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ROBERT ESPINOZA, SR.
Farmington, NM

PAUL M. KIENZLE III
Albuquerque, NM

BILL MONTOYA
Alto, NM

MINUTES
REGULAR MEETING
NEW MEXICO STATE GAME COMMISSION
Meeting Room A301 Hobbs City Hall Annex, 200 East Broadway, Hobbs, NM 88240
Thursday, February 23, 2012, 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 9:02 a.m. by Chairman McClintic who introduced new Commissioner Paul Kienzle of Albuquerque. Paul is a +20 year resident of New Mexico and lifelong hunter serving on the board to represent the average hunter, both private and public users. Chairman McClintic excused Commissioner Arvas' absence; he has family members suffering ill health. Chairman McClintic took this time to introduce Mr. John Boyd, mayor pro tem of the City of Hobbs and complemented him on the meeting venue and the Commission's appreciation. Chairman McClintic also introduced former commissioner Mr. Fonay.

AGENDA ITEM NO. 2: Roll Call

Secretary Director Lane called the roll:

Present: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek
Game Commission Chairman Jim McClintic

Absent: Game Commissioner Tom Arvas

Quorum: Yes

AGENDA ITEM NO. 3: Approval of Agenda

Chairman McClintic asked if there were any discussion or questions from the Commission. There being none, he asked for a motion.

Motion: Game Commissioner Bill Montoya moved to approve

Second: Game Commissioner Thomas Salopek

Vote: 5-0

Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None

Absent: Game Commissioner Tom Arvas

Abstained: None

Result: UNANIMOUS. PASSED.

AGENDA ITEM NO. 4: Introduction of Guests

Introduction of audience guests: Chairman McClintic asked attendees to stand and give a brief self-introduction, if representing a group or self. Introduced were: department staffs; Rinda Metz of Silver City, Bob Parrish of citizens habitat stamp; Cathy Coulter^(sp) National Wild Turkey Foundation, Donna Stevens, Upper Gila Watershed Alliance, *Unintelligible*, Upper Gila Watershed Alliance, Clint Chisler of Hobbs, Peggy Salopek of Las Cruces, Lloyd May of Hobbs, Brian Davis of Lincoln National Forest Habitat Stamp Program-Alamogordo, Jon Klingel of Santa Fe, John Sherman of the BLM Santa Fe, Alisa Ogden of Loving, Joel Gay of New Mexico Wildlife Foundation, Melissa Savage of Four Corners Institute, Cynthia Wolf of UNM-Mimbres, Gary Fonay of Hobbs, and John Boyd of Hobbs City Commission-Hobbs.

AGENDA ITEM NO. 5: Approval of Minutes (December 15, 2011 – Albuquerque, NM)

Chairman McClintic asked the commission if there were any changes to the minutes after their review. There being none, he asked for a motion to approve the minutes of the previous meeting.

Motion: Game Commissioner Dick Salopek moved to accept the minutes

Second: Game Commissioner Bill Montoya

Vote: 5-0

Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle

No: Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek
Abstained: None
Absent: Game Commissioner Tom Arvas
Abstained: None
Result: Unanimous, passed, the minutes are approved

NEW BUSINESS:

This being the first meeting of the board in 2012, Commissioner Bill Montoya asked the commission to reaffirm the services of Chairman McClintic and Vice Chairman Salopek in their current roles for the year and therefore nominated each.

Motion: Game Commissioner Bill Montoya moved to retain Commissioner McClintic as chair, and Commissioner Salopek as vice chair.

Second: Game Commissioner Scott Bidegain

Vote: 5-0
Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None
Absent: Game Commissioner Tom Arvas
Abstained: None
Result: Unanimous, passed

AGENDA ITEM NO. 6: Designate Reasonable Public Notice for 2012 Commission Meetings

Presented by Secretary Director Jim Lane: Department General Council would normally present this item, but as the Department is yet seeking a candidate for the position, Secretary Director Lane will present. As per Section 19.30.3.8 (A)(1), or the NMAC, the Commission is required to take action at its first annual meeting to continue or amend its existing practice to determine what is reasonable notice of Commission meetings under Section 10-15-1D, NMSA, 1978 of the Open Meetings Act. The Department recommended continuing the present practice as contained in Section 19.30.3.8, NMAC that recommends 10-day notice for regular meetings, 3-day notice for special meetings, and 24-hour notice for emergency meetings, and introduced Attorney General's Office resolution as such. See *Resolution, Attachment A*. There being no discussion, Chairman McClintic asked for a motion.

Motion: Game Commissioner Thomas Salopek moved to adopt the notice requirements as contained in the resolution and in Section 19.30.3.8 as reasonable notice to the public as applied to public meetings held by the State Game Commission for the year 2012

Second: Game Commissioner Scott Bidegain

Vote: 5-0
Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None
Absent: Game Commissioner Tom Arvas
Abstained: None
Result: Unanimous, passed

AGENDA ITEM NO. 7: Habitat Stamp Program Update

Presented by R.J. Kirkpatrick: Assistant Director Kirkpatrick presented an alternative plan for implementation of the Habitat Stamp Program that incorporates elements from previous discussions and input from the BLM, Forest Service, citizen advisory committees, and the public.

Assistant Director Kirkpatrick stated the thrust is to recommend a new method of distribution or allocation of funds over the five citizen advisory committee regions. Final proposal continues to respect that citizens be involved in these decisions, desire to distribute per federal lands included, degree of competition between agencies and projects project-by-project, BLM's requirement of a needed assurance of amount of funding in order to obtain matching federal funds, degraded habitats and larger scale project areas, and aquatic project concerns. In review, Mr. Kirkpatrick reiterated a significant amount of acreage shifted from the Southeast Region to the Southwest Region because of the change in administration of Otero Mesa. Resultantly, the Southwest Region became significantly larger. To offset the size of the Southwest Region and create clean lines of administration, BLM asked the Socorro BLM Administrative Unit into the Central Region as part of this proposal. The proposal is comprised of several steps. Mr. Kirkpatrick expounded upon the following presented here in summation.

Step 1 Base Allocation of estimated \$800K from the Legislature: \$400K (first half of the annual budget) divided equally between all five regions or \$80K, split between BLM and UFSS dependent upon lands assigned, projects reviewed by citizens and NMDGF, untargeted, no competition, discussion of regions and amount of federal lands.

Step 2 Second Half of the Annual Budget: Distributed to each CAC based on what percentage of the state total federal lands are in each region. The funds that go to the region are based on project-by-project competition between the federal agencies to the CACs for determination. This is the competitive piece. Discussion of regional distribution followed.

Step 3 Larger Projects: Discussion of 20 percent of annually unspent money from the annual budget and unselected competitive projects. Entities would discuss projects and make determination of where the unspent dollars are directed.

Discussion:

Commissioner Espinoza asked Assistant Director Kirkpatrick to clarify from Step 3, total amount of money represented. Mr. Kirkpatrick stated 20 percent of \$800K or \$160K and any additional funds from the Department's operating budget or an estimated \$250k total, dependent upon factors previously described. Commissioner Espinoza asked if the formula in place, does it not allow money from base or land-based allocations to be drawn into the larger project. Mr. Kirkpatrick: not on the front end, but in the subsequent discussions (Step 3) budget planning and allocation could be distributed/flexed based on project readiness and priority. Commissioner Salopek thanked to all who worked on the plan and believes this is a fair compromise. Commissioner Kienzle: do the citizen advisory committees presently exist? Mr. Kirkpatrick: yes sir, they do. Commissioner Kienzle: have you met with all of them? Mr. Kirkpatrick: I am not sure if all have been met with individually, but all have been sent information and proposal. Commissioner Kienzle: but you are satisfied that you received input from them? Mr. Kirkpatrick: they were all were afforded opportunity to participate.

Public Comment:

Joel Gay, NM Wildlife Federation – supports the Habitat Stamp program adjustments as outlined and is in appreciation of all who worked on the plan. The average New Mexico hunter

and angler relies on public land extensively, and the more we can do to protect and improve public lands habitat the more we can affect the everyday hunters and anglers in New Mexico. These kinds of programs are critically important. So thanks to the Department for pushing on through and ensuring the voices of sportsmen were heard and coming up with a good compromise here. Thank you.

Roberta Henry, Southwest Citizens Advisory Committee Chair, TRCP, NM Trout, Mesilla Valley Audubon - supports this proposal and thanked department director and staff for moving this issue forward in a way that seems reasonable. This would complete two years of the public input process in dealing with the habitat stamp program from renewal to making program modifications and we appreciate the effort and time that Dale has spent in the public input process and we appreciate the time you have given to work through this issue.

John Moen, NM Quail Inc., SW Consolidated Sportsmen – appreciate the culmination of project. The Game and Fish Department has worked very closely with sportsmen within the last six months to make this thing happen and make it more equitable so that money is going where it needs to go. The habitat stamp program has been a tremendous program. The motto is we put wildlife projects where wildlife lives. I think that this program now steps more toward that than what we had in the past. Thank you for your support.

Commissioner Espinoza thanked Mr. Kirkpatrick and the Department for all the hard work, echo public comments regarding habitat, it is crucial. Commissioner Espinoza encourages the Department to diligently looking how to leverage those dollars – our neighbors spend 10-20 times as much. I know we cannot increase the fee, but we can leverage those dollars. We can look forward to moving forward, thank you.

Chairman McClintic stated he would entertain a motion from the commission.

Motion: Game Commissioner Bill Montoya moved to direct the Department to work with the BLM and the USFS to make the necessary adjustments for implementation of the Habitat Stamp Program as presented by the Department.

Second: Game Commissioner Thomas Salopek

Vote: 5-0
Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None

Absent: Game Commissioner Tom Arvas

Abstained: None

Result: Unanimous, passed

AGENDA ITEM NO. 8: Hunting Recruitment and Retention Discussion

Presented by Ms. Jennifer Morgan, Hunter Education Program Coordinator – The Department provided the Commission with information related to recruitment and retention issues and the future of hunting, angling and shooting sports participation. The Department has reviewed initiatives in other states and is considering development of an apprentice hunter program. This presentation will begin a process of seeking input from the Commission and the public to inform development of a plan, and potential creation of legislation for an upcoming legislative session.

Ms. Morgan correlated reduction of hunting and revenues: licensures, wildlife professions, that 600K new hunters have been recruited by Families Afield initiative. Ms. Morgan described the program and the components of the program. Parents not politics should determine when or at

what age a child is ready to take to the field/fire arms/Hunter Ed, importance of hunter education and next steps. Recruit and Retain.

Ms. Morgan discussed four key principles: Hunting restrictions need be implemented prudently, greater restrictions equate to less participation. An estimated \$30 billion is generated into the economy from hunting annually. Youth are the key; get families involved make it easy so that their attention is not turned to other interests.

Focus is to recruit more youth. Key group is 6 to15-year-olds. Ms. Morgan compared the safety of hunting to other activities. Hunting is safe. Mentored youth are the safest afield. States that allow parents to decide when child is ready have higher safety records.

Ms. Morgan discussed how to eliminate barriers. A program concept is to allow parents to say when their children are ready. Ms. Morgan paralleled certifications and hunter educators- the loss of dedicated individuals, reduction of classes, and reduction of youth ready to participate. Youth loose interest if there are too many and too strict of barriers. She elaborated on the life lessons learned in the field for children. The goal is to create new hunters—do not limit mentoring periods, give multiple opportunities to get out in the field. Most states do have more than one opportunity. Ms. Morgan demonstrated that more than just youth get involved. The program gets mentors participating, and that urban hunters get interested through mentoring: 50 percent in survey said would not have hunted if not for the mentor program.

The program is estimated to take about two years to implement successfully in NM. Ms. Morgan stated the Department needs the Commission's approval to move forward with the program, needs the hunter education community to provide input, needs a bill to revise legislative rules, and lastly to launch a public relations program.

Chairman McClintic reminded the commission this item is for comment, and that no action is required.

Discussion:

Commissioner Espinoza supports program and asked what can commissioners do in addition to authorization of the program? Ms. Morgan said to talk about the program and support it through their discussion with the public in their organizations. Commissioner Espinoza, why two years to get it in place? Ms. Morgan said once it is through legislative session in 2013, then it will be implemented in the 2014 license year.

Commissioner Salopek thanked Ms. Morgan for her presentation and gave a personal experience example of strict barrier-type rules in hunter safety certification in that Colorado required him as a 45-year old to take their hunter education course. Commissioner Salopek asked Ms. Morgan to confirm that hunter education is now required within a certain time, correct? Ms. Morgan confirmed, yes. In addition, that this initiative will lend greater opportunity to go on mentored hunt(s) before hunter education certification is required. Hunter education is extremely valuable, and the priceless volunteerism of our hunter education instructors. Commissioner Salopek agreed the value of the program and getting the children out to the field is priceless.

Public Comment:

Larry Bertsch, Volunteer Hunter Education Instructor – expresses his support supports the Agenda Item 8 that New Mexico initiate the Family Afield program that includes the hunter mentor license. Thirty-two states already have Family Afield programs and that would enable us

to glean information and develop a program best designed for our state. I see it as a win/win program that would benefit New Mexico Department of Game and Fish and the hunting families of New Mexico, thank you.

Chairman McClintic thanked Mr. Bertsch, Ms. Morgan for her presentation and entertained a motion in support the program following discussion.

Motion: Game Commissioner Thomas Salopek moved to proceed in exploring the hunter mentor program.

Second: Game Commissioner Bill Montoya

Vote: 5-0

Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None

Absent: Game Commissioner Tom Arvas

Abstained: None

Result: Unanimous, passed

Chairman McClintic emphasized the commission supports the program very strongly.

AGENDA ITEM NO. 9: Conservation Education Initiative Update

Presented by Lance Cherry, Assistant Chief, Public Information Office – The Department provided the Commission with an update on current Conservation Education programs and implementation of an updated statewide initiative to introduce New Mexico youth to core concepts of wildlife conservation and management.

Assistant Chief Cherry gave example of how children are currently receiving misinformation about the non-use/use of resources. He discussed a developed conservation education curriculum for the classrooms of New Mexico: vocabulary issue, relevance, and test score improvements-the hook for the program itself. Assistant Chief Cherry explained the initiative centers on four key areas: what are wildlife, habitat, population dynamics, and the value of wildlife. He explained the initiative defines conservation versus preservation: conservation being the wise of a natural resource versus preservation, which is the non-use of a natural resource. The initiative also includes the Department mission statement and direction the statement lends to Department work tasks.

Assistant Chief Cherry discussed the four key areas: Area 1, what is wildlife? Wildlife includes all free ranging vertebrates and their naturally associated environments. Students learn by playing a game that focuses on animal identification and learn recognition of them. Differences between wildlife, feral, and domestic animals is taught. Area 2, habitat: what animals depend on, diversity, arrangement of water, shelter, food, etc., health of habitat, and number of people. Area 3, population dynamics: causes of population wax and wane, carrying capacity, balances, and hunting's role. Area 4, value of wildlife: who pays the bills, what the Department does, how students can get involved, career paths in conservation.

Assistant Chief Cherry summarized the wildlife funding cycle of success: sportsmen's' equipment purchases, manufacturing excise tax on equipment to the federal Fish and Wildlife Service is the recipient and distributes to states to support programs via reimbursements. An estimated \$21 million comes from license sales to the Department, that the Department's

budget does not receive general state tax funding, and that the balance of Department budget comes from federal funding, from the Share with Wildlife program, resale of property disposal, and property revenues. Work on the wildlife curriculum began in December and with the end of February, the development period should end. In March, staff will be trained in how to deliver the message and then teach the classes from mid-April to May. Assistant Chief Cherry explained the April-May period and how that correlates to most classroom teaching schedules, teachers are generally seeking curriculum items, the curriculum will focus on age group (10 to 11-year-olds). The initiative will roll out using existing Department resources and legislative support.

Discussion:

There being no discussion from the commission, Chairman McClintic opened the floor to comments from the audience.

Public Comment:

Joel Gay, for Garret Veneklasen of Trout Unlimited – the New Mexico Wildlife Federation strongly supports this concept and offered help to get it into classrooms. If the Federation had enough of their own funds this is the type of program they too would initiate it and the Federation appreciates the Department taking this lead. Mr. Gay shared the work that Trout Unlimited has done in cooperation with Senator Munoz and the Senate Joint Memorial 50, whereby the Department is encouraged to establish conservation curriculum just as Assistant Chief Cherry has described and includes a summer program for high-school students. Mr. Gay believes the Department is right on track with this proposal and believes it will pay dividends for decades to come.

Commissioner Salopek commented giving example of Ag in the Classroom program and that he sees this initiative as equally important.

AGENDA ITEM NO. 10: Initiation of the 2012 Biennial Review of Species Listed as Threatened or Endangered Under the State Wildlife Conservation Act

Presented by Matt Wunder, Conservation Services Division Chief – The Department is to open the legislatively mandated Biennial Review of the list of State designated Threatened and Endangered Species. This will initiate a process of reviewing the status of listed species and making necessary changes to the list. Chief Wunder discussed briefly species included for biological data review and specifically made example of the delisting of bighorn sheep.

Chief Wunder presented discussion of the Department's work on the act and associated timeline. He requests the Commission support and authorize opening the discussion of updating the formal list and emphasized this is only to change status of species already on the list, and not to add or take away species from the list. Notices will be provided to the public for input and comment. A draft will be presented to the Commission in June.

Discussion:

Commissioner Montoya asked Chief Wunder if the peregrine falcon in this list also. Chief Wunder stated, no, that delisting is a separate discussion. This list is only to designate species

status from endangered to threatened, or threatened to endangered, it does not add or subtract species from the list.

Public Comment:

None.

Motion: Game Commissioner Scott Bidegain moved to open the 90-day public comment period on March 5, 2012, for the first draft of the biennial review of New Mexico State-listed Wildlife and to begin the 2012 Biennial Review process.

Second: Game Commissioner Bill Montoya

Vote: 5-0

Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No: None

Absent: Game Commissioner Tom Arvas

Abstained: None

Result: Unanimous, passed

AGENDA ITEM NO. 11: 2012 Legislative Session Update

Presented by Assistant Director Patrick Block – The Department provided the Commission with an update regarding 2012 legislation affecting the Department and Game Commission.

Assistant Director Block updated the commission on the legislative session and what actions happen next. Regarding HB 2 General Appropriation Act, the department budget is basically what the Commission approved, it is higher due to state share contribution to PERA (1.75% in July), and \$200K for replacement of law enforcement vehicles, the level of tax cuts will dictate whether the Governor signs the budget; the department budget should pass. Regarding capital outlay, the Department's request is funded by money generated by the agency and federal money and not from state coffers so the Legislature approved all seven items because they are no cost outlay to the state and they provide stimulus to the economy through jobs and construction. Projects included: final piece of funding for Lake Roberts; site planning to move and consolidate the laboratory and warehouse from the current location in Santa Fe to the headquarters office; funding for feasibility study of alternative energy generation (photovoltaic) at some of the hatcheries; improvements to concrete and pavement at the office in Raton; dam safety rule implementation at Bear Canyon Dam; a railroad crossing at the Gordon Wildlife Area; and replacement of employee housing at Bernardo Farm.

The Governor approved two of the five other bills presented for legislation. Denied was the bill that would have consolidated the habitat management fee and habitat stamp fee. The Legislature's concern was that a private land ranch only hunters and anglers who fish only on waters not located on federal lands would sustain a fee increase and would therefore not approve. The balance of the proposed bills: Marquez Land Grant bill was tabled and died, Memorial 3 regarding ample outdoor opportunity to get kids outside passed (Memorials express the desires of the legislature but not law.), the two additional bighorn sheep enhancement has passed and is waiting for Governor's signature – one vote against otherwise unanimous, one nay vote on house side. Discussion of mercury bill, explanation of it, signage, etc., bill did not get through House, it time ran out of time in the appropriations committee. The refund of licenses due to fire or natural disaster bill was approved. Memorial for conservation education, summer academy did not pass. A joint resolution for constitutional state right to hunt and fish bill ran out of time will not be on ballot as constitutional referendum. A memorial regarding study of furbearer trapping on public lands in an attempt to ban trapping did not pass. Families Afield for next year's session will be developed for the next legislative session in 2013.

Discussion:

None.

Public Comment:

None.

AGENDA ITEM NO. 12: Closed Executive Session

The State Game Commission adjourned to closed Executive Session at 11:04 a.m. to discuss matters related to pending litigation.

Motion: Game Commission Chairman Jim McClintic moved the Commission go into closed executive session pursuant to Section 10-8-1(H) 7 NMSA 1978, to discuss matters pertaining to pending litigation. No action will be taken in closed executive session.

Second: Game Commissioner Scott Bidegain

Roll Call Vote:

Game Commissioner Robert Espinoza, yes
Game Commissioner Paul Kienzle, yes
Game Commissioner Scott Bidegain, yes
Game Commissioner Bill Montoya, yes
Game Commissioner Thomas Salopek, yes
Game Commission Chairman Jim McClintic, yes

No:

None

Absent:

Game Commissioner Tom Arvas

Abstained:

None

Result:

Unanimous, passed

The Commission reconvened by motion to return to regular session at 11:31 a.m. Chairman McClintic stated for the record the matters discussed in the closed executive session were limited to those specified in the motion to close the meeting and no action was taken during the closed executive session and asked for a motion to reconvene regular open session.

Motion: Game Commissioner Bill Montoya moved to reconvene to regular session. In addition, stated that the Commission supports the Department's decision to defend the Commission, the Department, and the Director in pending litigation.

Second: Game Commissioner Dick Salopek

Vote:

5-0

Yes:

Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek

No:

None

Absent:

Game Commissioner Tom Arvas

Abstained:

None

Result:

Unanimous, passed

AGENDA ITEM NO. 13: Quarterly Depredation Report

Presented by Private Land Programs Manager Cal Baca – The Department presented an update on the total number of depredation complaints filed and resolved with the Department for the 2nd quarter of fiscal year 2012, in accordance with 19.30.2.11 NMAC. Mr. Baca covered the species and number of complaints and ratio of resolution to complaints, interventions, and proposals for resolutions.

Discussion:

Commissioner Salopek asked what the status of the seven unresolved elk complaints is. Mr. Baca stated we are in the process of delivering the fences, materials contracts are in process; they are resolved but are not official until the landowner signs the final documentation.

Public Comment:

None.

AGENDA ITEM NO. 14: River Otter Reintroduction Update

Presented by Assistant Director R.J. Kirkpatrick – In 2006, the Commission approved a plan to reintroduce River Otters into New Mexico. During that process, the Commission amended the Department's recommendation and included the Gila River drainage as a reintroduction site, to follow that, upper Rio Grande. Since that time, endangered fish issues and concerns raised by the Arizona Game and Fish Department (AZDGF) and the federal Fish and Wildlife Service (FWS) in regards to endangered fish species have led the agency to recommend that the Commission reconsider a reintroduction their 2006 action.

Assistant Director Kirkpatrick gave background information and stated today's focus is to ask the Commission to reconsider Commission action of 2006. Assistant Director Kirkpatrick gave the timeline and points from the 2006 action: locations for potential releases, Department-proposed limited otter reintroduction, and the Commission at that time, added including the Gila. Staff has worked with interests and FWS to reintroduce the species to the Gila. Through that work, concerns have developed, and noted where the otters are now (70 miles from the original release site). Regarding the Gila, there are issues centering on threatened or endangered aquatic species.

Primary concerns: impacts of releasing otters on the fish species and the level of effort in monitoring the otters and detailing their impact. FWS concern assumption otters would be deterred from river systems where less than 10 cubic feet per second water flow. Otters can decimate food supply in pooling waters during periods of low water flow. The Department believes that dispersal of otters outside of the suggested area is highly likely, that resources needed to monitor, remove, and research would be significant to meet FWS and AZ DGF concerns, which are significant issues. Adding this top-level predator in this system could jeopardize aquatic species repopulations.

Assistant Director Kirkpatrick closed by saying the Department recommends the Commission reconsider the 2006 decision and not releasing otters into the Gila system.

Discussion:

None.

Public Comment:

Melissa Savage, Director, Four Corners Institute – is a retired ecologist from UCLA and currently adjunct at UNM and Director of the Four Corners Institute, one of the partners that have been working on this project for the last 12 years since its inception. Mr. Kirkpatrick has given a good summary of the whole history of this project and some of us in the partnership that has at this point, funded the whole project believed in 2006 that we had the kind of information that we needed in the analysis of the systems to go forward with this project. We don't believe that anymore. Many serious issues have been brought up since that time mainly by NMDGF, FWS, and more recently the AZDGF. These were not issues before 2006 and since then, so

now we have been working on these issues. The New Mexico Department has mainly focused on a general concern for the endangered species in the system and reflecting the USFWS and now Arizona's concerns that are more extensive, more detailed I would say. So we have been working with the FWS for the last two or three years, we commissioned a biological assessment, our partnership and they looked at it and said, well it's not enough. We sat down with them to address all of the issues they still have they would like a revised biological assessment and we're happy to do that. They wanted a number of issues addressed one of their concerns was that there was not a second population of Gila chub and NMDGF has successfully established that at Red Rocks and they are also in hatcheries, so the replication of populations of these species are important. So we are continuing to work with Fish and Wildlife. Our feeling about this is that it is a negotiation. They want a whole set of safeguards put in place. They are open to many of those things one of which was a very detailed telemetrized set of a small number of otters to be released so that we can keep track of them and take them out when we found that there was a problem. And that was an important safeguard to them. They wanted to make sure that there were people on board like the Center for Biological Diversity and other groups that might be likely to litigate over endangered species and indeed all of those organizations are. AZ has more recently come up with a set of concerns many of which we could respond to now but we would also be happy to develop a whole series of responses and studies to meet those concerns. We sincerely believe that otters would actually improve the situation for endangered species in the Gila and we see no other alternative.

Joel Gay, New Mexico Wildlife Federation – We like the idea of returning ecosystems back to their original balances as much as we could so the idea of getting river otters back in the Gila sounds like something we would support. However, it needs to be science-based and we just don't think that there has been enough science, or we have not seen enough evidence that suggest that these other endangered species would be threatened or helped, we don't know. So we encourage the Department to conduct more surveys and studies to try to get a better handle on the science of this whole thing before we make any final long-term decisions on this otter reintroduction program. If otters are reintroduced into the Gila, we might think more along the lines of what RJ has mentioned that we might release a smaller number of otters, possibly sterilized animals, certainly radio collared, so that we can find out what they are doing. It is interesting to see how far the Rio Grande otters have migrated and that is a surprise to a lot of people. We are hearing from fishermen about their substantial impact on smaller streams, but we could learn more about the Rio Grande and what the affect there has been on the Rio Grande since the release before we get too much further into the Gila release.

Nancy Kaminski, SWNM Audubon – I am a rancher in Grant County and I live really close to the Gila, I spend a lot of time there. One of the things I've noticed from this conversation and others is the need for economic boost and I must say that, tourism is one of the greatest things we have out there. A lot of people are wildlife watchers. I personally am part of the Audubon group in New Mexico, and we spend a lot of money and time out there watching wildlife. I also fish and do other extractive things but I like to watch them too. And so there is a lot of money there. The NM Department of Tourism said it was \$5.7 billion spent in the state last year by tourism and a lot of that was wildlife watching. And hunting is going down so here's our opportunity to increase the income through other methods. And so what I think what I am here from other people is that we're NM Game and Fish and New Mexico is that we're all being offered this free no-risk trial offer. And since that they've already done a biological assessment that cost \$7K, and they are willing to do more work on that, they want to provide us six-radio collared otters, not 33 that are up in the Rio Grande, just six radio-collared monitored by trained personnel and aircraft. They would be physically able to pick them up if they were really were doing some damage. Even the people at the Heart Bar (sp) are willing to personally monitor and check on the otters. Bill Bates,

Utah, they have reintroduced the otters there and they have been there a long time and according to him there are no declines in the fish populations and the four species of endangered fish in UT, the Green River to be more specific, are actually increasing with the presence of otters and I am not a scientist, just a rancher; and I was wondering about that and it seems that the otters actually provide benefits through culling of non-natives: bullfrogs and crayfish, which I guarantee you thrive in the lower Gila. So if you look at the lower Gila and statistics from you and FWS what I found in the lower Gila it is 66 percent public land, the mean annual flow is 248 cfs, it is almost entirely invasive species. There are four species there in the lower Gila that are either T or E, I'm not sure, or sensitive species they are not in the preferred habitat and the otter is much more likely to take the non-natives. And I think that they could actually enhance our economic benefits and the T&E species.

Cynthia Wolf, Mimbres, New Mexico. As an outfitter, I have packed people into the heart of the Gila wilderness. Employed by the Forest Service as a wildlife biologist I have researched southwestern flycatchers and other species in the same areas. As a recreationalist, I seek out the river as a place to enjoy. It has been a central figure in my life here both personally and professionally. Sadly, as I look at the Gila, I see a river in crisis, a system by our own demeanor has been put on life support where many of our native species are struggling to survive. Some have even been unable to survive in the wild without constant manipulation. Three wildlife agencies have expressed endangered fish species and other concerns over the Department's recommendation to restore river otter to the Gila River drainage. I too have concerns for our native endangered fish and other species. But I believe that we are doing the river a disfavor by micromanaging for any single species. Rather than continue to do more of the same and instead of ignoring what the river is telling us, that our aquatic native species cannot compete or cannot coexist or sustain themselves amongst the non-natives and that these native species of our concern require balance within their habitat. In reestablishing that balance and thus the native diversity, the habitat and thus the entire system could become more resilient and able to adapt to natural cycle fluctuation and larger challenges like climate change. We have just stated here that proceeding with otter releases in the Gila basin may jeopardize the endangered species, but I would ask you to consider that actually reintroducing the otters may benefit these species. I think it has been stated wisely here today that we don't really know what is going to happen. I think it is worth the commission's effort to continue being involved in this process and to look at that and I am here today as an advocate to please ask you to do that, please don't just shut the door, keep an open door. Let's continue to investigate this. There are a lot of us willing to do the work and fundraise to keep this project going.

Rinda Metz, Grant County City, NM – I have spent years of my retirement in the back county of the Gila forest and wilderness. I represent a large number of citizens from all over the state and the county who consider it a great privilege to move through the varied landscape and experience the solitude, quiet, grandeur, and sometimes rage and power of what remains to us of our natural heritage. We have a treasure here in the southwestern part of the state, the Gila Wilderness, the first wilderness established in 1924 primarily the result of the efforts of Aldo Leopold, 3.3 million acres with hundreds of bird species, deer and elk, bear and coyotes and coatis an ecosystem and the habitats are not perfect are not in balance and are missing some of its parts. There have been success stories in limiting the missing components in the Gila reestablishing the wildlife fire regime for instance, lifting the policy that repressed wildfire from doing its job in the cycle of renewal over the centuries. In 2006, in Santa Fe New Mexico the Game Commission was called upon to approve the reintroduction of otters into the Rio Grande and the Gila rivers. River otter of the mustelidae family, like beavers, were trapped out to the point of extrication in the 19th and 20th centuries, disrupting the integrity of the river and riparian areas. Many people support this new project, the Department of Game and Fish approved of it,

the trappers were in favor, the river guides were in favor, the New Mexico Wildlife Federation supported the release of otters, NM Trout favored this decision and a large public turnout was in favor of otters and indeed this Commission came in with a unanimous approval to reestablish otter populations in the Gila and the Rio Grande. Reintroduction has occurred on the Rio Grande but not in the Gila for reasons that are not really clear. For the three years, we have been promised river otters but each fall we are told another study needs to be done. River otters are thriving on the Green River in Utah, on the Verde in Arizona, and no detrimental effects on endangered species of fish have been reported as far as I know. When then has the Gila been deprived of its lithe and agile aquatic predators; animals that promise to remove a lot of our invasive crawfish. I encourage you, members of the Commission, to continue moving forward with constructive initiatives for our Gila forest like bringing back the otters.

Donna Stevens, Director, Upper Gila Watershed Alliance – Director of the Upper Gila Watershed Alliance, a non-profit watershed protection group based in Gila. I speak on behalf of our est. 200 members many who live in the valley and have deep concern for issues that impact the Gila river's ecosystem. I have driven seven hours to be here. If this meeting had been held in Silver City near the Gila basin, we could have filled the room with river otter supporters. Most people are not willing to drive seven hours to talk to you. I have some concerns about the decision you are going to make here today, we all know that the Gila's native fish species are in grave danger and one of the main reasons for this is predation by non-native species. In 2006 the same year that the then Game Commission wisely approved reintroduction of river otters to the Rio Grande and Gila rivers, the Department of Game and Fish released a recovery plan for round tail and Gila and Headwater chubs. In that plan issue number 2, this says limited populations and distributions notes that Gila chub populations to the Gila basin are limited to Turkey Creek. Since that time, the Department has successfully established and recently confirmed another population at Redrock. One of the plans to address this situation is to establish additional Gila chub populations in Duck Creek and other tributaries of the Gila. The Upper Gila Watershed Alliance strongly supports this plan. Issue number six is aquatic fauna dominated by non-native species and it lists a strategy when appropriating feasible, remove non-native species that present a threat to Gila and Headwater chubs. This seems like an excellent plan. Scientific research strongly suggests that otters could have a very positive impact on the Gila ecosystem by helping to control non-native fish and crayfish populations. Commissioners, if you do not support otter reintroduction I ask you to explain how you plan to remove the non-native species that currently imperil our native chubs as well as other native fish for which the Department bears responsibility. It seems to me that really, the only practical, inexpensive way to control non-native species and to give the Gila's threatened and endangered fish a fighting chance is to return river otters to their ancestral home in the Gila.

Jon Klingel, Santa Fe – Retired biologist, NM resident for more than 35 years, involved with the river otter restoration project for about 10 years. The Department of Game and Fish has been intimately involved with the project during that entire period. A November 18 email from the Department to the river otter-working group indicated the new Director Jim Lane had decided the Department had reversed its position and would not support restoration of river otters to the Gila basin. I would address one of the reasons given in that email: possible impacts to federal endangered and candidate species. The Gila ecosystem is in trouble because of non-native crayfish and non-native fish. The system has been declining for decades and the Department has done very little to improve the situation. They have restored Gila trout in the headwaters, and they have restored a Gila chub population in Redrock. A Department document states research on recovery of endangered fish species indicates that many non-native fish species are detrimental to native fish populations. And the removal of non-native species is essential to conservation and recovery of imperiled species, including chubs. It further indicates that

removal of non-native species is necessary for recovery of Gila River chubs. That is in Arizona found crayfish, which are not native to Arizona or the Gila, devastated formerly productive trout streams. Fortunately, river otters eat crayfish, up to 100 percent where crayfish are abundant – up to 100 percent of the diet – and they tend to prefer medium-sized, slow swimming fish, which includes a lot of the non-native fish such as carp which occur in that part of the Gila. Otters may put enough predation pressure on the non-native fish and crayfish to help our native species survive. There are really two federally listed species of concern: the endangered Gila chub, and the candidate Headwater chub. Other species were considered by the Department experts, who we have worked with intensely for years, about 10 years now, as not likely to be at risk because of their size and or habitat. That includes Gila trout, spiked ace, roach minnow, and Cherakowa leopard frog. These have not been a concern for more than 10 years now. The current proposal is for release of only six otters with radios implanted and intensive monitoring from the ground and from the air, especially in those areas where the chubs occur. If a problem developed otters could be easily located if possible or killed if necessary. My question to you is if you don't want to use otters to try to do something to help the ecosystem in the Gila, what is your plan and how are you going to pay for it? This is not costing the state a penny. I look forward to hearing a plan.

(Note: On Wednesday, February 22, 2012, 8:47 a.m., phone message for Game Commissioner Tom Arvas was received in the Department's call center from Ms. Victoria Lineham of Glenwood, NM who stated she would like to express support for the release of river otters in the Gila.)

Discussion:

Chairman McClintic summarized the split thinking on this issue and deferred to the Commission for further discussion before he would hear a motion to delay. Commissioner Kienzle: people on either side of an issue want an answer asked Assistant Director Kirkpatrick how long of a delay would he anticipate. Is it six months to a year, what is a practical time period? Assistant Director Kirkpatrick stated it depends on what the Commission directs the Department to do today, what resources the Director subsequently moves to continue addressing the issue and the work in front of the project, issues of expanding the area under evaluation to include eastern Arizona, so suspects more than a year. Commissioner Espinoza asked if it would take much to set milestones in the plan of when otters could possibly be reintroduced, or when it would make the best sense. Assistant Director Kirkpatrick said the Director could direct Department staff to work toward establishing deadlines and milestones and asserted that we control our own folks, there being a variety of other interests and then funding components. AZ DGF and FWS have their own workloads and abilities to meet goals. If the advice is to move forward to work out issues and concerns, meeting set milestones could be challenging. Commissioner Montoya concerns on both sides and no answers yet. We need to back up and look at legitimate biological answers until all are comfortable with the release outcome.

Chairman McClintic clarified this is an action item and asked for the Commission's input. Commissioner Montoya accepts Department's recommendation to reconsider the 2006 action of reintroduction of river otters in the Gila system and asserted to continue to get the legitimate data needed to answer all concerns.

Motion: Game Commissioner Bill Montoya moved to defer the release of otters until more substantial understanding of the potential ramifications of the release, good or bad, is developed.

Second: Game Commissioner Robert Espinoza

Vote: 5-0

Yes: Game Commissioner Robert Espinoza
Game Commissioner Paul Kienzle

No: Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Thomas Salopek
None
Absent: Game Commissioner Tom Arvas
Abstained: None
Result: Unanimous, passed.

AGENDA ITEM NO. 15: Presentation of the Fiscal Year 2011 Financial Statements and Audit Report

Presented by Chief Financial Officer Alexa Sandoval - The State Audit rule requires that agencies governed by a board or commission present the annual financial statements and audit report to their governing body in a public meeting. According to Section 2.2.2.10.J (3)(d) of the New Mexico Administrative Code, "Once the finalized version of the audit report is officially released to the agency by the state auditor (by an authorizing letter) and the required 10-day waiting period has passed, the audit report shall be presented to a quorum of the governing authority of the agency for approval at a public meeting." This agenda item fulfills this requirement.

Chief Financial Officer Alexa Sandoval summarized the audit as executed by the state auditor's office, recognized the effort of all divisions to have accomplished the reconciliation of an old capital asset issue, and defined the two new di-minimis findings. The Department has received an unqualified opinion of the basic financial statements and the single audit – the best type of opinion from an external auditor. The Department is determined to be a federal low-risk audit "t". There is one significant audit finding, and under Gatsby 54, which is a statement that all agencies are required to follow, there were differing designations for funds throughout the state of New Mexico. The Division worked the external and state auditor's office and the federal agencies to have all Department funds designated as restricted meaning the revenues/funds in the Department coffers, stays in the Department, cannot be appropriated for redistribution.

Motion: Game Commissioner Robert Espinoza moved to approve the Department audit report for fiscal year 2011.

Second: Game Commissioner Scott Bidegain

Vote: 5-0
Yes: Game Commissioner Scott Bidegain
Game Commissioner Thomas Salopek
Game Commissioner Bill Montoya
Game Commissioner Paul Kienzle
Game Commissioner Robert Espinoza
No: None
Absent: Game Commissioner Tom Arvas
Abstained: None
Result: Unanimous, passed.

AGENDA ITEM NO. 16: General Public Comments (Comments Limited to 3 Minutes)

Chairman McClintic asked if there was any public comment. There being none, Commissioner Kienzle asked to address Agenda Item 8 regards hunting. Believes the Director has the power to adjust hunter education versus seeking legislative change. He suggests first-time hunter certification and then a subsequent full program certification if so desired. Commissioner Kienzle does not see the legislation as restricting the Director's creating provisional certificates getting kids in the field. He is not convinced the Department must go to the legislature to get the changes made. Director Lane appreciated the

the Department must go to the legislature to get the changes made. Director Lane appreciated the Commissioner's review of the laws. A proposal with multiple opportunities will be provided to the Commission.

AGENDA ITEM NO. 17: Adjourn.

Motion: Game Commissioner Paul Kienzle moved to adjourn

Second: Game Commissioner Scott Bidegain

Vote: 5-0

Yes: Game Commissioner Scott Bidegain
Game Commissioner Thomas Salopek
Game Commissioner Bill Montoya
Game Commissioner Paul Kienzle
Game Commissioner Robert Espinoza

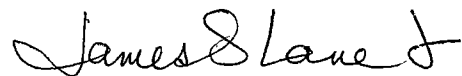
No: None

Absent: Game Commissioner Tom Arvas

Abstained: None

Result: Unanimous, passed

Meeting adjourned at 12:27 p.m.



James S. Lane, Jr., Secretary
New Mexico State Game Commission

4/5/12

Date



Jim McClintic, Chairman
New Mexico State Game Commission

4-5-12

Date

JSL/kaa