

MINUTES
NEW MEXICO STATE GAME COMMISSION
Albuquerque Marriott – Grand Ballroom
2101 Louisiana Blvd., NE
Albuquerque, NM 87107
August 28, 2010
9:00 a.m. – 5:00 p.m.

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AGENDA ITEM NO. 1: Meeting Called to Order.
Meeting called to Order at 9:00 a.m.

AGENDA ITEM NO. 2: Roll Call.
Chairman McClintic – present
Vice Chairwoman Buffett – present
Commissioner Arvas – present
Commissioner Fonay – present
Commissioner Salazar – present
Commissioner Salmon – present
Commissioner Salopek – present
QUORUM: present

AGENDA ITEM NO. 3: Approval of Agenda.

MOTION: Commissioner Arvas moved to accept the agenda for the August 28, 2010 State Game Commission Meeting.
Commissioner Salopek seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. Motion carried unanimously.

AGENDA ITEM NO. 4: [PASSED OVER] Introduction of Guests.

There were approximately 450-600 members of the audience in attendance.

AGENDA ITEM NO. 5: Approval of Minutes (July 8, 2010 – Silver City, NM).

MOTION: Commissioner Salopek moved to approve the Minutes of the July 8, 2010 State Game Commission Meeting in Silver City. Commissioner Fonay seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

NEW BUSINESS:

AGENDA ITEM NO. 6: [PASSED OVER] Updates and Miscellaneous.

AGENDA ITEM NO. 7: Revocations.

Presented by Dan Brooks – The Department presented a list of 372 individuals the Commission considered for revocation that met established revocation criteria. The hearing officer's recommendations for assessment of points against registered outfitters were included. Mr. Bruton is a wildlife violator and per the Hearing Officer's report, requested a hearing.

Commissioner Salopek: When they come back and pay, is it the same fee they would have paid up front, or is there a second higher fee to get their license back?

Dan Brooks: It is the fee they agreed to. There are no additional fees. **[Action Item]**

MOTION: Commissioner Salazar moved to adopt the Department's and the Hearing Officer's recommendations on suspension, revocation and point assessment for the attached list of 371 individuals for the period of time specified.

Commissioner Arvas seconded the motion.

Dan Brooks: Typo, 372.

Commissioner Salazar: I'll amend that to 372.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 8: Fiscal Year 2010 4th Quarter and Annual Depredation Report.

Presented by Cal Baca – The Department reported the total number of depredation complaints filed and resolved in accordance with 19.30.2.11, NMAC, for Fiscal Year 2010 with highlights from the 4th Quarter.

Cal Baca: During the 4th Quarter of FY 2010 which runs April 1 through June 30, 2010, 201 complaints have been filed with the Department, 162 have been resolved, yielding an 81% resolution rate today. The remaining 19% which equals 39 complaints are unresolved at this time and intervention methods to resolve these complaints are currently in progress. Of the 201 total complaints filed with the Department, the top five species are bear with 44.8%; raccoon at 24.4%; elk at 8.5%; beaver at 6.5%; and cougar 5.5%. For FY 2010 which runs July 1, 2009 through June 30, 2010, a total of 568 complaints were filed with the Department, 469 have been resolved, yielding an 83% resolution rate to date. The remaining 17% which equals 99 complaints are unresolved at this time and intervention methods are still in progress on those. The 568 total complaints filed, the top five species complaints are bear at 30%; raccoon at 26%; beaver at 11%; elk at 11%; and deer/cougar both at 6%. **[Action Item]**

Public Comment:

Kim Chesser: I'm a Chaves County Commissioner. Depredation is a big problem and all the people need to realize that these animals can be very detrimental to private property.

Linda Butler: I'm a Tijeras resident and active in East Mountain organizations including East Mountain Coalition/Bernalillo County Master Naturalist Program/neighborhood association in which we deal with bear encounters/complaints. I've been involved in wildlife management studies actively and I know the purpose of those items is to understand how many animals live in your area.

Jan Hayes: I'm with Sandia Bear Watch/NM Bear Watch. The reward for our efforts is for NMDGF to propose to decimate our Sandia/Manzano bear populations.

Commissioner Arvas: What does a depredation complaint mean to the Department?

Cal Baca: We use the depredation program to help solve problems on private property in regard to human/wildlife conflicts. It can range anywhere from squirrels/raccoons damaging private property at a residence to elk damaging a hay crop. In relation to bears, we normally have complaints in rural areas where there are large farming/ranching communities/bears go in and kill goats/sheep/small livestock. In more urban/suburban areas, bears break into homes, damaging small chicken coops/pet areas. When we have complaints that's what we're experiencing through the depredation program.

Commissioner Salazar: Could you break down where bear complaints were? Are they mostly around urban areas? Where are the majority of depredation complaints coming from?

Cal Baca: They vary across NM. Records on the kills we had are Los Alamos/Silver City/Sandia Park/Sabinoso areas. Majority of depredation complaints happen probably annually. A large number of complaints come from NE area around Raton/Cimarron.

Albuquerque fluctuates with some bear complaints, but for the most part the majority of complaints are from Las Vegas/Cimarron/Angel Fire/Red River up through that valley. We're starting to see more in the Tesuque/Hyde Park areas around Santa Fe/Santa Fe National Forest, and we're starting to see more in the Sandia/Tijeras areas.

Commission Salazar: Regarding cougar, do we see more up north?

Cal Baca: Cougar is consistent statewide. Cougar complaints come primarily from agriculture production areas. We don't have too many cougar complaints in town. We have had some around Silver City, but for the most part they're in/around where livestock are being raised.

Vice-Chairwoman Buffett: At the point the officer is dispatched to resolve a complaint, is that the time that if they see an inappropriate dumpster/bird feeders, or other things that are attracting bears, is that the best point in time in which the Department would issue fees/penalties for citations for that kind of activity, and do we do that?

Cal Baca: Traditionally, when our officers go to a complaint they will investigate/evaluate. Officers will see instances where Bar BQ grills/dog food containers/bird feeders are attractants to many forms of wildlife, not just bears/cougars. At that time they educate home owners/person filing the complaint as to ways to prevent future interactions with those animals by reducing those attractants in/around their homes. I'd have to defer to Dan Brooks regarding penalty assessments for involvement.

Commissioner Buffett: Have there been any citations this summer for those activities?

Dan Brooks: I did not look that up and I'm not prepared to answer that, but we do cite people. There is a Commission rule and we do cite people under nuisance to themselves or their property. If the Commission would like us to research that we can come back at the next meeting with the number of citations.

Commissioner Buffett: Yes.

Chairman McClintic: We have Agenda Items 9 and 10. I want to stay on track and basically discuss depredation, not reasons why the complaints happen. We're talking about numbers and how they were disposed of. If there are any questions about depredation I have no problem.

Larry Caudill: Relating to depredation is that education coupled with additional enforcement that might help convince people that maybe luring animals into depredating conditions, complaints might go down.

Craig McClure: President/Black Bear Bureau. The main problem/concern we have with depredation to deprive/deprive of property is misdefined. Depredation calls that are tallied come in many times simply because someone is worried about a bear in their yard, people are moving in from other states and not used to co-habiting in an area with a bear, so they call and that's tallied as depredation. That should not be because most depredations against bears have nothing to do with death of livestock/reaction to complaint/injury. Those are our concerns and hope to redefine depredation in NM and categorize two separate lists—one for complaints where education would come into play, and true depredation.

Cal Baca: To clarify based on that comment for the public these numbers only calculate what our officer files as a complaint. The Department could have 20 calls in one night for residents seeing the same bear. We'll file one complaint on that bear to dispatch that officer to set the trap/relocate that animal. These numbers don't reflect every single phone call we'd receive in regard to any certain species in NM. We wouldn't have a data base large enough to do that. What we present in these reports and what the public is being told is the actual count of wildlife complaints per landowner. If five landowners see one cougar we would only file one complaint on that cougar with the person that had the damage at that time, so it's not a per call tally.

Kester Oman: I'm a resident of Cedar Crest. My perception is that the state has turned into the predator and those of us who have values in wildlife perceive the state as predacious.

MOTION: Commissioner Arvas moved to accept the Fiscal Year 2010 Annual Depredation Report, including the 4th Quarter Report, as presented by the Department. **Commissioner Salopek** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 9: Summary of Proposed Amendments to the Bear and Cougar Rule (19.31.11, NMAC).

Presented by Jim Lane – The Department presented a summary of proposed amendments and public comment received to date for the Bear and Cougar Rule (19.31.11, NMAC).

Commissioner Fonay: I don't expect you to speak for the Raton City Commission but summarize why they were not in support of bear-proofing dumpsters.

Lief Ahlm: They didn't believe going to bear-proof containers/managing trash would solve the bear problem, even citing evidence that other towns in Colorado/other parts in the west had done that with great success.

Commissioner Arvas: Would you be more specific about bear/cougar management goals in comparison to AZ/Colorado/surrounding states? How did their numbers compare with ours?

Jim Lane: Most western states use the bear/cougar study conducted here to help them manage their populations. It was some of the most comprehensive science based research ever done on those two species. They utilized same resources we do—best science/literature/studies available on specific affects of harvest on populations and using those to drive population up/down/stabilize.

Commissioner Salazar: Have we ever reached our sport harvest numbers by being cut off early on bear/cougar?

Jim Lane: We have shut zones down prior to sport harvest limits being reached. It's impossible to reach limits because we cut them off at 10% under limits, so you can't get there. The second reason is our cougar management zones will never reach those limits. Now begs the questions, why are we proposing an increase? The proposed increase is needed in some zones to start managing those populations. It's an overall statewide increase, some zones being shut down prior to our reaching management goals.

Commissioner Salazar: Would a mandatory hunter I.D. program help sportsmen get that sportsmen's harvest number down instead of cutting it off all the time? We're taking too many females, so we're cutting off the boar numbers.

Jim Lane: The mandatory I.D. is designed for hunters to distinguish between male/female and to limit the female take. It has worked in other states and I think would work here.

Commissioner Salazar: We need to come forward with that to help bring that number down and provide more sportsmen's opportunity.

Commissioner Fonay: Do you think that'd be helpful on both lion/bear? Identification of bear is somewhat difficult, correct?

Jim Lane: The bear component of that is tougher. I'm not aware of any mandatory bear I.D. courses that have shown to be successful.

Commissioner Fonay: The one you've seen successful is I.D. on mountain lion, right?

Jim Lane: On cougar, yes, sir.

Commissioner Salopek: Can you explain the matrix on 10% shutting down a hunt?

Jim Lane: Our matrices, which are online, are designed so that cougar/bear hunters know they need to call our hotline before they go hunting once the season starts to make sure the zone they're in is open for hunting, and harvest limits have not been reached. It's been very effective at limiting any harvest over what we think was sustainable. To do that, when a harvest level including road kills/depredation reaches within 10% of that maximum limit, we then put the message out that that zone is closed. We do that for the female component also. The harvest limit is ten females within a zone and once it reaches nine, we shut it down.

Commissioner Salopek: Under the old system we had six zones, now we have nine, if some of these zones meet it, then the whole state gets shut down, or you still take zone by zone?

Jim Lane: Zone by zone or the total harvest limit which is going to be zone by zone.

Vice-Chairwoman Buffett: On total mortality over the 20 year period on bear, the spike in 2002, went down quickly. What was our percentage of take leading in those years when we had such a spike in mortality?

Jim Lane: In 2002 there was not a harvest limit in place, so it was unlimited harvest.

Vice-Chairwoman Buffett: Then the Commission enacted a policy to put limits in place?

Jim Lane: The Commission put limits in place based on sustainable harvest limits and total population estimates, but prior to that, species was not managed like that.

Vice-Chairwoman Buffett: You mentioned an error in the Le Count model. Have you corrected it? Have you been able to consult with Mr. Le Count about changing his model? I'd feel more comfortable if a peer reviewed. I'm assuming the owner of that matrix says yes we're in agreement that there was a mathematical error and our numbers track now, or no, we don't agree, I stand by my model. I'd like to know which one it is.

Jim Lane: When we talked to Al Le Count about that model, he unequivocally stated that he didn't build that model. He provided the math from the NM Bear Study to Dennis/Jan Hayes at their request. He reviewed that study and gave them mortality rates to plug into a model. We talked to Al about that and he agreed and said he's not a modeler but what we did do after we did the internal review and broke that model down and tried to figure out why it wasn't tracking with ours and found the mathematical mistakes and sent it out to other experts within the nation, and had them review our work to make sure we were accurate in our assumptions/corrections. We have received concurrence that our assumptions are right and the corrections we made were accurate.

Vice-Chairwoman Buffett: Regarding bighorn sheep and increasing hunter opportunity for bighorn sheep, the Department in August, 2005, told us that it's never been the Department's intention to continue with lion control in bighorn sheep areas. These are temporary measures to ensure that these populations get above the threshold they need to sustain themselves. It's always been our intention to back off lion control in these areas once we have enough sheep to be able to do that. If we're at a point where we're about to delist sheep, it seems like we're at a point to do that.

Jim Lane: I'd disagree. We just reached a threshold. We have populations that don't have the number of lambs/ewes we'd like to see on the ground each year, but we'd like to feel confident that it's going to continue to grow. With those herds, prudent management would dictate that we continue cougar control into the future, not forever necessarily, but certainly until we know that they can handle that cougar take on the ground.

Director Stevenson: What you're referring to is when we approved our bighorn sheep management plan it has specific thresholds and that's what Mr. Lane is talking about. We're not talking about doing beyond that, but there are various thresholds for various population levels, some of them with continued cougar control, some with reactive control depending on where those thresholds/populations are. This recommendation is consistent with that.

Vice-Chairwoman Buffett: How will we know when we're at a point where we can pull back?

Jim Lane: Yes, we have specific thresholds.

Vice-Chairwoman Buffett: On the teeth issue, was there a section on teeth analysis?

Jim Lane: We have the bear age which is done from tooth analysis.

Vice-Chairwoman Buffett: Sorry, I was on cougars.

Jim Lane: We do not have that data. We've got two years' worth of teeth being analyzed, we just don't have the data back yet.

Vice-Chairwoman Buffett: In 2006 the Commission ordered the Department to start collecting teeth analysis so that we'd understand the demographics of the cougar population. In 2008 we asked how that was going and we were assured by the Department that we'd start seeing that data. It's now four years later and we still don't have that data. Why?

Rick Winslow: We've analyzed two years' worth of harvest of female cougars and we came up with an average age of females taken under three years essentially to the breeding age which is where we want to see that. Younger aged females don't contribute to the breeding essentially and we're harvesting younger aged females than older aged females.

Vice-Chairwoman Buffett: Those points of data are being considered in increasing the quotas?

Rick Winslow: Certainly.

Vice-Chairwoman Buffett: When will we be able to have a full report on tooth analysis?

Rick Winslow: Since we only have two years of data and those aren't particularly large, I'd like to wait until we get the results from the last two years' harvest also. That way we'll have something that's more comprehensive and more data because the data set right now is frankly very small.

Commissioner Salmon: In a paper on bear population management by Sterling Miller, which you've referenced in some of your matrix work, he comments the consequences of error in managing bear populations is high. Bear populations that are inadvertently reduced to lower levels than desired will require many years to recover. I agree with your upping bear take from 7% to 10%, but there's quite a spread in the population matrix between the low/high estimates. Would it be prudent to take 10% of the lower estimate rather than the mid or high estimate? Has that been considered?

Jim Lane: I hear your concern. I believe the Department's recommendation is based on (a) very conservative density estimate in most parts of the state already; and (b) based on the best science we have available. We can talk about that and consider it, but I'm very comfortable with our recommendation as it stands.

Commissioner Salmon: On the possibility of a spring season for dogs, it's apt to be controversial. I advise caution that we don't stir up a hornet's nest against the use of dogs which has been banned in recent years for bear and/or lion in Colorado/Washington/Oregon/California. It's hanging by a thread in Florida, and I'd like to see the sport continue. On cougar, if the available take is 1,100 and we've never gone over 200 take per year in recent years, how much would you expect that to change with these new regulations?

Jim Lane: I wouldn't expect the harvest to greatly increase. What I would hope to see out of the recommendation will be increased harvest in some very specific zones, and to distribute hunting pressure to where some zones would actually have a higher harvest overall than they have been otherwise due to new zone limits.

Commissioner Salazar: I'm not in favor of that spring bear hunt because of some of those issues with the dogs and keeping them away from the female bears. I think it's a difficult situation and I would not be in favor of that type of thing. After saying that, I know that in the Valles Caldera. There is not currently a hunt up there, is that correct?

Jim Lane: Correct.

Commissioner Salazar: That proposed spring hunt that you have if targeted specifically without dogs, I think boars would be a good area to try something like that and get some results to see exactly how that hunt went.

Jim Lane: There certainly is opportunity for research with that spring hunt. It's something we're very interested in pursuing.

Commissioner Salazar: I'd like to see that but I don't want to see that statewide until we get some idea of how this thing goes. I think that would be a good opportunity for the Department to get more information.

Public Comment:

Dennis Hayes: Al Le Count about six years ago provided the data as described. Three versions of that compilation were done. There was an error on the first one. I didn't know of this supposed error until about 30 minutes ago. I'll try to make the point that all of these projections over ten years are very low confidence calculations. I'd appreciate the slide be changed to read Bear Watch Modified because I haven't had a chance to look at something that's essentially got my name on it. I'd appreciate a professional courtesy call so that I could see whether or not I agree with the errors.

Chairman McClintic: 243 people want to talk, and the solution this Commission came up with is that four groups will represent each side of this issue. We'll give six minutes to those four. Each side decide who would be their best spokesperson. There are people that travelled from all over the state to come and talk about this issue, and not involved with these groups/meetings. I'm going to give 15 of those people an opportunity for three minutes. We're not voting on this issue. This is strictly for discussion, and in fairness the same thing with the side that believes that we aren't harvesting enough cougar/bear. Outfitters have a spokesperson and the same with four people that are on the side that we need more bear/cougar control. We'll pick by raising hands.

Edward Lyle: There's no concrete scientific evidence to determine the amount of cougars in the state. My numbers is a three-fold increase in the current amount of kill as to what's proposed for the next year. I called the Department and they didn't dispute these numbers. I oppose this because over the next four years there will be approximately 743 bears or 318 females. I'm in favor of keeping the quota as it is especially with cougar when we don't have clear cut comprehensive scientific evidence to support a three-fold increase.

Larry Caudill: Killing more bear isn't necessarily the answer. Secondly, all habitats are not created equally. This high number of estimated bear in Tod Stevenson's editorial in the Journal last week says they still don't know how many bear we have in the state.

Leonard Olmstead: I also have doubts about the accuracy of population estimates arrived at by bear habitat. Bear habitat is steadily decreasing because of development particularly in the Manzanos/Sandias. A secondary Department index was the amount of incidents. This does not account for other variables.

Chairman McClintic: Now the other side—anyone who believes we've got overpopulation of bear/cougar.

Tom Klumker: I'd like to see Department reinstate the year long lion hunt on the San Francisco River Canyon/Rocky Mountain Bighorn sheep unit.

Mick Chapel: I'm outfitter/landowner. I support a spring bear season but the reason for it would be to eliminate boars that are in the bear habitat.

Chairman McClintic: Commissioner Fonay will pick the side against the increase in quota the Department is recommending.

Patience O'Dowd: I'm with the Wild Horse Observers Association. The issue here is unconscious civic planning.

Phil Carter: I challenge the Department's characterization of these cougar regulations as conservative. I urge precautionary principle on the Department's part on these cougar regulations because cougar populations are difficult to measure/estimate. I also challenge the conclusions that the Department has acquired from the Anderson/Lindsey study of the stable harvest of 25%. Anderson/Lindsey was conducted as a single experiment in Wyoming's snowy range and in the actual study they urge caution about using the study.

Raymond Moore: I do not support the proposal to increase the amount of mountain lion/bear in NM. It's our feeling that research conducted is inadequate to completely support such a large increase in harvest over the next few years.

Representative Kathy McCoy: I represent District 22 which encompasses East Mountains/Edgewood/Placitas/Sandia Heights. Much of the bear problems have been in my area so I wanted to weigh in on this. I've gotten enough calls. It's been my experience in government that one isolated incident and in this case one bear season is not a good basis for changing policy. Government officials frequently jump on the bandwagon to fix things which in many cases are nothing more than an anomaly/rare occurrence. Because of significant media coverage, I'm concerned that what's prompted this dramatic change in policy is simply an anomaly and from what I can tell decisions have been made without empirical evidence/without regard to the unintended consequences/without having a thoughtful fact-based discussion.

Chairman McClintic: I take exception to one thing you said. You say we haven't interacted, and we haven't tried to get input, that's wrong. We've had these meetings at a lot of expense/time to the Department, and we've tried to get all sides and talk to everybody about this, so give us some credit. We've gone way over/above on this.

Representative Kathy McCoy: I understand/agree with that but what's happening is that the discussion has been based on incorrect assumptions in some of the studies that are being used.

Chairman McClintic: We have schooled biologist that come to us with these numbers, and if we didn't believe in what they believe, then they shouldn't be working for the Department.

Senator Sue Beffort: I feel that we are getting a fair hearing and I hope that when you're finished with this you will go back and look at both sides. The facts are probably somewhere in the middle so I appreciate the opportunity. I did hear the quotas have not been met in the past. I think that's a significant issue that it's possible we then go after some very intellectual changes and maybe better ways of meeting the quotas and in the end that if this well-read process and this Commission decides there needs to be some change that it be incremental.

Representative Candy Ezell: Any decision made by this Commission has to be dealt with, with common sense and based on sound science. Sound science is what we're asking for.

Chairman McClintic: Now the side that thinks that we're not harvesting enough bear/cougar.

John McKinney: I agree with the Department's proposed changes.

Jim Frost: I'm Chair to the Torrance County Commission. I support the Department's proposal and I know that people that've worked on the surveys know what they're doing.

Laura Schneberger: Science is the only way to determine whether or not to move forward/backward in management of wildlife.

Chairman McClintic: Now those against the bear quota that don't have a representative.

Cal Yeager: I'm a scientist. The Department has not provided the Commission with the necessary information to make an informed decision. I'd ask the Commission to take all the factors and re-evaluate so you can make a decision.

Katherine Bowman: It's mean/cruel and it's not up to us to play God and a lot of people are going to hurt the bears and a lot of people aren't going to give a damn if it's female/male and they're going to kill females when they shouldn't.

John Sparr: I'm a board member of Wild Earth Guardians. I think all of you would agree in scientific principle alone, if you care for bears/cougar that that is the most intelligent way of dealing with this. Let's make sure we've got the proper science before we go ahead.

Chairman McClintic: Now the other side in favor of the increased population.

Rick Simpson: I'm now a licensed NM outfitter. We have many people who do not want to see a single one of these animals harmed, but when a child gets killed while waiting for a school bus who's going to raise their hand and say they'll take responsibility?

Mike Reed: I've been guiding bear/lion hunts for about 30 years. As far as lions, you kill a lion tonight, deer can rest easier tonight. A spring bear season with no hounds is like no bear season at all.

Robert Holloway: There are areas where there are too many lion especially in populated areas. In the national forest where we have public lands, those areas could be addressed and increase lion harvesting.

Chairman McClintic: Now the side that thinks we're going too far.

Jean Ossorio: Four years is too long given the fact that there appear to be uncertainty about the nature of the science behind these proposals.

Mary Katherine Ray: We need to be careful interpreting what amounts to anecdotal evidence. I'm concerned about the Department not having analyzed the teeth data for cougar. I'd like the Department to use caution on so drastically changing the quotas. I'd like to see better science.

Carl Rudnick: If you feel that there's any remote possibility that this change could result in decimation in the population, this directly affects your livelihood and/or your ability to hunt and you need to demand checks/balances be built into this proposal, that there be an ongoing evaluation of data that there be an ongoing ability to change the harvest limit numbers.

Chairman McClintic: Now we've got people on the other side in favor of the Department's recommendations.

Robert Anaya: I'm a Santa Fe County Commissioner [term begins Jan., 2011]. I support the Department however it comes out, and I'd encourage that if this passes, re-evaluate it constantly because that's your obligation/responsibility as a Commission.

Mike Anaya: I'm a Santa Fe County Commissioner. [term ends in Dec., 2010] Staff are the people that are out in the field and know.

Barry Lucas: I'm from Cimarron. I'm in support 100% of the proposed changes to the bear/cougar hunts. As far as dog use goes, without traps/snares which are illegal in NM, dogs are the only tool we have left to keep lions/bears in check.

Chairman McClintic: Now we've got three people on the side of we're over populating and don't want us to increase the limit.

Peggy Norton: I'm from Mountainair. My first objection is to the rule change from 2-4 seasons. While the Director said the Department would look at results each year I think there's more validity to the process if the Department needs to be accountable to the public. I object to the increase in cougar mortality limit.

Ann Lewis: I don't think it's right to hunt any animal in the springtime when it has babies. I don't think people should respond to birdfeeder calls.

Marlena Calderon: I'm a resident of Cedar Crest. I'm here to give voice to a petition that has 800 signatures and more will come in. Everyone that signed this petition I believe opposed the proposals. I believe that oversight is dismissive of the views of the people that signed this petition.

Chairman McClintic: We had a large amount of people wanting six minutes to speak so we're allowing these three people a chance to speak.

Mike Netharius: I'm a houndsman in Silver City. I support the proposal the Department has put together. Through the presentation it was stated that we have been managing the population conservatively and the results of that are evident on the ground. It concerns me that we may choose management statewide based on comments that are focused around the Sandia's.

Richard Orona: I'm from Los Lunas. I applaud the Director/Jim Lane/Department biologists for the job they've done in collecting science/data/facts on the bear/cougar populations. I fully endorse their recommendations.

Carolyn Nelson: I'm a rancher's wife, and I work for the Reserve schools. It's going to pull all the programs from the schools, people from every direction will come in, and say that's wrong. This is a step towards pulling those programs from the schools.

Chairman McClintic: Now we're going into our four and four on each side.

Jan Hayes: The Department stated reasons for this increased hunt as overpopulation/hunter opportunity. Bear Watch was never taken an anti-hunting stance. We realize hunting helps cull excessive animals, but this proposed hunt isn't about reasonable management. Homeowners continue to leave their garbage unattended, bird feeders, cat food cans for feral cats, consequently, bears continue to come down into our neighborhoods and we'd like to see the Department get tougher and start ticketing these people.

Charlotte Salazar: For human safety and in order to restore balance to NM's ecosystem, as the mother of a cougar attack victim, I support in full the proposed changes to the bear/cougar hunting rules presented here today.

Dennis Hayes: Do you have an opinion that the bear is a predator?

Chairman McClintic: I haven't thought about it much.

Dennis Hayes: I'm not a biologist but I don't regard bear a predator in the same way as cougar. I found uncertainty inherent in the method I checked and all these methods are plus/minus 2,000 bears. It undermines the use of these kinds of population estimates for these purposes. This is a typical difficulty with long-term projection you find in fields outside of biology. Errors associated with these computer projections are quite large and I'm not sure that any disagreement and they're all within these gigantic plus/minus limits. In all three of these coordinates percent of kill/population/harvest limit/tight error bands attrition has gone to the maximum and I think those ought to be managed much more near the minimum of those confidence limits.

Debbie Hughes: I'm Executive Director for NM Association of Conservation Districts. The Soil & Water Conservation Districts have passed a resolution that actually encourages the Department to manage predators. If we don't control predators we're not going to have ranchers out there and not be able to make a living. I've got a copy of the resolution I'll be sending for the record.

Wendy Keefover-Ring: I represent WildEarth Guardians/Sierra Club-Rio Grande Chapter/Animal Protection of NM and our collective 25,000 members/supporters. We vehemently oppose the Department's proposals. We oppose the Department's idea that you can take 25% of cougar population and that it's sustainable. Essentially what we have in this proposal is the suppression of the entire population in NM and we ask you throw it out.

Robert Espinoza: I'm Executive Director of NM Sportsmen for Fish & Wildlife representing our several thousand members in the NM. We support the increased quota on bear/cougar predator control and I will stand up and say bears are predators. We support the Department and their data. We hope the Department strongly considers keeping bear/cougar quotas as presented.

Craig McClure: I'm President of the Black Bear Bureau, formerly with USFWS. I have over 1,000 signatures here and there are another 1,000 more routed via our website. Three years ago the population was said to be about 5,000-6,000. Mr. Lane told me that it's about 5,000-6,511. That's about the same population as 4-5 years ago and what concerns me is that we took 238 kills at that time and now we're looking at twice that many. To double the kills in that short period of time says one of two things—either bears were really severely mismanaged over the last five years or we're about to make a big mistake. Of those two choices, I think that the one that's most reasonable is to continue a slow, gradual process of looking at the numbers and every two years tweaking what we need to tweak to do that because four years is a long time when you're doubling kill numbers.

Garth Simms: I'm Executive Director of NM Council Outfitters/Guides. I'm representing Sportsmen/Landowners Coalition. Bear hunting—we support the increased harvest levels as proposed by the Department; we also support opening a spring bear hunt with the following possible changes: to allow hunting with dogs in the spring which will minimize killing sows and also should make bears more people wary just before the upcoming summer boar season. We'd like to put the spring hunt though instead of it being open season to put it on the standard 7/8/22 split draw with some kind of quota and leaving the rest of the bear in the target amount the Commission/Department have set for hunting in the fall. We'd also like to institute after the two-week hunting season in April a two-week pursuit only season in which people want to take bears but would like to be involved in the sport of houndsmen's activities of being able to pursue those bears without taking them. Bear/lion we'd like to open up the wildlife management areas to be managed probably their unmanaged areas not really management areas. Appreciate the Department developing data on the mortality rates on elk/deer, calves/fawns from bear. Would like depredation bear/lion problems not be counted against the quotas when they're removed by the Department, and also that when female quotas waste in both bear/lion that we go ahead and continue to allow hunting with dogs only with the stipulation they only take males. Would like to have those hunting/outdoorsman opportunities available and reach some of those targets about reducing populations. We encourage the Department to gather as much information as they can from other states so we can make that decision in the future. For the record, 12 organizations developed this proposal: NM Houndsmen's Asso/Cattle Growers Asso/NM Wool Growers/NM Sportsmen for Fish & Wildlife/Safari Club, both SE/Northern NM Chapters/NM Council of Outfitters/NM Chapter of Wild Sheep Foundation/NM Trappers Asso/Farm & Livestock Bureau/SW Course % Hounds/Farm Credit of NM. [Discussion item]

AGENDA ITEM NO. 10: Summary of a Proposed New Rule for Private Land Antelope License Allocation.

Presented by Jim Lane – The Department presented a summary of a proposed new rule and public comment received to date for the Private Land Antelope License Allocation Rule.

Chairman McClintic: There are four groups here that represent most of the people. I'll pick 30 randomly out of the 240 and give those people two minutes to speak.

Commissioner Fonay: I'm not here to support Option 3, but I do want people to see if for some reason this was ever to come up that those drawn would only be able to go on private land as you pointed out.

Jim Lane: With written permission. We developed pros/cons for each of these and a brief financial analysis.

Commissioner Salazar: This open draw works in other states. Why is it such a mess trying to get it going here?

Jim Lane: The potential wreck was going from the current system to talking to the landowner community/cattle growers/wool growers/public meetings/sportsmen on both sides of the issue. Ranches currently hunting antelope will tell the Department either (a) come get your antelope, I'm not hunting anymore; or (b) slam the gate shut. I think it'd end up on the front end being a loss in hunting opportunity because of the kickback from the landowner community if we'd go to a straight draw.

Commissioner Salazar: What I see though is that this system works in so many other western states, we're one of the only ones that do this and it's because we've grown accustomed to this system. To make the change now is difficult. Proposals still

don't reach equity. Hunters sustain Department and hunting population going down so we need to look at that equity somehow. The meetings you conducted are the best I've seen this Department produce. We had broad input, well regulated, but I think these proposals still don't get there. Commissioner Fonay said we'd never impose on private rights of landowners to take away access, but still not being addressed is the equity in this thing. I'd like to see some movement toward that. I appreciate we're trying to get more objectivity with landowners instead of when we talk about SMU's, if there's an objective evaluation of those lands rather than just the subjective when they go out.

Commissioner Salopek: In NM we're looking at 6,500 tags roughly?

Jim Lane: We'd put it at about 6,000, give or take.

Commissioner Salopek: What would Montana's/Wyoming's numbers be?

Jim Lane: It's much higher. In Montana there were 10,000 female and mature tags that were given out when we went hunting in one unit.

Commissioner Salopek: In one unit? In NM we don't have enough antelope to be able to hunt and then you look at private property. We've looked at elk/deer and everybody has had input. Some people ultimately will not be happy with what this Commission does, but to me it's a private property issue and I'm not saying the landowners are getting compensated, but when they're eating there that plays more.

Commissioner Fonay: I ask the audience by show of hands who feels they have reasonable understanding of the public trust doctrine and the concept/working knowledge that wildlife is held in trust for benefit of the public? A vast majority. I recognize we cannot as the Commission/Department manage public wildlife without the strong help/support of private property landowners. Working with ranchers they have been good stewards with land/wildlife. There are exceptions but majority is good. As I look at this and we go to making decision, my hope is to weigh that balance that will recognize the important contribution private property owner and the antelope belong to the public.

Commissioner Arvas: Between now/September 30 this Commission will pick one of options presented or a modified version of those options. It'll be equitable to both sides. Distinction is landowners are sportsmen also.

Commissioner Salmon: How much flex is there in posted rule? Is the Department still taking input over the next month, or should it go to the Commission? We could still interact on ideas we have?

Jim Lane: That is per policy. Per the Commission's policy, we will have a final recommendation for everything you've heard today on bear/cougar/A-PLUS/pronghorn/deer/method-manner/boundary/license/app. Per Commission policy we won't make any changes to the rule online after August 31, but we are open to comment until the day the Commission votes. Yes, you can absolutely interact with the Department on ideas.

Chairman McClintic: I've got seven people I'm going to give five minutes to speak. I'll pick 30 people out and give them each two minutes. I currently need a single representative for the Wildlife Federation that wants to speak.

Public Comment:

Jeremy Vesbach: I'm with the NM Wildlife Federation. The basic issue is that we have less than 50% antelope licenses going to residents. We want to see some forward movement. We want to see some leadership. We want to see parity with other states eventually, but we need to get started. Bow hunts are on a straight draw, as are our mobility impaired hunts. I'd suggest you also direct the Department not to eliminate the ability to do youth hunts on a straight draw then go back next year with a plan to apply for the access program.

Robert Espinoza: I'm Executive Director for Sportsmen for Fish and Wildlife. We support Option 1. Probably the primary reason is it lays groundwork and sets forth everything in black and white. The landowner now knows what he's going to get, sportsmen know where they're going to go. The Commission as well as public/sportsmen groups, we have a responsibility to manage our wildlife on a moral level for not us, but for future.

Garrett VeneKlasen: I'm President of Back Country Hunters. Option 3-A honors the legacy of the North American Fish and Wildlife Conservation model.

Caren Cowan: I'd like to speak for the sportsmen/landowner coalition, and guides/outfitters. Sportsmen/Landowner Coalition support Option 1. We totally oppose Option 3. We believe changing A-PLUS GMU's to existing big game GMU's, not present A-PLUS units and make the draw GMU specific, instead of multi-unit. Ranch only tags will be good on assigned ranches the first day of the hunt, after that date tags may be used on any ranch in the GMU with prior written permission from the landowner containing the Department's I.D. number. The Department should not establish any sort of antelope program that does not include landowner authorizations for private landowners who provide the habitat and water for antelope and all other wildlife. Maps must be provided to hunters clearly designating where they may hunt. Any deviation from this map should constitute knowing trespass. Additionally, we'd hope the Department would work with private landowners to strengthen the trespass laws so law abiding hunters can enjoy the benefits of hunting or those who ignore trespass laws are appropriately prosecuted. Landowners should be able to provide a simple affidavit of ownership to enroll instead of A-PLUS. The preferred hunt structure would be two rifle hunts public land the first three days, private land any three days out of a consecutive 15 days; bow hunts nine days; mobility impaired three days; muzzleloaders four days. Landowners who sign up for A-PLUS should know at the time they enroll based on the herd numbers from the prior year how many permits they may be entitled to subject to terms in the

agreement with the Department to adjust the number based on herd biology for the current year. Agreement should allow all landowners to review permit numbers with the Department to justify adjustments in numbers. Establish herds in areas that don't presently have antelope and establish what sportsmen/hunters/ranchers can do with private resources, people in vehicles to help transplant animals and enhance population. Members of the coalition are Cattle Growers/Wool Growers/NM Sportsmen for Fish and Wildlife/Safari Club-SE/Safari Club-Northern/NM Council of Guides-Outfitters/NM Chapter of Wild Sheep Foundation/NM Trappers/NM Farm and Livestock Bureau/SW Coursing Houndsmen/Farm Credit.

Bebo Lee: I represent the NM Federal Lands Council. Carlos Salazar also asked me to speak for the Northern NM Cattle Growers. Our opinion is that the Department has the authority to do the biological surveys and adjust the permit numbers however you want them, and to do the ratio between the public/private lands. We believe you have those so we don't understand why you need the change, so we don't support any of the changes.

Jim Bates: I'm representing SW Consolidated Sportsmen. As member of the task force, this is fundamentally about private property rights in relation to public trust rights, or public ownership of the resource rights. We have to determine what the compromise position is between those two non-necessarily opposing, but somewhat opposing philosophies. They want control over a certain number of permits for their families/friends to use on their property. They want control over access of those individuals that go on their property. They want economic rewards they get now from selling those licenses. How do we get to a point where instead of letting those permits go to non-residents because they're willing to pay the price, to where we basically as residents, we're willing to provide the incentives they want as landowners so that you'll agree to let resident sportsmen use those permits in the distribution that needs to be?

Burt Ansell: I'm President of NM Cattle Growers. The NM Cattle Growers totally opposes Option 3.

Representative Ezell: My husband and I operate a 28-section ranch west of Roswell, 68% of it is deeded. If Option 3 is enacted, private landowners will continue to feed/water the state's wildlife. That's a good thing because if you force all hunters on public lands, there won't be any wildlife left on public lands. Wildlife will be on private land and you're going to have some pissed off landowners to the point that the public will no longer have access to the state's wildlife, and in my opinion, Option 3 is not an option at all. I support Option 2 which is no change to the current system until such time as the Department can provide actual numbers so the public can make an informed comment on Option 1.

Chairman McClintic: We've got Options 1, 2, and 3, and we've got four different scenarios for Option 3. I don't think there's anybody on this Commission/audience that hasn't gone crazy trying to figure out better opportunity for resident sportsmen. At the same time I don't think there's anybody on this Commission that doesn't believe in private property rights, and that they have the right to control access to their property. With that I'll pick randomly pick 30 people, give everybody two minutes and voice whether you like/don't like any of the ideas.

Public Comment:

Nikki Hooser: I'm a rancher in northeastern NM and I'm in favor of Option 1.

Sam Britt: I'm a lifelong cattle rancher. I came to plead the case of cattle ranchers from northeast NM. If I don't go along with this proposition or Option 3, do I still have to have a hunt? What should I do with your animals?

Chairman McClintic: It's your private property and if you don't want anybody on your property to hunt, that's your privilege.

Ron Hammond: I'm from Santa Fe. We need an equitable system so that NM residents get the majority of permits.

Tony Romo: My perspective is a suggestion. There's been a lot of discussion. One thing there's agreement on and that's that the farmers/ranchers in our country accept abnormally low rates of return on any given year for the hard work they do, and we're headed increasingly into an operational/terms of prospects for disposition of properties financing environments where banks and traditional banking financial institutions are increasingly not there.

Joe Culbertson: I'm a Harding County rancher. One of the first things I see with the options in the Option 3 is that it's a policing problem.

Rob/Lisa Holloway: We're with the Children's Outdoor Adventure Foundation. Our foundation creates outdoor adventures for children with physical disabilities or if they have life-threatening medical conditions. We oppose Option 3.

Brad Christmas: I'm a third-generation rancher from Wagon Mound. I support Option 1 or Option 2, Option 1 being my preference, but I'd like to see the Department work out the mechanics.

Ray Trejo: I'm an educator from Deming. I'm in favor of Option 3 because the Open Gate Program/Ranching for Wildlife are something that will help landowners receive dividends they need.

Darrel Tow: I represent youth of NM. I don't have a choice but to go with Option 3 because other options don't work for children I work with.

Kim Chesser: I represent Chaves County Commission. We oppose Option 3.

Patrick Reilly: I'm a rancher/ranch manager in northeastern NM from Clayton representing myself. I absolutely support Option 2. I urge the Commission to support Option 2, A-PLUS System, but maybe look at the draw system itself and enhance that.

Larry Bedford: We got a place east of Santa Rosa. I'm totally against Option 3.

John Diamond: With Option 3 next comes elk tags. Once you start doing away with landowner tags next is to do away with landowner elk tags.

Jason Amarjo: I support Option 3.

Jim Hyatt: My family has been in Luna County for over 100 hundred years. I could never support Option 3. I'm confused about the other options. Until I do understand it, I'd just as soon leave it as it is.

Mike Hobbs: Each water well we put in costs us \$6,000-\$12,000. In the last three years we've put in 54 water wells on 270 square miles of country. Do we mind the wildlife using that? Not at all, it's part of the benefit, but there's a constitutional issue here. For the first time in a long time a Commission/Department/Director have their heads on straight, let's do our best to work in good faith with one another to come to a resolution.

Greg McReynolds: I'd like to address comments that Option 3-A is an attempt to tell landowners who to allow on their property. That's disingenuous/dishonest. Landowners always have the right to deny access to private property and Option 3-A does nothing to inhibit that right.

Ed Wagner: I've been in NM 22 years. I'm not an absentee landowner. The logistics of trying to manage the access fees and guided hunts for public permits on my land is cumbersome/complex. I have to spend all my time standing at my gates. I will simply shut down the ranch. This is not an idle threat, and I'll stop hunting, sell/subdivide the land, and take it out of the wildlife habitat. My suggestion is absolutely no to landowner permits. Just use your existing system and go to 50/50. It's ridiculous that it's 20/75. Give people more, give them 50%. Piss off both the landowners/public.

Jack Diamond: I'd like to ask Jeremy if the Wildlife Federation is going to go after the elk permits next? If you get rid of the elk permits, you're going to open up a can of worms just like you are here. We will shut off/we will tell you to remove all elk from all private property because if we're not compensated for them being on our private property, we want them off. This landowner system you have is the fairest system in the western states. Why are we going back? It's amazing to me that you'd even consider Option 3. Is that what you really want? This is just the start of that. They've just gone after the antelope because they don't want to attack elk right now. The elk is right behind it.

Larry Bond: As far as the Bond Ranches north of Carrizozo, south of Corona, we've been doing antelope hunts for 30 years. Option 3 is definitely out. Option 2 is what we have now. I welcome any opportunity at all to work with the Commission/Department to help make new decisions in the future.

Michelle Frost: I represent myself, and NM Wool Growers. We need to provide what's here and uniqueness NM provides for our residents. For that reason, we support the proposal from Sportsmen/Landowners Coalition.

Oscar Simpson: I'm speaking on behalf of myself. The Department's late submittal/modification of Option 3 doesn't meet your own requirements for 30 days posting. I suggest you direct the Commission to take off options 3-B, C, and D because it didn't meet the 30-day comment period. I support Option 3 which has been modified to Option 3-A.

Vice-Chairwoman Buffett: Can we hear from the Director?

Director Stevenson: We've continued to modify this. I'm not going to disagree with Oscar that Option 3 was laid out, but that was not necessarily the only thing that was discussed at public meetings. It was a combination of different things that were built out of that.

Jim Lane: We discussed Option 3 with the task force that it'd be a straight public draw. I find it curious that in the public meetings I attended and Mr. Simpson attended one of the criticisms among hunters was that we had not provided analysis of Option 3. Certainly with the Commission's policies in place we have routinely modified some of our recommendation given public comment during that first 30 days. It gets locked down the last 30 days. I don't see it as a policy violation, but rather trying to provide exactly what sportsmen of the state have asked us to do.

Larry Caudill: I'd like to see something in the system that provides for mandatory allowance for animals to move back and forth. It'd also be a good idea to have an extended antelope season whereby you could have some way to get away from bad weather that washed out the hunt, and from the circus hunts where you compress all the hunters into a two-day hunt. It's a detriment to a quality hunt. I'm looking for something that would save 15 days with a day in between three hunts, or ten days, three-day hunts with a day in between, some way to extend the antelope hunt and provide for a quality experience, but we do need to try and change the existing system.

Joel Gay: I support Option 3-A because I think it can work in NM. It's simple, leaves it up to the hunter to negotiate access, it'd cost far less to manage for the Department, and it'd be transparent to the public. It'd increase hunter opportunity which is an issue that's been raised quite often. The state should compensate landowners for having wildlife on their land and allowing public hunting of their land, but they should compensate landowners with cash, not with licenses. I believe Option 3-A is the way we should go because we need a major overhaul of antelope regulations.

J.J. Archuleta: I totally support Option 3-A.

Richard Caudill: You've got to figure a way to compensate ranchers and finance the Department, figure out how to get 78% of the permits to residents. I can't support any of them.

Tom Klumker: Like Jack Diamond said, we've developed the envy of the western U.S. in our landowner permit system.

Mike Gill: I'm a sportsman and represent myself. I support Option 3-A.

Chairman McClintic: We're not going to vote on this until September. We're going to try moving in a direction where everybody can say it's not what we want, but it's something we'll live with for the next year or two. [Discussion item]

Director Stevenson: Items 12 through 14, I'm looking at the Commission for a recommendation, but we have had those posted. Essentially those are amendments to pronghorn/deer/boundary/wildlife areas/hunting/fishing application/manner and method of taking rules. One way we might be able to do that is have Jim go quickly if there are specific things we're looking at modifying from years past. We could do that rule by rule, or do a quick summary and then see if there are major comments rather than wasting time.

AGENDA ITEM NO. 11: [PASSED OVER] General Public Comments (Comments Limited to 3 Minutes).

Public Comment:

AGENDA ITEM NO. 12: Summary of Proposed Amendments to the Pronghorn Antelope Rule (19.31.15, NMAC).

Presented by Jim Lane – The Department presented a summary of proposed amendments and public comment received to date for the Pronghorn Antelope Rule (19.31.15, NMAC). **[Discussion item]**

AGENDA ITEM NO. 13: Summary of Proposed Amendments to the Deer Rule (19.31.13, NMAC).

Presented by Jim Lane – The Department presented a summary of proposed amendments and public comment received to date for the Deer Rule (19.31.13, NMAC).

Commissioner Fonay: What was the reason for elimination of the January bow hunts?

Jim Lane: From quality, many of those go under subscribed, so that was the reason for that. **[Discussion item]**

Public Comment:

Mick Chapel: On problems with Unit 6-C in the Jemez, if the Department will take an active role and encourage the U.S. Forest Service to minimize those roads, you'd see an interesting/profound change.

Jim Lane: The Department is actively working with Forest Service on the travel management plan for that area.

Ed Wagner: I have a handout for everybody from Tom Klumker. He had to leave.

AGENDA ITEM NO. 14: Summary of Proposed Amendments to the Following Rules – Boundary Descriptions for Wildlife Management Areas (19.30.4, NMAC), Hunting and Fishing License Application (19.31.3, NMAC), Hunting and Fishing - Manner and Method of Taking (19.31.10, NMAC).

Presented by Jim Lane – The Department presented a summary of proposed amendments and public comment received to date for the following rules – Boundary Descriptions for Wildlife Management Areas (19.30.4, NMAC); Hunting and Fishing License Application (19.31.3, NMAC); and Hunting and Fishing - Manner and Method of Taking (19.31.10, NMAC).

Commissioner Salazar: This was the unanimous vote before working with the different populations to break out a portion of 6-A and give it to 6-C to try to provide more equity for the landowners in that area. We anticipated unifying that area after we developed quality so I was disappointed that'd changed in my absence. I hope we have a commitment to unify that unit at some point.

Jim Lane: Our management goal for 6-C is to increase herd quality to a point where we'd look at unifying 6-A and 6-C into one unit. We're reluctant to go down that road until we get that herd quality up to where it needs to be.

Commissioner Salazar: I'd like to see a plan at some point at how we're going to go about doing that and see some definite reporting to the Commission.

Jim Lane: The proposal adopted is the first step toward doing that. We'll come back with recommendations once we get there and keep you up to date.

Director Stevenson: We did discuss at several public meetings. That was the preference of the public. We put it out there as clearly as we could and advertised the meetings around that. That was our ultimate recommendation because of the amount of public support.

Commissioner Salazar: Did we specifically have outreach to the legislators/groups that were working on this?

Director Stevenson: I don't know that we went back to those specific groups, but clearly we went out with all the public meetings.

Commissioner Salazar: I'd urge the Department when we have contentious issues to seek out those groups and make a purposeful meeting to get input from them on those types of things?

Jim Lane: We're also proposing to modify portions of GMU 32 to identify two areas near Roswell/Ft. Sumner for proposed new deer hunt areas, and those would be those antlerless hunt areas that we've proposed in the deer rule. It would define the hunt areas. The proposal that you saw in the deer rule, those two split GMU 51, 51-A, and 51-B for deer hunting purposes to distribute hunting pressure. That would require change within the boundary descriptions rule and we'd associated language within the rule to accomplish this task. License and application rule: we've made references to A-PLUS deadlines and participation requirements. That's contingent upon adoption of A-PLUS. We'd take this recommendation away if A-PLUS is not adopted by the Commission. We'd remove language that mobility impaired cards expire March 15, 2007. We'd remove

language for application fees prior to 2010 because that is now behind us. Manner and Method: not much there. We want to modify the defined area for the Rio Grande recreation area to be accurate with what it actually is.

Commissioner Salopek: I had calls on 6-A and 6-C and it surprised me living in the southwest. Have we reached out to 51-A and 51-B to make sure there are not going to be contentious groups that are going to come back to us and say they didn't know about this?

Jim Lane: No, we've not made an effort to reach out to 51-A and 51-B. It was based on comments we received from folks in that area, but we have not done an outreach to discuss this boundary change, and the split of the unit.

Director Stevenson: But it was part of your public meeting around the state, including one Chama, right?

Jim Lane: Yes.

Commissioner Salopek: I was confused on the combined archery.

Jim Lane: On deer, we'd be combining the two hunts into one hunt code wherein if someone hunted in September and they were unsuccessful, they could hunt again later in the year and it'd be one draw, same number of permits that are out there now we'd combine them into one hunt code and they have an extended period to hunt.

Commissioner Salopek: So if I hunt 16, if I don't kill in September, I'll be able to hunt in January like we used to? But we're going to keep it unit by unit and not be able to go across the state?

Jim Lane: Yes.

Public Comment:

Bob Atwood: I'm with NM Council of Outfitters/Guides. On the 6-A, 6-C boundary, we were very involved in that before it was changed. We were also aware of it when it was put back into the proposed rule. We support the change back. It's an indefensible boundary. The information was out there and we were aware of it and we were involved in it.

Commissioner Salazar: I'm just saying that some of the groups that said they worked on that originally were not contacted, so they were unaware. They had some responsibility in monitoring the site as well and keeping up with the regulation. We want to be open as possible.

Kim Chesser: On doe/hornless deer hunt in the Roswell area, what dates are being looked at?

Ryan McBee: The hunt dates we're looking at were two different dates. One is on December 16 through 31, the other is January 16 through 31.

Kim Chesser: This would include all of 32?

Ryan McBee: No, it'd be a special, we drew a special map that'd be only a portion of Unit 32.

Kim Chesser: Would this be an all draw hunt, or would it be landowner?

Ryan McBee: No, it'd be an all draw hunt for youth licenses.

Art Martinez: We had community meetings in Cuba/Gallina/Coyote about doing something with that unit, either putting it back to Unit 6 the way it was or putting a different boundary to help with equality problem. In 6-A landowner permits are going for \$2,500 or more. In 6-C, they couldn't even give landowner permits away because the Department went in there and tried to kill off as many elk as they wanted. As far as us not knowing about it, we were never informed. They knew that we were part of that process by putting it back to a different indefensible boundary. The boundary for Forest Service is a legal boundary from the federal government. We were not informed that they were going to change that boundary. Sure they informed the outfitters because the outfitters were totally against the boundary change.

Chris Kovacs: I'm from Farmington. What we're doing in Unit 6 is wrong. It was working up until 2001 being one unit.

Chairman McClintic: This is a very big issue to us, and to Commissioner Montoya who was on the Commission at that time. The percentage responding to the questionnaire was 58/42 that wanted the split. One thing that I'm hearing from the Commission and Commissioner Salazar and demanding the Department have a plan to get that herd back, give the opportunity to you, and be able to combine. I'm hearing from the Department that they are definitely shooting to try to get an equitable situation.

Chris Kovacs: What was wrong with it the way it was before? Why did we change it?

Commissioner Salazar: The Commission has already made a ruling on this and we need to stay with that, but the Commission/Department have made a commitment to put this unit back and work on quality issues. One of the reasons we couldn't put it back before is because of the degradation in quality in Unit 6-C.

Carlos Chavez: We're the ones directly affected by elk. We as taxpayers have paid \$100M for the Valles Caldera. Hunting quality has gone downhill in 6-A, 6-B and 6-C since you bought the Valles. The problem is in distribution of the tags. There are property owners in La Jara with 1,000 acres getting one tag. There's someone else on the other side of the mountain with four acres getting a tag. You've got to look at the redistribution of the tags in that area. What you're doing in GMU 52 is not working.

R.J. Kirkpatrick: What he's talking about has more to do with frustrations about the elk/private land use system rule. The Department spent 2-3 years working on modifications to that rule in 2006. We recognized that what would continue to need to be work on the landowner system rule. I've not discussed whether or not the Department wants to take on that challenge of focusing some amendment work on the landowner system rule. Unit 6 is basically 80% public/20% private land, give or take. For every 100 licenses we put on the ground, 80 of them go to public draw hunters, 20 of them go to private landowners. The

other circumstance you've got in Unit 6, 6-A and 6-C are that there are significant numbers of private land holdings that are very small. Because of that, not all those landowners can get authorizations. There aren't enough to go around even in 6-C where we've had significant numbers of authorizations in years past.

Carlos Chavez: That's why I say you have to do a special survey there to get the numbers. [Discussion item]

AGENDA ITEM NO. 15: Approval of FY 2012 Operating Budget and Capital Projects Request.

Presented by Alexa Sandoval – The Department presented the proposed Fiscal Year 2012 Operating Budget Request and Infrastructure Capital Improvement Project (ICIP) Request for Commission review and approval. The Department requested final Commission approval of the budget package for submission by the statutory deadline of September 1, 2010.

Commissioner Arvas: The list you have is a prioritized list, correct? That's an important fact to consider because some of these items have been on forever.

Alexa Sandoval: That's correct.

Garrett VeneKlasen: I'm the Chair of the Governor's Off-Highway Advisory Board. Some of the chronic problems in the Jemez are due to fragmentation of habitat. You're going to see an interesting increase in elk/deer/turkey coming into the areas that are heavily fragmented with roads. The Off-Highway Advisory Board is pleased with the Department's progress and they have our full endorsement. [Action Item]

MOTION: Commissioner Salazar moved to approve the Department's Fiscal Year 2012 Operating Budget and Capital Improvement Project Requests as presented; and to allow agency staff to make technical adjustments and changes necessary to incorporate assessment rate changes provided by executive agencies after this approval, but prior to the statutory deadline.

Commissioner Salmon seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 16: Final Approval of the List of Threatened and Endangered Species Rule (19.33.6, NMAC) Developed in Accordance with the Biennial Review.

Presented by Dave Holdermann - The Department presented the final 2010 Biennial Review of the list of Threatened and Endangered Species (19.33.6, NMAC) to the Commission for prospective adoption. The 2010 Biennial Review was minimally modified to accommodate some changes to common and scientific nomenclature and species accounts. No species are recommended for uplisting or downlisting.

Commissioner Salmon: Before the next round comes on these listings, take a look at the Headwater chub which I find to be very common in the headwaters of the Gila. It's supposed to be in the Forks area and up the East/Middle/West Fork. I catch them all the time and it's the most populous fish there.

Kim Chesser: I thought a comment was submitted through the AZ/NM Association of Counties. I've got the name of that bug that was along the Pecos. I don't like the Endangered Species Act because it goes against public landowner rights. [Action Item]

MOTION: Commissioner Salazar moved to accept the Department's recommendation regarding the 2010 Biennial Review as presented to the Commission, and amend 19.33.6.8 NMAC to reflect the nomenclature changes as presented by the Department. **Commissioner Fonay** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 17: Report on Executive Order 2010-029 and Proposed Draft Modifications to the Trapping and Furbearers Rule (19.32.2, NMAC) to Conform to the Executive Order.

Presented by Jim Lane and R.J. Kirkpatrick – The Department provided an overview of the Governor's Executive Order 2010-029 (Temporary Ban of Trapping in the Blue Range Wolf Recovery Area). Proposed draft language for the Trapping and Furbearers Rule (19.32.2, NMAC) in order to conform to the Executive Order was presented. The Department outlined plans for a study to assess the risks to Mexican Gray Wolves from trapping and a determination of some methods of trapping allowed that pose minimal risk of injury as called for in the Executive Order.

Commissioner Salopek: In the amended draft the Governor puts it into effect for six months. I'd like to remove "minimum" off that draft and put it for six months.

Commissioner Salazar: I think that's there because can you accomplish this study in that six month period or is there some need for leeway on that?

Jim Lane: There's a lot of research out there both on wolves in the U.S., and on eastern coyotes. Given the research that's been done we certainly could come up with literature review and look at trap types modifications to existing traps that would minimize injury to wolves in six months. We can certainly remove the word "minimum" at your prerogative.

Commissioner Salazar: I just want to make sure you have the flexibility to do what you need to do.

Public Comment:

Ron Shortes: There's been a lot of discussion/bragging about how long people have been in NM. I was born/raised in NM. I appreciate your suggestion of taking "minimum" out of it. I'm concerned this language could be expanded to cause more problems. I realize that we're talking about executive order that you are dealing with, but for the record for Catron County I'd have to express concern for the county with all the problems we have with wolf.

Ty Bays: How many Mexican gray wolves have been harmed by public trappers?

Dave Holdermann: From the USFWS Report in 2001 we know of 12 captures involving 11 different wolves in NM. Seven of those involved captures we can assign to incidental take. There are an additional five captures. We're not sure what the circumstances were in terms of the animal being caught, and that's the record we have going through 2009.

Chairman McClintic: So you can't attest to the fact that any of the 12 were caught by a public trapper?

Dave Holdermann: What we can attest to is that seven of those were caught incidental to furbearer trapping. The information is not sufficient to assign what the purpose of the trapping actually was. In some instances, an animal would be found with a trap on it's foot and had pulled the stake so there's no way to really know to go back and reconstruct that.

Chairman McClintic: If you've got the trap you'd know.

Dave Holdermann: The purpose of the trapping could have been something other than legitimate furbearer trapping. That's a point you could consider.

Chairman McClintic: As far as you know, you'd say that seven wolves have been caught in furbearer traps?

Dave Holdermann: Correct. There was sufficient documentation where the trapper reported to the IFT (Interagency Field Team) or somebody that was involved in the wolf program so they were able to document that. To summarize again, there were 12 captures between I believe 2001 and 2009, it might have been 2000. Out of those 12 captures, there were 11 individuals. One was caught twice. Out of those 12 captures, seven we could attribute to being incidental to legal furbearer trapping in NM.

R.J. Kirkpatrick: An observation/suggestion is that Mr. Bays give the Department a couple of days next week to go and put this information together because I'm afraid we're making assertions that we don't quite fully understand true to what the question is. Some of those traps could have been people trapping coyotes that don't have to adhere to Game Commission regulations. I'd like to get confirmation from the IFT and through Dave's work that that distinction was actually made that this was a licensed furbearer trapper pursuant to State Game Commission rule or not.

Ty Bays: I don't need it now, but I think the Governor/Commission/Department need to know that information before a decision is made on this action. The public needs to know whether you're pro/anti wolf, that question needs to be answered. The Governor has requested this through executive order, I don't know whether you have any choice. People of Catron/Grant/Sierra Counties have been hammered enough by the wolf program. We're feeding them our calves.

Sandra Holland: I'm against any trapping, wolves in particular. These wolves should be listed as endangered because how many are left?

Dave Holdermann: 15.

Sandra Holland: I think 15 would certainly qualify them as endangered. I urge you to adopt a permanent trap ban within the Mexican's wolves range. I also recommend evaluating the change from threatened to endangered.

Laura Schneberger: First of all they are not threatened, they are endangered. I want to remind you that you take federal money to participate in this program so you're subject to the rules under NEPA. The number of wolves in the wild now, 42 is a minimum number of wolves yet USFWS refuses to clarify that. That's the minimum number that has been counted. I urge you to take those things into consideration.

Travis Watson: I'm a trapper from Carlsbad. How are you going to do a study? Why punish trappers when you're doing a literature study? The ban should be done away with then get the study from the fur season coming up.

John Sparr: I take exception to what was said about not meeting the quota. We should use the precautionary principle which is if we've got an endangered species like wolf, we should do everything possible to try to minimize any damage to its environment/longevity.

Caren Cowan: On behalf of the NM Cattle Growers/NM Wool Growers/NM Federal Lands Council/NM Farm Bureau/Northern NM Stockmen we understand the position you're in. We appreciate removal of the word "minimum", but we oppose the trapping ban. These animals are not biologically sound and they're not reproducing. If people in Santa Fe/Albuquerque want these animals so badly, I'd request you start a program to turn them loose in Santa Fe/Albuquerque, so let's all live under the same conditions.

Robert Espinoza: I'm Executive Director for SFW. We oppose the ban.

Dave Parsons: I represent the Wilding Institute. Mexican wolves are critically imperiled. The population has been in decline for six years and it's on a trajectory to a second extinction in the wild if we don't do everything possible to save wolves. I'm in support of the Governor's Executive Order and the study he's directed. I'd recommend to the Commission that this study be done in a science based way.

Wendy Keefover-Ring: I'm with WildEarth Guardians. I represent 1,000-10,000 of people who want to see a trap ban in the Mexican wolf range. There have been 14 wolves captured incidentally from traps. That data are in the APA petitions we filed with USFWS/USFS.

Mary Katherine Ray: I'm with Rio Grande Chapter of Sierra Club. I'm concerned when I see the Department is going to be consulting with trappers when considering what traps may/may not post a hazard. I'd like to see the Department also consult with conservation organizations. We are stakeholders. It's imperative that we allow wolves to get to the level of population that they have that influence to make their environment better.

Tom Fisher: I live in El Vado. On behalf of Landowners/Sportsmen's Coalition, we voted emphatically 100% against what the Governor is doing to us.

Jean Ossorio: I'm concerned about the trajectory in which this population finds itself. I fully support the six-month temporary ban on trapping. I definitely support doing a scientific study on the effects of trapping and the potential effects.

Kim Chesser: Chaves County has filed an official opposition to this ban. My concern as far as Chaves County is USFWS provides some of our trapping services, they told me that if there are any wolves spotted within Chaves County, they're going to have to make Chaves County stop all trapping. I'd encourage the Commission to oppose the ban.

Kaisa Lappalainen: I think the U.S. has an incredible resource in the wilderness. I hope you will not drop "minimum" because there should be a thorough study.

Susan Myerson: I'm a veterinarian. I support the ban on trapping so we can assess what affect that has had on wolves and whether we might have a more successful recovery.

Colleen Britton: I'm a trapper in the southwest. This decision that the Governor has made I believe to be a political thing. I'm against the trapping ban. I implore each of you please use only scientific facts for making trapping rules. Please do something to make the laws more stringent against people who attack us. I'd like to be able to trap lions/bears if you could consider that.

Ernie Currant: I'm a trapper. I'd like for the Commission to look at the best management practice.

Mike Goodson: I'm a fur buyer and I buy the bulk of NM's fur. When this ban goes into effect there are going to be lots of people in the southwest part of the state that lose more of their economy. I don't know the Governor's idea in doing this, but he's going to affect a lot more people than he imagines.

Mike Walker: I'm a fur trapper from Catron County. I'm totally opposed to it. It hurts a lot of people.

Tom McCall: I'm from Corrales, National Trapping Association. The last 6-7 years the Department/trappers have put a lot of effort in to develop a relationship built on trust/science/mutual respect. If you can get that fixed/rectified that'll go a long way to keep our relationship growing in a positive manner. I stand prepared to bring the full force of the national organizations, Fur Wraps the Hill which is the international organization, to get all the data available to demonstrate what traps can be used. I pledge to continue to cooperate.

Brad James: I'm President of the NM Trappers Association. We oppose the ban on trapping in the Blue Range wolf recovery area. Do bobcats/coyotes play a role in this too? Something to think about.

Vice-Chairwoman Buffett: I just want to clarify that we're opening and not word-smithing any final language tonight.

Commissioner Fonay: I have been and remain pro-trapping. I look forward to a six months' study, scientific based. I don't have any pre-conceived notion of what's coming out of the study so we can move ahead.

Commissioner Salopek: I agree with Commissioner Fonay.

MOTION: Commissioner Arvas moved to open the Trapper and Furbearers Rule (19.32.2, NMAC) for the purpose of amending the rule to ensure consistency with Executive Order 2010-029; and to conduct a study pursuant to the Executive Order to assess the risks to Mexican gray wolves due to trapping and determine if some methods of trapping could be allowed that pose minimal risk of injury to the Mexican gray wolf. **Commissioner Salopek** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 18: [PASSED OVER] General Public Comments (Comments Limited to 3 Minutes).

Public Comment:

AGENDA ITEM NO. 19: [PASSED OVER] Closed Executive Session.

The State Game Commission adjourned into Closed Executive Session, pursuant to Section 10-15-1, NMSA, 1978, to discuss matters related to litigation, possible acquisition of additional lands for conservation and habitat purposes, disposal of surplus land, and determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated regulated procedures and conduct as per 19.30.8, NMAC. If in the Commission's determination an individual was served notice, he/she were afforded an administrative hearing following 19.31.2, NMAC.

AGENDA ITEM NO. 20: Adjourn.

MOTION: Commissioner Arvas moved to adjourn. **Commissioner Salopek** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

Meeting adjourned at 8:34 p.m.

s/Tod W. Stevenson
Tod W. Stevenson, Secretary to the
New Mexico State Game Commission

October 28, 2010
Date

s/Jim McClintic
Jim McClintic, Chairman
New Mexico State Game Commission
Minutes Transcribed by: Katie Gonzales
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October 28, 2010
Date