 120 days.

6 MR. DUNN: No further questions.

7 MS. ORTH: Thank you.

8 Mr. Powers, do you have questions of
9 Mr. De Los Santos or Dr. Blach?

10 MR. POWERS: Not at this time, Madam Hearing
11 Officer.

12 MS. ORTH: Thank you.

13 Mr. Wagman or Mr. Biernoff?

14 MR. WAGMAN: Yes, Madam Hearing Officer, just
15 a few, and just for Dr. Blach.

16 CROSS EXAMINATION

17 BY MR. WAGMAN:

18 Q. You were just asked about the labels on drugs
19 that are used for horses that say "Not for use in
20 animals intended for food."

21 Do you remember that?

22 A. Yes.

23 Q. You're familiar with those labels?

24 A. Yes.

25 Q. And then you said those labels indicate the

1 clearance time. And the label says "Not for use in
2 animals intended for food."

3 The clearance time is not indicated on those
4 boxes, isn't that correct?

5 A. It depends on the medication. On some
6 medications, it does have the clearance times.

7 Q. But if you see a label that says "Not for use
8 in animals intended for food," and that's all the label
9 says --

10 A. Yes.

11 Q. -- that label does not give you any clearance
12 time, isn't that correct?

13 A. No, it doesn't say anything about clearance
14 times.

15 Q. Okay. You don't know where Valley Meat
16 intends to get the horses that it intends to slaughter,
17 do you?

18 A. Pardon me?

19 Q. You have no idea where Valley Meat intends to
20 get the horses that it intends to slaughter, do you?

21 A. No, I don't. I just know they come from
22 feedlots.

23 Q. And how do you know that?

24 A. Common knowledge, as a veterinarian that's
25 been in business, that I've been to a couple of

1 feedlots.

2 Q. Common knowledge with respect to dairy cows
3 and beef cows, correct?

4 A. Common knowledge of some large animal
5 veterinarians.

6 Q. But you have no idea how the horse slaughter
7 industry works in America, is that correct?

8 A. I have no idea -- pardon?

9 Q. How the horse slaughter industry works in
10 America, is that correct?

11 A. Yeah, I have somewhat of a knowledge of that.

12 Q. And where do you base -- where do you get your
13 knowledge about how horse slaughter works in America?

14 A. Because what I've read by the previous plants
15 that's been in existence.

16 Q. And you read that they went to feedlots first?

17 A. Yes.

18 Q. Okay. But you don't know how long these
19 horses will be on those feedlots, do you?

20 A. I pretty -- yes, I think -- I think I've been
21 told and read where they must -- it takes about 120
22 days to feed one out to where it's -- it could be
23 processed.

24 Q. And where did you read that?

25 A. In probably one of the veterinary journals.

1 Q. About horse slaughter?

2 A. Yes.

3 Q. Okay. And if I told you that it's common
4 knowledge that horses on feedlots going to slaughter in
5 Mexico and Canada stay less than seven days, would you
6 think that was incorrect?

7 A. Go over your question again.

8 Q. If I told you that it's common knowledge that
9 horses going to Canada and Mexico slaughterhouses stay
10 in the feedlots or auction lots for less than seven
11 days, would you disagree with that?

12 A. Yeah, probably, because I don't know that
13 that's been happening. I don't know that that's
14 happening.

15 Q. Okay. And you say that most racehorses don't
16 go to slaughter, correct?

17 A. Most of them, that's correct.

18 Q. Okay. And are you aware that 30,000 to 40,000
19 racehorses a year go to slaughter, based on estimates
20 over the last ten years?

21 A. That's probably correct.

22 Q. Okay. So it's just that 30,000 to 40,000 is
23 not most racehorses, is that right?

24 A. Pardon me?

25 Q. It's just that 30,000 to 40,000 horses a year

1 from racetracks does not constitute most racehorses, is
2 that your testimony?

3 A. Well, considering the number and the age of
4 the horses that are at the racetrack, that's probably a
5 correct figure.

6 MR. WAGMAN: Okay. Thank you. No further
7 questions.

8 MS. ORTH: All right. Thank you.

9 And let me note for the transcript that
10 Mr. Holland is not joining us today.

11 MR. DUNN: Very briefly.

12 MS. ORTH: I'm sorry?

13 MR. DUNN: Very briefly.

14 MS. ORTH: Hold on one sec.

15 Are there other questions of Dr. Blach or
16 Mr. De Los Santos?

17 No?

18 All right, Mr. Dunn.

19 MR. DUNN: Dr. Blach, just very briefly.

20 REDIRECT EXAMINATION

21 BY MR. DUNN:

22 Q. Mr. Wagman asked you about those labels and it
23 saying "Not intended for food."

24 Does that really mean that that horse can't be
25 killed, he can't -- there is no way that it can enter

1 into the environment? Is that just simply saying that
2 it should not be used in a horse that's going to be
3 consumed for food? It really doesn't have anything to
4 do with the blood or anything else or anything
5 contamination from that animal, is that correct?

6 A. That's correct.

7 MR. DUNN: Okay. That's it.

8 MS. ORTH: Anything further from anyone?

9 MR. WAGMAN: No, and no rebuttal from Front
10 Range or the state.

11 MS. ORTH: Oh, you won't be doing rebuttal.

12 MR. WAGMAN: No. Thank you, Your Honor.

13 MS. ORTH: Let me excuse this panel. Thank
14 you, Dr. Blach and Mr. De Los Santos.

15 Before I turn to you, Mr. Wagman, let me ask
16 Mr. Dunn, I understand you had desired to call
17 Ms. Kirby.

18 Would you like to make a brief offer of proof
19 as to what you believe you would have established with
20 Ms. Kirby?

21 MR. DUNN: I would. I appreciate that.

22 I was going to ask Ms. Kirby concerning the --
23 whether or not the Department regulates horse paddocks
24 and stables or any contaminations coming from those
25 horses in the course of their feces, and I was going to

1 ask her whether or not the -- they were aware of the
2 plant in Mescalero that had been in existence prior to.

3 I would suspect that she would have said no on
4 the plant, but that she would also have said no, that
5 they are not regulating the environment for those
6 substances that leave a horse in the urine or feces and
7 potentially enter the environment.

8 MS. ORTH: All right.

9 Well, thank you very much for that.

10 Does that conclude your rebuttal?

11 MR. DUNN: It does.

12 MS. ORTH: It does. All right.

13 Mr. Powers, do you have rebuttal? I think you
14 said there would be no rebuttal --

15 MR. POWERS: That's correct.

16 MS. ORTH: -- sorry -- from the Bureau.

17 Let me turn to this table here.

18 MR. WAGMAN: I'm sorry, Madam Hearing Officer.
19 There will be no rebuttal from Front Range or the State
20 of New Mexico.

21 MR. BIERNOFF: Right.

22 Thank you.

23 MS. ORTH: Great. Thank you so much.

24 And let me ask if there is anything else,
25 then, from the technical parties that we need to talk

1 about before I go back to public comment?

2 MR. WAGMAN: Madam Hearing Officer, if
3 possible, if we could go over any procedural issues
4 before public testimony begins so that we could depart.

5 MS. ORTH: Yes.

6 So let's talk about the posthearing process.

7 We expect the transcript in approximately two
8 weeks. That's not an exact time, but approximately two
9 weeks.

10 Although you have to make your own
11 arrangements to get the transcript, the Hearing Clerk,
12 Sally Worthington, will send, on the day she receives
13 it, a Notice of Transcript Filing. It's a single sheet
14 of paper, and you will get that.

15 On that sheet of paper that says "Notice of
16 Transcript Filing" will be a date, which is
17 approximately 30 days from the date of the notice for
18 your posthearing proposed findings of fact, proposed
19 conclusions of law, and any legal written closing
20 argument you would like to offer.

21 You would send all of that to Sally and, of
22 course, serve your colleagues.

23 Thirty days from that date, I have to get my
24 report and recommendation to the Cabinet Secretary, with
25 a proposed final order, and all of that will be sent to

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1 you again by Sally.

2 14 or 15 days from that date, you have an
3 opportunity to submit to Sally comments on my report,
4 what I've gotten wrong. All of that then is bundled up,
5 after it's received, given to the Cabinet Secretary, and
6 the Cabinet Secretary has 30 days to issue a final
7 order.

8 That's why I was saying I believe it will be
9 February. By the time you add up each of those time
10 frames, it's February before the Cabinet Secretary makes
11 a decision.

12 Are there any questions about the posthearing
13 process?

14 I encourage you to call Sally if you have any
15 question at all about where we are in that process.

16 Anything else at all from the technical
17 parties?

18 Mr. Powers?

19 MR. POWERS: I'm unsure of the -- Madam
20 Hearing Officer, you ruled, but I'd made a previous
21 objection to including Exhibit 45 of FRER's exhibits,
22 because it wasn't referenced during the testimony.

23 I have not heard anything in the testimony in
24 this hearing regarding that. I just wanted to renew my
25 objection to including that in the record.

1 MS. ORTH: Okay. So let me look at it.
2 Sorry, I need to refresh my memory on the exhibit.

3 It's Exhibit 45. It is -- it appears to be a
4 Plaintiff's Motion to Modify a Temporary Restraining
5 Order.

6 MR. WAGMAN: Yes, Madam Hearing Officer.

7 MS. ORTH: Would you speak to this?

8 MR. WAGMAN: Yes, Madam Hearing Officer.

9 It is referenced in the testimony, contrary to
10 what Mr. Powers said, on page 20 of 23 of Mr. Olson's
11 testimony, and we spoke about it last week at the
12 hearing, and it's with respect to a request for a
13 wastewater permit, and that's the reference that
14 Mr. Olson was relying on in making this an exhibit.

15 So I don't see any reason it's objectionable.
16 It's a filing in a federal case.

17 MS. ORTH: All right.

18 Mr. Powers, do you see that?

19 MR. POWERS: Yes, I do. Thank you for
20 pointing that out. I appreciate that, Mr. Wagman.

21 MS. ORTH: Okay. Are there any other things
22 we need to -- oh, I did finally remember the other
23 example of another arm, if you will, of New Mexico State
24 Government participating in a permitting hearing.

25 Pat Lyons came to an Air Quality permit

1 hearing on a gravel pit in Mesquite, New Mexico, some
2 years ago, and I knew there was one from fairly recent
3 history to offer just as an example of someone from the
4 larger definition of Executive Branch participating in
5 another part of an Executive Branch hearing.

6 Anything else at all now?

7 MR. WAGMAN: Madam Hearing Officer, if we are
8 concluding, I'd just like to thank you, and especially
9 Ms. Townsend for all day, and Ms. Worthington and your
10 staff for entertaining us and accommodating us. Thank
11 you very much. Appreciate it.

12 MS. ORTH: Thank you very much. Have a safe
13 trip back.

14 MR. WAGMAN: Thank you.

15 MS. ORTH: Let's turn now then to public
16 comment.

17 MR. DUNN: Madam Hearing Officer, could we
18 have about a 15-minute break or so?

19 MS. ORTH: We certainly can. Let's do that.
20 We'll come back at 9:00.

21 (Recess held.)

22 MS. ORTH: Let's come back from the break,
23 please.

24 Immediately before we broke, we finished the
25 technical case on this matter, and we will return now to

1 public comment.

2 Has L. H. Kenneddy joined us?

3 No, okay.

4 Mr. Joy and then Ms. Ezzell.

5 (Oath administered to Mr. Joy.)

6 MIKE JOY

7 after having been first duly sworn under oath,

8 provided public comment as follows:

9 MR. JOY: I just heard about this yesterday,
10 and I just had to come.

11 This is ridiculous, to hold something like
12 this, to deny a man a business, and the time and effort
13 and money he's spent for a viable industry, to take care
14 of horses that we can't use anymore that are fat and not
15 in good shape. This sets up a market that we need for
16 the value of the horses, the value of our industry.

17 That business has to go on. It has to be left
18 alone so he can work, so he can do what he has to do to
19 process these horses and get them -- give them a use and
20 give -- and that will give him -- give the men that work
21 for him that have families to support. It's viable for
22 Chaves County to have that. And this -- we need to get
23 on with this and let Mr. De Los Santos do what he knows
24 how to do and leave him alone.

25 Thank you.

1 MS. ORTH: Thank you, Mr. Joy.

2 Representative Ezzell.

3 (Oath administered to Ms. Ezzell.)

4 CANDY SPENCE EZZELL

5 after having been first duly sworn under oath,

6 provided public comment as follows:

7 MS. EZZELL: Good morning, Your Honor.

8 I did not realize that the proceedings were
9 going to start earlier than 9:00. I was informed that
10 it was to start at 9:00. I would have liked to have
11 been here for the earlier testimony, but here I am now.

12 The main issue that I am seeing here over the
13 topic that is being discussed today, this is the same
14 permit that Mr. De Los Santos had whenever it was a beef
15 processing plant.

16 So I am -- in my opinion, if we are following
17 the law, and that's what the laws were created for, the
18 issue isn't the environmental impact of the business.
19 It is the same -- the same permit that was in place
20 before.

21 I understand that this is a very emotional
22 topic that we are discussing here today.

23 Your Honor, I'd like to point out that I do
24 raise horses. I'm a farmer and a rancher. I've been
25 involved with horses my whole life. My ancestors were

1 involved with horses. I am Native American. So,
2 therefore, I do have the right to talk about this. My
3 ancestors from Ireland raised horses over there, and
4 then whenever they came to the United States of America,
5 the same thing.

6 There is a need for this plant to take place,
7 mainly because of all the horses that are now starving
8 to death, and I would like to cite the instances up
9 there on the Navajo Nation.

10 Whenever Representative Jeff gave testimony on
11 the House of Representatives floor, she stated there
12 were in excess of 80,000 horses starving to death.

13 Because we have irresponsible horse owners,
14 that no longer can afford to feed and care for their
15 horses, they, in turn, have made it somebody else's
16 responsibility, by dumping them, just like dogs and cats
17 are now dumped.

18 My neighbors, two years ago, had six horses on
19 their ranch that did not belong to them. They have not
20 owned a horse since 1971.

21 Your Honor, whenever we see the impact of what
22 feral horses are doing up in the Ruidoso area is a
23 perfect example. There was a small herd of them up
24 there in the Alto area, because, once again, of
25 irresponsible horse owners. I think the herd consisted

1 of 13 horses. There are now 11. Two of them have been
2 hit by automobiles, and that, in itself, was very
3 traumatic to the drivers and the passengers of the
4 automobiles.

5 The oversight that will be done at Mr. De Los
6 Santos' plant is very important. Right now, these
7 horses are transported to the Santa Teresa area, where
8 they are held before they are shipped down into Mexico
9 for processing.

10 Here, there will be oversight. When we are
11 talking about humane and compassionate, I understand
12 that. I am no -- nobody exceeds me as far as compassion
13 for horses. But I am also a realist, Your Honor.

14 We have to do something about what is taking
15 place, not just in New Mexico, but all over the United
16 States.

17 The processing plant will ship the carcasses
18 out of the country. They will not be consumed by humans
19 in the United States.

20 So for this to take place, for us to have the
21 humane end of a horse's life, we need a plant like
22 Mr. De Los Santos'. And like I said, we have laws, and
23 laws are to be followed, and if this is the same permit,
24 which I am told that it is, I don't see why we are
25 having the big controversy today.

1 Your Honor, thank you very much for your time.

2 MS. ORTH: Thank you, Representative Ezzell.

3 Is there another one?

4 MS. WORTHINGTON: Yes.

5 MS. ORTH: Zach Riley.

6 (Oath administered to Mr. Riley.)

7 ZACH RILEY

8 after having been first duly sworn under oath,

9 provided public comment as follows:

10 MR. RILEY: Good morning, Your Honor.

11 I'm Zach Riley on behalf of New Mexico Cattle
12 Growers Association.

13 I'm just here this morning basically to offer
14 our support for the Hearing Officer in her
15 decision-making process, if you will, and just try to
16 reiterate the facts that were stated even in the summary
17 of the press release calling for this specific hearing.

18 This is a renewal for a permit, correct? That
19 should hold some weight with the Environment Department,
20 I would presume.

21 If things were being done correctly, why then
22 would we not also allow renewal of a permit that, you
23 know, we have warranted for other facilities in much the
24 same way. I would just say, in all fairness, what's
25 done for one business should also be done for another,

1 instead of allowing emotion to basically rule out the
2 way one person chooses to conduct business, but
3 basically to make our decision based on facts and simple
4 matters of the law.

5 If the De Los Santos are operating within
6 the parameters of the law, I would strongly suggest that
7 we continue to uphold what has been put forth in their
8 permit request.

9 I would just close, basically, in reminding
10 everyone that we shouldn't make decisions based on
11 emotions and feelings, but on thoughts and ideals.

12 Thank you.

13 MS. ORTH: Thank you, Mr. Riley.

14 We've come to the end of the folks indicating
15 on the sign-in sheets that they wish to make public
16 comment.

17 Is there anyone who has changed their mind,
18 perhaps?

19 Sir.

20 MS. TOWNSEND: Can you state your name?

21 MR. CHESSER: My name is Kim Chesser --

22 MS. TOWNSEND: What's the last name?

23 MR. CHESSER: -- 399 Chesser Road. Chesser,
24 C-h-e-s-s-e-r.

25 (Oath administered to Mr. Chesser.)

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1 MR. CHESSER: Ma'am, I thought that I marked
2 yes, I want to --

3 MS. ORTH: I didn't see you. It's circled
4 "yes" at the top of the column, but you did do that.
5 I'm sorry, I didn't notice that.

6 MR. CHESSER: Well, ma'am, I'm sorry I didn't
7 make it plainer.

8 MS. ORTH: All right.

9 KIM CHESSER

10 after having been first duly sworn under oath,
11 provided public comment as follows:

12 MR. CHESSER: I am actually a Chaves County
13 Commissioner, and on behalf of Chaves County, I really
14 want to -- we really want to show strong support for
15 Mr. De Los Santos in being able to start this plant.

16 I mean, this is something that we really need.
17 I mean, I -- I'm a rancher, I live about -- oh, about
18 35 miles southwest of here, and -- and I've had horses
19 all my life, and so I understand -- I understand some of
20 the feelings that people have about not wanting to see a
21 horse killed.

22 But I want you -- I want everybody to know
23 that the most humane thing that can happen to some of
24 these horses is not the natural thing, because the
25 natural horse -- a horse's natural death is they starve

1 to death. They'll lay down, and they'll kick their
2 feet, and they'll beat their head against the ground
3 until they die. I mean, that's -- that's just as
4 natural as it can be.

5 So I really would like to see this plant get
6 started. Of course, there is no way in the world that
7 Mr. De Los Santos can handle all of the horses that need
8 to be -- that need to be killed. I mean, this is --
9 we're talking about a very small portion of the horses
10 that are going to kill plants will be able to go here.

11 But, personally, I -- I mean, we have a -- we
12 have a guest ranch, and we -- I normally run about 25
13 horses, and it costs me about \$4 a day to feed them,
14 which that's -- if you do your math, that's about \$100 a
15 day. So, I mean, I spend a lot on horses, but horses
16 are my life. I mean, that's -- I mean, that's how I
17 make my living, and that's how I help people to enjoy
18 our culture here, is people want to come and ride.

19 A lot of our guests, they come with the idea
20 that -- you know, that horse slaughter is -- are -- is
21 so inhumane. It's amazing how many people -- because
22 every -- all of our guests eat at our table in my
23 kitchen, and when we have a chance to talk about it, I
24 mean, people understand after they -- after they can
25 talk with somebody about the -- I mean, the necessity of

1 having a place to get rid of some of these horses.

2 I mean, it's -- it's a sad thing, but it's
3 something that's got to be done. I would really love to
4 have -- to have a place here in our valley where we
5 could -- where we could get rid of some horses instead
6 of having to -- having to send them to El Paso or send
7 them to Mexico.

8 As far as the -- you know, I guess the thing
9 in question is the -- is the permit, and I -- I don't --
10 I don't see the difference between the permit that was
11 used for killing cows and for the one that would be used
12 for killing horses. It seems to me that really the
13 issue is -- is killing the horses, and that's something
14 that none of us wants to talk about, none of us wants to
15 see, but it's -- I think it's something that's very,
16 very necessary.

17 Again, I mean, horses are my life, but I -- I
18 see the need to have a place like this.

19 I thank you for your time in listening to me.

20 MS. ORTH: Thank you, Commissioner Chessser.

21 Do we have someone else?

22 Thank you. Mike Pierce. Mr. Pierce.

23 (Oath administered to Mr. Pierce.)

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MIKE PIERCE

after having been first duly sworn under oath,
provided public comment as follows:

EXAMINATION

MR. PIERCE: Good morning.

My name is Mike Pierce. I'm a fourth-
generation rancher here in Chaves County. My family has
been here since Roswell started.

The main thing -- I say the main thing, one of
the things I see about being able to open Pecos Valley
Meat for the slaughter of horses is the jobs that are
going to benefit Chaves County. We'll have more people
working, and that's good.

As far as the people that are against it, how
many -- how many of them own a horse?

Is there anybody here that's against it that
owns a horse?

MS. ORTH: That will have to remain a
rhetorical question, Mr. Pierce.

MR. PIERCE: Well, I've owned horses since the
day I was born. I was given a horse by my uncle, and I
used him a long time. His name was Terrapin. He was a
little black and white paint. As Terrapin got older, I
outgrew him. As I got older and bigger, I outgrew
Terrapin. Whenever Terrapin got up in his older years,

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1 he got down where he couldn't -- he couldn't still get
2 around good. We still had him there. We could feed him
3 and all. Let me tell you that as a 14-year-old young
4 man, I like to call myself at that time, it was pretty
5 hard for me to go out there and put my horse down. And
6 I had to do that, because there was no place where we
7 could go and have a horse euthanized.

8 You can't appreciate that, I realize that. If
9 you have a dog -- somebody has a dog that you've raised
10 from a pup to 12 years, and then he's got to where he
11 can't get around, and you don't have the dollars to go
12 to the vet to have him put to sleep, and you take care
13 of it yourself.

14 It's mighty hard on an animal that you've
15 entrusted to help get you through a pasture, or as for
16 me, he helped me grow up. I learned a lot of stuff from
17 old Terrapin. As Terrapin -- I realized he'd gotten
18 older. We still had mares and studs out at the ranch,
19 they ran free. Whenever they got old enough, we called
20 them -- you know, got them ready to use as stock horses,
21 broke them and all.

22 When I was 11 years old, I went out with my
23 grandmother and my great-aunt -- Aunt Fern was from
24 Oregon, she was an old hen to me, but she wasn't. I was
25 old enough to drive. Grandma sat next to me in case I

1 got in trouble.

2 We got out there with the horses, and I went
3 out to feed the horses, and this new colt we had came
4 up, and Aunt Fern had on one of those big straw hats,
5 you know, like women wear, and the wind got her hat. So
6 I named him Snoopy, and my dad gave me Snoopy. This is
7 in -- Snoopy was born in '71 or '72, so I would have
8 been ten.

9 So fast-forward to 2001, that would have made
10 Snoopy like about 30 years old. I have two boys. I
11 have pictures of both of my boys on my pet horse --
12 Snoopy became my pet horse. He's the one -- I raised
13 him from day one. From his mother, we weaned him and
14 everything.

15 Snoopy was 30 years old. I had to go out
16 there -- there wasn't a place, and he wasn't where he
17 could stand the ride to Mexico. I had to put him down.
18 A 40-year-old man standing there balling like a baby,
19 because I'd had this horse all of his life. I had seen
20 him literally from just a few days after he was born.

21 It would have been so much more relaxing, I'll
22 put it, just for lack of a better word, to have
23 someplace that you could take the horse and have him
24 euthanized humanely.

25 I've been out there to Pecos Valley. I've

1 worked out there as a brand inspector. I've been all
2 through Rick's plant, and they handle them the right
3 way.

4 As far as the wastewater permit, I have to
5 agree with what I heard from the former gentleman, I
6 don't see how it will be any different than the
7 wastewater from a dairy or from what they've already got
8 from the cattle. You still kill pigs there, don't you,
9 Rick? The pigs and sheep they butcher there, it's no
10 different than that. I don't see why there would be a
11 difference in the permit or what the whole problem is.

12 I respectfully thank you for allowing me to
13 voice my opinion.

14 MS. ORTH: Thank you very much, Mr. Pierce.

15 Is there anyone else at all who would like to
16 offer public comment this morning, otherwise we'll be
17 closing the record.

18 Anyone else at all?

19 Please come up.

20 (Oath administered to Ms. Kennedy.)

21 MS. TOWNSEND: And can you state your name?

22 MS. KENNEDDY: My name is something I need to
23 clarify first. I had a question. If I might ask a
24 question. Is that proper?

25 MS. ORTH: If it's about the process, I can

1 probably answer it.

2 MS. KENNEDDY: I don't know if it would be
3 about the process or not. I'm not good at doing this.

4 I was curious as to whether Valley Meat
5 Company had established that they had a warranty deed or
6 a lease to the property.

7 MS. ORTH: All right. So the questioning of
8 the Valley Meat panel occurred some time ago, so this
9 isn't the time to ask that kind of question.

10 Mr. Dunn of Valley Meat might be willing to
11 talk with you after the hearing, but for right now, what
12 I'd like to do is accept your comment.

13 MS. KENNEDDY: Okay.

14 L. H. KENNEDDY

15 after having been first duly sworn under oath,
16 provided public comment as follows:

17 MS. KENNEDDY: Well, first of all, I'm L. H.
18 K-e-n-n-e-d-d-y since 1963. Under my mother's name, I
19 have paid taxes to the county and to the state and to
20 the federal government.

21 MS. ORTH: Pull that microphone a little
22 closer to your mouth.

23 Thank you.

24 MS. KENNEDDY: There has always been a number
25 of problems with deeds and property and things like

1 that. Kenneddy, K-e-n-n-e-d-d-y, versus Chisum. Okay?

2 First of all, before they can do anything on
3 the property they want to, they are going to have to
4 establish that they have a legal deed to the property
5 and that my claim and deed doesn't precede theirs, as a
6 land deed rather than as a warranty deed, which would be
7 for the chattel. They are going to have to establish
8 that the building is at least from someone pretending to
9 have represented me in the past using another name.

10 Now, my daughter's name is P-a-m-a-l-i-a G.
11 Doyal, D-o-y-a-l. That goes into Doyal versus City,
12 Doyal versus County, Doyal versus City, County and
13 State, as to things that have occurred that the city and
14 state have made decisions on that happened in my family.
15 Okay?

16 The K-e-n-n-e-d-d-y part of the family assets
17 are separate from what essentially would be the Lincoln,
18 L-i-n-c-o-l-n, estate that went from Lincoln to Matilda
19 McKnight, M-c-K-n-i-g-h-t, and it went from her name to
20 my name without my being informed in the proper way by
21 deeds and things, so some things did go on and happen I
22 don't know about.

23 MS. ORTH: All right.

24 Do you have any other comments about the
25 permit?

1 MS. KENNEDDY: Well, if they can prove they
2 have a deed that's legal and legitimate. They are not
3 going to.

4 MS. ORTH: Thank you very much.

5 Is there anyone else who would like to offer
6 public comment this morning?

7 Sir.

8 (Oath administered to Mr. Alderete.)

9 MS. TOWNSEND: And your name?

10 MR. ALDERETE: I'm Joel, last name Alderete,
11 A-l-d-e-r-e-t-e.

12 JOEL ALDERETE

13 after having been first duly sworn under oath,
14 provided public comment as follows:

15 MR. ALDERETE: I'm Joel with the New Mexico
16 Farm and Livestock Bureau.

17 Instead of sitting here and repeating
18 everything everybody said, I'll just say we're in
19 support -- I'd like to show our support for renewal of
20 the permit.

21 Thank you.

22 MS. ORTH: Thank you very much, Mr. Alderete.

23 Anyone else at all? Otherwise, we're going to
24 close the record.

25 MS. ORTH: No?

1 Well, thank you all very much for
2 participating, and again this is one of the lovelier
3 locations I've ever had a hearing.

4 Thank you very much to the officers who
5 assured our safety this week. Thank you all.

6 We're adjourned.

7 MR. DUNN: Madam Hearing Officer, before the
8 record closes, thank you very much for all of your
9 indulgences and working with us through this process.

10 MS. ORTH: Thank you Mr. Dunn.

11 (Hearing concluded at 9:25 AM.)

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1 STATE OF NEW MEXICO)

2) ss.

3 COUNTY OF BERNALILLO)

4 I, Kathy Townsend, the officer before whom the
5 foregoing hearing was taken, do hereby certify that the
6 witnesses whose testimony appears in the foregoing
7 transcript were duly sworn by me; that I personally
8 recorded the testimony by machine shorthand; that said
9 transcript is a true record of the testimony given by
10 said witnesses; that I am neither attorney nor counsel
11 for, nor related to or employed by any of the parties to
12 the action in which this matter is taken, and that I am
13 not a relative or employee of any attorney or counsel
14 employed by the parties hereto or financially interested
15 in the action.

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NOTARY PUBLIC
CCR License Number: 23
Expires: 12/31/13

My Commission Expires: 9/12/2017

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