



DIRECTOR AND SECRETARY

TO THE COMMISSION

James S. Lane, Jr.

Daniel E. Brooks, Deputy Director

# STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way  
Santa Fe, NM 87507  
Post Office Box 25112  
Santa Fe, NM 87504  
Phone: (505) 476-8008  
Fax: (505) 476-8124

Visit our website at [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)  
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Alto, NM

## MINUTES REGULAR MEETING NEW MEXICO STATE GAME COMMISSION Council Chambers, City Hall, 3200 Civic Center Circle NE, Rio Rancho, NM 87144 Thursday, August 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 9:03 a.m. by Vice Chairman Salopek.

**AGENDA ITEM NO. 2: Roll Call.**

Secretary Director Lane called the role:

**Present:** Commissioner Tom Arvas  
Commissioner Scott Bidegain  
Commission Chairman Jim McClintic  
Commissioner Thomas Salopek  
Commissioner Bill Montoya  
Commissioner Paul Kienzle  
Commissioner Robert Espinoza  
**Absent:** Game Commission Chairman Jim McClintic  
**Quorum:** Yes

**AGENDA ITEM NO. 3: Approval of Agenda.**

Vice Chairman Salopek asked the Commission to approve the agenda.

**MOTION:** Commissioner Montoya so moved.

**SECOND:** Commissioner Arvas.

**Vote:** 5-0  
**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 4: Introduction of Guests.**

Vice Chairman Salopek welcomed attendees and the audience introduced themselves and the organizations they represent. Secretary Director Lane welcomed Governor Martinez' Director of Boards and Commissions Jeremiah Ritchie and thanked him for attending this meeting.

**AGENDA ITEM NO. 5: Approval of Minutes (June 21, 2012, Mescalero/Ruidoso, NM).**

**MOTION:** Commissioner Arvas so moved.

**SECOND:** Commissioner Montoya.

**Vote:** 5-0  
**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 6: Revocations**

Presented by Law Enforcement Division Assistant Chief Chris Chadwick – The Department presented a list of individuals to the Commission that meet established criteria for revocation of hunting, fishing and trapping license privileges. Each of the six revocations was given a hearing and was issued decision by the hearing officer pending Commission approval.

Public Comment:

None.

Discussion:

None.

**MOTION:** Commissioner Arvas moved to adopt the Hearing Officer's recommendations for the six cases pertaining to the five individuals for the revocation time period specified.

**SECOND:** Commissioner Montoya.

**Vote:** 5-0  
**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None  
Abstained: None  
Absent: None  
Result: Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 7: Proposed Amendments to Manner and Method Rule.**

Presented by Law Enforcement Division Assistant Chief Chris Chadwick – The Department seeks Commission approval on the proposed amendments to the Manner and Method rule (19.31.10 NMAC) that establishes the ability of hunters holding a Mobility Impaired certification, or reasonable accommodations to use crossbows during archery hunts.

Specifically the proposal includes:

- Amends use of crossbows by Mobility Impaired (MI) Hunters.
- Redefines the type of sights that are allowed on crossbows.
- Allows for the use of crossbows during regular muzzleloader hunts.
- If approved, these changes will become effective Sept. 1, 2012.

Public Comment:

None.

Discussion:

Commissioner Arvas asked Mr. Chadwick to explain Mobility Impaired rule and if it is true that we have many requests from mobility-impaired hunters. Do we know how many they are?

Mr. Chadwick stated yes, the Department has had inquiries in the field as well as at the Department offices. Temporary authorizations discussed. Apply for the for the mobility impaired licensure in advance of using it. And by that, we can get a number of mobility impaired applicants now and of course at end of season, and from year to year.

Commissioner Espinoza: pending approval, will a statement go out on the web right away?

Mr. Chadwick: yes, and what is in this rule is already in the RIB, and by making this an emergency amendment it will become effective September 1.

Vice Chairman Salopek: we voted this into effect two years ago, correct.

Secretary Director Lane: yes, you did approve cross bow for lesser weapon types, this is a clarification of the rule to ensure legality.

Vice Chairman Salopek: this is a good rule, on temporary has that always been in place, and just for one hunt, case-by-case basis authorized by the Director.

Mr. Chadwick: yes, case-by-case temporary allowance.

**MOTION:** Commissioner Montoya moved to accept the Department's recommendation of the preferred Alternative 1 and amend the Manner and Method of Taking rule (19.31.1 NMAC) as presented.

**SECOND:** Commissioner Robert Espinoza.

**Vote:** 5-0  
**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 8: Proposed Amendments to the Revocation Rule.**

Presented by Law Enforcement Division Assistant Chief Chris Chadwick, and Steve Anderson, Revocations Manager – The Department seeks Commission approval on the proposed amendments to the Hunting and Fishing License Revocation Rule (19.31.2 NMAC).

Mr. Chadwick explained that Chapter 17 NMSA gives the Commission authority to revoke or suspend hunting, fishing, and trapping licenses (up to three years), certificates, permits, or other agreements. He stated the Department asks the rule be replaced because the current rule is outdated and contains many obsolete references to other rules or laws, that the Department seeks to improve procedures for processing suspensions, to reduce cost, minimize burden on the Commission, and to ensure due process. Rule segments specifically revised include guide and outfitter sections, landowner contracts and

agreements (A-PLUS, E-PLUS, Open Gate, etc.), point categories, compliance with the Wildlife Violator Compact with member states, suspension definition, and the proposed new single-notification process.

Public Comment:

None.

Discussion:

Vice Chairman Salopek: regarding points, and the interfering with a lawful hunter, if the person interfering does not have a license, how do we enforce this?

Mr. Chadwick: that is obviously the case and a problem with the statute. When envisioned, an individual who would be harassing a hunter is someone who opposes hunting in general. There may be other instances where an individual would harass a hunter and be subject to revocation.

Mr. Anderson reviewed the statute for the Commission and it is included in the rule to clarify hunter interference.

**MOTION:** Commissioner Espinoza moved to accept the Department's recommendation to repeal the Hunting and Fishing License Revocation rule [19.31.2] and adopt the proposed replacement Hunting and Fishing License Revocation rule [19.31.2].

**SECOND:** Commissioner Scott Bidegain.

**Vote:** 5-0

**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 9: Public Land Access Project Near Carrizozo, NM.**

Presented by Southeast Area Chief Leon Redman – This is an update to the Commission on the proposal to gain reasonable public access into the area between the White Sands Missile Range and the Carrizozo Lava Flow (malpais) west of Carrizozo, NM and south of US Highway 380.

Chief Redman identified from the map the proposed project area: private lands (18%), BLM (68%), and state lands (14%) comprising 85,250 acres. Six landowners comprise the landowner area. There are four accesses to public lands. In 2001, the public overran landowners and accesses were locked. BLM gave contact information to interested public to contact landowners to open the gate, individually.

Chief Redman detailed the agreement options. The Department supports a procedure where BLM would provide phone and internet access to the gates. The public would call BLM, who would issue a permit with gate combination for the period opted. Combinations will be changed throughout the year. Details are still pending, but a promising agreement should occur in time for the 2012 fall hunting season.

Public Comments:

Mr. Jeremy Vesbach, NM Wildlife Federation: thanked the BLM and the SE Area office for this collaborative effort and always appreciates more hunter access.

Mr. Garrett Veneklasen: thanked all agencies and hope this can happen in more places in the state. The public needs educated about abusing the privilege of accessing lands, to treat it as such, and teach children this is a privilege.

Discussion:

Secretary Director Lane: clarified this is an agreement between the BLM and the landowners, not administered through the Department.

Commissioner Arvas: would you review the map again, and how you contacted the landowners in the area?

Chief Redman: the agreement was made in the late '90s is still in effect where public contacts the landowners.

Commissioner Arvas: are there allotments in the area?

Chief Redman: Yes, there are allotment leases, all landowners were contacted through multiple meetings in the recent past, and they support this option.

Mr. Bill Burger, BLM: access does cross private lands through a gate. This is different in that the public must contact the landowners. The proposed change is to create agreement with primary landowner where access occurs initially to allow the

combination to be given out to public by the BLM. The caller would give their name, vehicle identification, and length of time they anticipate being in the area and then BLM would then give combination and permit. This is a compromise between building a road across state lands and opening up the access completely for the public to go in unfettered like most BLM accesses.

Commissioner Arvas: these landowners are contiguous, if one of the four does not participate, does that owner have authority to deny access once the agreement is reached?

Mr. Burger: No, once the agreement is reached with the primary landowner (Mr. Kinzer) then the public would stay on public land. We would work with the other landowners to ensure side gates to private property are protected as closed and signage is posted.

Commissioner Arvas: so all of that would be done in advance of actually having any access, correct?

Mr. Burger: Yes. The access plan details is yet being finalized with the landowners.

Commissioner Arvas: my concern is that a hunter would access the land and then learn that he cannot be on that property.

Mr. Burger: Understand, and we will work to ensure access is appropriately affixed with signage to assure hunters.

Commissioner Espinoza: this is only access, not permission to hunt private, correct?

Mr. Burger: Correct.

Commissioner Espinoza: What is the term of the agreement?

Mr. Burger: term has not been set, it will be something we will try to get a maximum term on, yet at the same time it will be where either party can say that the agreement is not working and if that does happen, then be able to look at all alternatives.

Mr. H. Grant Kinzer, Landowner: is a rancher who has been accused of denying reasonable access. We four ranchers have been trying to do the right thing. We have even kept this gate in question open for years. We are for this proposal. We want some kind of accountability for the public who is in the area; we have suffered theft, cattle butchered on site, fences taken down, cattle let loose, etc. We need some kind of monitoring capability regards who is on the land. Thanked BLM especially for creativity in coming up with this idea. He witnessed that phone calls are not always received.

Commissioner Montoya: applauds the work between the ranchers, BLM, and the Department and he is pleased with having something in place to alleviate the tension.

### **AGENDA ITEM NO. 10: Proposed Amendment to the Hunter Education(HE) Rule.**

Presented by Jennifer Morgan, Hunter Education Coordinator – The Department presented the Commission with proposed amendments to the Hunter Education Rule (19.36.1 NMAC) to permit youth hunters to participate in a Families Afield-style program that allows youth to hunt with an adult mentor, but still meet the requirements of the state's Hunter Training Act (17-2-33 NMSA 1978).

Ms. Morgan provided information to amend the Rule. The basis of the change is allowing youth to hunt with a mentor prior to hunter education courses. The mentor opportunity would allow first-time youth hunters to hunt with a mentor and open up further hunting opportunities for youth.

Key points:

1. Nationwide hunter recruitment and retention has been in decline in the last decade of more than 23%
2. Nationwide lack of mentoring has been a contributing factor in the decline
3. Temporary deferral of hunter education requirement for youths hunting with mentor to develop their interest
4. For every 100 adults only 69 youth are coming up to replace them
5. Families Afield new numbers from US Sportsmen Alliance show an increase especially from states that are conducting the mentoring programs. Numbers are up in recruitment and retention, license sales have increased

The Department recommends the Commission that the mentor pass will defer the Hunter Education requirement for up to two years, and an online training course required prior to applying for mentor opportunity. Mentors can be any legally licensed hunter 18 years of age or older, and mentored-hunters must be within an audible-voice distance of their mentor while in the field.

Ms. Morgan discussed how to measure the success of the program: use of the Department's online application system, and those questions in the application. Discussions with the volunteer instructors have been very good: their sentiment is that we do need to adapt to change that is good for the state and hunters. Many volunteers invite this change and see it as positive. The challenges are changes in how Hunter Education courses are offered, and the number of instructors to meet demands of the new customers (youth hunters). Ms. Morgan described the pilot program in Farmington to recruit instructors: 11 recruits have passed, and instructors and have been diligent and successful. She has used the National Rifle Association (NRA) as a

port for instructor recruitment, has received some feedback – and explained another outreach blast will go out next month. The most effective tool is recruiting adults during the student courses when they are, “in the moment.”

Ms. Hunter has received only two public comments: one for and one less supportive, but through meetings, more feedback that is positive was received.

Public Comments:

Mr. John Yeager, NM Hunter Educators Association: The Association does support the program; we do have questions and will work to get those questions resolved. The Association has a short list of issues: mentored hunter should have a form of ID, 18-year old Mentor requirement without Hunter Education training just because of age – the Association would like to see the mentor be required to take training. Regards the two years, the Association sees hunting opportunities greater than just big game hunting and propose that 18 months should be a sufficient amount of time to get into a hunter education class. Mr. Yeager asked that more time be planned to implement changes.

Commissioner Arvas: (to Mr. Yeager) emphasized the purpose of the program is to get more hunters in the field. And, (to Ms. Morgan), is this program similar to the other states' programs?

Ms. Morgan: yes, it is very similar. Most states are doing more than two years, usually three.

Commissioner Arvas: would like to see Ms. Morgan continue working with Mr. Yeager and the Association and come to November meeting with the plan – urgency is to get more hunters in the field as soon as possible. Come back with a proposal all groups find workable. Ms. Morgan said the focus to make it workable for instructors and for youth. Mr. Yeager discussed the number of wildlife and ratio of hunters in NM in comparison to the five other southwestern states. Ms. Morgan will follow up with the five other states regards mentor and other topics.

Assistant Director Pat Block stated the Afield Program began in states where regulations were stricter, with impediments worse to recruitment than New Mexico and the other southwestern states.

Commissioner Kienzle: supports the program and wants more emphasis on families – suggests a requirement of minimum age for mentor, possibly older than an 18-year-old, guardian/parent of the youth and asked Ms. Morgan to incorporate that topic in her survey.

Secretary Director Lane: 18-year-old age requirement and viability of designating an alternate, the program does allow guardian/parent to say who the mentor would be for their child in the field. Ms. Morgan shared that many HE students are the first in their family to have an interest in hunting, many times a friend or neighbor has recruited them.

Commissioner Kienzle emphasized using parental consent. Ms. Morgan said other states do use parental consent in their program.

Vice Chairman Salopek: has helped families and their comments concur with all that was discussed today.

Commissioner Espinoza: asked Mr. Yeager if there are other HE Associations in the other states, and have you contact them?

Mr. Yeager: Yes, we have talked with some of them, but not about this particular concern.

Commissioner Espinoza asked Mr. Yeager to contact those Associations regarding this concern. Concerned about 18 years age for mentors also, and asserts the two years too long wants to look at just one year if that is possible. Regards youth being within audible distance of mentor, do the other states have that? Is there an established distance in place? “Audible” is too far, too broad.

Ms. Morgan says other states use audible distance.

Commissioner Espinoza: is there any reason why we could not implement a specific distance?

Ms. Morgan: yes, that can be reviewed to see if that can be enforceable.

Vice Chairman Salopek: to Commissioner Espinoza, yes one season should be enough but gave example of potential licensure could fall in between concurrent license years.

Ms. Morgan: will not exceed two license years and discussed mentor tracking through online account through mentor number.

Discussion:

Secretary Director Lane praised Ms. Morgan's and the volunteers' work, championing this program stating this program does not minimize what all of you (Hunter Education volunteers) do, it is meant to augment that work and remove barriers to recruiting new hunters. Maintain safety, educated hunters, yet remove barriers to getting new people into the sport. The agency in no way shape-or-form intends with this program, to minimize what Hunter Education professionals do.

**AGENDA ITEM NO. 11: Closed Executive Session.**

The State Game Commission adjourned into Executive Session closed to the public, pursuant to Section 10-15 1H(8), NMSA, 1978, to discuss matters related to personnel and litigation.

**MOTION:** Commissioner Arvas moved the Commission meeting be closed. The authority for closure of the meeting is under the Open Meetings Act, NMSA 1978, Section 10-15-1: for limited personnel matter (hiring, promotion, demotion, dismissal of a state employee) as listed on the agenda; and under the attorney/client privilege for discussion of threatened or pending litigation as listed on the agenda. General Counsel Wellborn: asked Commissioner Arvas to amend his motion to also include the discussion of purchase, disposition or disposal of real property and property rights under Section (H)(8).

Commissioner Arvas: so included.

**SECOND:** Commissioner Espinoza.

**Roll Call Vote:** 6-0

**Yes:** Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza, Vice Chairman Salopek

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.

Vice Chairman Salopek stated the Game and Fish Commission is now in open session. The time is 11:17 a.m. May I have a statement regarding the closed meeting?

Commissioner Arvas: The Game and Fish Commission discussed in closed session only those matters specified in the Motion to close. General Counsel Wellborn added that no votes were taken, or no action was taken.

### **AGENDA ITEM NO. 12: Review of Terk Decision Relating to License Quota.**

Presented by General Counsel Rick Wellborn - The Department presented an overview of the Terk decision, its impact on the application of license quotas for Bighorn Sheep, Ibex and Oryx, and the Department's interest in addressing obstacles to applying such quotas.

Counsel Wellborn summarized by reviewing quotas at this time and reasons for those quotas is the 1977 Terk v. Gordon decision and the permanent injunction still in place. The Department intends to petition the district court, re-open the case, and see that court to vacate that injunction lifting the prohibition allowing the Department to apply quotas equally regardless of species.

#### Public Comment:

Mr. Brandon Wynn: this is good news that you will petition the court. When do you think you will file that?

Counsel Wellborn: a couple of months.

Mr. Brandon Wynn: Commissioners I have prepared a comparison of the different quotas among different states, but it is somewhat mute now that you will be filing to get the quota put on there. It shows how in New Mexico the number of tags that resident's get is in New Mexico is roughly equal to the number that non-residents get in most other states. What I was looking at, say you lose this petition and Terk does not get overturned, I noticed that one other state – Washington, does not have a quota and there it costs \$100 - \$117 to apply and that is non-refundable. Because of that, there are far fewer non-residents willing to put in, they don't get a bonus point. So if we lose on this Terk thing, that possibly we could make it more expensive for non-residents to apply. As you know, 15 out of 16 desert tags went to non-residents, which is not pretty.

Vice Chairman Salopek: Brandon just to answer your question, our Governor is not in favor of that.

Mr. Brandon Wynn: I understand that was kind of the thing, where you had to do that to get SB 196 passed that you had to do that. I understand. We need to talk with the Governor about. Another thing, I was looking at the draw odds and the number of people who applied this year. About 60 percent of the applicants for desert bighorn sheep were non-residents but they drew 94 percent of the tags. This would be a legal question to look into, possibly you could set a quota that says that without discriminating within Terk that the maximum tags or desert or rocky tags – I would separate them into two different groups, that go to the non-residents matches the percentage of applicants that were non-residents. If this had been done this year, there would have six resident desert sheep hunters instead of one. I don't know if that would fly under Terk or not but maybe those are some ideas you could possibly use if we lose on Terk to put more tags in resident's hands.

Mr. Cecil Haas, Kauffman Outfitters: Under the consequences of Terk, we only have 24 percent of the licenses for the last two years going to non-residents on Ibex, however, the non-residents pay so much more that they pay five times the amount that residents do, the revenue coming into the Department. I want to point out that there is possibly an unintended consequence if we do apply a 16 percent quota like we do on elk and pronghorn, etc., that would be a \$50,000 hit per year for the Department, just want to point that out, not saying it's good or bad, I think we should pursue the Terk decision and get that overturned, but the quota might not be necessary. We might be solving a non-existent problem, on the Ibex at least.

Vice Chairman Salopek: in our budget crisis, you might have point, thank you.

Mr. Max Trujillo: I want to applaud the Commission for moving forward with this, to overturn the Terk decision. I guess to balance revenue for the state Game and Fish Department, I would suggest maybe increasing the application fee for non-residents, make it non-refundable, that would put a big dent in that revenue loss.

Mr. Jeremy Vesbach, NM Wildlife Federation: Thank you we are really glad to hear this news and see that the Department is going to revisit this. We are the only state that has such an injunction to prevent from applying a quota. It is really unfair for non-residents to face quotas in other states where we cannot apply it here. It is a really old artifact and as Rick said, we have had court cases since that clearly go against it, including one to the Supreme Court. I think the only thing, I'm sure you're already thinking this, is to be prepared and ready to win. The Department did appeal once before and got slapped down not because the law was not on our side but just did not have the correct argument. So I think being prepared is going to be critical and we appreciate this. In terms of revenue, I think just have the sportsmen in New Mexico on your side is really the key to long-term revenue, and this is doing something for the sportsmen in New Mexico.

Mr. John Crenshaw, NM Wildlife Federation, retired NMDGF: I want to reiterate, and I'll be brief, really happy to hear that this decision has been made and that the Department and Commission are moving forward. I really would like to encourage you to be very careful and very thorough in preparing this case; this may be our last shot to get this undone. Commissioner Montoya and I were discussing this some time back and we could not quite remember why it was not pursued way back, but it may have been because the Department then was extremely busy with the AG's office fighting the Mescalero's case in which the Mescaleros successfully defended their sovereignty and we no longer had management authority there. But whatever the cause, it wasn't done, but it is going to be done now and I'm really happy to hear that. Revenue loss is a percentage of the Department's overall revenue from license fees is actually quite miniscule and don't believe that that has ever driven not to pursue this particular case, I have heard that from time to time, and I have never accepted that argument. To sum up, I'm really glad you're going to do it, I really hope we do it right and get it done.

Discussion:

None.

**AGENDA ITEM NO. 13: Deer and Pronghorn Antelope Program Update.**

Presented by Wildlife Management Division Chief Cal Baca - The Department updated the Commission regarding plans for management of deer and pronghorn antelope to include translocation efforts.

Secretary Director Lane welcomed and congratulated Kevin Rodden as the Department's new Deer and Pronghorn Biologist.

Mr. Rodden summarized the Department's strategies and management objectives: 1) restore herds to sustainable levels augmented with trapping and transplanting, 2) improve habitat on historic ranges cooperating with land management agencies and private landowners as a whole, 3) use "Adaptive Management" principles relative to hunting parameters throughout the state for both deer and pronghorn management programs. Monitoring will be accomplished through use of graduate students and radio collaring of monitored specimens.

He summarized proposed amendments to the Deer Rule: to allow unsuccessful archers a chance to harvest a doe within Silver City Management Area, and extend archery season for doe-only from January 16 through February 5.

Public Comments:

None.

Discussion:

None.

**AGENDA ITEM NO. 14: Recent Wildfire Impacts to Wildlife and Habitat.**

Presented by Wildlife Management Division Chief Cal Baca and Habitat Manager Donald Auer - The Department briefed the Commission regarding the recent wildfires' impact to wildlife and affected habitat.

Mr. Auer presented the first portion of the topic with brief update on wildlife habitat impact. There is significant riparian and aquatic habitat degradation in areas of high fire intensity and in drainage areas downstream of high fire intensity. We have observed fish kills both due to the high intensity of fire in some areas and most importantly due to downstream effects of siltation, flooding, debris flow, scouring, incision, etc. In some of the drainages and in some water bodies it will be several years before these systems stabilize to a point where they are supportive of viable fisheries again.

In the upland world, Mr. Auer stated there is more optimism in the short and long-term in the effect of the fires on big game. We do not believe there will be population decline due to the fires. As comparison, fall surveys for elk last year in the Jemez Mountains after the Las Conchas fire did not show decreased calf-to-cow ratios, nor our estimates did not come down for the overall population of elk in the Jemez Mountains. In general, an increase in grasses, forbs and shrubs in patches across large acreages provides better habitat for mule deer, elk, bear, turkey, quail and many other species of wildlife. Do not believe decline in big game numbers due to these fires, past surveys following previous fires do not show decreases.

Chief Baca discussed the Forest Service proposed closure area: 37 percent of public land in GMU 22. Discussion every day with Gila National Forest Service to reduce the size of the closure area, just this morning the proposed closure area will be further opened – trailheads closed but all overland access will be allowed – therefore hunting will be allowed under regular wilderness access. As trail and road access is mitigated, those trails and roads will be reopened. The 27th of August sees reopening from reseeding by the Forest Service. Cooperation with Lincoln National Forest Service is pursued so that trails and roads are reopened: at this time, 4 percent of GMU 36 is closed and 8 percent of public lands in the unit are closed. Hunters will be given information about the areas as result of the burn and burn mitigation. The same access agreement with Lincoln as with Gila are urged by the Department in a meeting August 24, 2012.

Public Comments:

None.

Discussion:

Commissioner Montoya: you don't have any word from the Lincoln on the Little Bear regards reopening of the area?

Chief Baca: our meeting tomorrow 8/24/12 at 10 a.m. will result in the final decision from Lincoln Forest Service regards closures in the Little Bear Fire area.

Vice Chairman Salopek: on the Willow Creek road, that will be closed to camping but access is open to go in to hunt?

Chief Baca: the Willow Creek Road will still be closed, but access to overland travel is allowed as long as hunters (general public) are not using any Forest Service-maintained trail.

Vice Chairman Salopek: hopes the Habitat Stamp program can be used to bring back Willow Creek area.

**AGENDA ITEM NO. 15: 2011-12 Bear and Cougar Harvest Update.**

Presented by Wildlife Management Division Chief Cal Baca, and Furbearer Biologist Rick Winslow - Pursuant to rule (19.31.11), the Department updated the Commission on the 2011/12 harvest and depredation totals of black bears and cougars. Chief Baca presented the statistics and strategies and Mr. Winslow's survey of food availability in bear habitat is good for 2012.

Bear statistics for 2011: 232 depredation kills, 56 road kills, and 489 sport harvest. Food conditions were poor in most parts of the state, which contributed to very high levels of nuisance activity. Bear statistics for 2012 (as of 8/13/2012): 59 depredation kills, 26 road kills, and 12 sport harvests. Food conditions are excellent in most parts of the state for the year.

Cougar statistics for 2011: 22 depredation kills, 12 road kills, 198 sport harvest, and 12 bighorn sheep predator-protection kills. Cougar statistics for 2012 (as of 8/13/2012): 8 depredation kills, 3 road kills, 4 sport harvest, and 15 bighorn sheep predator-protection kills.

Public Comments:

None.

Discussion:

None.

**AGENDA ITEM NO. 16: Five-State Lesser Prairie Chicken Conservation Plan.**

Presented by Wildlife Management Division Chief Cal Baca, and Lesser Prairie Chicken Biologist Grant Beauprez - The Department briefed the Commission on the development of a Five-State, Range-wide Lesser Prairie Chicken Conservation Plan. (Comprised of New Mexico, Colorado, Kansas, Oklahoma, and Texas.)

Mr. Beauprez and Chief Baca presented a map depicting: historical range, and current existing (predominately private lands). Chief Baca explained why a range-wide conservation plan is necessary in that the Lesser Prairie Chicken (LEPC) has been considered for listing under the Endangered Species Act (ESA) for some time, and that the final listing decision by US Fish and Wildlife Service (USFWS) is set for September 2013. The five state plan target completion date is 3/2013 through regular meetings of the working group—well within the Threatened and Endangered Public Comment period. The plan will identify population goals, habitat needs, engagement of stakeholders range wide, and conservation practices to address needs across entire range. The objective is to provide enough data to assert that enough conservation has occurred and will continue to occur in order to justify a finding of not warranted for listing the LEPC as a Threatened and Endangered species. New Mexico contribution through grants from Natural Resources Conservation Services is approximately \$1.5 million the first year from farm bill funds to engage private landowners in conservation practices specific to the LEPC, and an additional \$900k to \$1m has been requested additionally. Bureau of Land Management has also provided LEPC conservation efforts.

Secretary Director took this time to present the State Game Commission Conservationist Award to Doug Burger, BLM for his outstanding conservation work throughout the southwest. Mr. Burger thanked everyone on the team and recognized the oil and gas industry representatives in their \$3+ million contribution to habitat development.

Public Comments:

None.

Discussion:

None.

**AGENDA ITEM NO. 17: Amendments to the Turkey Rule 19.31.16 NMAC.**

Presented by Wildlife Management Division Chief Cal Baca – The Department presented recommendations to the Commission to amend the Turkey Rule.

W.S. Huey WMA/GUM33 is the focus of these amendments: reduction of spring youth only hunts on W.S. Huey WMA, reduction of fall youth-only hunts on the W.S. Huey WMA, and close GMU 33 to general turkey hunting for spring and fall seasons—three weekend hunts in the fall with four permits each and one turkey bag limit.

Public Comments:

Mr. Garrett VeneKlasen: passed.

Discussion:

None.

**AGENDA ITEM NO. 18: Amendments to the Ibex Portion of 19.31.12 NMAC.**

Presented by Wildlife Management Division Chief Cal Baca, and Deer Biologist Kevin Rodden – The Department presented recommendations to the Commission to amend the Ibex portion of the Barbary sheep, Oryx, and Persian Ibex Rule to address an expanding population.

Mr. Kevin Rodden gave history of Ibex introduction more than 40 years ago. The mid 1980s saw the initiation to manage their numbers by use of a qualifier hunt strategy: licensing for two nannies or immature billies. (Immature males are difficult to distinguish from females is the reason for the bag limit.) This strategy was very successful and the population was reduced. License numbers were reduced to grow numbers again within the habitat range. In the mid-1990s, the population had reached management maximum and the same strategy of licensing was employed, and numbers were again reduced to a lower numbers. License numbers were reduced to much lower numbers, over a period of slow growth, the population now stands at a number to ready to surpass the habitat boundary as established with the BLM. Studies have been done to review the appropriate numbers of Ibex on the mountain versus their distribution to neighboring ranges. Again, a qualifier hunt is proposed whereby the objectives include: maintaining the quality of billy hunts, and to reduce the number of nannies with a harvest limit strategy. Once nanny harvest numbers have been met, the season will close.

Public Comment:

Mr. Cecil Haas, Kauffman Outfitters, Las Cruces: he has guided for Ibex for about 30 years and worked with the Department on these population problems before. First of all, I want to compliment Chief Baca and Mr. Rodden for devising a unique idea about the qualifying hunts—it's a very good concept. You've probably looked at the numbers that they presented under the agenda items posted on the website. That is what I want to address. The population is up. From my observation the trophy quality is actually going down some, we don't see the really big ones nearly as much as we did before. The numbers that they had in the agenda item actually decreased the number that we're going to take. Of the 79 less licenses, if you count the harvest limit as a license. I know that they are going to issue more licenses but harvest limit is going to actually drive the effective number of licenses down. So, you're going to take actually less animals with that proposal. We think those numbers need some real tweaking. Again, the concept of the over the counter licenses for the female immature animals is a good one. I support that, it is less work for the Department, but there are some things that we think you ought to do in addition to that: decrease the number of youth licenses, it is disproportionately large compared to that of other species; increase the number of once in lifetime licenses to 25, from the current 15; cut the bow tags from the 120 this year, that is too many people on the mountain at one time especially if you're trying to bow hunt; the off-mountain tags that you buy off the counter, keep that the way it is it is working and there is no reason to fix it. The things we would like to see changed: keep the muzzleloader at 50, it is 60 this year because you approved a 20 percent increase in the number of licenses, but the muzzleloader hunters actually end up taking the smaller billies, from our guiding, the just don't get close enough to take the big ones. It is not hurting the herd at all to keep that at 50. I'd like to see an increase the harvest limit to two instead of one to get into that draw, increase the number of licenses on that draw to 25, that will give people some incentive to actually go out there. I've provided you information about the rationale of our comments in your packets and I hope you have time to read that.

Mr. Brandon Wynn: I think it is a great idea to bring back that hunt where you can qualify with nannies. One thing that would tie in with some of the family initiatives, possibly you could have a hunt in there where maybe set that were if a youth shot one nanny they could go on the billy hunt? I just wanted to suggest that.

Mr. Ray Lister, Supervisory Natural Resource Specialist, BLM, Las Cruces District: the District has enjoyed a long-standing, cooperative working relationship with the Department on management of Ibex in the Floridas dating back to 1970 when the first cooperative agreement was signed to release Ibex into the Floridas. In 1979, the Department and the BLM adopted a habitat management plan where both agencies agreed to implement vegetation habitat studies as well as population studies to work toward identifying the carrying capacity for Ibex in the Floridas. One other thing agreed to at that time was the Department would use any means possible to prevent Ibex from leaving the Floridas. From 1980 to 1985 as Kevin indicated the population slowly increased to the thousand-head level where we saw the animals leaving the Floridas. During that period there was annual carrying capacities established, which ranged from 250 to 400. From 1980 to 1985, the population and habitat data was evaluated through a study commissioned by the Department and the BLM with NMSU for a carrying capacity study. That study recommended a range in carrying capacity between 350 and 500. Subsequent to that in 1988, a second habitat management plan was developed and adopted by the agencies establishing the carrying capacity at 400. It also reiterated the Department's obligation to use all reasonable means to keep the Ibex from leaving the Floridas and implement harvest strategies to achieve that carrying capacity. Current numbers, as was indicated, is reaching the levels of the mid-80s and the 90s where the Ibex left the Floridas and the Department was very successful as you can see, to implement a harvest strategy to decrease those numbers as well as the over the counter off-range tag system, which is still in place. We continue to support that, we currently have no record of reports of Ibex leaving the range, which is a good thing and a concern of both agencies, especially with regard to the neighboring mountain ranges and bighorn sheep habitat as well as the agreement to manage them to stay on the range. Unique in 1984 to 1986 was an above normal precipitation during those high numbers. Currently we are in a drought period, so that is concerning. We continue to work closely with the southwest area office biologist in developing these harvest strategies and the BLM supports the proposal to reduce the number of nannies in the population so that we can implement a downward trend toward the target level established in the habitat management plan, while we continue to work together and implement habitat studies and population studies.

Discussion:

Commissioner Montoya: what is the estimated population now after the surveys?

Mr. Rodden: these are strictly survey observed results, and the latest one was right at 700 that we saw in February. So our population estimate is well in excess of 900 animals.

Commissioner Montoya: and because of our rainfall, our carrying capacity has dropped. I can see where we are going to have to take some pretty drastic measures to get the population to what we have on the agreement, 400?

Commissioner Arvas: I thought it was 600

Mr. Rodden: it is 400.

Commissioner Montoya: I am sure the habitat is depleting, and the move off. The proposals you are making to trim the population down some acceptable are certainly well worth looking at, maybe could kick it up a little bit.

Vice Chairman Salopek announced the order of the agenda will change to promote General Public comments to this time period.

**AGENDA ITEM NO. 26: General Public Comments (Comments Limited to 3 Minutes).**

Mr. Ron Krohn, NM Pilots Association (NMPA), Santa Fe, NM: I support the recent proposal that was submitted to the Department by the NM Pilots Association to reopen the air strip located at El Vado Lake on a seasonal, non-commercial basis. That airstrip, despite having been closed for nearly 30 years, still continues its listing on the FAA nautical charts, it still shows up on the state parks dot com website and despite that abandonment for nearly 30 years the infrastructure is in surprisingly good condition. When this airstrip was closed, the idea of recreational aviation did not even exist. Today, that is a strong and growing aspect of general aviation. As evidenced by organizations such as the Air Campers Association, the Recreational Aviation Foundation, which strongly supports the reopening of this airstrip, Congress has passed a resolution acknowledging back-country aviation, and the US Forest Service supports back-country aviation as for access to wilderness areas. The El Vado airstrip is very unique in its location in a more remote area of northern New Mexico. It is adjacent to El Vado Lake, adjacent to El Vado State Park and it is just inside the wildlife management area. It offers unique opportunities for recreational aviation and I ask that you review and consider and support the proposal that is on the table now.

Mr. Skip Egdorf, Los Alamos: I would like to follow on Ron's comments dealing with the proposal about reopening El Vado airstrip. Others will probably say more in general about it but the one issue that I would like to address, in conversations privately with various people, I have heard comments about how El Vado would be too difficult, too expensive to reopen. I have gone up and gone over the airstrip looking at it from the point of view of what would be required to put it in operation. It is in surprisingly good shape and would be very easy to make operational again. The local people up there talk about how the airstrip was constructed as part of the AFSPA radar facility that was up there and this seems to be constructed along standard Air Force lines with very good engineering behind it after all the time it has been closed, there is a minor bit of erosion on the east end of the runway and there is some sage incursion, but other than that it would be very easy to put it back in operation. From the point of view of the engineering, I am really impressed by this facility and it would almost be a tragedy to have it not maintained and usable given all that has been put into it in the past.

Commissioner Arvas: Mr. Chairman, Director Lane how is the Commission involved in this decision?

Secretary Director Lane: that would be a decision that the Department ultimately would normally make. I'll go ahead and address the issue here. This has been on my desk a couple of weeks. I have talked with colleagues across the west and east. As you all know, the agency, while I don't doubt that the airstrip offers some unique opportunities, while I don't dispute that some folks could certainly use it, and that it may be a viable airstrip, our lands bought by the state game commission using license dollars and federal funds are to be held for the purpose for which they were purchased and that is hunting, fishing, and trapping dependent upon the lands. When we allow other user groups to come in and utilize our lands in a fashion for uses that do not fit within the Department's primary mission we face a very real threat of diversion of federal funds, which would cost the agency about \$13 million annually if the federal government were to find us in diversion. All of the other state agencies that I talked to with the exception of one, but it was not on their lands purchased with license dollars, it was a state park, all of the other agencies do not allow, even when they have airstrips, do not allow recreational use of those airstrips. My recommendation to the Commission, if you were to ask me, would be that the Department just is not in a position to entertain this. It would put us in a bad light with the federal government and it would jeopardize a third of our budget by allowing this use.

Mr. David Valdez, NM Pilots Association, Shady Shores, TX: I grew up here in Albuquerque, born and raised, went to UNM, flew for Mesa Airlines. In 1986 I joined American Airlines and moved to Dallas/Fort Worth, TX. I have owned land, the family has owned land since the 1950s in the El Vado/Chama area. When I was growing up, I flew airplanes up into this airstrip, used it extensively visiting family up there. In 1986 the fence was put up there right next to the road, which was adjacent to the field and closed the runway. The runway is safe, it is a good airstrip, and in remarkable condition. As far as maintenance, the NM Pilots Association has offered to do the work to get back up to usable standards, which is going to be very. So I am here in support of the NM Pilots Association to open discussion on this.

Ms. Cathy Myers, president NM Pilots Association, Las Cruces: We are here as you have heard to make a formal request to New Mexico Game and Fish to reopen the El Vado strip up north. The organization has discussed at length the needed support and the coordination of the initiative. We are all in support of that. Our membership overwhelmingly supports it. We have unanimous board support as well. We also have the approval and support of the Recreational Aviation Committee who would be in charge of the project. Briefly, NMPA has had a presence here in New Mexico since the early 80s. Members are based state wide. Our mission includes general aviation safety and preservation of airfields with a major goal to assist

wherever possible to increase the growth of aviation opportunities through recreation here in New Mexico. NMPA is a sister organization to the Recreational Aviation Foundation, a national organization dedicated to recreational flying and we partner with several other state organization like the Arizona Pilots Association. There are more than 6,000 general aviation aircraft not including military or scheduled airlines here in New Mexico based for corporate business, air ambulance, law enforcement, firefighting, air charter, Civil Air Patrol, and many other private aircraft used for recreational purposes. Back country access by air opens up some of the most diversified, beautiful recreational opportunities possible for both the residents of New Mexico and visitors from out of state. On behalf of the NMPA, I thank you for the opportunity to discuss and consider this request.

Mr. Max Trujillo, New Mexico Wildlife Federation: I want to go back to an earlier presentation encouraging youth, and hunter education, and the mentor program. In the same meeting someone saying that we need to cut the youth permits for Ibex I would say, let's adopt a different mentality if we want to get our youth out in the field and hunting, the Florida Mountains are a perfect place, it's perfect stage to do that. You get these young kids out there hunting, especially with this population boom, it will be a hunting experience they will never forget and it will keep them in the field and everything else will be a much easier and better experience when they are hunting other big game species. So I would encourage the Commission to maybe think about increasing the youth permits out in the Florida mountains and give these young hunters a chance to take a nanny or a young billy out there in the Florida mountains.

### **AGENDA ITEM NO. 19: Biennial Review of State Listed Threatened and Endangered Species.**

Presented by Conservation Services Division Chief Matt Wunder - The Department presented the Commission the Director's-recommended revisions to the Biennial Review of state-listed threatened and endangered species.

Chief Wunder updated the group on progress of the Review; we are now in the comment period per regulation. Step now is to reopen the 14-day comment period, and then revised list is brought to the Commission for review and approval. So far, we've received a few comments from the biologists in the Department, there have been no recommended changes to the status of any of the listed species. There have been seven changes to species scientific names due just to taxonomical understanding. The proposed draft is posted on the Department's website. The proposed schedule: open the review 9/10 and close 9/23, revisions presented to Commission 11/1 for review and approval. Chief Wunder reviewed the number of species (117) and "restricted" species that are covered elsewhere in the list. The Department will probably recommend removing those restricted species because they are covered elsewhere in current regulations.

#### Public Comment:

Mr. Garrett Veneklasen: not present.

#### Discussion:

None.

**MOTION:** Game Commissioner Robert Espinoza moved to open the 14-day public comment period on the revised draft of the 2012 Biennial Review as presented to the Commission, and have the Director continue the Biennial Review process.

**SECOND:** Game Commissioner Bill Montoya.

**Vote:** 5-0

**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.

### **AGENDA ITEM NO. 20: Roswell Spring River Pond Partnership for Fishing.**

Presented by Shawn Denny, SEA Fisheries Manager – The Department presented details to the Commission on the ongoing partnership with NM BASS and other partners to return youth angling opportunity to the Spring River Pond at the Roswell Zoo. The project is directed at restoring the pond for anglers, as well as determining potential means to address golden algae.

Mr. Denny, SEA Fisheries Manager and Mr. Earl Conway, Conservation Officer of NM BASS described the water bodies and the problem with fish-killing Golden Algae, and efforts toward spawning/recruitment during lake drawdowns. Mr. Conway outlined focus of mission of organization, locations of focus, grant money already obtained, and work planned. He described challenges to the project; weather conditions, use by waterfowl adding to nutrient load and consumption of beneficial plants.

Summary of the partnership include partners for future urban fisheries for youth, creation of spawning platforms, habitat restoration and recovery.

Public Comment:

None.

Discussion:

None.

**AGENDA ITEM NO. 21: Prospective Legislative Initiatives.**

Presented by Assistant Director Patrick Block – The Department requested Commission guidance and solicited public input on prospective legislative initiatives to develop and pursue through the applicable executive branch agency review processes for the 2013 60-day legislative session.

Assistant Director Block outlined proposals and next steps of the processes. This legislative session will be a 60-day session, and therefore more open to discussions. The list of proposed actions includes:

1. Waive License Requirements for Special Events – create a waiver of the requirement for a fishing or game hunting license for participants in agency recruitment events such as fishing clinics and shooting sports programs.
2. Special Fishing License Fees - reducing the minimum age for special fishing licenses for minors fishing on Philmont Scout Ranch. Current law creates a special license for youth 14-17. Scouts who are 12 or 13 are not eligible for the reduced-cost license.
3. Protecting Privacy of License Holders – information on Hunting, Fishing and Trapping Licenses are considered public records. The law would need to be amended if personal information, including that of minors, was to be kept private. Public Concerns: identity theft, junk mail, firearms ownership.
4. Enforcement of Fire Restrictions - enforcement of fire restrictions and closures by Conservation Officers regardless of land status. Current statute does not clearly allow Conservation Officers to enforce fire restrictions on federal lands.
5. Other Prospective Legislation
  - a. Stricter penalties for hunting violations
  - b. Extend revocation periods
  - c. Penalty assessment option for minor violations
  - d. Disposal of real property greater than \$100,000

What happens next: develop justification for each initiative; meet with the Governor's staff for review, report results to the Commission at the November meeting.

Public Comment:

Mr. Garrett Veneklasen: passed.

Discussion:

None.

**MOTION:** Game Commissioner Tom Arvas moved to direct the Department to develop, and submit for executive branch review, proposals for bill introduction during the 2013 Legislative Session for the following legislative items:

- Remove or reduce the minimum age for special fishing licenses for minors fishing on scout property
- Enforcement of fire restrictions and closures by Conservation Officers
- Create a provision to allow the director to grant a one-day waiver of the requirement for a fishing or game hunting license for participants in agency-sanctioned recruitment events.

**SECOND:** Game Commissioner Bill Montoya.

Assistant Director Block asked the Commission if they wished to include in the motion the privacy issue, and penalty assessments. He explained these items were developed for discussion after the briefing document was prepared.

Vice Chairman Salopek entertained an amended motion.

**AMENDMENT TO MOTION:** Commissioner Arvas moved to amend his motion to include all the issues as presented by Assistant Director Block. Vice Chairman Salopek called for a vote on the amendment.

**SECOND:** Commissioner Montoya's second stands.

**Vote:** 5-0  
**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Amendment UNANIMOUS. PASSED.

Vice Chairman Salopek called for a vote on the motion as amended.

**Vote:** 4-1  
**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya and Game Commissioner Robert Espinoza  
**No:** Game Commissioner Paul Kienzle  
**Abstained:** None  
**Absent:** None  
**Result:** Motion PASSED.

### **AGENDA ITEM NO. 22: Fiscal Year 2014 Budget Request.**

Presented by Assistant Director Patrick Block – The Department presented to the Commission the proposed Fiscal Year 2014 Operating Budget Request and Infrastructure Capital Improvement Project (ICIP) Request for Commission review, approval, and certification.

Assistant Director Block presented for Ms. Sandoval and reviewed the items from the handout. Changes include: funding for the swap between the employee and employer share of retirement benefits, there was a change that took effect in July that restored to the employee 1.75 percent of the share of PERA contributions and shifted that back to the state and self-insurance pool premiums changes. The operating budget focus is to provide the most services in the most efficient manner possible for the most bang for the buck from license buyers. The second point is that the Governor requested all agencies in the executive branch under her control submit a flat line budget. Exceptions included a change in insurance rates and the retirement swap mentioned earlier. Beyond those two items, the Department is at a flat line budget for 2014. The Department's four basic program areas with reconfiguration continue focus on purpose and statute – Field Operations (the four area district offices), the Conservation Services Program per statute, Wildlife Depredation, and Wildlife Support. Reconfigured programs were required to have a new purpose statement and that is complete. Capital projects include a separate request from the budget, dams, warm water hatcheries, alternative energy projects, and limited external dollars.

#### Public Comment:

Mr. Jeremy Vesbach, New Mexico Wildlife Federation: At the last Game Commission meeting, there was talk of a request for expansion. What is the status of that?

Secretary Director Lane: I did not submit a request for expansion to the Governor's Office for approval this year. There was a clear directive from administration to stay at a flat line budget and an expansion request really were not encouraged this year to try to maintain accountability and fiscal responsibility in a tight budget, lean year across state government. It is something certainly with reorganization that we have looked at, we've identified some slots, that we've moved some people around, and increased our enforcement capability in the end. It is something that we certainly have budget for and I am interested in talking with the Governor's Office next year in next year's request potentially, about expansion.

Mr. Jeremy Vesbach, New Mexico Wildlife Federation: I would encourage the Commission to be more assertive and protecting our budget. We've seen these flat budget requests for years now under both Governors and it just doesn't make any real sense when you have money coming into the budget to continue to just get a flat line budget request. Those usually come down without any real thought about what is going on in the actual game protection fund. And that the main reason the Game Commission was formed was to be independent with our budget and our money that we pay in. We pay in for those services, we ought to take a rational look at how it's spent and I just encourage the Commission to be more assertive about that when you get those demands that come down to come in with a flat budget.

#### Discussion:

None.

**MOTION:** Commissioner Montoya: In critical review, I think this is a good budget. I think it puts a lot of needs in that are justified. Certainly I would like to see it larger on the personnel part of it, but that can't be. Mr. Chairman, other than that I would move that the Commission approve the Department's fiscal year 2014 operating and capital improvement project budget request as presented, and allow the agency staff to make technical adjustments and changes as necessary to incorporate assessment rate changes provided by executive agencies after this proposal but prior to statutory deadline.

**SECOND:** Commissioner Arvas.

**Vote:** 5-0  
**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

### **AGENDA ITEM NO. 23: Consideration of Lease of Radio Tower Space on Rabbit Peak.**

Presented by General Counsel Rick Wellborn - The Department presented a request by the Northern Rio Arriba Electric Cooperative (NORA) to sublease radio tower space on an existing tower.

Counsel Wellborn explained there are a number of communication towers atop Rabbit's Peak, which is located in the Edwards/Sargent Wildlife area. One of which is owned by the Northern Rio Arriba Electric Cooperative. They are there by means of a lease with the Department. NORA seeks to sublease space on their tower to Radio Bilingue (RB) a not-for-profit Spanish public radio. They wish to place an antenna on NORA's existing tower. A rate consistent with the Department's most current schedule has been agreed to, 25 percent of the existing lease or just less than \$800 annually. The existing lease with NORA will expire in 2015 and therefore this amendment would also be subject to the same terms and conditions. A Commission vote is required to approve this request.

#### Public Comment:

None.

#### Discussion:

None.

**MOTION:** Commissioner Espinoza moved that the State Game Commission Tower/Communication Site Lease be amended to authorize the subleasing by Radio Bilingue of tower space from Northern Rio Arriba Electric Cooperative at a rental rate of \$791.73 per year plus 3 percent annually for the remainder of the current lease term.

**SECOND:** Commissioner Montoya seconded.

**Vote:** 5-0  
**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

### **AGENDA ITEM NO. 24: Proposal for Acquisition of the Marquez WMA (MWA) by the Cebolleta Land Grant.**

Representatives from the Cebolleta Land Grant have requested to address the Commission regarding their desire to acquire the Marquez Wildlife Management Area by purchase or land exchange. Brett J. Olsen, Esq., introduced himself and Lee Maestas, and Sarah Maestas-Barnes. The standing commitment of the Grant organization is to recover land that comprised the original grant, including the MWA. Ms. Barnes gave a brief history of the Grant lands, the Marquez Wildlife Management area, its separation from the Grant, and the suit of Baca v. Anaya.

Mr. Olsen gave summation of the Grant's prior discussions with Department leadership, and perception of Department revenues from the area and costs of management. Mr. Olsen asserts that the Commission has misinterpreted the Grant's proposal and it was subsequently tabled in 2011. Mr. Olsen stated the Grant's resolution to the Commission then was not to approve of a sale of the Marquez property but only authorize the Department to conduct preliminary negotiations with Cebolleta regarding either sale or exchange of the property. Mr. Olsen said discussions with representatives of the

Commission and the Department following the November 2011 meeting, it was represented to us that the tabling of Cebolleta's proposal at that meeting did not represent the Commission's final word on this matter. We are here today because it is our understanding the Cebolleta's proposal is not a dead letter and accordingly we are here because we want to be heard, and because we were not able to address the Commission in 2011, we want to clarify four key issues relating to the proposal, about which there may have been some misunderstanding either on the part of the Commission or members of the public.

Issue number one: Public draw access hunting. We are aware of the concern that people have raised specifically that if the property is sold to Cebolleta that will mean the end of public draw hunting on the property. Cebolleta has stated consistently that it is not opposed to continue public draw hunting on the Marquez if it purchases the property and that continues to be the Grant's position today. However, we can't tell you today what that arrangement would look like without further discussion and negotiation with the Department. However, we believe that Cebolleta's stated position on that issue should be enough to resolve any concerns about the issue at this juncture. Were this transaction to involve a land exchange rather than a sale, the Department could actually end up with an exchange property with better hunting opportunities than those currently afforded by the Marquez, which are limited.

Issue number two: We have heard the argument that if the Cebolleta buys the MWD, the Department would have to reimburse the US Fish and Wildlife Service for grant funds used to acquire the property decades ago. We do not see that as an impediment to this transaction for at least three reasons: those funds are minimal in comparison to the purchase price of the property if it sold for current market value; it's our understanding that those funds would not have to be repaid to Fish and Wildlife were the Department to use the proceeds from the sale of the MWD to acquire another conservation property; repayment of Fish and Wildlife funds is a non-issue if the property is transferred by way of a land exchange.

Issue number three: future development of the Marquez property. It's our understanding that some Commission members may have concerns about development of the Marquez property if Cebolleta acquires it and how that would potentially affect wildlife populations on the property. And particularly we have heard the claim that Cebolleta will develop the property for uranium mining. The Commission currently has title to the surface estate, but does not own the mineral rights under the Marquez, those rights are owned by the Williams family. Cebolleta could not mine the Marquez property and emphatically has no plans for it. However the fact that a third party does own the mineral rights under the Marquez is a significant issue and we believe it is one that should be considered by the Commission in relation to Cebolleta's proposal. There are plans to develop a uranium mine on the adjacent Juan Tafoya Corporation property, certainly possible that the Williams family could seek to develop uranium inside the Marquez property at some future time. We believe the estate may have actually been leased under the Marquez property. The Department as owner of the surface estate would have very limited control over mining on the Marquez were that to occur and I don't think it can be disputed that uranium mining on or in the vicinity of the Marquez could significantly impair the market value of the property. Consequently, we believe the Commission should seriously consider selling or exchanging the property now rather than at some point in the future.

Issue number four: Cebolleta is aware that the Juan Tafoya Corporation opposes Cebolleta's acquisition of the MWA and in fact would like to acquire the property for itself. There is a long standing historic and cultural connection between the Cebolleta Land Grant and the Village of Marquez, which is the core community within the property owned by the Juan Tafoya Corporation. The Village and the lands owned by Juan Tafoya were once part of the Grant, there are Cebolleta heirs who are also shareholders of the Juan Tafoya Corporation. Cebolleta understands and respects Juan Tafoya's desire to acquire the Marquez property, however, it is undisputed that the MWA is part of the original Cebolleta Grant and as such Cebolleta, not the Juan Tafoya Corporation, has the statutory right of first refusal to the property should the Commission desire to sell it.

Public Comment:

Mr. Greg Burpo, United Bow Hunters of New Mexico: the United Bow Hunters would not agree to and would not like to see the Commission sell the Marquez. We do not believe it would be beneficial for sportsmen. There is no guarantee hunting opportunities. We would disagree to a sale.

Ms. Christianne Hinks, Associate Director of Re-Wilding Institute: she is here on behalf of interested hunters who would oppose the sale or any consideration of the sale of the Marquez, that it is prime habitat for wildlife, but it is also the presence of the Red Mesa Wind Farm, indicates that it is also possible – in addition to mining – to interfere with wildlife with a wind farm.

Mr. Jeremy Vesbach, New Mexico Wildlife Federation: The MWA has a high success rate while a low number of licenses permits and equates to quality hunts. Organization supports the Commission keeping the property.

Mr. Max Trujillo, New Mexico Wildlife Federation: encourage the Commission not to go forward with any purchase especially without negotiation of any alternatives of replacement property that would be put in place of the MWA.

Mr. Bob Ingersoll, Albuquerque: urges opposing the sale of the MWA. It is a unique elk hunting area, if the sale goes, cattle will come, and the hunting opportunity goes away. The Department has done an excellent job in managing the MWA, ironic the expense of management is due to vandalism from the cattle, the landowners are the problem. The MWA is one of three emeralds of hunting areas in NM.

Mr. Brandon Wynn, Albuquerque: pass.

Mr. Horacio Arias, Jr., Rio Rancho: Opposes a sale of the MWA because it would remove prime opportunities for hunting. It will just bring about privatization of that land for their guides or cattle. I think 34k acres is enough land for the Grant. If the cattle cause damage, I think the landowners should reimburse the state for those damages. Keep it public.

Garrett Veneklasen, Public Lands Coordinator, Trout Unlimited: this proposal would set a really bad precedent if landowners can bully their way with the commission, encroachment issues \$200k problem what fences are being cut and who is doing it. Keep it in the hands of the public. It does not make good business sense. I think the \$200k encroachment problem is what needs to be addressed, is that a real figure, and who is cause it.

Mr. Olsen: I want to address a few of the comments. The Red Mesa Wind Farm is not on Cebolleta property. Cebolleta has no wind lease with Red Mesa. Were Cebolleta to acquire the property, the Grant would be committed to continuing to work with the Department to continue to be a good steward of that property to maintain wildlife values, and to maintain habitat for hunting by Grant members and members of the public. We can only say so many times that were Cebolleta to purchase this property public draw hunting would continue. When I said that we would have to iron out the particulars, what I am referring to are issues like liability and things of that nature that we have to address just based upon the fact we would have a private land owner and the public using the property. Those kinds of issues cannot be ironed out at this juncture they would need to be a part of the negotiation process and discussion if we were to go to the next step. I also heard that we are not putting any exchange properties or options on the table. Again, the threshold part of this process, as we understand it, is obtaining a yellow-book appraisal of the property. That is a very expensive proposition however, Cebolleta is fully committed to obtaining a yellow-book appraisal but it makes no sense and is frankly unfair to the Grant to incur that expense and perform other due diligence without at least some indication from the Commission that it is willing to consider conveying the property on some terms. We believe frankly that an exchange would probably be the best way to go, but exploring that with the Department and trying to identify suitable exchange properties should properly occur after this body has at least directed the Department to go forward and engage in some kind of preliminary discussion negotiation with Cebolleta.

Discussion:

Vice Chairman Salopek: Mr. Olsen, I was on the Commission at the November 2011 meeting. I thought we had voted not to negotiate a sale; we do not want to sell it. I stated, and I believe this about any Commission-owned land, if is going to cost one sportsman an opportunity, I am against it. I am for private, I am for sportsmen, and it is a fence I have to ride. I do not know that we have to take an action because I believe we voted to end negotiations and we are not willing to sell. Is that right Mona?

Counsel Mona Valicenti, Assistant Attorney General Civil Division: I would have to review the minutes, but if my memory serves me right that if (inaudible) at the time (inaudible)...

Commissioner Kienzle: Mr. Chairman I am willing to make a motion if the Chair will entertain it.

Vice Chairman Salopek: I would entertain it, I don't think we need to keep going on, go ahead.

**MOTION:** Commissioner Kienzle moved the Commission direct the Department to negotiate with the Cebolleta Land Grant for the sale or exchange of the Marquez Wildlife Management Area.

**SECOND:** Commissioner Arvas seconded.

Vice Chairman Salopek asked for a roll call vote.

Secretary Director Lane called the roll.

Commissioner Espinoza:	No
Commissioner Montoya	No
Commissioner Arvas	No
Commissioner Kienzle	No
Commissioner Bidegain	No

Vice Chairman Salopek: By a 5-0 vote we are not in a position to sell and we are against the sale. The motion fails to go along with the negotiations.

Vote: 0-5

Yes: None

No: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza

Abstained: None

Absent: None

Result: Motion UNANIMOUS. FAILED.

### **AGENDA ITEM NO. 25: Discussion of Pronghorn Antelope Management and Private Land Use System.**

Presented by Wildlife Management Division Chief Cal Baca, and Deer Biologist Kevin Rodden – The Department discussed a proposal designed to manage antelope hunting similar to deer hunting in New Mexico. Potential elimination of the Antelope Private Land Use System in the southeast and changes to the Pronghorn Antelope rules (19.30.12 and 19.31.15 NMAC) were also discussed.

The objectives of the proposal are to simplify structure of pronghorn antelope hunting in NM, specifically Game Management Units (GMUs) 14, 18, 20, 29-34 and 36-40 all primarily in the southeastern region of the state; to clarify public draw licenses would be managed much like the deer hunting draw system, are meant for sportsmen to legally hunt accessible public lands, state trust lands, and private land with the landowner's permission; and to clarify private land hunting system employing over-the-counter licenses with the landowner's permission.

The structure of the proposed program are to: combine GMU's with limited amounts of public land into one hunt code to allow for maximum access; spread hunters out over larger areas to reduce density issues; unitize areas within public land, state lease land and private land checkerboards; increase hunter opportunities where available; and create "quality" hunt zones to maintain trophy-quality hunt experiences.

#### Public Comment:

Mr. Chad Smith, NM Farm and Livestock Bureau: We have people on both sides of the fence on this deal. We are walking a fine line. Some of the concerns I've heard have been addressed here. Encourages the Commission to please read the letters and email the membership has sent them and he will encourage the membership to respond to this public comment and to work with the Commission/Department through this process. That said, one of the concerns that our members brought up is the effects on the herd, what will be the effect of going to this system, similar to the deer population they have seen it diminish over the years through a similar approach. Other concerns have been answered through this presentation and conversations I've had here.

Mr. Garrett Veneklasen: Two of my concerns are again herd management – how do we establish a quota so that we don't overharvest these animals is one of my concerns and, there had been some talk about access and I don't think there is a real set-out plan as to how we can improve some access opportunities into land-locked properties and also work with private land owners who may be interested in open gate opportunities.

Mr. Greg Burpo, United Bow Hunters of New Mexico: After having had discussion with some of our members, we do like the whole concept in general. We think landowners that do provide for habitat and provide for wildlife will benefit extremely from this. Those that do not will not be able to sell access to their property; people will not be willing to pay for it if there are no animals on their property. Want to reiterate what others have said and that is harvest management and what will happen if population does go down, will public tags now have to been reduced because there is an over harvest problem. Antelope are different than deer in that a high-powered rifles and unlimited opportunities on flat land...deer have places to hide, antelope are on wide open space, so once again the concern would be overharvest.

Mr. Jeremy Vesbach, NM Wildlife Federation: We did want to hear the presentation before assuming an official position, but we do have some comments echoing some of the earlier speakers. Discussion on the website presented the program to be similar to deer and I think we are all aware antelope are very different animal than deer, and much more susceptible to overharvest. A question, are we aware of any other states that have an unlimited, over-the-counter system for rifle on antelope? (Inaudible, but no), I wasn't aware of one either. Whereas deer and elk traditionally have been over-the-counter, and can handle a lot of harvest, but a high-powered rifle with antelope...I've done a lot of hunting and generally you can get them. We would suggest some sort of a harvest limit. With the deer program, I believe there are seven hunt codes that started out all over-the-counter on private land and the Department did decide to go to a limit on those private land only tags on some of the units. The second thing I would bring up is that the goal of the program is simplification, we would like to see you set a goal of increasing the public hunter opportunity and if you are going to go to private land only tag and not have any sort of

swap of access for special access to tags, like Colorado did or like New Mexico started, that means your access programs you'll need to really increase that so you'll need to set some aggressive goals. Some other states have had some success with that.

Ms. Michelle Frost, NM Cattle and Wool Growers Associations: Thus far the NMCGA has only received a few negative comments on this proposal and we'll continue to work with our members to get comments in, not only to our organizations, but to you and the Department. We do appreciate the fact that this proposal only addresses one portion of the state, so that there is opportunity to determine if a change of this magnitude is going to be workable. However, we believe that this proposal should consider a one-year sunset so that an evaluation can be made as to whether or not the antelope system should be changed throughout the state. We do have members in the northeastern part of the state who could not be here today due to the fact that the antelope season is opening there and they have hunters coming in today. We will continue to work with our members to provide adequate advice to them as to those who will have to live with this outcome.

Discussion:

Commissioner Arvas: will the Department be requiring courtesy cards for over-the-counter licenses for private land as for deer and elk?

Chief Baca: yes, we would require permission.

Commissioner Arvas: so then basically there is a mechanism for the private land owner, it would not be a blanket sale, and they would have to get permission, the person coming to buy the license before could buy the license.

Chief Baca: yes, that is correct. They would have to have permission to hunt somewhere with a private land only pronghorn license. They could buy one from a license vendor but if they do not have permission to access, we can't do that. Deer and other species where they have to have permission to be on private land normally most hunters get permission to access before buying the license, to guarantee they can hunt there.

Secretary Director Lane: Chief Baca incorrectly answered that. The intent of this is not to require a hunter to get a courtesy card prior to purchasing a license and to gain permission. The onus would be on, before somebody were to enter private land is to obtain written permission from the landowner under this system, the same way it is for deer. If the person could acquire the license at Walmart or online and then could go obtain permission after they had the license. Now, if they were unable to obtain permission then they would be out of luck to hunt on private land. But the way the proposal is written today, there would not be a lawful requirement to gain permission prior to purchase of private land license.

Commissioner Arvas: so then, if that is the case then how do you feel about the enforcement issue, that's the other thing that is in this letter I got.

Chief Baca: documentation reads regards public and private land restrictions, it shall be unlawful for any person to hunt in any GMU other than for which his or her pronghorn antelope license is validated as except allowed by rule. To hunt pronghorn on public land in any GMU with a private land only pronghorn antelope license, except in conjunction with this subsection, and to normally hunt private property without possessing a valid pronghorn antelope license. We also put into rule, so that if a person were buy a license from a license vendor, and then be out hunting on public land, of course they would be in violation. If they buy a license from a license vendor and then not gain access permission from someone, right now we ask that hunters get permission from a landowner to hunt deer on private property. There is no requirement to have the courtesy card. The courtesy card is just that, a courtesy card, something the hunter can keep in their pocket so that if they are checked by a Conservation Officer in the field they have something to show verifiable permission from the landowner to access the property. That is the same system we are proposing here and in my comment I made to the Director earlier, that is what I was trying to convey that there is nothing that says they have to get permission, but most hunters do get permission before they go buy their license.

Commissioner Arvas: do you think that is a little fuzzy at all, or?

Chief Baca: it works well with deer, we don't have many issues.

Commissioner Arvas: isn't it true though that with deer that the majority of people buying a license actually have permission before they buy the license?

Chief Baca: that is not a requirement, but that is true, correct.

Commissioner Espinoza: I have gotten a lot of comments. With deer, you say that most hunters get permission. How long has a deer program like that been in place?

Chief Baca: Four to five years now.

Commissioner Espinoza: When that was first implemented, were there problems with it? Did people buy licenses and then could not get a place to hunt?

Chief Baca: The biggest questions we had, to me, was the access to state lease lands for private land only hunters. That was a concern then for folks that received permission to hunt and had a private land only deer license now did not have access to hunt state lease lands.

Mr. Rodden: as with any new program, those instances are going to happen. Hunters with private land only licenses found hunting on public land were issued citations. I don't have the exact number, but to me it was not a rampant situation.

Chief Baca: in other words, I don't think we saw a huge run on deer licenses to where there were thousands of people looking for a place to hunt. I think we did a good job of educating our hunters and our private landowners and as we have proven over time with this system and our outside the core elk system, our private landowners have been far more conservative in applying that type of hunting on their private lands to where they are not in an overharvesting situation.

Commissioner Espinoza: have you looked at all, like you do in unit 2 or 4, 5A, as far as an unlimited draw on public land, like you do the deer?

Chief Baca: sure, and that is part of what we are proposing as well. We would look at those quality areas where we want to maintain the quality experience, not only the trophy quality but limiting the number of hunters in an area, working with the landowners and public land agencies to create limited entry even with the private land only licenses.

Commissioner Espinoza: but you haven't looked at it throughout the southeast region like you, completely over the counter.

Chief Baca: no, we don't believe that going, that wouldn't change what we do now. If we went with limiting private land only draw, it is basically the same system we have now, it's just changing how we administer the allocation of private land hunting. We are trying to simplify it to where in the majority of say the southeast area that a private landowner, hunting on his private land, can allow access to a hunter with a private land only pronghorn license and be limited to those private lands. Public draw hunters then are not limited to the public lands of that particular sign up. They now have the ability to hunt just like our bow and mobility impaired hunters, the entire GMU where they have access to.

Commissioner Espinoza: what are you asking today, for our permission to open it up for a vote in November?

Chief Baca: yes, correct. A proposal to allow us to open up the pronghorn and antelope licensing system rules so that we can make the proposed changes, request public comment, and then bring to you a final proposal as directed by you all in November.

Commissioner Bidegain: on the unitization, the checkerboard effect, how are we going to educate the hunters so there is not any argument between the landowners and the public hunters?

Chief Baca: currently the issue in a lot of the areas where we hunt pronghorn is the unidentifiable boundaries between public and private lands. There are no fences or markers, pasture fences do not subscribe to the same boundaries as state trust lands, other public lands, and private lands. What the unitization agreements do, is to take existing landmarks, roadways, or other geographic boundaries and create the hunt unit boundary, map it, and provide to our hunters via the web and through direct mail if warranted, to say that this is the hunt unit boundary for your hunt within the specified GMU. Similar to how deer are managed in GMU 38, we have unitization agreement with a ranch there defining the boundary using a roadway.

Commissioner Bidegain: do you send them the map or do they have to go get it?

Chief Baca: We post those on our website, because it is not all encompassing of all of a GMU, it would be certain parts of a GMU.

Mr. Rodden: the deer draw system was implemented when we went to a deer draw statewide and that was in 2004. As you know before then, we did limit some areas specifically for drawing, like in unit 2, and other areas were over-the-counter at that time we went to a deer draw for public and we allowed over-the-counter for private.

Commissioner Bidegain: you talked about combining some units, to have one large unit. How is that going to spread out the hunters? How are they going to spread themselves out?

Chief Baca: it is basically a larger area, giving them more access to more public lands. If we look at unit 39, and if we put hunters in just unit 39, there are certain tracks of state trust lands there that would be accessible for hunters. That would condense hunters into those areas for sure because that is the only public land they have access to if they cannot gain access to private lands within that GMU. If we look at combining units 39 and 40 or for example units 14 and 18, we would give hunters the opportunity to select from all those legally accessible public lands there, which by the nature of hunters, yes there would be some grouping of hunters, but we would facilitate their spreading out by giving them more lands accessible to them to be able to spread out over time. Plus we are proposing that the hunt time frames be longer, going from the current three-day rifle hunt to a five-day rifle hunt to allow for if a hunter shows up in a certain area and it is overloaded with hunters they have the time and ability to move on to other areas.

Commissioner Bidegain: let's go back to 30 and 40. If there are only a certain amount of areas within there to hunt, you open that up to 40, everyone is going to go to 40?

Chief Baca: that is a possibility, but we are not proposing an unlimited amount of public hunters. Within those public lands, within the sustainable harvest that can be applied to those public lands, we would apply an appropriate number of hunters. So it would not be an unlimited number of public draw hunters trying to access to public lands. In a stair-step the approach, evaluating the hunter harvest success over time, determine what the hunter numbers should be, just as we do with all other species. Looking at what available hunt animals (bucks) are in 39 and 40 on public lands, the success rate. In our proposal now, we have not increased the number of hunters yet, what we're proposing is that we keep them at the same level of

hunters, which is very conservative, and assert that is an appropriate number to start from to begin evaluating whether we can increase in those units or not.

Commissioner Bidegain: why are there the little units up here, doesn't that divide up the elk hunters?

Chief Baca: that is correct.

Commissioner Bidegain: why would you divide up the elk hunters?

Mr. Rodden: we have different harvest objectives for elk. To say that it is strictly to divide the number of hunters just for that reason, the harvest objective and the quality of hunt are also reasons, depending on where you are.

Commissioner Bidegain: we just heard from the public that we are concerned about the management of the antelope, with the harvest object for the elk, you can manage it a little better when it is smaller, correct?

Chief Baca: the way those hunt units are viewed, the north central herd region of New Mexico in our elk management, we model that sustainable harvest based on our surveys, and what a sustainable harvest estimation of that management area is. It is based on the north central herd of New Mexico, not individual units. We take that overall harvest objective and if it is an optimal opportunity objective meaning we are maximizing the number of hunters we can place in that unit, then we take those units and determine how many hunters can occur within those lands, then break it public to private split and apply it through the E-PLUS system. So we are looking at herd units within our core-occupied elk range across the state, a big picture look first. It is part of the modeling effort we are trying to employ with our pronghorn system, which we do not have in place now. We are barely into the second year of our composition surveys, which gives us the buck to doe to fawn ratios that we need to be able to apply a sustainable harvest across a herd unit or within a GMU. So we would use the same techniques we use with elk to when stating the population estimate is thus manage harvest.

Commissioner Kienzie: what are the consequences of doing nothing, just keeping the system the way it is right now?

Chief Baca: We would continue to operate the A-PLUS system, as it exists. We would continue to deal with the daily phone calls from our private landowners regarding numbers of hunters, numbers of private land licenses, and continue listening to some sportsmen's groups complain that we are giving transferrable licenses to private land owners to sell on the open market in violation of North American model. We would continue to work to gain access to public land tracts that are currently not hunted, and continuing to spend considerable time, energy, and money maintaining and operating a system for a minimal amount of hunters. This system in our proposal would streamline how we apply hunters for this species to where the Department could focus its energy to pronghorn management objectives we addressed earlier, which is habitat improvement, working with private landowners to improve their habitat and management objectives, and then also increase the numbers of pronghorns were low numbers exist for improvement.

Commissioner Espinoza: as encouragement, to continue to take comment and be open to alternatives.

Chief Baca: appreciates that and will continue to make request of the commission to bring forward ideas.

### **AGENDA ITEM NO. 26: General Public Comments (Comments Limited to 3 Minutes).**

Mr. Larry Filener, NMPA: is an angler and discussed difference of the road next to the airstrip and access to the airstrip. Understands that it is paramount for wildlife habitat maintenance there, we understood from the get go that the airstrip would be closed down in the same manner as the state road there. Noted other states that are participating, Idaho and Montana, have very active strips to access hunting and fishing opportunities. He welcomes the Director's option to discuss this further.

Mr. David Valdez: spoke earlier, passed.

Ms. Cathy Myers: spoke earlier, passed.

Mr. Walter Baca, Juan Montoya Corporation: we don't own a single cow or horse, it is the private landowners. We support your going after the landowners that are causing the problem in that area. Secondly, we have never asked to buy the MWA. The only thing we were in negotiations with the Department of Game and Fish was to trade or swap some land for a permanent right of way for the 23 acres that are right in the middle of our community in our land grant and which would benefit the Department of Game and Fish, and benefit the hunters to have a permanent access into that wildlife area. And that has been our interest all along. We have not offered to buy any of the wildlife 15 thousand acres.

Mr. Rol Murrow, Wolf Aviation Fund, Recreational Aviation Foundation (RAF): discussed recreational flying means of an accessing recreational opportunities, we are outdoorsmen – fishermen, hunters, campers, do all the same things people do and we enjoy access to many areas around the country. This is just a briefing, we are bringing the proposal before the staff and we are going to be discussing things and we wanted you to be aware of it to bring your own concerns and ideas before we finalize and bring it back to you for a decision. The RAF has written agreements with state and federal agencies, and organizations such as the RMEF. Urges Commission to reopen the airstrip at El Vado Lake and work with volunteer groups to maintain it for the enjoyment and benefit for not only pilots and their passengers but for the local communities. Like many rural and remote airstrips it is unlikely El Vado would see more than a few aircraft each month during the flying season, primarily the summer, but the value of those flights would be great and at times potentially lifesaving. The airstrip would enable

underutilized recreational facilities at El Vado to be enjoyed by aviation visitors. This fulfills the goal of distributing recreational use out from heavily used facilities to the more remote areas.

Mr. Ron Krohn: passed.

Mr. Garrett Veneklasen: as follow up to comments regarding flat line budget by the Governor. One of the problems that we have with the OHV fund is that we have an annual spending cap on what can be spent. That spending cap was based upon a fledgling program that began with one person and that was David Chester who was running that program. We now have David Chester, an enforcement coordinator, we have an education coordinator – the program has really grown in leaps and bounds. The problem is that the OHV fund user fees are starting to balloon that fund and that fund was raided recently by the legislature. So that fund is a tantalizing target. So that is one of the reasons why we encourage the Commissioners and the Directorate to encourage the Governor to rethink the flat line because these are user fees. In a program like the OHV program which has grown exponentially, and the Department has done an incredible job creating OHV parks, more opportunities for education and enforcement, we would love to see that cap get raised. And I think the Directorate's hands are tied because of the Governor's position. It's a responsible idea, the flat line budget, but we need grow it and increase that cap. I would encourage the Commission to work with the Governor to help her understand that there are certain aspects of the Department that are growing at a rate that require more money to be spent.

Mr. Skip Egdorf, NMPA: spoke earlier, pass.

Mr. Brandon Wynn: passed.

Mr. Horacio Arias, Jr.: regards the airstrip – I am against it because I have seen it go bad in two states. Recently in Arizona there was one by Strawberry Creek and it became a dump site within the first year. I don't know who is going to fund it, but I don't want it coming out of my game and fish fees or any state tax to fund it. It would only be open to a few people anyhow, for flying I can understand that they would want it but I would not want to see that become a dump site. If I can go back to a few issues, public land access, I believe that all that state leased land and BLM leased land belongs to the public and not to some landowner to lock the gate and lock the public out. Especially when you buy your hunting tag – those gates should be unlocked. The burn areas for wildlife habitat – that comes back naturally and I understand the state seeds it and does their best near to regenerate those areas, but it should not be locked out for any great length of time. Access should be on foot. Both the public and out of state draws – I have a question, isn't that just one draw where everyone gets in, or is there two draws, one for out of state and one for people in state?

Vice Chairman Salopek: it's just one draw but it's the ratio that we're talking about.

Mr. Horacio Arias, Jr.: I don't understand how you figure that ratio. Protecting the privacy of the license holders – I don't wish my information to be given out to anybody. When I fill out the information on the Game and Fish website, I only want the Game and Fish to have it. I was flooded with junk mail from people I don't even know and I don't want that (explicative), excuse the expression. I only want the Game and Fish to have my information and that is it. There should be something on there, an exclusion where you click a box and not to be given out to anybody. Public sharing of information, I do not agree with that.

Assistant Director Block: he and Mr. Arias will discuss the draw off line.

Vice Chairman Salopek: as far as the National Forest closures, that doesn't have to do with the state and reseeding has to do with the federal government and nothing to do with the state.

**AGENDA ITEM NO. 27: Adjourn.**

Vice Chairman Salopek asked for a vote to adjourn at 4:02 p.m.

**MOTION:** Commissioner Arvas so moved.

**SECOND:** Commissioner Montoya seconded.

**Vote:** 5-0

**Yes:** Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Paul Kienzle and Game Commissioner Robert Espinoza

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.



August 23, 2012

James S. Lane, Jr., Secretary

Date

New Mexico State Game Commission



August 23, 2012

Jim McClintic, Chairman

Date

New Mexico State Game Commission

JSL/kaa