

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
El Meson Lodge at Chama & Conference Center  
South 84—64 Highway  
Chama, New Mexico 87520  
September 23, 2004  
9:00 a.m. – 5:00 p.m.

**AGENDA ITEM NO. 1. Meeting Called to Order**

Meeting called to Order at 9:33 a.m.

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

**Chairman Riordan – present**  
**Vice-Chairman Alfredo Montoya – present**  
**Commissioner Arvas – present**  
**Commissioner Henderson – present**  
**Commissioner Jennifer Montoya – present**  
**Commissioner Pino – absent**  
**Commissioner Sims - absent**

**AGENDA ITEM NO. 3. Introduction of Guests**

Introductions made by approximately 100 members of the audience.

**AGENDA ITEM NO. 4. Approval of Minutes (August 18, 2004—Santa Fe, NM)**

**MOTION: Commissioner Arvas** moved to approve the Minutes of the August 18, 2004 State Game Commission Meeting in Santa Fe as presented. **Commissioner Alfredo Montoya** seconded the motion.

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

**AGENDA ITEM NO. 5. Approval of Agenda**

**MOTION: Commissioner Arvas** moved to approve the Agenda for the September 23, 2004 State Game Commission Meeting as presented. **Commissioner Henderson** seconded the motion.

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

**AGENDA ITEM NO. 6. Consent Agenda:**

- Revocations
- Recognition of Jamie Koch
- Substitute Recipient of Elk License Reserved to a Wish-Granting Organization

**Dan Brooks** Recommended 108 individuals for revocation that did not pay their penalty assessments and 97 individuals that are not in compliance with their Parental Responsibility Act and 3 outfitters that are not maintaining their insurance as per the statute.

**MOTION: Commissioner Arvas** moved to approve the revocations. **Commissioner Jennifer Montoya** seconded the motion.

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

**Dan Brooks** Requested that the Commission consider re-substituting a license recipient for the Elk License that was issued to Baer Schiffer, a terminally ill individual. Mr. Schiffer will not be able to come to New Mexico and utilize the license and the Outdoor Dream Foundation has requested John W. Davidson, III, who recently had a heart transplant, be substituted.

**MOTION: Commissioner Alfredo Montoya** moved that John W. Davidson, III, be substituted for Baer Schiffer to receive the license. **Commissioner Arvas** seconded the motion.

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

**Commissioner Arvas** Governor Richardson has requested that the State Game Commission and the Department of Game and Fish recognize Jamie Koch, an individual who has made numerous and continuous contributions to New Mexico and its wildlife for more than 4 decades.

**MOTION: Commissioner Arvas** moved that the State Game Commission instruct the Department of Game and Fish to erect a monument at the Willow Creek Campground on the Pecos River honoring Jamie Koch and his never ending work to benefit New Mexico, the State Game Commission, and the wildlife resources. **Commissioner Alfredo Montoya** seconded the motion.

**Chairman Riordan** Commissioner Arvas, in your motion are you suggesting that Willow Creek Campground be called the Jamie Koch Campground?

**Commissioner Arvas** Yes, Mr. Chairman, that's what I was proposing.

**Chairman Riordan** This is a tremendous opportunity for us to recognize someone who has made a tremendous contribution not only to the sportsmen but also to the wildlife of the state as well as private landowners, and the outfitters in the state. We will want to ensure that an appropriate recognition event is scheduled in the future to involve Mr. Koch, Governor Richardson, and the Commission.

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

## **NEW BUSINESS**

### **AGENDA ITEM NO. 7. Pueblo of Santa Ana Request to Transfer Turkeys from the State of New Mexico to the Pueblo of Santa Ana**

**Presented by Glenn Harper.** - The Pueblo of Santa Ana requested approval from the State Game Commission to transfer up to 30 Merriam's Turkey from the State of New Mexico to the Pueblo of Santa Ana so that Pueblo members can perform their traditional and spiritual customs. The Department of Game and Fish, National Wildlife Turkey Federation, and Department staff biologists were contacted and were asked to visit the Pueblo of Santa Ana to see if a reintroduction on the Pueblo would be successful. They were confident that reintroduction of wild turkey on the Pueblo would be successful and a resolution was passed and the community at large favored the project. Upon approval, the Department of Game and Fish will provide guidance and oversight. The Pueblo and partners will provide all of the necessary labor and trapping materials. A trap location will be jointly determined.

**Chairman Riordan** Is the Pueblo purchasing these turkeys from the State of New Mexico?

**Glenn Harper** It would be a direct transfer.

**Chairman Riordan** Without any transfer of funds or appropriations?

**Glenn Harper** Yes, and I understand that can be accomplished through a government-to-government relationship.

**Commissioner Jennifer Montoya** You've been having trouble finding bottomland turkeys within the Pueblo or outside of the Pueblo?

**Glenn Harper** Within the state, there are no turkeys on the Pueblo.

**Commissioner Jennifer Montoya** You're asking permission from us but you're also having difficulty finding them?

**Glenn Harper** We're having difficulty getting permission to get them from the state to the Pueblo. They're out there—they exist.

**Commissioner Alfredo Montoya** Director Thompson, this item came up last year or the year before, did we approve that and did any transfers occur or is this a new request?

**Director Thompson** This is the formal request. We previously had a discussion item regarding the actions leading up to this request several months back, but there was no previous action nor was there any transfer of turkeys.

**Commissioner Alfredo Montoya** Is that a recommendation, Director Thompson?

**Director Thompson** Yes, that is.

**MOTION:** **Commissioner Alfredo Montoya** moved to approve the recommendation to transfer 30 Merriam Turkeys to Santa Ana Pueblo. **Commissioner Jennifer Montoya** seconded the motion.

**Chairman Riordan** Glenn, the State of New Mexico is going to go ahead and transfer, but I've got a couple of suggestions. One, you need to have those birds confined in an area for about a week without releasing them immediately to make this a successful transfer, otherwise they're going to go back up into the Jemez or move all over. You also need to have a feeding program for them immediately. I also suggest that you look at your predator control, and that when you do decide to harvest, that you have a youth hunt, maybe 1 permit a year as a good-faith effort.

**Commissioner Henderson** Where are these birds coming from and do you have an idea where you're going to find 30 birds?

**Tod Stevenson** We've met with Glenn and some of the folks from Santa Ana. We're looking at the dry Cimarron and other places that may be riparian habitat and more similar to the Rio Grande.

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

### **AGENDA ITEM NO. 8. Amend 19.30.6.11, NMAC, Regarding Preventative Cougar Control in Bighorn Sheep Ranges**

**Presented by Darrel Weybright.** - The Department recommended that the Commission amend 19.30.6.11, NMAC, to extend the period during which preventative cougar control on bighorn sheep ranges could be conducted from its current end date of October 1, 2004 to October 1, 2007. The amendment eliminated confusion about sport harvest of cougars from within explicit bighorn sheep ranges and the impact this harvest has on zone harvest limits. The Department added a requirement of a summary report evaluating the effectiveness of preventative cougar control due within 6 months of the conclusion of the extended period request. The request is a result of ineffective cougar control during the first 3 ½ years of the program. The original lion control program in desert bighorn ranges was designed as a 5-year project. It took 3½ years before we were able to

do an initial assessment because we didn't feel that we had controlled lions in any of the ranges until 1½ years ago. The proposal was an extension through 2007 to enable assessment of a 5-year control period. New Mexico does deploy radio collars on every desert bighorn sheep that went either on transplant or sheep from Red Rock, Kofa or sheep that were captured as part of other research projects, 85% of known cause mortality in these desert bighorn populations was lion predation. We're requesting the extension because during the first 2 years there were no lions removed from the 4 ranges. We were unable to monitor the response of the bighorn herds until the spring of 2003 surveys, and since then we've taken a considerable number of lions.

**Commissioner Jennifer Montoya** What was happening from 1999 to 2002?

**Eric Rominger** Those were the original contracts issued on a monthly basis. Lion contractors were contracted to hunt 10 days per month and there was a single lion harvested among the 4 contractors. We've switched to a snare man who has been more effective and in the Pelloncillos we've contracted a hounds man.

**Commissioner Jennifer Montoya** It looks to me like 2002 and 2003 were hugely successful and you've had a drop off because you presumably removed most of the lions. Since you've had a huge impact on lions already, why do you want to continue?

**Eric Rominger** We feel that we've had an impact on the lion numbers and we've had a positive influence on desert bighorn sheep numbers. We have just 2 spring surveys conducted and at this point because it was designed as a 5-year study and we didn't have control the first 3 years, we would like to have multiple years of data.

**Commissioner Arvas** I see in the analysis that you're going to give us a 6-month summary report.

**Eric Rominger** Within 6 months of the fall surveys we would have a summary report of the first 2 years.

#### **Public Comment:**

**Oscar Simpson** The New Mexico Wildlife Federation fully supports this study and hope it proceeds.

**Ray Milligan** Representing the New Mexico FNAWS. We're going to oppose the shooting of 30 ewes and we'll pay to move those 30 sheep. The New Mexico FNAWS will capture and trade them to another state for deserts or we move those bighorns to some place that has other alpine that's on private land or a deal that the Commission could make with private landowners.

**Kent Salazar** I'm in favor of this amendment on the predator control.

**Katrina Hubbell** I'm speaking on behalf of Animal Protection of New Mexico. I'd like to reiterate APNM's position that cougar kills in bighorn sheep areas should be counted toward the overall harvest limit or that the harvest limit should be established with consideration given to the number of cougar killed in sheep recovery areas. We do support the Department's recommendation to evaluate the effectiveness and impacts of preventative cougar control.

**MOTION: Commissioner Arvas** moved to accept the recommended changes to 19.30.6.11, NMAC, as presented by the Department. **Commissioner Alfredo Montoya** seconded the motion.

**Jennifer Montoya** I'd recommend that we increase the amount of information we take from each lion.

**Eric Rominger** Yes and currently skulls, hides, and stomach samples have been collected from lions and there will be tissue samples for genetics as well on the skulls that are being turned in but we could certainly take additional data on size measurements and those kinds of things.

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

#### **AGENDA ITEM NO. 9. Amend 19.31.5, NMAC, Upland Game Rule**

**Presented by Reagan Smetak.** - The Department presented to the Commission adoption language that clarified the previously adopted Requirements and Permits for Valencia County Pheasant Hunt, 19.31.5.19, NMAC. We weren't clear in explaining to the public that wants to hunt in this area that they must obtain that application from the landowner. That's how we want to make sure that the hunters should be there and if we get complaints on trespass, we will have 1 more mechanism to use if prosecution is required. An additional clarification is to make sure those are submitted to the Northwest Albuquerque office. It's been brought to the Department's attention that that place has had issues brought up in the past as to the number of hunters who trespass. We now have a requirement that states that there must be a valid license, the permit issued by the Department and written permission to hunt on these properties.

**Chairman Riordan** Do we want to get involved with having people come in to the Albuquerque office to get an application or should we be giving these applications to the landowner?

**Reagan Smetak** The application would go to the landowners. What we're talking about is the permit that says "I want to hunt in Valencia County on PHE Hunt Code 0006."

**Chairman Riordan** For clarification, the landowner is the one paying the \$6 fee and receiving the application.

**Reagan Smetak** No. The landowner goes to the Department of Game and Fish and submits documentation that he's a private landowner in Valencia County and then the Department would hand him as many applications as he wants. The hunter then goes to the landowner and requests permission to hunt on the property and then the hunter obtains the application from the landowners, walks into the Northwest Area Albuquerque office, pays the \$6 fee, and the Department would then print a permit that would have the hunter's name, address, plus the hunt code for pheasant.

**Chairman Riordan** I believe the public is not going to be able to hunt on conservancy property, is that correct?

**Reagan Smetak** We are drawing.

**Chairman Riordan** How many permits?

**Reagan Smetak** There are 25 in the north, 25 in the south. We are going to draw for public permits and those public permits will be valid between the levies on both sides of the river that includes the river sections.

**Commissioner Arvas** What's the expiration date for applying for those permits or has that already passed?

**Reagan Smetak** I believe that's has passed because it's the second Saturday in September.

**Commissioner Arvas** The only thing that might seem a little burdensome to me with all our other application procedures, now you want that person to physically take it into the Northwest office to get his application. Is that an administrative savings for the Department?

**Reagan Smetak** Most of these permits that we print are printed out of the Albuquerque office; instead of coming to Santa Fe, they can walk into the Albuquerque office. We can accommodate someone coming to Santa Fe but most of the people that want to hunt in Valencia County are from the greater Albuquerque area and it's closer for them to go to the Albuquerque office.

**Chairman Riordan** I feel that September 15 is early. The hunt is in December and we're trying to give people hunter opportunity.

**Reagan Smetak** The second Saturday deadline applies to the public hunt that would be between the levies. The only restriction is that the landowner be able to distribute those and those permits be printed before the hunt in December, so we removed the restriction on the private land side so that the private landowner—if you wanted to do that in October or November, fine—just before that day in December that that hunt will occur. Have that permit printed and have a valid license in possession and written permission and you can go. If hunters want to mail that to Santa Fe just mail your \$6 in.

**Chairman Arvas** The point the Chairman is trying to make is that you've already had a close down on the public applications so when you look at the total number of applicants that you had for the 50 permits, that will tell us whether or not the Chairman is correct in making the assumption that if people weren't thinking about pheasant hunting, the number of applicants will definitely tell us that. If it turns out that there were a minimal number of applicants with 50 permits, then we should extend that date.

**Chairman Riordan** I want people to have the opportunity to get in there and have hunter opportunity and protect the resource.

#### **Public Comment:**

**Larry Caudill** Will there be a list of affected property owners published to increase accessibility?

**Reagan Smetak** We certainly can.

**MOTION: Commissioner Arvas** moved to adopt the proposed changes to the Upland Game Rule (19.31.5) for 2004-2005 as presented by the Department. **Commissioner Jennifer Montoya** seconded the motion.

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

#### **AGENDA ITEM NO. 10. Amend Big Game Rule (19.31.8.30, NMAC) Regarding Allowing Ibex Hunting in Big Hatchet Wildlife Management Area During 2004-2005 Hunting Season**

**Presented by Dan Brooks.** - The Department recommended that the Commission amend the Ibex section of the 2004-2005 Big Game Rule 19.31.8.30 to allow Ibex hunting in the Big Hatchet Wildlife Management Area and make it consistent with other rules that are in place for cougar hunting. It's the Department's feeling that it will provide more opportunity and is also consistent with agreement we have with BLM to keep ibex from spreading throughout the Floridas in Unit 26.

**Chairman Riordan** What's the population of ibex in the Floridas?

**Luis Rios** From our surveys, we estimate the population is 350-400.

**Chairman Riordan** How much was it in the Floridas 5 years ago?

**Luis Rios** It was 900 more or less.

**Chairman Riordan** I think the Florida Mountains can support a much larger herd than 350-400 and it's a tremendous resource and provides economic and hunter opportunity. I'd like to see the Department get together with BLM and hammer out different numbers and get public comment from the sportsmen's groups because I don't think we're at the top of the range on what those mountains can support.

**Luis Rios** We have recently talked to BLM about that and at this point they're comfortable with us maintaining the current population. Tommy Gow with BLM is present.

**Thomas Gow** In discussions with State Director, Linda Randell, she's not in opposition to ibex remaining on the Floridas. Anything off of the Floridas, yes, let's start controlling those numbers, and we do not want to see the ibex making any contact with the desert bighorn sheep. As long as the numbers are in balance with the habitat, you're probably not going to hear from BLM unless the ibex start moving off of the Floridas. If it were to increase to 700, probably we'd still be in balance with the habitat and we'd be fine with that.

**Chairman Riordan** Luis, Director Thompson, get together with BLM and we're 100% behind their efforts to keep the ibex on the Floridas and not have them get off, but I think we have the opportunity to provide more hunting opportunity. We can support more of that animal and that has tremendous economic impact on the Town of Deming.

**MOTION: Commissioner Arvas** moved that the Commission approve the Department's recommendation to include the Big Hatchet WMA as open to ibex hunting. **Commissioner Alfredo Montoya** seconded the motion.

**Public Comment:**

**Oscar Simpson** New Mexico Wildlife Federation. We fully support this program but state that that area has been heavily inundated with drought. We've had some good moisture. If you're going to increase the ibex herd then you need to control the grazing. Without feed and habitat they're going to move off.

**Chairman Riordan** Mr. Rios, if you could take that into consideration in your discussions, what the habitat can support but I believe it's more than the 350 animals.

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

**AGENDA ITEM NO. 11 Presentation of Final Recommendations for Adoption for the Big Game and Turkey Rule (19.31.8, NMAC)**

**Presented by R. J. Kirkpatrick.** - The Department presented to the Commission, for adoption, the final Big Game and Turkey Rule (19.31.8, NMAC) recommendations for the **2005-2006** and **2006-2007** license years. This rule establishes hunt areas, season dates and bag limits for hunting deer, elk, antelope, bighorn sheep, ibex, turkey, javelina, Barbary sheep, oryx, bear, and cougar. The Department has created new definitions to accomplish a variety of things.

**Public Comment:**

**Oscar Simpson** NM Wildlife Federation. We're heavily leaning towards facilitating the private landowner. You're privatizing wildlife and not managing public land.

**Chairman Riordan** I believe Director Thompson is trying to address incentives for individuals that own private land and have properties that are leased from the federal and state government and trying to create conservation incentives.

**Director Thompson** We're engaged in several things that are not supportive of what Mr. Simpson said. In fact, we're taking great interest in the condition of public land in terms of habitat management programs, types of recommendations to get a better grip with the Commission's assistance and concurrence on populations, harvest, and hunter distribution. Additionally, we have engaged in discussions about prospects for accomplishing greater benefits in context with mixture of public and private lands in New Mexico.

**Chairman Riordan** We're also looking at a habitat improvement stamp not only on Commission/Department lands but also on state lands.

**Tom Gow** Bureau of Land Management. On mule deer and placing game management units on a draw basis, specifically, GMU 13, there will be some boundary readjustments for the Pueblo of Acoma but what BLM is requesting is would you consider a sub-unit 13A around Alma Paiz National Conservation Area and perhaps another sub-unit around the Ladron Mountains themselves as an alternative? That would be 13A, 13B for Acoma, 13C for those lands that are in between, and then the Ladron unit would be 13D. Now, then place 13A and 13D on a draw basis, numbers to be set by the Department and 13D would be unlimited. We're making those requests and the reason is all of the indirect impacts from hunting. When Unit 14 (Manzanos) was closed we experienced a great influx into Unit 13 as an over-the-counter unlimited unit and the impacts we dealt with.

**Hollis Vaughn** I'm a rancher in Sub-Unit 16E and represent myself and other landowners in 16E. There's been a decline in elk numbers in Unit 16E. We recommend substantial reductions in cow licenses and slight reductions in mature bull licenses. We believe landowners should be encouraged by the Commission and Department to keep water and mineral out in all pastures at all times for wildlife. The last few years we've seen an alarming rate of erosion on 2 track roads. Another concern is high rate of mortally wounded non-recovered game and we believe the Commission ought to look at a draw blood hunt is over rule. We'd also like to see the antlerless archery permits eliminated. Another thing is discrimination against rifle hunters. We'd like to make 16E a draw unit for deer and only 20 licenses available. We'd like to move the either sex bow hunt from September to November.

**John Boretsky** NM Council of Outfitters/Guides. We'd like to see a 5-point restriction. Permit numbers in the Gila need to be cut back and we'd like to see the mature bull permits reduced from 100 to 65, and we'd like to see the cow permits reduced from 300 to 150; we'd like to see the cow permits in 6C reduced. We also need to reduce the cow tags in 16C.

**Brian Quinlan** Owner/operator of Quinlan Ranch. I'm for splitting Unit 4. I favor the 5-point restriction. I recommend cutting down the hunting season.

**Bill Ferranti** Double H Ranch. We support the 5 x 5 rule. We're eliminating the January cow hunts and the Double H is under a wildlife management plan, the herd has increased to 536 from 215. We've moved the deer hunt in the new proposal 3 weeks back to back. Public hunting opportunity is going to be hurt by pushing deer onto private land.

**Chairman Riordan** The Department had discussed a 5-point restriction on 1 side and it's showing up as 5 x 5 on both sides?

**R.J. Kirkpatrick** The proposal the Department developed as a 5-point on both sides and there needs to be discussion or comment on whether that is appropriate or whether we should bring it back to 1 side. The proposal on the table is 5-points on both sides.

**Chairman Riordan** It's up for discussion later. I think 5-points on 1 side is reasonable. Bill, we're encouraged by the Double H's conservation program and maybe we can deal with this by excepting ranches that file a conservation program with us to work with you on your seasons.

**Commissioner Jennifer Montoya** I'm not sure what you're wanting from the Commission.

**Bill Ferranti** What we're requesting in our letter is that either the season be moved as we can now hunt to January 31 on private lands, and you're cutting it off on December 31, and by doing the hunts we do, the Double H's biggest income producer is elk hunting. We kill 18 bulls a year is all we take hunters, we kill 6-8 bulls, we only take less than 10% of the population each year and by trying to do the burns, by doing the cow hunts and everything else, there's just no way we can do it and not hurt us.

**Commissioner Jennifer Montoya** Because of the January portion?

**Bill Ferranti** If we have the opportunity to hunt in January. We only have a small window to do the burn in October.

**R.J. Kirkpatrick** There is a portion of the Big Game Rule where some ranchers in northeastern New Mexico have also asked for windows of opportunity during January and into February. The proposal reflects the start dates for private landowners be restricted to nothing past December 31 but the proposal also reflects that extended hunt periods of 5 consecutive days in January and half of February may be an opportunity depending upon approval of the area supervisor and the Chairman of the Commission. Maybe we address the Double H's issue under that portion of the proposal and it doesn't impact the balance of the unit in our public hunting strategies.

**Chairman Riordan** We are trying to encourage private landowners to have conservation programs where they're taking care of their land. The Double H's issues are that they're going to be doing a burn in the middle of October for approximately 3 weeks and are not going to have an opportunity to hunt elk during that period of time. We're not increasing your permits, we're going to keep your permits at 18 bulls, but at the same time be more flexible because of your habitat improvement goals.

**R.J. Kirkpatrick** Yes, if the Commission decides that the proposal before you is satisfactory, we can include private landowners that are ranch-only in Unit 13 to be included in that portion of the elk portion of the rule.

**Mike Ballew** National Rifle Association Whittington Center. I encourage the Department to allow the northeast area private landowners to hunt during January.

**Jim Baker** Vermejo Park Ranch. I would like some consideration in extending that antlerless harvest. We normally have an archery deer hunt in September in conjunction with the elk hunt and I didn't see it in the proposal.

**R.J. Kirkpatrick** You're correct in that there is no bow hunting or muzzleloader hunting opportunity in those select private property units in the northeast. We're not opposed to placing those opportunities into those select units.

**Chairman Riordan** How many elk tags do we issue to you?

**Jim Baker** We get about 1,000. This year we'll use about 200 bull and 400-500 cow elk tags.

**Chairman Riordan** What's the average sized bull that you take and do you have a minimum that you impose?

**Jim Baker** About 320 and no we don't have a minimum. Most are 6x6 but some start deteriorating and become 5x5.

**Chairman Riordan** We have some leeway there with the district officer and the Chairman on going ahead and addressing those needs that they may have.

**R.J. Kirkpatrick** On page 19, "legal sporting arms", it's for "ranch only" ranches and identifies the start dates and weapon types in New Mexico. Under the section "rifles only", Units 46, 54 except northeast portion, 55A, 56, 57, 58 with approval of the northeast area chief and the State Game Commission Chairman antlerless elk only, any 5 consecutive days between January 1 and February 28 is currently the proposal. We need to include GMU 13 in that to accommodate the Double H.

**Chairman Riordan** I'm personally not in favor of extending cow hunts any further than January 31.

**Dr. Richard Becker** with Albuquerque Wildlife Federation. We support the Department's recommendations.

**Katrina Hummell** Animal Protection of New Mexico is working productively with Department staff to improve everyone's understanding of how cougar population and harvest data relate to the management of the species and APNM looks forward to making recommendations on cougar regulations.

**Larry Caudill** I'm delighted to see the quality point of view manifested in the recommendations. I agree 100% with the Director's authority to change numbers.

**R.J. Kirkpatrick** Those badged hunts are population reduction hunts. Therefore, they are not once-in-a-lifetime hunts, which address some problems.

**Ron Schortes** I represent Catron County. I support the 5-point antler restrictions and the point restrictions on deer. We support letting private landowners do that program. We'd like to see the conservation program expanded. We support the cougar proposals.

**Kent Salazar** I'm in favor the landowner incentive program. I'm in favor of the antler-point restrictions. I'm in favor the Director's administrative discretion on the numbers. I'm against the statewide draw on deer.

**R.J. Kirkpatrick** On a point of clarification, the draw on deer isn't a statewide draw, it's limiting hunter numbers on public lands. **Bob Atwood** with the Council of Outfitters. On the 6A split in the bow season, I support that. Indirectly related to 6A, we've got a December cow hunt in Unit 7. In 6A we've been trying to maintain the elk. In December we've got 6A elk coming into 7 and as a result we're killing 6A elk on the December Unit 7 hunt and I'd like to see that December hunt removed. The Unit 6C country was a good elk hunting area but since 1998 that herd's been hammered into the dirt.

**Ray Milligan** I represent myself, and Frank Simms. I'd like to keep the bull licenses at 875 and remove the antlerless portion. I can live with the 5x5 limit but I don't think it's going to work. We adamantly oppose the division of the unit.

**Jan Hayes** On behalf of Sandia Bear Mountain Watch and New Mexico Bear Watch, Inc., I'm here to support the NM Department of Game and Fish in their request to continue the 2004 bear hunt as is through 2007.

**Dr. Richard Becker** with the Albuquerque Wildlife Federation and we support the Department's recommendations.

**Charles Mulcock** from Mayhill. I support the Commission and the Department in its endeavors. I offer a suggestion that they might want to speed the process by taking test plots around the state relating to the deer herd.

**Chairman Riordan** How has the process been working with the timeframe for you to manage deer?

**Charles Mulcock** In my situation, all I need to be in tune with this conservation resource program is more time to judiciously harvest the same number of deer.

**Chairman Riordan** Do you implement a point-restriction on your ranch and how's that worked for you?

**Charles Mulcock** We're in the ninth year of a 4-point per side restriction and it's worked fantastically and I totally agree with the measure's you're taking both on the deer and the elk.

**Steve Padilla** I like what's been presented with the exception of splitting Unit 4 on elk and the hours that have been spent trying to solve the depredation problems. The small landowners support elk for 6 months of the year. On the shooting of bighorn ewes, you'll be the laughing stock of the entire nation. The Department attempted this 4-5 years ago and we said hell no.

**Henry Ulbarri** I'm against splitting Unit 4. If you split Unit 4 the small rancher will get hurt. Livestock will not eat hay that elk has lain on and the rancher is having difficulty selling this hay. As far as reducing the antlerless, we're taking a big chunk from the landowner that uses these animals for their families.

**Mike Rivera** I'm in favor of splitting Unit 4 because it would help with management.

**Cleo Sanchez** We're totally against splitting Unit 4. If the unit is split, would there be any provision for landowners on both sides of the unit so we could use our tags on the larger portion of property?

**Chairman Riordan** Big Game and Turkey Rule, 19.31-8, Definitions: **"APRD" shall mean any antler point restricted buck deer with a minimum of 3 visible antler points on 1 side, a brow tine, or eye guard, constitutes a point, but does not include a burr. "APRMD" shall mean any antler point restricted buck mule deer with a minimum of 3 visible antler points on 1 side, a brow tine, or eye guard, constitutes a point, a burr at the base does not. "APRWTD" shall mean any antler point restricted buck white-tailed deer with a minimum of 3 visible antler points on 1 side, a brow tine, or eye guard, constitutes a point, a burr at the base does not. "APRE" shall mean any antler point restricted bull elk with a minimum of 5 visible antler points on 1 side, a brow tine, or eye guard, constitutes a point, a burr at the base does not. "Bighorn ewe" shall mean any female bighorn sheep. "FAMD/forked antlered mule deer" means a mule deer possessing antlers, 1 of which shall have a definite fork showing 2 or more distinct points; a burr at the base does not constitute a point or fork.**

**Chairman Riordan** That FAMD may be used in the future for various reasons.

**R.J. Kirkpatrick** Yes, possibly youth hunts or units identified that the 3-point restriction isn't applicable anymore.

**Chairman Riordan** **"FAWTD/forked antlered white-tailed deer" shall mean a white-tailed deer possessing antlers, 1 of which shall have a definite fork showing 2 or more distinct points, a burr at the base does not constitute a point or fork. "TBD/To Be Determined" definition added to allow the Department to set the details of the hunt dates or areas for special population reduction hunts. "Private land deer permit" definition added to allow hunts on private land only.**

**MOTION: Commissioner Alfredo Montoya** moved to adopt all definitions as part of the Big Game Rule for 2005-2006 with the Chairman's correction on "APRE" that 5 visible antler points on 1 side instead of on each side. **Commissioner Jennifer Montoya** seconded the motion.

**Chairman Riordan** I notice that you don't have anything on the 6-point restriction on 1 side.

**R.J. Kirkpatrick** We haven't created that definition. Would you like us to create a definition of mature bull with a minimum of 6 visible antler points on 1 side, in case that's needed as a tool down the road?

**Chairman Riordan** I would suggest, Commissioner Montoya, that we add that definition in there. R.J. you have a suggestion? I would suggest **"APRE/6 shall mean any antler point restricted bull elk with a minimum of 6 visible antler points on 1 side, a brow tine, or eye guard, constitutes a point, a burr at the base does not."**

**Commissioner Alfredo Montoya** I'd like to amend my motion to add the definition for 6-antler points on elk on 1 side.

**Chairman Riordan** So that would be **"APRE/6"**.

**Commissioner Arvas** seconded the motion.

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

**Chairman Riordan** “Population Reduction Hunts, oryx hunts (8 total hunts) with a total of 240 licenses for persons with valid White Sands Missile Range badges, or their guests, to hunt remote areas on WSMR.

**Commissioner Arvas** With the population reduction hunts, I’m sure that we have more than enough applicants for those hunts. On the other hand, we’ve seen people that are drawn 4-5-6 times for that population reduction hunt, yet on the other hand we also see people that never get accepted for 1 of those hunts and what I’d like to see is your recommendation, R.J., as to the number of years that a person once he’s drawn for a population reduction hunt needs to not be able to apply.

**R.J. Kirkpatrick** The Director and I have talked about that issue with our information services and 1 of the alternatives is people that are applying for population reduction hunts would only be able to apply based on their birth year, basically insuring that more people are successful in drawing those population reduction oryx hunts because we’re reducing the competition in half statistically by doing that. On point of clarification, on those badged hunts, people that have legitimate badges to access White Sands Missile Range, the reason that we’re proposing this is there are portions of the range that are restricted for safety considerations that we can’t get our public hunters to and so we’re losing opportunity to hunt oryx in those areas. Badged personnel, whether military or not, is changing the landscape. Badges expire and new badges are awarded throughout the course of a year; therefore, applying the even/odd birth year application to those specific 240 licenses would be inappropriate. What I’m hearing is that maybe we should amend licenses and applications to reflect that the badged personnel requirement or their guest requirement in those 240 licenses be restricted for anybody that’s not held a once-in-a-lifetime license.

**Chairman Riordan** We can still address these hunts and see if these population reduction hunts are really needed.

**Luis Rios** While we’ve increased the permits available in both the once-in-a-lifetime and the on-range population reduction hunts, we still remain well above the goal of the oryx population as stated in the management plan that the Department and White Sands Missile Range are signatories to. These hunts are a further attempt to address the population status on the missile range. We’re not taking away from any hunts to provide these hunts, but rather we’re adding permits that would be available for people that don’t need to be escorted, that can go onto the range without necessity of having to spend man hours to patrol those hunts.

**R.J. Kirkpatrick** On a point of clarification, I think we’ll be able to address those harvest goal concerns. We’ll address that on a yearly basis via the Director’s flexibility in adjusting permit numbers.

**Chairman Riordan** Are we doing anything for military or do military have to have a badge?

**R.J. Kirkpatrick** Are you speaking about the Afghanistan and Iraq veterans?

**Chairman Riordan** No, I’m speaking about the population reduction hunts and making this available to military as well as to civilians that are working there. I’d like to see “military” added to this.

**Director Thompson** That’s addressed in part by the nature of people who hold those badges. Those areas are only accessible by people who have gone through specific authorized training and it’s a combination of military and civilian individuals.

**Chairman Riordan** I just want to make sure that we’re leaving some flexibility for the average private or corporal that wants to get out there and hunt and we’re not using “well, you don’t have a badge”. The average guy may not have a badge for that restricted area.

**R.J. Kirkpatrick** Point of clarification, Luis just told me that all military personnel assigned to WSMR are badged personnel. To address your issue, the purpose of these hunts is to accommodate the harvest of oryx in places where our public hunters cannot go so those to-be-determined areas will be in concert with the Department and White Sands military administration will be areas that public hunters cannot access and they won’t be able to hunt.

**Commissioner Arvas** So there will be 240 licenses available for White Sands personnel that we don’t have access to anyway, so we could utilize that.

**Chairman Riordan** The issue, once again, is I want to make sure that your definition of a White Sands Missile Range badge is not some restricted badge in this particular area that the average hunter does not get.

**Luis Rios** If I understand your point correctly, any military person cannot apply for these hunts, only those persons who have gone through the unexploded ordinance training that White Sands specifically offers. Any military personnel assigned to White Sands Missile Range hold those badges, so it’s not open to any military.

**Chairman Riordan** This coming year, let’s look at how many of these permits end up going to military people vs. how many of these permits go to the civilian personnel making \$80,000-\$100,000 a year.

**R.J. Kirkpatrick** On a point of legality, prior to the Commission voting on any of these issues, I’d like to request permission that in all of your votes that you recognize that there are corrections and adjustments to the rule and that you give the Department the flexibility to make those corrections and adjustments as appropriate based on the decisions the Commission makes.

**Chairman Riordan** I don’t think the Commission has a problem with giving you some discretion, just come back to the chair or his designee to let them know what you’re doing.

**MOTION: Commissioner Arvas** moved to accept the recommended changes to 19.31.8, NMAC, for the 2005-2006 and 2006-2007 license years, as presented by the Department. **Commissioner Jennifer Montoya** seconded the motion.

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

**Chairman Riordan** “Deer’ public land deer hunters, all weapons types, must apply and obtain an entry permit through the draw, if successful, a deer license must be purchased prior to hunting. Private land deer hunters, except in Units 4 and 5A, will be able to buy a deer license and obtain a private land only permit (with attached carcass tag and questionnaire) from vendors statewide and must have written permission from the landowner on their person while hunting. The hunter must adhere to public land hunt dates, bag limits, weapon types and GMU or area. Bag limits were changed from a minimum of a forked antlered deer (FAD) to bucks with at least 1 antler with 3 points or more “APRD”. This applies to all deer hunts except certain youth only hunts; New Coues White-tail only deer seasons. Creation of new ‘trophy’ deer sub-unit 2C within the old sub-unit 2B.

**Commissioner Alfredo Montoya** Currently the boundary is somewhere below State Highway 64. I’d like to entertain the idea of moving that boundary to Highway 64 that is a more visible boundary and possibly increasing the number of opportunities in 2C from 50 to 75 or the Department’s recommendation.

**R.J. Kirkpatrick** The Department has received public comments regarding the splitting of Unit 2B. The Department wouldn’t be opposed to re-defining that boundary and adjusting permit numbers as long as we’re able to do so in such a way that we didn’t alter or negatively affect our desires to maintain or improve that deer population in the south end of what we’re proposing as 2C.

**Commissioner Alfredo Montoya** What would you recommend in terms of numbers, changing it from 50 or leaving it at 50?

**R.J. Kirkpatrick** Brian Gleadle and I have talked about that. If the Commission asks that we look at that we would probably change the boundary back to Highway 64 and we would recommend adding as many as 50 additional deer licenses available for public land in 2C and maybe reducing 50 permits from the 3 different rifle hunts that occur in 2B.

**Commissioner Alfredo Montoya** What was that number?

**R.J. Kirkpatrick** We’d move 2C rifle permits to 100 vs. 50 where they are. We’d also adjust muzzleloader and bow permits in some similar fashion and reduce that same number of muzzleloader rifle and bow permits from the hunts available in 2B, so it would be a no net loss of permits. The reason the numbers that I’d propose appear to be low is we’re trying to reduce the number of people that are hunting that deer population in the southern end of that unit. Fifty more people there in addition to the private land hunting that we expect will occur there would probably not negatively impact our ability to stabilize or increase that deer herd.

**Commissioner Alfredo Montoya** For purposes of making the motion at the end of the deer discussion, I’d like to come back and entertain those numbers.

**Commissioner Jennifer Montoya** Are we saying that we’re going revisit this and have more information on splitting this unit?

**Chairman Riordan** We’re going to vote on this entire deer agenda. Commissioner Alfredo Montoya is suggesting changing the boundary on Unit 2B to right where the highway is going from Dulce to Farmington so it’s a more defined unit and you can identify where that unit makes sense and then we’re going to address the amount of permits that we have. Our harvest in Unit 2B was 80% forked horn bucks, so we have eliminated that so we have some room there to increase those permit numbers.

**Commissioner Alfredo Montoya** We’re going to increase them on 1 end, but decrease them on the other.

**Commissioner Jennifer Montoya** The forest has some restrictions on the amount of outfitters that are allowed on the forest.

**Larry Caudill** Is it 50 permits per hunt as it stands now for a total of 150 rifle hunters, is that the recommendation?

**R.J. Kirkpatrick** Yes.

**Commissioner Jennifer Montoya** 50 for 2C?

**R.J. Kirkpatrick** --150 adjust that upwards --and for muzzleloader hunting currently in 2C we’re proposing 25 and double that 50, but any number of permits that we increase in 2C is a result of changing the boundaries. We will then reduce those from 2B so we will not only be adjusting 2C deer license numbers, we’d also be adjusting 2B.

**Larry Caudill** If we don’t get conservative, we’re not going to serve the goals.

**Bob Atwood** Back to the restrictions on the outfitters, you’re taking most of that BLM land and shutting it off to the outfitting industry because we can’t get permits on the forest and what’s going to be 2C there are going to be 100 tags, that’s only 12 that are going to be allowed for the outfitters. Me, Mark, and several guides—you’re shutting us down, it’s that simple, you’re going to put us out of business.

**Commissioner Alfredo Montoya** With 50 you’re only going to have 6 then—

**Bob Atwood** You might give us a little more room with the boundary. The way it was, you’re giving us between 64 and the Carizzo, you’re giving us that much more land to hunt because we can’t get on the forest. By moving it up and not increasing the permits more than 100, you’re pretty much shutting us out.

**Commissioner Alfredo Montoya** I propose to double it from 50 to 100.

**Bob Atwood** Yeah, but that only allows 12 permits for the outfitters.

**Chairman Riordan** How much do you have now?

**Bob Atwood** Right now there are 665 in 2B and we’re getting about 80 plus.

**Commissioner Alfredo Montoya** They’ll get on the top part what will remain as 2B, 12% of 400 plus.

**R.J. Kirkpatrick** Rifle hunts in 2B number of permits available will be 465, so 1,400 people will be able to draw licenses of which they'll have economic relationships with 12% of those in 2B. Changing the boundary will only slightly reduce that number of hunters of that 12%. What Bob is saying is they're not necessarily worried about the number of licenses or hunters that they potentially won't get to provide services to, but they're worried about the amount of area that they will be able to hunt in 2B if we move the boundary up to Highway 64.

**Bob Atwood** Exactly. You're just cutting out a lot of country for the outfitters and because we can't get on the forest, we can't utilize any of that forest. There are 8 outfitters that get to hunt the forest and they're not issuing any new special-use permits. The rest of us are relegated to hunting on the BLM portion of Unit 2.

**Commissioner Alfredo Montoya** You can't hunt 2C?

**Bob Atwood** Yes, but it's not going to be feasible with only 12 tags available. Right now there are almost 100 applicants just on the 1 hunt for those non-resident guided tags. Now there are going to be 100 applicants on 12 tags. It doesn't pay for the gas to go up there if you're going to draw 1 hunter. What'd we'd like to see is, Unit 2B is a trophy unit, leave it like it is but cut the numbers.

**Chairman Riordan** Are you in favor of splitting the unit?

**Bob Atwood** No, I'd like to leave it as is, the whole unit is a trophy unit and just cut the overall number of tags to maintain that trophy quality and I think that would serve everybody.

**R.J. Kirkpatrick** Bob and I have talked about this numerous times and I understand his circumstances from the Department's perspective and recognize the importance of that to him, but by continuing to leave 2B intact regardless of additional reductions in deer hunting opportunity in what is currently 2B does not allow the Department to protect deer in the southern end of Unit 2 because even if we bring permit numbers down from the 465 per hunt even if we cut them in half, there's still the potential of 600 people with the ability to hunt Largo Canyon, which is the area we're talking about. We don't accomplish protection of deer in the southern end of that unit which is the whole intent of this proposal. We will do whatever the Commission desires although there are people who will be negatively impacted because of that.

**Commissioner Arvas** The other problem is that the outfitters aren't hunting that whole unit. Part of that unit is hard to get into and that's the part that the outfitters aren't hunting.

**Bob Atwood** There may be a small part of that unit that the outfitters aren't utilizing, but the outfitters probably get into that rougher country more than the public hunter does. If Largo Canyon is a concern, what about making that smaller and redefining the boundaries to Largo Canyon and that area, instead of making it bigger. I understand what the Department is trying to do and I'm not totally opposed to that, but the more you cut into that unit, you're just making it tough on the outfitters and we don't have a lot of areas in the state where we can provide a good quality hunt, except for Unit 2 or some of the private land.

**Chairman Riordan** My suggestion is we bring that Largo Canyon down into a unit and we go ahead and bring Unit 2B down and we're going to have to put up signs on roads and you're going to have to outline that boundary.

**Commissioner Alfredo Montoya** I would compromise my boundary the outfitters were concerned about by moving it up to 64 because that'd cut into 2B, but I'd rather stay with the original proposal that is a definable boundary, a canyon, rather than having to post signs for miles. The result I'm trying to reach is having a definable boundary, Highway 64, but if that's not the case, let's have another definable boundary which is the 1 shown on the map because lowering it isn't that much land to justify the burden the Department will have to go through to monitor whether 1 is in the right unit. By moving that boundary down, we're not accomplishing much. I'll back off my original proposal to move it to 64 and just leave it as is, and keep the numbers according to the Department's recommendation, rather than losing sight of the boundary by posting with signs.

**Bob Atwood** Yes, going up to 64 isn't a good thing for us so this other boundary may work as is.

**Mark McKnight** with Largo Canyon Outfitters. One thing you're not taking into consideration is leaving the boundary at the Carrizo or scoot it to the highway. When you encompass the forest that's in that unit, it cuts what I could hunt down. There are 11 big private land ranchers in what will be left of 2B. The north side deer herd is a migratory herd. There aren't going to be any deer to hunt for the early hunt on what little land we do get to hunt. One thing that's not mentioned is the mountain lions. It's loaded with them now. I propose all of 2B be a trophy unit. We could cut the deer tags down and leave it as a whole unit, and address our mountain lion population.

**R.J. Kirkpatrick** I think the Department could live with that and leave 2B the way it is with a significant reduction in total deer hunting opportunity recognizing that any continued losses that we realize by doing that in the Largo may be compensated for by increases in quality bucks in the northern part of 2B. Keep in mind that the northern part of 2B is a migratory herd that receives harvest via the southern Ute, Jicarilla Apache, and Southern Colorado Indian Reservations. So big sacrifices in a migratory deer herd are problematic in that the sacrifices that we make are benefits reaped by our neighbors so net result may not be what we anticipate would happen. We're confident that the southern deer population in the Largo is a resident deer population that doesn't move around so we have full authority to manage that herd whereas we're dealing with a shared resource north of Highway 64, but some deer do come across to Carrizo Canyon.

**Chairman Riordan** I suggest we move that boundary down to protect Largo Canyon. We can address that resident deer herd to where it's easily identifiable. I recommend to the Commission that we move forward on the split like he said but try to minimize the impact on the outfitters. How many permits do you want in Unit 2B?

**R.J. Kirkpatrick** If we change the boundary to Largo Canyon, then leave the permit numbers in 2C as they are. Maybe we can increase rifle hunt tags by 25 in 2B, add 25 to bow permits, and 25 muzzleloader permits to each hunt in 2B.

**Commissioner Alfredo Montoya** I think our best course of action is to stay with the Department's original proposal.

**Larry Caudill** The 12% translates to a number of permits that go to guides and outfitters. Should we let the interests of relatively few individuals impact the herd and what's best for the resource? I urge the Commission to go with the Department's recommendation.

**Mark McKnight** If we have to split the unit, I'd rather see it a smaller portion of 2C by moving it down to Largo and use that as a boundary than I would the current boundary. I'd rather see the total number of tags cut down and leave 2B the same or if it has to be split, to put the boundary down the Largo.

**Commissioner Arvas** I favor the recommendation to leave the line where it's at on the map and reduce the number of permits.

**Chairman Riordan** "Quality" bow hunt dates of January 1-15 reinstated in many units, more quality hunts identified.

**Commissioner Jennifer Montoya** Where are those quality hunts identified?

**R.J. Kirkpatrick** The late hunt in 2B, 2C all hunts, all January 1-15 bow hunts, all deer hunts in Unit 17, 23. Those are all buck hunts, 3 point or better on 1 side. What the quality hunt designation means to the Department is non-residents have to pay an additional \$120 for a license.

**Chairman Riordan** More standardized season dates for simplification.

**Commissioner Jennifer Montoya** Define that for me, please.

**R.J. Kirkpatrick** What we tried to do was bring rifle deer hunting unit in southern New Mexico closer together so that the hunts were all occurring during similar time frames instead of scattered all over differing months and some hunts in the middle of the week versus some hunts on the weekends, some hunts 3 days long, some 7 days long, we tried to standardize things to make it simpler.

**Chairman Riordan** The Game Commission with the Director has the ability to make specific changes or adjustments based on conservation plans submitted to the Department.

**R.J. Kirkpatrick** Under the Private Land Deer Conservation Incentive Program—is that what you're talking about?

**Chairman Riordan** You are and you aren't. It's similar to the ability the Commission has with elk to extend the elk season to January 31 on a limited basis with the approval of the Chairman. I'd like to see something that allows us to deal with specific issues. The Commission Chairman should have some authority to be able to make adjustments on an as-needed basis with the conservation plan.

**R.J. Kirkpatrick** That ability exists in the Department's proposal at the end of deer on that Private Land Deer Conservation Incentive Program.

**Chairman Riordan** Bow and arrows will be legal during the regular deer muzzleloader seasons.

**R.J. Kirkpatrick** Point of clarification, the Department through public involvement has identified a select group of units in the state where restricted muzzleloader hunting is the only weapon type during those muzzleloader seasons. That's a point of clarification that a hunter who is drawn or purchased a muzzleloader deer-hunting license chooses to use a bow and arrow, a lesser weapon, he's welcome to do so, but does not allow a hunter to use a greater weapon.

**Chairman Riordan Created a separate "RESTRICTED MUZZLELOADER" seasons for primitive muzzleloaders using open sights, black powder or equivalent and firing a single non-saboted projectile. The use of scopes, pellet powder, sabots and inline ignition shall be unlawful. Next is New "Private Land Deer Conservation Incentive Program" for landowners to help build better deer habitats.**

**Commissioner Arvas** Has the Department come up with any criteria at all as to what they're looking for or some guidance to the landowners that want to submit these conservation plans to you?

**R.J. Kirkpatrick** When the Department started looking at this as an opportunity for private landowners and encouragement for successful and improved deer management, we drafted a conservation plan. We invited a variety of individuals and organizations to assist in drafting the plan and what it should incorporate.

**Chairman Riordan Deer Enhancement license dates extended to January 31. (This year's auctioned license sold for \$35,000.)**

**R.J. Kirkpatrick** The reason for this proposal is that the Department received comments that if the Department extended the hunting dates, they had the ability to hunt through January 31. It may increase the value and dollar amount of future permits. One comment we received is that nowhere in the Big Game Rule is muzzleloader and bow hunting opportunity for Units 46, 54, and 55, included. We're not opposed to adding those opportunities in those units. When the Commission votes we're requesting approval for the Department to incorporate those hunts. Public comment from the Double H concerned about the change in the dates for the deer muzzleloader hunts in GMU 13 from where they were to later in the year and whether the Commission is interested in giving us guidance on whether the Commission wanted to discuss moving that hunt to original dates or leave as is.

**Chairman Riordan** That falls under the conservation plan and we can adjust that if we have to on that particular ranch.

**Commissioner Alfredo Montoya** Is this specific to 1 unit or is this statewide?

**R.J. Kirkpatrick** It's only 3 units, 46, 54 and 55, predominantly private land units.

**Commissioner Alfredo Montoya** That's the Double H also?

**R.J. Kirkpatrick** No, sir. The Double H Ranch is GMU 13.

**Commissioner Alfredo Montoya** Is that the only place that we would change the muzzleloader hunt?

**R.J. Kirkpatrick** Yes, sir. That's all the public comment reflected.

**Commissioner Alfredo Montoya** Are there any others?

**R.J. Kirkpatrick** There were some comments to further reduce total number of deer licenses available specifically in 16E.

**Chairman Riordan** We have the ability to deal with that after this through the discretion of the Department and the Commission.

**R.J. Kirkpatrick** We haven't looked at the numbers. We're more interested in whether the Department's interested in reducing the number of deer hunts we have. We have reduced deer licenses already to accommodate the re-distribution to other units in the state.

**Commissioner Arvas** I don't think they were aware what we were going to do in 16 to start with as far as the hunt plan. What R.J. is proposing now is a completely revised plan, numbers that R.J. comes up with in terms of number of licenses, which would offset the problems that he had with the proposal. What we're striving to do is redistribute the hunters, but looking at units that have too many hunters.

**R.J. Kirkpatrick** We've reduced the total number of licenses available in 16. Those hunters have been redistributed to other places.

**Chairman Riordan** And to give the Commission the latitude to make changes on an as-needed basis through the Chairman.

**R.J. Kirkpatrick** I think there's still disparity. What I heard was that we would allow the Double H to engage in a deer conservation management plan and we would incorporate muzzleloader opportunity for them to hunt deer via that plan, but we wouldn't change the structure of the muzzleloader seasons in the rest of the unit.

**Chairman Riordan** That's based on conservation measures only and they have to come in and convince me that they've got some kind of a conservation need in that particular area. That gives us that latitude.

**MOTION: Commissioner Alfredo Montoya** moved to adopt the Big Game Rule on deer as recommended by the Department and as read with the change of the bow and arrow and muzzleloader hunts in Unit 46, 54, and 55 and the opportunity through the Private Land Deer Conservation Incentive Program make the necessary adjustment as deemed appropriate by the Department with the Chairman's approval. **Commissioner Arvas** seconded the motion.

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

**R.J. Kirkpatrick** The only significant changes to turkey are opening 16E and 40 to turkey hunting and closing the fall turkey hunts on the 3 wildlife areas in Unit 4.

**Chairman Riordan** We're also looking at closed fall turkey hunts on the Sargent, Humphries, and Rio Chama wildlife areas in Unit 4 to reduce disturbance of the elk rut. My only issue with that is I'm absolutely in favor of reducing disturbance to the elk during the rut. I don't like to see us limit hunter opportunity. I'd prefer that we look at a draw later on in the season.

**R.J. Kirkpatrick** The Department would not oppose applying the closure for fall hunting to the Sargent that is the bulk of the elk that are in the middle of rut. In the Humphries and the Rio Chama areas, the rut is not as impacted by activity. The Humphries and Rio Chama continue to allow fall turkey hunting, but the Sargent doesn't.

**Chairman Riordan** My suggestion is that we look at a later date. You decide how many permits are needed.

**MOTION: Commissioner Arvas** moved that the Commission accept the Department's recommendation on turkey including the fact that we need to open up the Sargent at the Department's discretion in terms of a date and limited number of permits for turkey hunting. **Commissioner Alfredo Montoya** seconded the motion.

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

**Chairman Riordan** "Changed all "harvest quota" designations to "Harvest Limits" to avoid misunderstanding about the purpose of the limit numbers. Bears removed by Department management action will count against the harvest limit of that zone, such as bears relocated to other zones."

**R.J. Kirkpatrick** Any bears that are removed from a zone by Department management actions because of depredation or nuisance animals will go against the harvest limit for the zone that the bear was removed from. If that bear was harvested out of the zone it was relocated to, it will not go against that zone's harvest limits, unless that bear is taken in a subsequent year.

**MOTION: Commissioner Jennifer Montoya** moved to accept the Department's recommendation on bear. **Commissioner Henderson** seconded the motion.

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

**Chairman Riordan** Cougar: “**Changed all “harvest quota” designations to “Harvest Limits” to avoid misunderstanding about the purpose of the limit numbers. Changed current ‘landowner and employees’ to ‘landowner and designees’ language to allow increased opportunity for hunting cougars on private lands, year-long.**”

**R.J. Kirkpatrick** Increasing the opportunities landowners have to designate who they choose to hunt lions on their property.

**Chairman Riordan** We talked about wildlife management areas and opening that up without dogs but opening that up for hunting of cougars and using electronic calling.

**R.J. Kirkpatrick** Two Commission considerations that the Department’s been made aware of are the possibility of allowing electronic calling devices to be utilized statewide for hunting of cougars. This will not impact harvest limits. The Department’s proposal would be that no dogs and no vehicle use be allowed on wildlife areas.

**Chairman Riordan** The purpose of not utilizing dogs on wildlife management areas is for not chasing the rest of the wildlife off of our management areas.

**MOTION: Commissioner Alfredo Montoya** moved to adopt the Big Game Rule on cougar with the Department’s recommendations made to change all harvest quotas designations and incorporate into the rule that electronic hunting devices can be used in wildlife management areas and that dogs may not be used.

**Chairman Riordan** We do have manner and method at a later date, is that correct?

**R.J. Kirkpatrick** Correct.

**Chairman Riordan** Commissioner Montoya, we can do this here and then do Manner and Method later.

**RESTATED MOTION: Commissioner Alfredo Montoya** moved to adopt the Big Game Rule for 2005-2006 on cougar and to incorporate the harvest quota designation will be termed as harvest limits to avoid misunderstanding and to change the current landowner and employee designation to also incorporate landowner and designee in the language. **Commissioner Arvas** seconded the motion.

**Public Comment:**

**Katrina Hummell** May I have clarification as to what electronic hunting devices are?

**Chairman Riordan** It’s a recording device, that’s all it is.

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

**Chairman Riordan** Elk: “**New youth-only hunts in GMU’s 2, 10, 34, 52, and 55.**”

**Commissioner Arvas** R.J., the youth hunts are supposed to be kind of a motivational type hunt and what I’d like to see you do is change the dates. Is it possible to change the youth hunt to an up-front hunt to give the youth a better chance for success plus giving them a better hunting experience?

**R.J. Kirkpatrick** We can shift the start dates for youth hunters vs. public hunters.

**Commissioner Arvas** Do you concur that that will make for a better experience for the youthful hunter?

**Leif Ahlm** Yes, it would make for a higher quality hunt for youth the first time because the elk are not as wild at that time as long as there are limited numbers of hunters. Complaints we’ve had are that youth go on the third or fourth hunt and the cows are wild and for youth it would be hard to make a clean kill at that time.

**R.J. Kirkpatrick** We can take 1 of the Valle Vidal youth hunts and place it in the time slot of October 1-5 for 2005 and then for the following year incorporate that.

**Commissioner Alfredo Montoya** Commissioner Arvas, were you talking just about Valle Vidal or did you mean all youth hunts?

**Commissioner Arvas** I think the comment would be reflective in all youth hunts if at all possible. We don’t need to be exclusive on GMU’s 2, 10, 34, 52, and 55 unless those are the units the Department feels they have special attention to as far as the youth hunts.

**R.J. Kirkpatrick** Those are the units where we’ve added youth hunter opportunity.

**Commissioner Arvas** So I take it that you’ll take into consideration all youth hunts?

**R.J. Kirkpatrick** That would be difficult but we can look at it.

**Chairman Riordan** We’ll move forward with your suggestions and go to the next item. I hear what Commissioner Arvas is saying on all of our statewide youth hunts, whether they are deer or elk, should be a priority to give those kids the best hunting opportunity. Commissioner Arvas, we’re looking at opening up new youth hunts in GMU’s 2, 10, 34, 52, and 55. Next,

**Increased bow and muzzleloader licenses. Allow bow and arrows during the muzzleloader seasons.**

**R.J. Kirkpatrick** On a statewide level, there was an increase in bow and muzzleloader elk hunting opportunity and just clarification that during a muzzleloader hunt, it’s allowable if an individual chose to use a lesser weapon such as a bow and arrow.

**Chairman Riordan** All elk hunting will end no later than December 31, except Ranch Only Antlerless hunts in GMU’s 46, 54, 55, 56, 57, and 58 with approval of NE Area Chief and the Game Commission Chair.

**Commissioner Jennifer Montoya** Increased bow and muzzleloader licenses, is that in every unit?

**R.J. Kirkpatrick** No, it isn't in every unit. There are units where there were reductions in those weapon type hunts, but overall on a statewide basis, that's applicable.

**Commissioner Jennifer Montoya** Were there reductions in rifle licenses?

**R.J. Kirkpatrick** There were significant reductions in certain places.

**Commissioner Jennifer Montoya** Because it's based on demand, is that because of public comment you're finding there's a shift in popularity of using bows and muzzleloaders?

**R.J. Kirkpatrick** That is definitely a part of it. Primitive weapon hunting publics are becoming more interested in participating in the processes that we use to develop these rules, they are more conservation minded, and they did request additional hunting opportunities at the same time we incorporated changing view on elk management goals. We did reduce permit numbers but mostly on the rifle side.

**Chairman Riordan** R.J., on that increased bow and muzzleloader licenses, we had talked about looking at late seasonal bow hunts.

**R.J. Kirkpatrick** We've had some interest in identifying places in the State of New Mexico where it would be beneficial and no great negative impacts to allow some bow hunting opportunity maybe even on an over-the-counter basis in some units during some late seasons. The Department has identified some units where that opportunity may be available for the Commission's pleasure. They are GMU's 12, 37, 43, and 50. We talked about including GMU 13 in that list of units where it may be appropriate for some large ranches in 13 to request that opportunity pursuant to this particular topic.

**Chairman Riordan** Moving forward: **New GMU 4 elk management: Split Unit 4 into sub-units A and B to better manage the 2 distinct herds in this unit. Increase bull licenses to stimulate economic support while recognizing that the actual harvest of bulls must be reduced to maintain supply of quality bulls.**

**Commissioner Arvas** Back to split Unit 4, I'd like to make a recommendation that we leave Unit 4 as is.

**Commissioner Alfredo Montoya** Along with that, I'm also in favor of not splitting that unit. The social pressure is that the majority of people are against that. The number of cow opportunities that have been proposed, the last cycle for the last 2 years, we reduced the number of cows from 1,200 plus to 875, and the current proposal is to reduce them from 875 to 300. I propose that still with the understanding that we want to increase the population but if we could reduce it to 400, there are many small landowners that get cow only elk tags that might be left out. Small landowners will benefit from increasing it from 300 to 400 but we're still reducing it from 1,200 to 800 currently then to 400 in 2005-2006. I think these are substantial reductions. It's still reflecting the Department's recommendations but not as severely as 300. A mature bull with 5 points on 1 side, not on each side, and increase the numbers of bull licenses as recommended by the Department.

**Chairman Riordan** I think Commissioner Montoya has had tremendous input from his constituents not to split the unit.

**Cleo Sanchez** Has there been any research done by the Department or the Commission as to the big ranches that get many tags? Many of these ranches have been subdivided to a certain point; therefore, they don't have legal ownership of the whole amount of acreage that they get tags for. Our ranch has been used only for pasturing and elk harvesting, but we always get cut back and yet these big ranches that don't even have legal ownership. The tags they are getting I consider illegal.

**Commissioner Alfredo Montoya** That is going to be addressed in the near future with the L.O.S.S. Program. Under that program there will be some recommendations to scrutinize land ownership and be able to positively prove that you own the piece of land that you are getting authorizations for. There's a committee in place that is addressing those issues and is at the point of making some recommendations to the Commission in terms of what is going to go out to the public. Not recommendations to approve but recommendations that will be going to the public for feedback and then at a later date we will come before the Commission for final approval. That is one of the biggest concerns that the Department has identified.

**Chairman Riordan** R.J., we're talking about mature bulls for Unit 4. I don't think we're ready to do anything else on a broader scale at this time but could you address the possibility of looking at 5-point restrictions in other areas across the state that may help to increase the quality of the herd?

**R.J. Kirkpatrick** We've looked at some other units in New Mexico where applying an antler point restriction on elk may accommodate some desires. Those are Units 4, 52, 5B, 16A, 16D, 16E, and 34.

**Chairman Riordan** At our next Commission meeting, we will address those units after we've had some more public input. We address those units as a possible change to our point restrictions on our elk management. We have the option of opening that up in November for inclusion of additional mature bull definitions of 5 points or better. One thing that I did not hear from you on Unit 4 is the dates that we're going to have our first rifle hunt.

**R.J. Kirkpatrick** The proposal that the Department has offered in an attempt to reduce overall harvest of bulls is, we removed the opportunity for landowners or any elk hunting to occur during the window of October 1-5. We've had public input to the Department in opposition to removing that window of time for various reasons and the Department would offer for consideration to the Commission giving back that window of time, October 1-5, but we would like to discuss the possibility of removing the entire month of December in exchange to continue to do some management to reduce the overall harvest of bulls.

**Chairman Riordan** My discussions on this item were that October 1-5 to allow for good quality rifle hunting restriction on 6 points or better on 1 side. The purposes of the restriction reduction, the harvest take, and protecting the herd, still provide the

opportunity and allow these individuals in Unit 4 to sell these permits as a good quality trophy hunt. They're going to get the final portion of the bugle, but we need to have a restriction. The objective is to go ahead and reduce the number of bulls being harvested during that period. We don't want all our bulls being harvested 5 or 6 points or better during that first 6 days. As far as eliminating the month of December, it would have tremendous economic impact on this unit. I think we have to leave the December dates in there for now.

**Brian Quinlan** I think our main goal is to reduce harvest of bulls and go from 875 to 1,100 at least to compromise to 1,000 or somewhere in that range instead of jumping up 250 to have 5x5 restrictions. I can see you going up to 5 on 1 side and 3 on the other, but I don't think is going to cut the bull harvest.

**Tod Stevenson** We do have a concern waiting until the November 17 meeting to finalize this regulation due to our ability to get the proclamation together and publish. We are comfortable with the units discussed. For example, Unit 52, I can tell you that all the way back to 1984, that people have expressed concern of wanting bigger bulls and more quality, same for some of the other units.

**Chairman Riordan** We'll leave that for the end for the Commission to decide what way they want to go. We understand the time constraints.

**Ray Milligan** When we re-do the L.O.S.S. Program, let's make grazing a much stronger consideration in the allocation of the landowner permits. I also agree with Mrs. Sanchez about some of the people having sold off big portions of their ranches in the subdivisions and they're still getting credit for that as wild elk hunting ground and that loophole needs to be looked at. I also agree with Brian Quinlan because we wanted 875, you've jumped it up to 1,100. Why don't we just take this 1 step at a time. For 2005, 1,000 since everyone is in a nice mode to compromise, and go to 1,100 for 2006. As far as that October 1 date, that was something that Bob Ball, and Frank Sims wanted because they hunt the real high country and they can be snowed out on their second hunt and in normal years they've hired bull dozers to get their guides' trucks out of the mountains. For most of us I'd like you to keep the December option open. The default tags are included in this number, right?

**R.J. Kirkpatrick** That would be the Department's recommendation to the Commission that if we increased the number of bull permits in Unit 4, that all default are included in that.

**Chairman Riordan** R.J., how many default tags are we issuing right now?

**R.J. Kirkpatrick** The number of properties that are considered 'default properties' that are unable to compete for authorizations in Unit 4 even though they qualify or they're active in the system runs from 150 to 170, that's about the range we've recognized over the last couple of years. The source of those authorizations in the last 2 years has been 875 permits in regulation, so increasing the number of bull authorizations in Unit 4 to 1,000 or 1,090, those default permits will come out of that.

**Chairman Riordan** What's our increase?

**R.J. Kirkpatrick** About 100.

**Commissioner Arvas** It's 10%.

**R.J. Kirkpatrick** Then if you remove 170 as default permits, it brings you back to about 100 increases total for the bulk of the ranches in the unit.

**Commissioner Jennifer Montoya** Hollis Vaughn is from Unit 16 and maybe he can comment on the 5-point restriction in that unit since that's 1 the Department is proposing.

**Hollis Vaughn** I wouldn't have a problem with that.

**Chairman Riordan** That may be something that we look at. I know that we've been talking that this first hunt is a 6-point minimum on 1 side and that is on the October 1-5 hunt in Unit 4. Once again, Mr. Milligan and Mr. Quinlan, I don't personally think I'm in favor of eliminating the December hunt. We have a net increase of 100 permits that we're allowing in this unit. We've decreased our cow permits by 475. That's a significant move to try and increase the elk herd here and we have a 5-point restriction on that.

**R.J. Kirkpatrick** The only other thing as applies to GMU 4 is that if we are going to go back to an October 1 allowable start date, we ask that the Commission allow us to reinstate a hunt that occurred previously on the Sargent Wildlife Area. It's a hunt with 5 licenses allowed, it was a quality elk hunt, but we removed it to accommodate the later start date for landowners, so if we are going to let landowners start October 1, we'd ask that the Commission allow us to replace that 5-tag quality bull elk hunt on the Sargent. We can put that 6 by on 1 side point restriction on those hunters as well, but we'd like to put that opportunity back.

**Chairman Riordan** "Unit 6 management changed: Split Unit 6A elk bow into September 1-15 and September 16-24".

**R.J. Kirkpatrick** This was a change that resulted from public input. The Department supports the change.

**Commissioner Riordan** When do we start our bow seasons?

**R.J. Kirkpatrick** Bow hunts start on the last Saturday in August regardless of what that date is to incorporate the weekend in the initial part of the bow hunts. For our public involvement processes, the bow hunters in New Mexico adamantly oppose that we continue that practice and requested that we go back to the old season start as September 1.

**Chairman Riordan** It's a 20-day season?

**R.J. Kirkpatrick** 22 days in some units and 24 days in others, September 1-22 or September 1-24, depending on the unit.

**Chairman Riordan** We don't have to have it in writing here, but provide opportunity during the rut for these bow hunters. We can use point restrictions wherever you have to.

**Chairman Riordan** **"Valle Caldera National Preserve hunts and rules for application and drawing have changed."**

**Commissioner Arvas** I'd like Mr. Trujillo to come up. There was an incorrect statement in the paper that he needs to address to clear the air and to set the stage for further negotiations with the Department.

**Mr. Trujillo** There was a statement made in 1 of the newspapers about the quota system and I wanted to apologize for an editor misquote. We want to assure the commission that we want to abide by the AG's opinion on sticking with the split on the 78/22. I'd like to commend R.J. and his staff for their cooperation in working together with the Trust and trying to accomplish our goals and mandates. We do have some major changes for the upcoming year and although the public hates to see changes, hopefully this is for the better. What we've worked out with the Department is to try to make the application process as least complicated as possible. We're looking at the Trust having its own national lottery where the hunter is able to buy a lottery chance from the Trust for access. If those people that are successful through the lottery process receive an access authorization from the Trust and then take that to the Department for issuance of a license. Other things that have been looked at we are in agreement on are limiting the purchase of licenses or lottery chances. There is a perception that only the rich are hunting the preserve and we would like to try to resolve some of those concerns. We've put a limit of 20 lottery chances to be purchased by individual per hunt code. We've also dropped the price of the antlerless chances from \$25 to \$10. We will apply the 78/22 split on every hunt code that's issued to the Trust. The biggest change is that every hunter that applies for Unit 6B does not have to apply through the state process. **Chairman Riordan** **"Reduced antlerless licenses in Units 2, 4, 5B, 7, 9, 12, 15, 16, 17, 23, 24, 44/5, and 53 due to concerns about declining elk numbers and bull recruitment problems."**

**R.J. Kirkpatrick** That is a summary to identify places in the State of New Mexico where we've incorporated reductions in antlerless harvest to reach those goals.

**Hollis Vaughn** Is that a reduction in all the 16 units in your proposal because in 16E I see it goes from 79 to 130, is that correct?

**R.J. Kirkpatrick** It's not inclusive of all units in 16 and as we talked about earlier, there are some concerns about 16E. The Department has looked at that and the Department isn't opposed to reducing the total number of cow authorizations or cow licenses in 16E to the 150 level that was recommended. We are also not opposed to reducing the level of mature bull licenses down to what they currently are.

**Chairman Riordan** I assume that 16 was all inclusive and the Department has the authority to reduce those numbers if we so see fit. **"Increase antlerless licenses in Units 34 and 46 to address the recent increase in elk numbers."**

**R.J. Kirkpatrick** Unit 34 continues to be contentious. The proposal before you reflects an increase in elk permits in 34 and 46 to be able to accomplish reductions in populations if January surveys dictate such actions are necessary. Keep in mind the Director's 20% and the Unit 34 exception allows us to be flexible with whether or not that happens.

**Chairman Riordan** Because of the volatile nature of those 2 units, my suggestion is that there be added language with the approval of the Chairman of the Game Commission and/or his Commission designee on those reductions. Increases are something we're not particularly in favor of. On other units in the state we're going to go ahead and try to get back our elk recruitment. This particular unit has tremendous political pressures on it and we need to be judicious in what we do. I'd like to have the Chairman along with the Director or 1 of the Chairman's designees on the Commission to work those issues out with you before you move forward. **"Extended season from 5 to 9 days for rifle antlerless hunts in Unit 6C, to improve harvest rates on antlerless elk to help keep elk at lower densities, this addresses concerns from USFS and grazing permittees with regard to elk/cattle competition."**

**R.J. Kirkpatrick** Sub-unit 6c is like Unit 34 on a smaller scale with continuing frustration with reduced cattle grazing numbers by the Forest Service, the finger of blame pointed at elk. The consensus in the community is to continue reduction of that elk population to try to address those problems. As we heard during public comment, that is in opposition to other desires in sub-unit 6C and the Department is in a tough spot. Our recommendation is to continue on this.

**Chairman Riordan** My concern here is political pressure. I'd like us to be judicious on how many permits we are allocating. In Unit 6C, 300-acre property, can you hunt on public lands with that 300-acre piece of land?

**R.J. Kirkpatrick** If the landowner who has that 300-acre property signs his landowner agreement as a unit wide, yes you can.

**Chairman Riordan** What about anything less than that?

**R.J. Kirkpatrick** It depends on the property. Are you going towards those that we call default permits, those properties that can't qualify but get 1 ranch only either sex landowner authorization? Those properties cannot hunt on public property under today's rule.

**Chairman Riordan** I know that we're addressing that in L.O.S.S., is that correct?

**R.J. Kirkpatrick** Yes.

**Chairman Riordan** We may be able to make that adjustment in the future for application to 2005-2006, Commissioner Montoya?

**Commissioner Alfredo Montoya** Yes.

**Commissioner Arvas** We've always been able to make that.

**Chairman Riordan** I support that we issue these permits to people that have pasture that's being utilized by elk on 50-100 acres, or something less than this 300. We have these ranchers that are running cattle on this property, then we give them a tag that is ranch-only. If it's a 50-acre parcel and something is eating their alfalfa, we give them a ranch-only permit. We have given them a permit that is worthless because the elk come in to that person's property in the middle of the night and they leave by 6:00 a.m., and you'll never see those elk but their alfalfa keeps getting decimated from it. I'm very concerned that we have not addressed those issues. Elk aren't a nuisance, they're a resource, but we have to be responsive to the individuals that are feeding them. We may not address this today, but Commissioner Alfredo Montoya, who is the chair of our L.O.S.S. Committee, is probably going to try and address that. I want us to be very cognizant because we're issuing ranch-only permits to people which basically have no value then we're coming back here and because they have no value, people are looking at them as a nuisance and we're being asked to go ahead and start killing off the elk, and I don't think that's our objective.

**Commissioner Alfredo Montoya** I understand why that recommendation is being made. I know that the Department has had discussions with U.S. Forest Service. They've flown over this property, they've met with the allotment owners, and it's been a concern and a problem for many years and the recommendation is only to try to compromise, especially with the U.S. Forest Service. Our elk are having an impact.

**Chairman Riordan** "Elk enhancement license hunt areas has been modified to include anywhere in the State where hunting is allowed (the 2 license authorizations sold through auction and raffle have generated more than \$120,000 annually for elk enhancement projects)."

**MOTION: Commissioner Alfredo Montoya** moved to adopt the Big Game Rule for elk for 2005-2006 and that Unit 4 not be split, that the number of cow authorizations in Unit 4 be at 400 rather than at the recommended 300, that the default tags come out of the amount recommended of 1,090, that the Department have an opportunity to add that hunt on the Sargent from October 1-5, for 5 opportunities, that the changes proposed with the Valle Caldera proceed with the Department's approval of drawing process, and the recommendations that were discussed by R.J. in terms of previous indications that a hunter would obtain an application and pay the preserve and the Department would monitor the 78/22% quota and that the Valle Caldera National Preserve would have to submit reports; that whole recommendation that was made there. That Unit 4 landowners be allowed to hunt the October 1-5 hunt with the 6-point restriction on 1 side, and that they be allowed to hunt the December hunt as well. Then, not as part of the motion but as a directive, that the Department come back to look at the point restrictions in other units across the state. The only reason I'm not including that in my motion today is because the public has not had an opportunity to comment on that. All of what I've made my motion on has gone out to the public for reaction and feedback. The addition of the 5-point or 6-point restriction in the other units, that would be a complete surprise to many people, but based on comments and feedback, it's warranted in other units, I agree, but at this point, I think it would be inappropriate to do with this motion, but I would like to see it come back in October/November considering that you are on a time crunch for the proclamation, the rules and regulations and I'm open to meeting sooner.

**Commissioner Arvas** The November timeframe is cutting it close but adequate. Remember that all we are doing today doesn't fall into place immediately. It's going to take some time to put this together, so the November 17 date might be appropriate for all the information to be brought forth and by that time we'll at least have a draft of the Proclamation that we're doing today so if there are any errors or omissions, we'll see it then.

**Commissioner Alfredo Montoya** To complete my motion, I'd like to make sure that I didn't miss out on anything we discussed as went through all of this. I'd like to incorporate everything into my motion.

**R.J. Kirkpatrick** Just a couple of things Commissioner Montoya might want to add, the inclusion of GMU 13 in Paragraph 5 under the start page for private land ranch-only hunts, and also in that section, adding language that in the Director's 20%, that the Director would have to obtain the Chairman's concurrence for reductions past 20% in GMU 34.

**Chairman Riordan** Commissioner Montoya, do you want to add those?

**Commissioner Alfredo Montoya** Yes, I will and I think I want to repeat Mr. Kirkpatrick's words *verbatim* and amend my motion.

**Jim Karp** Would you restate as part of the motion?

**Commissioner Alfredo Montoya** I can't remember. I was looking for paragraph F.

**Commissioner Alfredo Montoya** amended his motion to include Unit 13 in Paragraph F and also that anything beyond 20% default would have to be with the concurrence of the Department with the Chairman's approval.

**R.J. Kirkpatrick** Under the Director's 20%, correct.

**Commissioner Alfredo Montoya** Yes. **Commissioner Henderson** seconded the motion.

**Commissioner Henderson** I'd like to take this time to concur with Commissioner Montoya on the need to come back at the earliest appropriate date to discuss the 5-point restriction. I concur that these are important enough issues that the public needs to be informed before we make those decisions.

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

**Chairman Riordan “Pronghorn Antelope: 2 new ‘Youth Only’ hunts were added, 1 for female and immature pronghorn on selected ranches in the northeast area and 1 for mature bucks on Stallion range of White Sands Missile Range. Allow bow and arrows during the muzzleloader seasons.”**

**MOTION: Commissioner Alfredo Montoya** moved to adopt the Big Game Rule for pronghorn antelope with 2 additional items to be included in the regulation that 2 new youth-only hunts be added, 1 for female and 1 for immature pronghorn on some selected ranches in the northeast area and a bow and arrow hunt during the muzzleloader season. **Commissioner Arvas** seconded the motion.

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

**Chairman Riordan “Barbary Sheep: Southeast Area Units 28 through 34, 36, and 37 remain limited to February 1-28. Barbary can now be hunted yearlong elsewhere in the state except for units with bighorn and the Southeast Area units.”**

**MOTION: Commissioner Jennifer Montoya** moved to accept the Barbary Sheep rule as presented by the Department. **Commissioner Henderson** seconded the motion.

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

**Chairman Riordan “Bighorn Sheep: New “ewe” hunts available in the Pecos Mountains, including a bow and youth-only hunts to help control the increasing population. These hunts are not once in a lifetime.”**

**MOTION: Commissioner Alfredo Montoya** Mr. Milligan said he would pay to remove the ewes from the Pecos Mountains and I move that the Commission accept his generous offer to incur the cost of capture and that these ewes not be hunted but allow Mr. Milligan to gather the resources to capture these ewes for a possible trade elsewhere for bighorn sheep or some other resource, and that we not proceed with this hunt. **Commissioner Arvas** seconded the motion.

**Chairman Riordan** The only thing *I would* like to see on this is a youth-only hunt on rams. Do we have a youth-only hunt for rams?

**R.J. Kirkpatrick** No, sir we don't.

**Chairman Riordan** It sure would be nice for kids to go and shoot a ram. That was for discussion only.

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

**Chairman Riordan “Javelina: Expanded areas open for ‘youth-only’ hunt.”**

**MOTION: Commissioner Arvas** moved to accept the Department's recommendation.

**Commissioner Alfredo Montoya** seconded the motion.

**Chairman Riordan** I have a second to expanded areas open for ‘youth-only’ hunt, javelina.

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

**Chairman Riordan “Oryx: New hunt opportunity for mountainous areas on White Sands Missile Range. Also a new hunt opportunity for returning Afghanistan and Iraqi servicemen and women to hunt oryx on White Sands Missile Range.”**

**R.J. Kirkpatrick** The population reduction hunts, those hunts that occur off the missile range, set number of permits available by month, page 3 of the Big Game Rule itself, which will be hunt codes oryx 5-550 through oryx 561. If there were significant concerns about people successful in drawing those population reduction hunts multiple years, multiple times, 1 avenue to mitigate that may be to allow people to apply for those hunts based on whether their birth year is even/odd. In 2005 only people with odd birth years would be able to submit applications and the following year, 2006, only people with even birth years. That may be a way to mitigate or lessen chances to better distribute that opportunity for those hunts.

**Commissioner Arvas** Director Thompson has informed me that we usually have 4,600 applicants for these hunts, so if we do what R.J. has suggested, that cuts the number of applicants in half so that increases the odds of a person being drawn by at least 50%.

**MOTION: Commissioner Arvas** moved to accept the Department's recommendation for oryx including allowing people to apply for population reduction hunts on either even/odd year birth years depending upon the year of the application and only those off-range hunts. **Commissioner Alfredo Montoya** seconded the motion.

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

**Chairman Riordan “Persian Ibex: The number of licenses were increased for the ‘youth only’ and the archery hunts. The Big Hatchet Wildlife Management Area is open during the year-long off-mountain hunt and a ‘on-mountain’ rifle hunt for female and immature ibex was added to control this population.”**

**MOTION: Commissioner Arvas** moved to accept the Department's recommendation on Persian Ibex with the inclusion of increasing the harvest quota ram (“billies”) licenses from 5 to 10 and for ewe (“nannies”) licenses from 10 to 20. **Commissioner Alfredo Montoya** seconded the motion.

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

**Chairman Riordan** “Director’s authority to adjust the number of licenses, permits authorization agreements, or harvest limits up or down by no more than 20% to address significant changes in population levels or habitat availability now applies to all big game species, GMU 34 may exceed this amount.”

**R.J. Kirkpatrick** Jim Karp, Legal Counsel for the Department, asked me to recommend to the Commission that in the first sentence of that, that we strike “at his discretion” and that it read “the Director may adjust licenses, permits, etc., by no more than 20%, up or down”. In addition, the Chairman wanted to have concurrence for any adjustments beyond the 20% in GMU 34.

**Chairman Riordan** That’s in all issues concurrent with the Chairman and/or his Commission designee.

**R.J. Kirkpatrick** For the entirety of the 20% language?

**MOTION: Chairman Alfredo Montoya** moved that the Director have the authority to adjust the number of licenses, permit authorizations agreements, or harvest limits up or down by no more than 20% to address significant changes in population levels and on GMU 34 the only unit on which he may exceed this amount with the Chairman’s consensus. **Commissioner Arvas** seconded the motion.

**Chairman Riordan** Commissioner Montoya, for clarification, do you want the increases on those GMU’s, is that to have the approval of either the Chairman on that 20% also, or his designee?

**Commissioner Alfredo Montoya** In all units, but in GMU 34 if he goes above 20%.

**Chairman Riordan** If it’s with Chairman’s approval and/or his designee?

**Commissioner Alfredo Montoya** In GMU 34 he may exceed that 20%

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

#### **AGENDA ITEM NO. 12. Amend 19.30.4, NMAC, Boundary Description Rule**

**Presented by Barry Hale.** - The Department presented to the Commission, for adoption, recommendations to amend 19.30.4, NMAC, to accommodate changes made in the Big Game Rule and clarify game management unit boundaries. The Department recommends amending the wildlife management areas boundaries and descriptions to reflect changes. Some reflect changes to deer or elk, but pursuant to previous action, don’t apply and also to take a look at the antelope management units, some of the boundary descriptions and changes.

**Chairman Riordan** Director Thompson, if you would get together with the Forest Service on this unit and address these concerns of outfitters to see what we can do to be more responsive. The restrictions that the Forest Service seems to be putting on these outfitters doesn’t seem to make a lot of sense as to why we’re limiting so many outfitters in 1 area vs. another. It seems like some people are being excluded and others aren’t.

**Director Thompson** I have a message pending with the regional forester about that very question.

**Barry Hale** The first is to make changes in the boundary rule to reflect the recommendations to split Sub-Unit 2B into 2B and 2C based upon discussion had during the Big Game Rule. It was my understanding that the Department’s recommendation was adopted so the boundary will be Largo Canyon and Carizzo Canyon to the Jicarilla Range as presented. Next is the split of Unit 4 into Unit 4A and 4B, but again the action taken in the last agenda item was not to split the unit so I’m going to pass. There was a Department recommendation to set aside portions of Unit 9 and 13, respectively, to show or designate Tribal Trust lands for the Acoma and the Laguna Reservations. There was a recommendation brought forth through public input that the Department was going to amend the Boundary Rule to set aside the stricken language. The reason for this is that there was a desire to call out those portions to insure they are excluded from any hunt areas when we open up those units because those are Tribal lands. When we open up a unit for hunting, it is to exclude those. We don’t manage hunting on those units.

**Commissioner Jennifer Montoya** Tommy Gow from BLM discussed other potential breakouts. Is that something we’ve negotiated with BLM in the past and didn’t accept, or is this a new idea?

**Barry Hale** To my knowledge, that was new to me when he brought that up. This was not part of the original recommendation. Under other designated areas, there was a request to establish the Fort Stanton hunt area in Unit 36. This is to identify that portion of the Fort Stanton Military Reservation, a historic part of that, as a separate hunt area. BLM is trying to do management emphasizing deer in that area and under the previous strategy of over-the-counter hunts, there were a lot of hunters going into that area. We think we’ve fixed that with the draw, but they wanted to set aside to offer some special opportunity including a youth hunt and we needed to find that special use area. The final portion is to make changes in the antelope management unit boundary descriptions. We made changes to reflect the recommendations as well as standardizing all the text. There has been provided to you a summary sheet that indicates we’ve modified for AMU’s 41, 45, 46, and 54. Subsequent to the information you received, a change by Dave Heft with BLM, that the boundary dividing AMU 18 and 36 was formerly noted as a White Sands Missile Range route, that designation is not on any public land maps so his suggestion was, and this is not incorporated in your summary, but the correction will be made in our rule, that we’re going to use county roads to define that particular section that splits 18 and 34. We’re asking the Commission to approve our amending this rule to make changes.

**MOTION: Commissioner Alfredo Montoya** moved to approve the Boundary Descriptions for the areas identified by Mr. Hale, mainly 2C, a designation to demonstrate that Laguna and Acoma Indian Reservations in Units 9 and 13, respectively, can be more appropriately identified as being excluded from open areas that are open to hunting, that we establish Fort Stanton hunt area in Unit 36 to more appropriately manage hunter and harvest intensity and that we modify and correct boundary lines for Antelope Management Units 41, 45, 46, and 54.

**Barry Hale** Because what's written also recommended the split for 4A and 4B, so you need to make sure to exclude that.  
**Commissioner Alfredo Montoya** I skipped over that and I didn't mention it in my motion. **Commissioner Henderson** seconded the motion.

**Public Comment:**

**Larry Caudill** There's a limit to how many people could reasonably hunt in there based on its size, other than that I support the Department's recommendation for 2C as presented.

**Tommy Gow** Bureau of Land Management, Albuquerque Field Office, Assistant Field Manager. I respectfully request the Commission not consider the creation of sub-units. There is no need for it now as long as Unit 13 goes on a draw-unit basis. BLM will be happy and we request you don't consider our previous request to designate further sub-units.

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

**AGENDA ITEM NO. 13. Amend 19.31.10, NMAC, Manner and Method Rule to Incorporate Changes Made in the Big Game Rule**

**Presented by R. J. Kirkpatrick.** - The Department presented to the Commission, for adoption, recommendations to amend 19.31.10, NMAC, to incorporate and support changes made in the Big Game Rule regarding hunting requirements and the manner and method of taking game animals. The Department's recommendations reflect updating terms to improve consistency. In addition to that, the Manner and Method proposal reflects amendments will make it unlawful to take or attempt to take wild turkey sitting in trees or structures, basically disallowing roost shooting. We added to a previously amended portion of Manner and Method basically stating that it shall be lawful to hunt quail and turkey where feeders occur on private property. Due to recent considerations in light of discussions earlier this morning, we need to add an amendment to Manner and Method which basically is allowing the use of electronic devices for hunting cougars in New Mexico.

**MOTION: Commissioner Arvas** moved to accept the Department's recommendations to amend 19.31.10, NMAC, the Manner and Method Rule to incorporate changes in the Big Game Rule with the inclusion of the electronic devices for hunting cougars.

**Commissioner Alfredo Montoya** seconded the motion.

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

**MOTION: Commissioner Alfredo Montoya** moved to approve the use of crossbows, body braces, mouth tabs, and draw locks for those hunters that are able to demonstrate that they have a legitimate disability and have acquired a hunting license with the understanding that Department staff will review, investigate, and research which crossbows can be used and what is being utilized in other states. **Commissioner Arvas** seconded the motion.

**Commissioner Jennifer Montoya** Mr. Burkhardt, how many disabled hunters would be using crossbows?

**Mr. Burkhardt** Our organization has over 600 members. That doesn't include the disabled veterans of New Mexico that is well over 15,000-20,000. A store in Albuquerque offered to do tests to help determine what the minimum poundage and maximum feet per second per bow would be.

**Larry Caudill** I urge you to follow Mr. Brooks' recommendation and investigate this before acting. Crossbows are an ideal poacher's weapon because they're quiet, equipped with telescopic sights, the bolt they shoot is not very heavy, and they have the capacity to wound without killing.

**Commissioner Arvas** The Director has informed me that there is a process to determine the disability factor of a given individual for a given weapon.

**Dan Brooks** We have mobility impaired criteria to qualify. There are criteria established by rule. If you have the doctor sign off on that, you would qualify.

**Commissioner Jennifer Montoya** I don't understand the intent of Commissioner Montoya's motion. He's requesting that we approve the use of crossbows or that he is requesting that the Department investigate and bring back to us.

**Chairman Riordan** Commissioner Montoya is making a motion that the manner and method of taking can be with a crossbow for individuals who meet the disability requirements for the State of New Mexico during the archery season.

**Commissioner Alfredo Montoya** As a result of the research on the type of legal crossbows that others states and the Department have approved.

**Dan Brooks** So the Commission is giving us latitude to craft a definition.

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

**Public Comment:**

**Oscar Simpson** Under 19.31.10.17, page 4, Item G, "Exception 2) To retrieve lawfully taken game not in an area closed to vehicular traffic.", we'd like that to be removed. That perpetuates use of illegal roads or making roads and all recreational vehicles create more roads following those 2 tracks and that's further destruction of habitat. We'd like to see that loophole closed. You can't do it when the Forest Service is closed already so instead of perpetuating illegal use of roads by taking a vehicle and going off road to retrieve your vehicle on an undesignated road, we want that exception eliminated.

**Chairman Riordan** You want us to stop the ability of someone to use a vehicle to retrieve an animal?

**Oscar Simpson** By going off road. By making their own road, this allows them to go off road and make your own road and drive up to an animal and pick up an animal, that's what this exception allows.

**Dan Brooks** For clarification, I remind the Commission that our statistics show that about 93% of our customers are hunters that are in compliance with laws. Our officers actively enforce driving off road with a license if they are not retrieving game, so we're active in this endeavor. I also remind the Commission that some of our hunters are aging and driving off road to get an elk where it's allowed is reasonable.

**Chairman Riordan** We have further discussions on this. Mr. Simpson has good ideas and we need to pay attention and let's see if we can't work something out with him.

**AGENDA ITEM NO. 14. Amend 19.30.7, NMAC, Quality Hunt Criteria and Areas Rule**

**Presented by Barry Hale.** - The Department presented to the Commission, for adoption, recommendations to amend 19.30.7, NMAC, to accommodate changes made in the Big Game Rule, regarding quality-hunting areas and season dates.

**MOTION: Commissioner Arvas** moved to amend the Quality Hunt Criteria and Areas Rule, 19.30.7, NMAC, as recommended by the Department. **Commissioner Jennifer Montoya** seconded the motion.

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

**AGENDA ITEM NO. 15. Amend 19.31.3, NMAC, Hunting and Fishing License Application Rule**

**Presented by R.J. Kirkpatrick.** - The Department presented to the Commission, for adoption, recommendations to amend 19.31.3, NMAC, to accommodate changes made in the 2004-2005 Upland Game Rule and the 2005-2007 Big Game Rule.

**Director Thompson** For technical appropriateness, it's appropriate to put in even/odd years restrictions for the oryx drawing.

**MOTION: Commissioner Arvas** moved to amend 19.31.3, NMAC, the Hunting and Fishing License Application Rule, as presented by the Department with the inclusion of the alternating even/odd years for the oryx population reduction license drawing. **Commissioner Alfredo Montoya** seconded the motion.

**Public Comment:**

**Michael Rivera** Could the application be submitted earlier for the deer draw to be moved up earlier than April because by the time the public finds out whether they get a permit on Unit 4 or 5A, it becomes too late to try and sell it.

**Oscar Simpson** with New Mexico Wildlife Federation. We are reversing the process we went through last year. Do not support Valles Caldera controlling and managing the elk the way they're doing. Would like the Department of Game and Fish to control the lottery and the process for the Valles Caldera.

**Chairman Riordan** Was the Valles Caldera trying to issue their permits? What was it exactly they were doing?

**R.J. Kirkpatrick** We've gone through several reiterations of how elk have been hunted on the Valles Caldera. Hunting licenses were distributed to the Valles Caldera for auction, or raffle some smaller number of the more valuable bull authorizations. The Attorney General's opinion on that particular issue determined that it was not legal for us to allow them to do that. Subsequently, the AG said that it didn't matter whether the Department or the Valles Caldera runs the process that determines the lucky winners or successful applicants, as long as the 78/12/10 quota is adhered to. During the last 2 years, Valles Caldera has received application forms from the Department that they would give to the purchasers of raffle tickets or chances for particular hunt codes on the Valles Caldera, and the Department actually ran the drawing process for those applications, but they did conduct somewhat of a preferential draw in determining who got the application forms and how many times their names were put in when we conducted the draw. This proposal reflects the Valles Caldera has authority to limit or restrict or charge for access to that property. The Department doesn't have the authority to interfere in that. The Department has authority over the take, the manner and method and licensing of elk hunting and we do continue to manage those elk. Given those circumstances, the proposal before you is that it allows the Valles Caldera to conduct a nation-wide lottery to determine who gets access to the property to hunt elk.

**Chairman Riordan** Basically a trespass fee.

**R.J. Kirkpatrick** We've imposed that they must apply the 78/12/10 quota to that determination for that specific purpose. The Department still retains the authority to issue the licenses for the hunting of elk and we're making sure in this proposal that they've adhered to that designation or restriction in determining who gets that access.

**Chairman Riordan** Point of clarification, the Department determines how many bull permits they will receive on that property as well as how many cow permits they will receive on that property, am I correct?

**R.J. Kirkpatrick** That is correct. They will not actually receive any permits. The Department will make the determination of how many cow and bull licenses that we have available for people who end up with the authorization to access the property.

**Commissioner Arvas** We are doing that. Why would you be opposed to that, Mr. Simpson?

**Oscar Simpson** Since it's been explained and we're going to have a follow-up report, I think the goals that you've set have been met. I considered a conflict of interest that we allow them to do the lottery. I rescind my objection.

**Director Thompson** I think it's important for everyone to be aware that the Attorney General's opinion was issued after the regulation was devised last year and 1 of the things we found was that the application process was cumbersome and what we've strived to do, and what's been presented is that the Commission's and the Department's obligations have been met. The Valles Caldera has latitude that it needs and we have structured what will be an applicant friendlier process.

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

#### **AGENDA ITEM NO. 16. Final Recommendations for 19.32.2, NMAC, Trapping and Furbearers Rule for Adoption**

**Presented by Bill Dunn.** - The Department presented final recommendations, for adoption, for Trapping and Furbearers Rule 19.32.2, NMAC, for the **2005-2007** license years. The Department recommended continuing trapping regulations as currently defined with 1 minor change specifying that fur dealers must adhere to all parts of the trapping and furbearer rule. Maintain the same season dates and continue 24-hour trap check intervals, and adding the caveat to make it unlawful for fur dealers to tag any bobcat that is taken contrary to the furbearer rule.

**Commissioner Arvas** How many violations do we see in the trapping industry on a yearly basis?

**Bill Dunn** It was not very many. We did a background check and it was about 5 violations annually with approximately 1,500-1,600 licenses sold.

**Commissioner Jennifer Montoya** Could the Director speak about some of the public involvement that will continue regarding the meetings that you're setting up?

**Director Thompson** Despite an equivocal outpouring of 2,600 letters, there were substantive issues that were identified and I believe there's more common ground in some of the interests of those that were against as well as those that are proponents of trapping. We're going to engage in more exploration of the degree to which there is common ground and where that might point to some regulation changes that everyone agrees to. We anticipate bringing that forward at some future date.

**MOTION: Commissioner Arvas** moved to accept the recommended changes to the Trapping and Furbearer Rule, 19.32.2, NMAC, for 2005-2006 and 2006-2007 license years, as presented by the Department. **Commissioner Alfredo Montoya** seconded the motion.

#### **Public Comment:**

**Bub Starnes** with NMDA and I would like to express that we support the Department's recommendations.

**Ron Shortes** representing Catron County and we support the Department's recommendations.

**Rufus Choate** County Commissioner from Catron County and support your regulations on trapping.

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

**Charles Davis** Jicarilla Game and Fish. I think the Department of Game and Fish ought to get involved with us on an education program for the youth so we can work with them and also trappers that want to trap in New Mexico, make it ethics of trapping and continue with New Mexico Trappers Association to work with the Commission and the Department so that we can keep the ball rolling with trapping and protect our animals.

#### **AGENDA ITEM NO. 17. Presentation of Draft Recommendations for Amending the Private Land Elk License Allocation Rule, 19.30.5, NMAC**

**Presented by R. J. Kirkpatrick.** - The Department presented to the Commission draft recommendations for amending 19.30.5, NMAC, regarding private land elk authorization allocation. In addition, a brief summary of the major changes and possible impact was presented.

**Commissioner Alfredo Montoya** There was a committee established with the Commission and the Department and I want to clarify that this is a recommendation to the Commission only for informational purposes. We will not act on this today. This was developed to go to the public.

**R.J. Kirkpatrick** What's before you is seeking public input that addresses what we're proposing to do, why we're proposing to do that and how we're going to accomplish that and a brief discussion on who will be affected and we're asking if they favor this or not and what the comments are. An issue the committee will deal with when we meet again is default properties. We are requesting the Commission to give us the nod that this is a good approach for going out for public involvement and give us some guidance on the timelines that you'd like us to operate under and then bring back proposed amendments.

**Commissioner Alfredo Montoya** As far as the timeframe, I would think that by November-December because this is something that has been controversial. It's something that we'll get feedback on and it will educate the public. We hope that through this process, depredation and the L.O.S.S. Program can be clarified.

**Public Comment:**

**Mike Rivera** There is inequity in the current system.

**Oscar Simpson** New Mexico Wildlife Federation. We'd like to review the form as there weren't any handed out.

**Ron Shortes** from Catron County. We appreciate the opportunity for public input. One suggestion I have is to indicate the internet address and explain that public input is being taken on this issue.

**Discussion item only.**

**AGENDA ITEM NO. 18. Present Draft Recommendations to Amend the Depredation Assistance Rule 19.30.2, NMAC**

**Presented by R. J. Kirkpatrick.** - The Department presented draft recommendations to amend the Depredation Assistance Rule 19.30.2, NMAC, to accommodate potential changes to the Private Land Elk License Allocation Rule, 19.30.5, NMAC. If the Commission chooses to amend the Landowner System Rule, there are components of the depredation rule that would also need to be amended to accommodate at least the proposals we are talking about.

**Discussion item only.**

**AGENDA ITEM NO. 19. Biennial Review of New Mexico Threatened and Endangered Species (19.33.6 NMAC)**

**Presented by Chuck Hayes.** - The Department presented the Director's final recommendation regarding the 2004 review of all species listed as threatened or endangered under the New Mexico Wildlife Conservation Act, and sought Commission approval for any changes to the state list. The previously proposed recommendation changes listing status of both the sand dune lizard and the Jemez Mountain salamander from "threatened" to "endangered". No other changes were suggested for any of the other listed species. Final comments were due to the Department by 5:00 P.M. on September 8. The Biennial Review is a required review of the status of all the species protected under the New Mexico Wildlife Conservation Act. We're in the process of reviewing 125 species.

**Public Comment:**

**Tom Nance** Executive Director for the Independent Petroleum Association of New Mexico. Our association opposes the uplisting of the sand dune lizard.

**Chairman Riordan** A concern that I have is that in the past we've been burning shinnery oak for the benefit of having grasslands for the prairie chicken and now we're finding ourselves to have been endangering the sand dune lizard because of our actions. Where's our balance here?

**Tom Nance** As I understand it is in the spring and the removal of the shinnery oak has been curtailed recently.

**Chuck Hayes** Whatever shinnery oak treatment for the benefit of grassland has occurred within this area has not had an adverse impact on sand dune lizard. They do live in different communities especially once you get to the micro level. I'm not sure in the 1 study we're involved in whether the Department has done any treatment itself. You may be referring to the tebuthiuron study we're involved in looking at the effects.

**Bill Dunn** Most of the work that was done on spraying tebuthiuron was done in the '60's-70's-early '80's. Most of it was done through BLM and on BLM lands for the benefit of grazing. The current study we have was on private lands and we're leading the study of the effect on prairie chickens. It didn't take place on Department lands.

**Chairman Riordan** We just need to be judicious on our use of poisons. We're stating that there are no sand dune lizards in 1 particular area that seems hard for me to swallow. On this salamander, what are we going to try and do to de-list if the Commission decides to list it?

**Chuck Hayes** It's already listed as threatened under the Wildlife Conservation Act. What we hope to do is implement the cooperative agreement that is already in place and what we hope to do through uplisting is highlight the need to implement those because of these varieties of impacts that have occurred. What's in that plan calls for close coordination between the Department and the Forest Service through the NEPA process and other project development process, continued support for a New Mexico salamander team which provides guidance on various actions to benefit the salamander. What we're talking about is implementing a suite of actions with renewed vigor.

**Director Thompson** This is the Director's recommendation that is required by the statutory process. Based on my assessment of the biological information, the nature and the substance of public commentary and land use factors prevailing in the range of the species, I find that sufficient perspective exists upon which to make judgments about biennial status for all species except the sand dune lizard. Regarding the sand dune lizard, significant debate is still being aired about interpretation of ecological studies and the efforts to define agreed conservation practices are moving toward completion within a few months. Thus, I recommend that the Game Commission retain existing status for 123 species with the appropriate taxonomic adjustments, uplist the Jemez

Mountain salamander to endangered, and extend the review period for sand dune lizard until a regularly scheduled Commission meeting in March or April 2005. At that time, I expect that additional information will have been sufficiently reviewed regarding distribution and status of the sand dune lizard with respect to important land use patterns that may influence the threats that have been discussed. Further, by that time, I expect that we will know if petroleum industry interests have provided adequate commitments to willingly implement conservation practices throughout the range of the sand dune lizard, to satisfactorily ameliorate threats that have been suggested as warranting status change for this species. Assessment of those circumstances is crucial for the Game Commission to make an advised status decision for this species.

**MOTION: Commissioner Jennifer Montoya** moved that the Commission accept the Director's recommendation for the 2004 Biennial Review, and modify the listing of wildlife under the New Mexico Wildlife Conservation Act in Regulation 19.33.6.8, NMAC, as presented here today. **Commissioner Arvas** seconded the motion.

**Commissioner Henderson** To emphasize the recommendation of bringing forward the consideration of the sand dune lizard my understanding is that it would be no later than April.

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

#### **AGENDA ITEM NO. 20. Voluntary Public Access Program**

**Presented by Tom Arvas and Jeremy Vesbach.** - Voluntary Public Access Programs are a non-controversial method for a state to increase hunting, fishing, trapping and other outdoor recreational opportunities by providing incentives for landowners who voluntarily wish to provide wildlife-based recreational opportunities. Sixteen states currently have voluntary access programs, and additional federal funding for voluntary access programs may become available to states. The Commission considered an access program concept for New Mexico that enhances landowner choice and public involvement.

**Commissioner Arvas** I asked Jeremy Vesbach of the New Mexico Wildlife Federation to look into voluntary access programs in other states and see if we could do something to partner with landowners in New Mexico to increase hunting, fishing, and wildlife viewing opportunities for the public.

**Jeremy Vesbach** The basic goal of a voluntary access program is to provide more hunting, fishing, and wildlife viewing opportunities for the public and the method to do that is that the state can compensate landowners who want to provide free public access to or through their property. From the Department's standpoint, it can be a popular thing to do. A tool to resolve conflicts on locked gates, and problems about access. For landowners it's another choice to benefit from wildlife and for me it's about the future of hunting and outdoor opportunities for people. The National Wildlife Federation along with the New Mexico Wildlife Federation in July did a poll of licensed hunters and anglers and we found that access was the number 1 issue that licensed hunters and anglers were concerned about; 48% of the people polled were extremely concerned about access and that rated higher than loss of wildlife habitat; and 42% of people said they have lost access to public land due to locked gates, etc., U.S. Fish and Wildlife Service estimates of how many hunters and anglers there are in New Mexico and project that, that would mean about 117,000 people in the state who say they have lost a place to go. Las Cruces BLM has identified 26 BLM land locked areas in 1 quadrant of the state. New Mexico has a recreational-use statute that provides a liability shield to landowners who provide free public access or landowners who enter into a lease agreement with an agency to provide free public access. Otherwise, if they're running a for-profit business for hunting for a small landowner, they're liable if a recreationist hurts himself on the property. If you're interested, request the Department to come up with a more detailed proposal. Some of the factors are to have some flexibility and choice for landowners who want to participate, and have public involvement. In New Mexico wildlife viewing interests could be added to a public review board, and rank the properties that would be funded by the Department. Another component is respect for private property and some degree of control for the landowner who wants to participate. There are a variety of mechanisms that may be used to fund this.

#### **Public Comment:**

**Larry Caudill** I support the Department looking into this because it has the potential to create better dialogue and relationships between sportsmen and landowners.

**Kent Salazar** I support the Department in this endeavor.

**Michael Rivera** Maybe this could be tied in with the L.O.S.S. Program to give these landowners some incentive.

**MOTION: Commissioner Henderson** moved to direct the Department to work with Jeremy Vesbach and Terry Riley to draft a proposal for presentation to the Commission at the November meeting. **Commissioner Jennifer Montoya** seconded the motion.

**Chairman Riordan** I just want to make sure that Commissioner Arvas spearheads this endeavor and is involved.

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

#### **AGENDA ITEM NO. 21. Approval for Bond Interest Retirement Fund Use for Capital Projects During the Current Fiscal Year**

**Presented by Barbara Morin.** - The Department requested approval from the Commission to budget and spend Bond Interest Retirement Funds for 3 Capital Projects beginning in FY '05. This request required approval from the Board of Finance. The Department requested to spend a total of \$157,500 out of the Bond Interest Retirement Fund as follows: \$20,000 for engineering of raceway covers for the Parkview Hatchery; \$37,500 to construct an elk-viewing site at the Sargent Wildlife Area; \$100,000 to replace the roof on the Raton Office Building.

**Commissioner Arvas** Are these accurate estimates of what you expect for the Raton office?

**Barbara Morin** It's an estimate and it's not only for the roof but also for structural repairs.

**Chairman Riordan** What structural repairs?

**Barbara Morin** The roof has been leaking for a number of years and it's come down through the walls and it's destroyed the carpeting. The Raton office was purchased almost 10 years ago so there's additional upkeep that needs to be undertaken.

**Lief Ahlm** \$100,000 is a large amount of money. The only estimate that we were able to get for the roof is about \$60,000. We have to have a whole new roof retrofitted to the building. We requested estimates from 10 different contractors. We got an estimate back from 1, 5 that didn't reply, and 4 that didn't want to work on the roof. We suspect structural damage in the wall, but we don't know what kind. We're having an architect or engineer look at it and determine if we need more than the roof and replace the carpet and the total price tag could be much less than \$100,000, but if there are problems with the wall it may be more than that.

**Chairman Riordan** My concern is that I'd like to see more than 1 bid, I'd prefer 3 bids on this property, and if you have to go to Albuquerque, whatever we have to do. It seems to me expensive to fix the roof. We're being asked to approve this without having a more defined, detailed appraisal.

**Lief Ahlm** This was a starting place and we're working with our LFC analysts to identify contractors to look at that and give us more bids and a better idea of what it needs, but we may have to open up the walls.

**Barbara Morin** If we don't have the money, we can't even open up the RFP in terms of determining how much we need. We've exhibited to the Board of Finance, particularly with the Conservation Education Center, that the agency has been very prudent in terms of projects that have been approved that we've later determined may not even be in the best interest.

**Chairman Riordan** I'm saying I don't want to go back before the Board of Finance without having our ducks in a row. I'm recommending we approve the request as is now, but we'd better have our numbers and our ducks in a row before we go before the Board of Finance. Is \$37,000 enough to go ahead and do what we want to do at the Sargent Wildlife Area?

**Barbara Morin** No, the only 1 that is going to be paid for 100% with the Bond Interest Retirement Fund is the Raton office. We do not have any federal match. In terms of the Parkview Hatchery, that amount of money is 10% of the total project cost. It's 100% reimbursable with federal funds but we need that startup money to begin getting the reimbursement. In terms of the G.A.I.N. project, that's a 25%/75% the actual cost of the project is really \$150,000.

**Chairman Riordan** That's the Sargent?

**Barbara Morin** Yes.

**Chairman Riordan** So this \$37,500 is our 25% match?

**Barbara Morin** The other is 100%. We will give the \$20,000 back when that project is done.

**Chairman Riordan** Yes, I know, but I mean for the hatchery project?

**Barbara Morin** Yes.

**Chairman Riordan** That hatchery project is absolutely needed?

**Barbara Morin** Yes.

**MOTION: Commissioner Henderson** moved to approve the Department's request and direct the Department to seek approval from the Board of Finance for use of Bond Interest Retirement Fund proceeds totaling \$157,500 for the Parkview Hatchery, GAIN and Raton Office Roof Replacement Capital Projects in FY 05. **Commissioner Alfredo Montoya** seconded the motion.

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

## **AGENDA ITEM NO. 22. General Public Comments (Comments limited to 3 minutes)**

### **Public Comment:**

**Richard Becker** Thanks to the staff for their contribution to our knowledge. Thanks to Commissioner Arvas, Jeremy Vesbach, and Terry Riley for their work on this new program proposal. At the New Mexico Turkey Federation Board meeting in August, we were led to believe by Stan Baker, our Regional Biologist, that the U.S. Fish and Wildlife Service had provided funding to them to monitor that transplant population (Santa Ana Pueblo), so my comment to the Commission and to the Department is, you need to follow up with Santa Ana on that question of how they intend to monitor that flock of birds. We were advised at our state board meeting that Stan Baker was working out a plan to bring in Merriam turkeys from South Dakota from an area that was riparian habitat similar to what they would encounter here.

**Chairman Riordan** The gentleman from Santa Ana, I think, said that he did have federal funds and they were going to go ahead and deal with the monitoring issue.

