

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
Indian Pueblo Cultural Center  
2401 12<sup>th</sup> Street, NW  
Albuquerque, New Mexico 87104

June 18, 2004  
9:00 a.m. – 5:00 p.m.

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

Meeting called to Order 9:34 a.m. New Mexico Assistant Attorney General, Shawn Brown, was not present.

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

**Director Thompson** called Roll:

Chairman Riordan – Present

Vice-Chairman Alfredo Montoya – Present

Commissioner Arvas – Present

Commissioner Henderson – Present

Commissioner Jennifer Montoya – Present

Commissioner Pino – Present

Commissioner Sims - Present

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

Introductions made by approximately 75 members of the audience.

**AGENDA ITEM NO. 4. Approval of Minutes (May 6, 2004, Chama, NM)**

**MOTION: Commissioner Arvas** moved to accept the Minutes of the May 6, 2004 Special Discussion Meeting in Chama, NM, as presented. **Commissioner Henderson** seconded.

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

**Don MacCarter** introduced Zach Owens and Denise Archuleta from the Department of Game and Fish. They've worked for the past 8 months putting the new website together. It is designed with a user friendly/program approach. Each division will be contributing to the site.

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

**MOTION: Commissioner Arvas** moved to approve the Agenda for the June 18, 2004 State Game Commission Meeting as presented. **Commissioner Sims** seconded.

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

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

- Revocations
- Commission Sub-Committee Reports

**Dan Brooks** - The Department provided list of people that have been properly noticed pursuant to Revocation Rule 19.31.2 NMAC.

**MOTION: Commissioner Arvas** moved to adopt the Department's recommendation on revocation assessment under Revocation Rule 19.31.2 NMAC. **Commissioner Sims** seconded the motion

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

**Subcommittee Reports:**

**Commissioner Alfredo Montoya** reported on the LOSS Committee. The Committee met 8 times during the Spring and reviewed past actions, incorporated new thoughts and ideas and will present detailed report at the next regularly scheduled Commission meeting.

**Commissioner Henderson** reported on the Land Use Committee. The Land Use Committee met with staff and discussed forward movement on use of Department lands and how to provide additional uses to the public that won't impact the primary utilization of said lands. On July 3 there will be a preliminary experimental introduction of alternative or additional uses to State

Game lands at the Sergeant Wildlife Area, formal dedication of the state elk herd and provide the public with summer recreation opportunities, bird watching, hiking, and fishing.

**Commissioner Arvas** reported on the Legislative Committee. There is coordination planning between the Department and the Governor's office to introduce legislation for the upcoming year with the license increase being a priority.

**Commissioner Pino** reported on the Budget Committee. The Budget Committee will meet in July and report to the Game Commission in August.

## **NEW BUSINESS**

### **AGENDA ITEM NO. 7. Hunting, Fishing, and Trapping Agreement for State Lands**

**Presented by State Lands Commissioner, Pat Lyons.** - The agreement that provides hunting, fishing and trapping access to state lands is subject to renewal in 2005. The State Land Office has fiduciary obligations to ensure that adequate revenues are collected for use of state lands while maintaining a formal relationship to continue these privileges. Negotiation of a new interagency agreement was discussed in terms of using a market-based approach to calculating use fees, phasing in any changed fees and refining wildlife management services provided by the Department of Game and Fish. There is an existing agreement between the State Land Office and the Department of Game and Fish, Game and Fish Easement, which provides for the use of state trust lands for hunting, fishing and trapping in exchange for consideration paid to the Trust for the benefit of the Trust beneficiaries. There is a concern that the Game and Fish Easement, as currently valued, is not contributing true value to the Trust. The proposal is that the State Land Office would like to maintain a formal relationship with Game and Fish that provides for continued public opportunity to exercise the opportunity of using state trust lands for hunting, fishing, and trapping.  
**Discussion item only.**

#### **Public Comment:**

**Larry Caudill** requests investigation into camping on state lands.

**Carol Ansley** from Red Canyon Ranch. Requested that fire danger be a high consideration.

### **AGENDA ITEM NO. 8. Importation Denial Appeal for Captive Elk**

**Presented by Dan Brooks.** - The Department denied the importation application for captive elk from Timberline Ranch in Cushing, Oklahoma, on April 19, 2004, due to Chronic Wasting Disease concerns and risks. Carol Ansley of Red Canyon Ranch, Class A Park No. 424 and 432, requested an appeal to the decision provided for in 19.35.7 NMAC. The Commission considered this action and the information provided both in writing and by oral presentation. Don and Carol Ansley applied for an importation permit on February 17 to import 51 elk into the State of New Mexico from Oklahoma. The Department has an Animal Health Emergency in place because of the concerns for chronic wasting disease.

**Director Thompson** requested ideas from staff to enable a modification of the ban with rationale to enable the Department to go forward while still having an Animal Health Emergency mandate in place but modified in a reasonable manner requiring the Department to protect wildlife and private ownership and allow some importation.

**Dan Brooks** The Department has looked into other states that have had chronic wasting disease. On this particular request for importation, 9 captive elk near Oklahoma City tested positive in 1998. It's unknown how CWD is transmitted. There are no live tests for CWD in elk. The elk herd was depopulated in 2002. Experts believe disease is similar to scrapies that have a 60-month life cycle in soil. Timberline Ranch is located approximately 60 miles from where the infected elk were found, but it is a concern to the Department. The buffer zones are in place to maximize the protection of the state's deer and elk and the Department would like low to no risk for chronic wasting disease exposure into the state. The considerations we put into account influence our decision—we know there are escapes in these game parks, the disease spreads and there is no way to prevent it other than by restrictions, rules, and depopulating. We established an approximate 80-mile definable boundary and we want to minimize the risk but be reasonable in our approach to allow people to import animals into game parks.

#### **Public Comment:**

**John Dimas** Registered lobbyist for environmental and wildlife issues. Class A parks are liabilities.

**Sam Withiam** Timberline Ranch, Oklahoma. Requested approval of Timberline Ranch's elk importation application with the Department of Game and Fish.

**Chairman Riordan** Were you aware of the problems we have in Oklahoma with some of the positive testing when you applied? We as a Commission have approved the importation of elk into the State of New Mexico and we realize the potential problems that there may be with that, but we also realize the potential benefits that may have to the ranchers and we are encouraging that you run your business and deal with your properties as you see fit. There should have been better due diligence as to whether or not this individual would have met our particular requirements prior to the application.

**Carol Ansley** I went through inventories on 12-15 ranches. I did not find 1 that met the criteria as far as quality animals or the criteria that would meet New Mexico's. I made the Department of Game and Fish aware that they were located within the 80-mile area. I wanted a clean herd with good genetics, and good care. I've not been allowed to conduct business under the current regulations. I'm 100% in agreement with 60 months, testing, except for the 80-mile area. New Mexico has a set of the toughest regulations in the United States. I think each farm should be considered on a farm-by-farm basis as to the quality of that farm.

**Dan Brooks** I got the information from the 2002 Wildlife Management Institute's Elk of North America, p. 962. It shows that the elk herd migration distance is maximum 80-mile radius. What we're trying to do is minimize the risk and there are other ungulates—deer may not have that big of a home range, but we weren't willing to make the buffer zone less because when you make the buffer zone less, the risk increases because there are too many unknowns about CWD. The Ansley's did receive a letter that outlined this as a restricted area.

**Sharrie Doshier** Oklahoma does not allow import from states with free-ranging elk that have had CWD; however, if you have it on a captive farm that is under monitoring, we will allow you to come into the state. USDA states that everyone considers captive elk management for CWD completely different than free-ranging CWD monitoring because it's almost impossible to do free-ranging. This herd was completely confined from the time it was brought into the state until it was depopulated—all animals were accounted for and there were no escapes. Even if they had gotten out, they would've had to cross 2 major interstates, and 4 rivers to get to us, but there were no escapes. Some states allow exemptions on an individual basis and we wanted you to look at this on an individual basis. We do not have it in the wild—Oklahoma has tested animals from all parts of the state and it has not been found.

**David Weingarten** Supports the Department's position on the denial of elk importation.

**Kent Salazar** Board Member of the New Mexico Wildlife Federation. Supports the Department denial of elk importation permit.

**Chairman Riordan** Mr. Brooks, the Department needs to get a published list of approved parks regardless of how the Commission votes on this particular issue so that the Class A people know where they can go to import elk and expedite the process.

**Commissioner Henderson** Who assumes the liability?

**Dan Brooks** We've crafted a waiver that goes along with this modified Animal Health Emergency and we've identified buffer zones but with individuals, as the Ansley's, they'd also have to sign a waiver. Statutorily, it is the Commission that is responsible for disinfection and cleanup, but we've crafted the waiver in such a way that we believe that the game park owner would be taking on some of that responsibility.

**Commissioner Arvas** With the 80-mile boundary, it's hard for me to believe that the Ansley's and Withiam's knowing last October, 7 months ago, that the regulation was in place, that they would persist in trying to convince the Department and the Commission to change our minds when they could go somewhere else to get elk.

**Carol Ansley** When I submitted the application, yes, I knew we were within the 80 miles. I looked for a ranch/farm that'd meet all our requirements on the monitoring. I did know the regulations.

**Commissioner Arvas** How will the federal regulation interface with the state regulation?

**Kerry Mower** Federal guidelines were published in the Federal Register but we don't know when/if they'll be approved. What I've had a chance to review, they are going to fit with what we're doing in New Mexico. Federal guidelines are more lax than what we have in place in New Mexico and we'll have latitude to maintain slightly higher standards than the federal guidelines. There are a couple of areas where they will be more stringent than the State of New Mexico, but it's uniform.

**Commissioner Arvas** Then you're saying that the federal regulation will supersede our regulation?

**Kerry Mower** It will not.

**MOTION: Commissioner Sims** moved to uphold the Department's denial of Don and Carol Ansley's importation application for captive elk based on the restriction that prohibits importation of live elk or deer from any restricted area identified by the Department and Director. **Commissioner Arvas** seconded.

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

## **AGENDA ITEM NO. 9. Black-footed Ferret Recovery**

**Presented by Mike Phillips.** - The Turner Endangered Species Fund (TESF) proposed to provide captive-born ferrets some free-ranging experience at Vermejo Park Ranch before being recaptured and trans-located to a restoration site elsewhere in the U.S. Such releases will provide the animals with "fitness training" that should increase their likelihood of contributing to species recovery. Additionally, the project would allow TESF to test specific release procedures, assess the suitability of Vermejo Park Ranch as a site for restoring a population of black-footed ferrets, and develop expertise with free-ranging ferrets. TESF had previously presented this proposal but could not secure funding at the time, and now wished to familiarize the current Commission with this proposed project.

**Mike Phillips** We addressed the Commission in May, 2002, but we never found funding. We're working collaboratively with the state on Rio Grande cutthroat trout conservation, desert bighorn sheep, prairie dogs, Aplomado falcons, and gray wolves. We

hope for a similarly effective relationship with the Department over this black-footed ferret project. I've sought funding from the National Fish & Wildlife Foundation and Congressional delegation. Despite the success the U.S. Fish and Wildlife Service has had with ferret restoration programs, black-tail prairie dog populations continue to decline. It's clear to the U.S. Fish & Wildlife Service that efforts have to be dedicated to determine if small populations of prairie dogs can contribute to black-footed ferret recovery, a prairie dog complex that would extend over 1,000-3,000 acres. We propose, in collaboration with N.M. Department of Game and Fish and U.S. Fish & Wildlife Service, to release a few ferrets each fall, specifically 8 females with their offspring, total of 30-40 animals, into a 100-acre enclosure defined by electric netting that would keep coyotes on 1 side and ferrets on the other. Let those animals be free-ranging for 30-60 days, gain some experience in the wild, catch the whole bunch up, ship off for permanent reintroduction elsewhere in the western United States. We want to determine if small populations of prairie dogs can support ferrets that can then be used to support restoration efforts elsewhere. Also, we want to determine if Vermejo Park Ranch is an appropriate site to begin considering the potential for conducting a reintroduction project that itself would lead to the restoration of a population that would contribute to recovery. The Turner Endangered Species Fund could be involved with 2 restoration projects for black-footed ferrets by 2010. We believe that the administrative structure can be assembled so that this project in no way impacts the neighbors to Vermejo. We ask that the Commission's support and to direct the Department to support us in securing the appropriate permits.

**Commissioner Henderson** How are we going to develop an appropriate understanding among communities who want prairie dog protection and those who want ferret recovery?

**Mike Phillips** I believe you'll find positive synergism rather than conflict and the 2 species can move each other forward, and us do well by our grasslands.

**Commissioner Jennifer Montoya** Did you cover range issues and what expectations are on the recovery range in New Mexico?

**Mike Phillips** The U.S. Fish & Wildlife Service is revising the recovery plan for black-footed ferrets. It may be that there are no specific recovery requirements identified for the State of New Mexico. Mr. Turner owns properties that support the large majority of prairie dogs and it may be New Mexico can't contribute much to ferret recovery. If you look at our plans on behalf of prairie dog conservation, we've an aggressive restoration plan and believe that by 2010-2012, we'll have 10,000-15,000 acres of occupied habitat at Vermejo.

**Commissioner Jennifer Montoya** Can you speak briefly to how the reintroduction effort is going at Janos in northern Chihuahua?

**Mike Phillips** A number of ferrets have been released. We've provided ferrets for that program. Since 1998, we've maintained at Vermejo Park Ranch a top-flight captive breeding program with a simple objective of providing ferrets for restoration elsewhere. We've provisioned over 120 ferrets for release elsewhere. That project is only 3 years old.

**Commissioner Pino** Are you still working on funding? What happens if you don't get the funding?

**Mike Phillips** We've submitted grant requests to the National Fish & Wildlife Foundation and other organizations, but absent appropriate funding we'll not go forward. I'll not know about funding for several weeks, but it seems to me we'll not be able to launch this effort in 2004.

**Chairman Riordan** Are you a 501(C) 3, Mr. Phillips?

**Mike Phillips** That's correct.

#### **Public Comment**

**Larry Caudill** I support Ted Turner's effort on behalf of wildlife and endangered species.

**Dr. Lilly Rendt** I too support Ted Turner's enterprises.

**John Dimas** I support this.

**MOTION: Commissioner Henderson** moved to support the efforts of the Turner Endangered Species Fund to contribute to black-footed ferret recovery through use of its facilities and resources at Vermejo Park Ranch, and direct the Department to work with TESH to develop the appropriate permitting components as necessary for ferret recovery work to proceed, provided that all permit requests for ferret release and fitness training be consistent with the information presented. **Commissioner Jennifer Montoya** seconded.

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

#### **AGENDA ITEM NO. 10. Deer Hunt Management Strategy for 2005-2007 Discussion**

**Presented by R. J. Kirkpatrick.** - Discussion of underlying challenges, public input, and multiple-choice approach to achieving improved opportunity, hunter distribution, economic implications, and biological considerations. New Mexico is probably recognized as the best place in western United States to shoot trophy-quality deer and the public's frustration has been that they'd like New Mexico's deer population to get back to that status, as would Department of Game and Fish. Our goal is to maximize deer populations within the restrictions of habitat constraints, social, and economic considerations. Another view relating to hunting is more quality. One concern is safety, other concerns are resource damage, water sources, and illegal kills. The Department recognizes the contributions made by the landowners to deer populations. The Department would like to

develop a hunting system that allows landowners incentive for doing good things for deer. Another goal is to increase youth hunting opportunity in the state, and hunting of Coues whitetail deer, and an interest from hunters for primitive weapon hunts. To effectively manage deer, the Department needs to adequately and objectively take into consideration biological and social factors in an appropriate balance. The proposal is for the Department to develop public involvement towards developing a big game regulation, and better distribution of hunters more appropriately over the landscape of the State of New Mexico. We've been in the field for the last 60-90 days engaging in public input talking about deer-management issues. We're going to compile all input in Santa Fe on big game regulations and what's appropriate will be incorporated and presented to the Commission at the July meeting for discussion/review. As we receive direction from the Commission and other public meetings during July-September we'll incorporate suggestions/desires and modify that regulation and present final recommendations to the Commission for adoption at the September meeting.

**Commissioner Arvas** You'll have the financial impact figures to the Department for us at that time also?

**R. J. Kirkpatrick** I wouldn't expect more than a 10% overall reduction in license sales, but I wouldn't be surprised to see an increase in total number of licenses available and purchased in the state, but we won't be able to give you exact estimates.

**Commissioner Jennifer Montoya** Can you talk about the approach in education, outreach, and getting people to help us gather that data?

**R. J. Kirkpatrick** The Department enjoys a cooperative working relationship with guides and outfitters in the state and we've accomplished different things. This is an effort that the Department, guides and outfitters can work toward improving wildlife population. The landowners are recognizing that the Department is interested in acknowledging and encouraging them to do good things for deer populations. The sportsmen side is more difficult in that it's harder to collect information from public input to harvest reporting.

**Commissioner Jennifer Montoya** If the body condition scores indicate that it's habitat, do we have the right tools in place that we need to work cooperatively with the federal and state land managers?

**R. J. Kirkpatrick** What we probably need less of is formal documentation and more meaningful relationships with personnel in the state with a better understanding of what needs to be done toward identifying habitat effects. **Discussion item only.**

#### **AGENDA ITEM NO. 11. Amending 2004-2005 Big Game Rule**

**Presented by R. J. Kirkpatrick.** - The Commission considered amending Rules 19.31.8.20, and 19.31.8.7, NMAC, for Deer for 2004-2005 Season from (1) Forked Antler Deer to (1) 3 x 3, or larger, Buck Deer, at least 3 visible points, excluding burr point, on each side, in order to address population declines and drought impacts; and the Commission considered allowing landowners, or their designees, to purchase a deer license valid only on their private property in Deer Entry Units 2, 5B, 27, 28, 44, 45, 50, 51, 52, and 53. The first component is whether to limit bag limit on bucks for the state this fall, but the bottom line is what can the Department do to benefit deer population.

**Commissioner Alfredo Montoya** The fact that the Department has put out the Proclamation and the sportsmen have submitted applications puts the Department in a situation where we might need to consider this the following year. To do this, this year would be difficult and troublesome from an enforcement stance because we've already put the regulations on the Proclamation. The incentive for private landowners is a good tool, but not *carte blanche*. There needs to be a response from the landowner that they are doing something to help the deer population. If we could delay this for 2004-2005, the point restriction for sure, then we'd be better prepared to respond and enforce.

**R. J. Kirkpatrick** I apologize that Item #10 rolled into Item #11 and has created some confusion. I appreciate Commissioner Alfredo Montoya's ideas/suggestions, and as this idea is becoming more integrated with our public involvement process, there are concerns over the private land side of this approach and whether or not it's a *carte blanche* ability for a landowner to purchase a license or have any of his friends, family, or clients purchase a license. Hopefully, the regulation we *draft* will identify that the concern exists.

**Commissioner Alfredo Montoya** I agree with the idea that hunter management alone will not produce more deer. I have reservations about doing it this fall and we're not prepared. We're embarking on a project that will take us into law enforcement, predator control, and habitat. Again, I'd like to reiterate that for the point restrictions this year, some individuals have purchased licenses this year, in addition to those who've submitted for the draw. It'd be difficult to educate those individuals in such a short period of time.

**Commissioner Sims** I've got a July, 2004, article in Field and Stream where Pennsylvania did the exact thing and they've met with very good results and answers questions on what point restriction does to the deer population and management programs.

**Commissioner Henderson** I'm in agreement with Commissioner Montoya in that we're trying to balance biological and social questions on deer hunting and populations and we absolutely need to investigate biological questions.

## **Public Comment**

**Jeremy Vesbach** Executive Director of the New Mexico Wildlife Federation. I support tabling this item and I agree that it's too soon to educate people.

**Tom Stromei** I think the sooner you implement this program the better.

**Kent Salazar** New Mexico Wildlife Federation. I agree with Commissioner Alfredo Montoya that this season is too far along to change the regulation and would cause confusion.

**Larry Caudill** I support the antler-point restriction. I disagree with R. J. when he says you can't increase the population by saving deer. I urge the Department to consult with the Jicarilla game management people because their conservative hunting practices have enhanced their population.

**Charles Davis** Jicarilla Game & Fish. I do ADC work for the Tribe. Our fawn/doe ratio on the Jicarilla is impressive. We shut down all hunts for deer. It was due to the drought in part, but predation was what was taking the deer down.

**Chairman Riordan** Do you have point restrictions on the Jicarilla and what are they?

**Charles Davis** Yes, we do--4 x 4 minimum on deer, and 5 x 5 on the bull elk.

**Chairman Riordan** Has it been successful?

**Charles Davis** Very successful.

**Chairman Riordan** In your opinion, is our deer herd in trouble?

**Charles Davis** Yes, our deer herd in New Mexico is very low--our fawn/doe ratio is pathetic. I support what you're setting for the point system in New Mexico.

**John Boretsky** Executive Director for New Mexico Council of Guides/Outfitters. I encourage you to educate the public to go with the 3-point limit.

**Chairman Riordan** Point of clarification, we're not looking at 3 x 3 on deer, we're only looking at 3 points on 1 side for deer.

**R. J. Kirkpatrick** For clarification's sake, what was the preference of the point restriction?

**Chairman Riordan** It's 3 points on 1 side.

**Jim Thompson** President, New Mexico Safari Club International. Organization supports the 3-point restriction.

**Chairman Riordan** Mr. Brooks, would you have a problem getting information out to the public?

**Dan Brooks** The Public Information and Outreach Division would probably have a big and intense campaign. The officers in the field would also be doing education. When you go forward with a change as this, the officers are going to do more warnings than citations. The problem is that when you make partial changes like this where we've got publication documents in place, we won't be citing people because we're not going to court because we're not going to be successful in prosecution. There's officer discretion. It's the Commission's pleasure. The officers will still carry out their duties.

**Chairman Riordan** We could go ahead and implement it this year and it's officer discretion.

**Dan Brooks** With the understanding that the reality is we're probably going to be issuing warnings and not citing people to court.

**Commissioner Sims** It's possible you could use this year as a training tool in the field to be more prepared next year and possibly get the word out of what we're trying to accomplish the next year.

**Dan Brooks** That's our standard practice. Whenever there's new legislation or new requirements, the first year enforcement is somewhat soft. We're still out there to make sure people comply with the rules but at the same time it's more warnings and citations because we're seeking compliance. Over 90% of our license buyers are law-abiding citizens, and we don't want to turn them into criminals but we want them to stay within the rules.

**Chairman Riordan** Hypothetically, if we had an individual that shot at a fork-horned buck, and he went ahead and said he thought it was a fork-horned buck and thought that's what the regulation was wasn't aware that there was a 3-point restriction on 1 side, could we allow that individual to keep the animal?

**Dan Brooks** Yes. What we're going to do is, the officer will look at the totality of the circumstance and he can recede it back to them in an instance like that, especially this first year.

**Chairman Riordan** Basically, what we'd be looking at doing if we wanted to go with that approach is an emergency proclamation and asking hunters to go for a 3-point restriction on 1 side as an emergency matter and hope for voluntary compliance this year for purposes of protecting the deer herd. What we're saying is we're going to give them warnings if they shot a 2-point buck on 1 side, but we're not going to prosecute you this year.

**Dan Brooks** Our approach when we implement it on the ground is it'll be concentrated.

**Commissioner Riordan** Do you feel that the Law Enforcement Division could get the information out to the public?

**Dan Brooks.** Yes. I'm speaking only from the law enforcement aspect of this. We have to recognize that Don MacCarter/Luke Shelby would have to speak on the I/E portion. What I'm talking about is our contacts in the field--we can get a concentrated effort through the officers on what you decide.

**Commissioner Jennifer Montoya** I'm not convinced by anyone that 3 points are going to do something for our deer herd.

**Commissioner Pino** I agree with Commissioner Alfredo Montoya that there's still time to make this decision through the process and we're embarking on setting up regulations 2005-2007.

**MOTION: Commissioner Pino** moved to table the first item of Item #11. **Chairman Riordan** seconded.

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

**Chairman Riordan** Let's look at the second item on the deer entry private landowner.

**R. J. Kirkpatrick** The second portion would allow landowners who own private property within the boundaries of game management units that are currently under the deer entry system, restrictive number of licenses, the ability to come to the Department of Game and Fish offices this fall and purchase a license to hunt deer within the boundaries of that private property game management unit, and they'd have to follow bag limit, weapon type, and season date restrictions.

**Commissioner Arvas** I'd like to see the Department come up with a set of criteria in terms of what you call positive management practices. I'm not encouraged about opening this up to every private landowner until he shows an interest in the resource to the extent that he can fulfill the Department's criteria.

**Chairman Riordan** We'd like to see a conservation plan established by the Department for any private landowner within a deer entry permit area.

**Commissioner Jennifer Montoya** The value of private lands and wildlife management have been underplayed in the state. We need to promote and provide incentives that will be expensive. I'd also like as part of the plan how we are going to fund this.

**Chairman Riordan** Everyone who hunts on the landowner's property buys a license.

#### **Public Comment**

**Ellery Worthen** N.M. Wildlife Federation. It needs to be a straight-draw system to manage the animal.

Some of the tags need to go to the public and how the rancher wants to manage his ranch is entirely up to him. Supports the 3-point proposal.

**John Boretsky** N.M. Council of Outfitters/Guides. I'd like to see private land opened up in the draw units for the landowner.

**Tom Stromei** I support landowner incentive program for deer similar to the elk landowner signup system. I'd recommend you include ranchers in the format of putting together a conservation program to work with ranchers.

**Jim Thompson** There does need to be a management plan in place. A good way to look at it is like the antelope system.

**B. J. Brock** I'm Issues Management Coordinator with New Mexico Cattle Growers Association and Executive Director for New Mexico Wool Growers Association. I'd like to reiterate that to manage wildlife, landowners need to be responsible and we are because we provide water, food, and habitat. The incentive to have a permit to hunt on our own private property would be a great accommodation to us.

**Larry Caudill** I support the incentive program as a good idea.

**Jeremy Vesbach** Executive Director of the N.M. Wildlife Federation. We need to see what the conservation system will be before we support it.

**Commissioner Henderson** Moved to table portion 2 of Agenda Item #12 and presenting it on the July agenda. **Commissioner Pino** seconded.

**Commissioner Arvas** Requested that the Department develop a comprehensive plan to present to the Commission with respect to private landowners being involved in positive management practices to improve wildlife on their properties.

**Chairman Riordan** We need to establish a conservation plan for private landowners in the special permit area. We can assist them in the conservation plan on how many hunters they want to have on their property. I'd also like to see for the July meeting that we try and address the public access issue with private landowners.

**Director Thompson** In the absence of our attorney general's representative, this item has evolved into something that is well beyond what was noticed and if he were here, I suspect he'd be cautioning the Commission about going to those details versus letting the Department staff develop.

**Chairman Riordan** We're just going to vote on tabling this issue. Call for the question.

**Commissioner Sims** Voted in opposition.

**VOTE:** Voice vote taken. Five (5) voted in the Affirmative. **Motion carried.**

#### **AGENDA ITEM NO. 12. Amendment of Private Land Elk License Allocation Appeal Process**

**Presented by R. J. Kirkpatrick.** - The Commission considered amending the Private Land Elk License Allocation Appeal Process Rule 19.30.5.9, NMAC, to provide the Department the authority to issue point-restricted bull authorizations upon the review and granting of appeals in Game Management Unit 4. This item is simply to give the Department an additional tool for addressing appeals, specifically Game Management Unit 4, with a point-restricted bull bag limit. Under agreement made with the previous Commission Administration and elk management in Game Management Unit 4 for this the fall of 2004, its difficult for the Department to issue a bull permit on a legitimate appeal.

**MOTION: Commissioner Arvas** moved to amend Title 19.30.5.9, Paragraph A, to allow the Department to define a point-restricted bull elk bag limit on appeal authorizations granted to qualifying ranches in GMU 4 by inserting Section 3 as presented by the Department. **Commissioner Sims** seconded.

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

**AGENDA ITEM NO. 13. Amend Big Game Rule Regarding Elk Season End Dates**

**Presented by Michael Catanach.** - Amend the current Big Game Rule (19.37.8.24, Section G, NMAC) so that private landowners in GMU's 46, 54, 55A, 56A, 57 and 58, who participate in Private Land Elk License Allocation System and are Ranch Only may hunt any 5 consecutive-day period through February 28, 2005. (Currently they can only hunt through January 31, 2005). This amendment was in response to requests from various landowners in these units who have provided credible justification to their request to the Northeast Area Game Manager. The idea is to extend the hunting season through February 28, which is month later than what they currently have.

**Commissioner Jennifer Montoya** How can we offer this kind of flexibility to people who are signed up in LOSS for elk and not for private landowners who are interested in hunting deer?

**Mike Catanach** These units that are in question are 100% deeded properties, there is no public land other than the Valle Vidal and a couple of our wildlife areas within those areas, but other than that they are 100% deeded property.

**Commissioner Jennifer Montoya** Because they are participating in LOSS, we would consider this flexibility but we don't consider if not participating in LOSS.

**Mike Catanach** That's correct. You must sign up in our landowner system to receive permits. This is just to extend the season. Currently it's through January 31 and had been through February, sometimes through March. A year ago it was amended for 1 year through February 28, but it didn't get passed for the second year.

**Commissioner Arvas** The migration of the elk is such that they aren't on their property except during the period of time that you're recommending the change for?

**Mike Catanach** There is some winter movement and these are smaller operating ranches, 1,000-5,000 acres, and this allows them a period of time when they can get to those elk.

**Chairman Riordan** What you're asking us to do is to open up until the end of February for cow huntings? The majority of these cows are pregnant cows? Why don't you explain where these units are? You're asking us to approve this for February for this coming year?

**Mike Catanach** For this current year. These affect just the private property owners, and there are no public hunters that are involved.

**Chairman Riordan** Why are we trying to increase the cow harvest?

**Mike Catanach** We're not trying to increase the cow harvest, we're trying to increase the time allotted. Those are all ranch-only permits. Unit 46 is the only 1 we allow with permission from a different landowner that those permits could be used on other properties.

**Chairman Riordan** When do you give the elk a rest? Every 5 days someone can hunt on a ranch. It's a rolling period?

**Mike Catanach** We're talking several ranches that aren't in a coordinated effort.

**Chairman Riordan** When do these permits open up? When do they first get issued?

**Mike Catanach** They're able to start using them on October 2.

**Chairman Riordan** So we're asking to go ahead in October, November, December, January,--5 months' worth of hunting on these permits? If you have rolling 5 days every week, you can have hunters on the property?

**Mike Catanach** Yes.

**Commissioner Alfredo Montoya** Department staff asks us to do the opposite because of ability to manage. Is this request coming to us as a result of surplus elk? Is this to reduce the number of elk? What are you managing for? If this didn't occur, then we go above the numbers that we'd like to manage? If this were to occur, does it help to keep the numbers where we'd like? It appears to me that where you're coming from is what your objective is to try and manage for a certain number and if they're not harvested it has a negative impact on the units that are mostly all private land?

**Mike Catanach** It's more to keep the elk in check at the level that they are currently. Yes, it allows the landowner to take advantage. They're using about 50% of the permits that we're allocating currently, so obviously nobody has taken advantage fully as a unit. This group of landowners is asking for the half that they're using, they need a longer period of time to accomplish the hunting goal and it's not being reached now. I think it increases our opportunities for depredation problems.

**Commissioner Jennifer Montoya** On the 2005-2006 proclamation, are you going to recommend that we adopt this later season?

**Mike Catanach** Yes.

**Chairman Riordan** We have 4 months of straight hunting now, and theoretically that can happen every 5 days—you can have a hunter in the field on 1 ranch depending on how many permits they have. What we're saying now is that 4 months worth of straight hunting is not enough.

**Mike Catanach** We do have weather-related hunting that goes on in these units. During the October-November timeframe, they have very few animals on their property. They do hunt for bulls in October but they wait for November, December, January, and February to do some cow hunting.

**Chairman Riordan** What's the elevation you've got on these different units going from the highest to the lowest?

**Mike Morrow** Fisher Peak, 11,200 feet, which is the highest point in Colorado, to 6,800 feet at Katie Popejoy's, our neighbor, is the lowest.

#### **Public Comment**

**Larry Caudill** Supports 4-month hunt season as long enough and supports giving animals a break.

**Katie Popejoy** Representing Unit 57 and 58 elk management group. We hope you'll consider our request.

**John Boretsky** I support the request.

**Mike Morrow** I live in Capulin, New Mexico. The elk spend too much time, unless we get a lot of snow up high, Fisher Peak-Johnson Mesa area, elk do not move down into smaller ranches we're trying to make a living on. The elk are only in there the last 20-30 days of the hunt.

**Commissioner Jennifer Montoya** When you propose to extend the hunt for the next proclamation, would you then shorten it on the October side?

**Mike Catanach** No, we wouldn't opt to shorten it. The majority of the cow-converted permits are the in January-February timeframe.

**Commissioner Jennifer Montoya** Still you would ask for the October-November-December end of the hunt for the next set of regulations? I'm trying to get at the issue of the Chairman's concern about the duration of the hunt and if you propose it for the next set of regulations, is it going to be shorter?

**Lief Ahlm** In almost every 1 of these units, somewhere central in those units, is a large landowner who owns a large amount of land that doesn't hunt elk for all those months and the elk move on and off his land on to these smaller ranchers. It's just to give these smaller landowners the opportunity to have some flexibility to be able to harvest and keep the cow elk numbers down so they're in manageable numbers.

**Chairman Riordan** You've got an almost 60-70% success rate. You're asking us to give you an opportunity to increase that success rate. If he has damage it needs to come back on you and that man needs more permits. Somewhere we need to be responsible to the resource. The Department needs to come back to us that the animals aren't pressured for 5 months. We want to help the small rancher but to come and ask for 5 months' of continual hunting pressure to the animal is irresponsible on our part.

**Commissioner Pino** The difficulty I have is changing rules in the middle of the year 2005-2007. We should look at this issue fully and not piecemeal like we're doing.

**Mike Catanach** This recommendation was adopted last year. It was decided for 1 year. Obviously the constituents have to be here requesting reconsideration on this amendment for this year.

**MOTION: Commissioner Pino** moved to reject amendment on current Big Game Rule 19.37.8.24, Section G, NMAC.

**Commissioner Arvas** seconded.

**Commissioner Jennifer Montoya** abstained from voting.

**VOTE:** Voice vote taken. Six remaining voted in the Affirmative. **Motion carried.**

#### **AGENDA ITEM NO. 14. Waterfowl Rule Discussion**

**Presented by Tim Mitchusson.** – Presented *draft* waterfowl bird recommendations to the Commission for review and comment. This presentation included a summary of potential changes as well as a list of public input suggestions to date.

**R. J. Kirkpatrick** We'd like to present both waterfowl and upland bird information as both are intricately tied together with some species.

**Commissioner Arvas** When are we going to vote on these recommendations?

**R. J. Kirkpatrick** Final recommendation will be in July for adoption before the Commission. Fish and Wildlife Service and Flyway Council meetings have much influence on what the numbers of allowable harvests are. Running any later would prevent the Department from being able to generate proclamations, hunting information, and applications in a timely manner for the September start frame.

**Tim Mitchusson** We've got 2 proposals that came about through public comments. One was November 1 through January 31; second is November 15 through February 15. The public consensus is that it wants a 90-day season and 10-bird per day limit. Zone 2 is from U.S. 40 south. Our allotment of 206 Sandhill cranes, figured out on a formula basis, was decided at our March meeting.

**Chairman Riordan** How many birds do we have in the Rio Grande Valley?

**Tim Mitchusson** We usually have 17,000-23,000. The total allotment for the entire flyway on that population is around 700 birds.

**Commissioner Arvas** How do they come up with a 206 allocation when there are 17,000-23,000 birds?

**Tim Mitchusson** The plan development of the Sandhill crane for that population, the flyway developed a harvest strategy that took into account very little reproductive rate for Sandhill cranes. Only 1/3 of the population breeds so they have very low reproductive potential, so the take will be only 1,000 birds per year maximum.

**Commissioner Jennifer Montoya** We're splitting 1,000 total birds with other states?

**Tim Mitchusson** With other states and Mexico.

**Chairman Riordan** How many birds do they get allocated for entire State of Colorado?

**Tim Mitchusson** Colorado doesn't get any because they do not hunt, but they would've gotten 64 if they did have their hunt. We get Colorado's portion because they don't hunt.

**Chairman Riordan** This just doesn't make any sense to me. We've got 20,000 birds out there and we've got hunters in the field and we get a total harvest of 206 birds. We discussed this last year. Someone has dictated to us that we get 206 birds, the farmer carries the brunt of 20,000 in the state, majority in the Middle Rio Grande Valley.

**Tim Mitchusson** We don't harvest just 206 birds—we do have the other subspecies. Last year's harvest was 340 birds total of both species.

**Commissioner Jennifer Montoya** Are we trying to increase the population or are we just trying to maintain it?

**Tim Mitchusson** This is just to maintain the population. Previously the population was 22,000 and we've reduced that.

**Commissioner Jennifer Montoya** The formula that this committee has created, how long have we been implementing it and has it been successful? We've been able to maintain our population? If we took more we would decrease our population?

**Tim Mitchusson** Most likely. It's been that way for the last 14 years.

**Chairman Riordan** How many birds do we take on predation or what do we do for farmers that are out there trying to keep birds off their property?

**Tim Mitchusson** We don't have any depredation. That's controlled by U.S. Fish and Wildlife Service but through our 5 hunts we have in the Rio Grande Valley, and in addition to cooperation with Wildlife Services, they are allocated \$60,000 per year to hire contractors during winter months whose essential job is to run up and down the valley shooting cracker shells at cranes to discourage them from using those fields.

**Chairman Riordan** We have the propane/rocket blasts? So you're saying that the feds decide that we're going to have 206 birds?

**Tim Mitchusson** They approve the final. All the state members from other state agencies develop a plan and agreed with through the U.S. Fish and Wildlife Service and they have final say.

**Chairman Riordan** We need to have 1 of our Commissioners there at the meetings so they can be advocates for the sportsmen.

**Commissioner Arvas** You'll be making these changes as a result of the hunter success in 2004. When are you going to be making recommendations?

**Tim Mitchusson** These plans take about 2 years because you're dealing with several states and getting everything coordinated. Plan revision is scheduled for 2006.

**Director Thompson** I'd like Tim to clarify—when you reference the number of Sandhill cranes, you're speaking of lessers and greater?

**Tim Mitchusson** Lessers, greater and Candians—I'm talking about the 23,000 of the PRMP population. Last year's fall survey was around 19,000.

**Director Thompson** The reason I mention this is because cranes are long-lived and a low-reproductive rate bird so the number of allowable take is relatively low compared to many other species.

**Chairman Riordan** Once again we're being asked to vote on something we have no input on and somehow we need to address that in the future. I would like to see a 2-bird limit on that availability but at the same time I would like to see a tag issued as they take them.

**Commissioner Jennifer Montoya** Could we have Tim address the pros and cons of having a 2-bird versus 1-bird limit?

**Tim Mitchusson** Four-5 years ago we had the 2-bird per day bag limit and we had 80% hunter participation and the take on the average was 1 bird per hunter. If you go to 1 bird per day, 2 bird per season, it lowers the harvest rate because people don't show up for Sunday, so we're able to issue more permits and hunters tend to show up for both days if they're only allowed 1 bird per day. One of the objectives of this hunt is to address depredation issues. We used to have over \$100,000 annually in depredation complaints and under this program we average \$500-\$1,000 annually. The 1-day, 1-bird per day, was a request from ADC because when we had the 2-bird per day previously, most hunters would take both birds that Saturday and then there'd be no one out on Sunday to reinforce our hazing program so then we had to lower our allotment and reduce the number of birds that could be taken. It was ADC's request as far as the Middle Rio Grande Valley Coordination Plan to go to 1 bird per day. One bird per day, we can issue 240 permits in the Rio Grande Valley; if we do the 2-bird per day, we have to go to 200 permits to stay within our harvest allotment. **Discussion item only.**

#### **AGENDA ITEM NO. 15. Small Game Rule Discussion**

**Presented by Tim Mitchusson.** - Presented *draft* small game recommendations to the Commission for review and comment. The presentation also included a corresponding list of potential changes and public input suggestions to date.

**Commissioner Arvas** You didn't give us your rationale why you wanted to change.

**Tim Mitchusson** Public wanted to go November 1 through January 30. Other comments we got is javelina hunters complained they missed the opportunity while hunting quail chasing Javelina so they requested we go through February 15.

**Chairman Riordan** Tim, can you make a comment on what affect feeding and providing food has on quail populations?

**Tim Mitchusson** It's been very successful on the Armendaras. The public is becoming interested in doing something with quail on public lands. On Valencia County pheasant--we've been getting comments from the public that this hunt has been getting out of control from a public safety standpoint. We were asked to come up with options to alleviate problems. One option was to restrict hunt area with a limited draw hunt, and another option was no hunt. We're trying to alleviate the potential that if the Department doesn't take action, Valencia County will take action and a 1-day pheasant hunt would impact on how we handle our crane hunts and waterfowl hunts in that area.

**Commissioner Arvas** A suggestion was made that a member of the Game Commission go to the Valencia Commission and explain our problem and how we're trying to cope with it.

**Tim Mitchusson** Now on to squirrel. It was requested that the northeast area be part of G1 hunt area. Another request was that we extend the squirrel season by another month or to a 3-month season, and an additional request to reduce the squirrel hunt season by a month. The Department for biological reasons does not support extending the hunt season. For falconry seasons, waterfowl and small game, adjust the south dove zone to correspond with shotgun season. Under waterfowl, Middle Rio Grande Valley dark goose hunt, we issued 1,003 permits last year and 370 birds were taken. If our objective is to increase this population to 10,000 pursuant to the Middle Rio Grande Valley Plan, we have to limit that harvest to 180-200 birds. A 3-year average is under 6,000 birds, the previous limited permits and 1-bird per day allowed us to increase that population. Our prediction is that we will achieve 10,000 by 2019. If that's our objective, we have to lower harvest by reducing permits, bag limits, or hunter days. The change from 1 bird to 2 birds per person increased the harvest by 1/3. We need direction on whether to achieve that goal or increase hunter opportunity.

**Chairman Riordan** We need to have a tag on those birds. I'd also like to see a \$6 administrative fee.

**Commissioner Arvas** Where did this 10,000-bird limit come from?

**Tim Mitchusson** It came from the Middle Rio Grande Valley Management Plan for Sandhill cranes and waterfowl. This was a plan that was developed from the state biologist with ADC, Fish and Wildlife Service, New Mexico Department of Game and Fish, signed by all directors and has been in effect since 1981, updated in 1999.

**Commissioner Jennifer Montoya** What will the 6% harvest do to the population over time? Will it continue to grow?

**Tim Mitchusson** Five percent harvest is what you want to achieve. Six percent you'll have a slight decline. Bird populations fluctuate, so I used the 3-year running average. We came up with 3 proposals if you want to limit permits: if we went to the 1-bird per season, 7-day hunt, we'd get 200 birds harvested; if we went to a draw and had 1-bird per season, 9-day hunt, we could go to 500 permits; and if you want 2-birds per season, 250 permits, 9-day hunt will achieve around 200 birds. If you want a higher harvest we can issue more permits. Youth waterfowl, no change from last year.

#### **Public Comment**

**Margaret Ethlin** From Valencia County. My neighborhood and I are in support of pheasant hunting in the Bosque. We need more enforcement and more law enforcement coordination from a public safety concern. We'd support more education exchange.

**Chairman Riordan** Note of clarification, if anyone is hunting within 150 yards from your home, it's illegal.

**Discussion item only.**

#### **AGENDA ITEM NO. 16. Summary of Efforts to Reduce Bear Conflicts**

**Presented by Rick Winslow.** - Presented a summary of Department efforts to date regarding 17-1-14, Para. B, part 16, NMSA 1978, and the Commission's ability to designate areas of the state where bear-proof dumpsters may be required to reduce potential human-bear interactions. We met after legislation was passed in the spring of 2003 to identify areas in state where we needed to implement the bear-proof/trashcan laws and what it would mean to the Department and state. The Commission has the authority to designate areas in which bear-proof containers are required on private/public lands to reduce bear/human interaction. We incorporated bear complaints, captures, and amount of bear habitat in a given game management unit. This law gives the Commission the authority to designate areas. The problem with the law is that it doesn't have any funding mechanism, and we have little enforcement power. Compliance is voluntary from communities and individuals. The question is what a bear-proof container, what is a bear-resistant container. At this point we need to identify and contact communities where implementation may be necessary, and identify sources and costs for bear-proof/bear-resistant containers, and who's going to pay for the implementation of this plan.

**Commissioner Jennifer Montoya** Do you think if a municipality enacted an ordinance that bear-proof containers would be required that that would then be enforceable?

**Rick Winslow** If they enacted an ordinance, it would be up to local law enforcement agencies.

#### **Public Comment**

**Jan Hayes** Sandia Bear Watch. When we worked on this, the understanding was that the expense would go to the trash collector and then he would pass that on to the customer. We have \$9,000 from Turner Foundation for bear-proofing, and 1 of the things we want to spend this money on is for garbage collection in the small towns where this might be a financial burden.

**Discussion item only.**

#### **AGENDA ITEM NO. 17. Proposed Changes to the Fishing Rule 19.31.4 NMAC**

**Presented by Mike Sloane.** – Changes to the fishing regulation including altering the rules on the special trout water below Elephant Butte, adding the Grants River Walk pond as a kids' fishing water, and adding Perch Lake to the list of trout waters. I have 3 changes to the fishing rule: First, is to add Perch Lake in Guadalupe County to list of trout waters we're stocking as a substitute for Power Dam Lake which is no longer suitable for stocking; second change is to add the Grant City Pond to the list of kids' fishing waters which is now suitable for stocking; third change is to remove the size restriction on the special trout water below Elephant Butte. We'd like to remove the 16-inch size limit, and it's biologically possible to produce a 16-inch fish there and that's only possible when there's water. We'd like to have a consistent regulation the whole length of 3 fish any size, any tackle.

**MOTION: Commissioner Arvas** moved to accept the proposed changes to fishing rule 19.31.4, NMAC, including the addition to Perch Lake in Guadalupe County to the list of trout waters, addition of the Grants City Pond as a kid's pond, and the removal of the size restriction on the special trout water below Elephant Butte. **Commissioner Sims** seconded.

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

#### **AGENDA ITEM NO. 18. Requesting Commission Approval to Dispose of Fixed Assets**

**Presented by Pat Block.** - The Department requested Game Commission approval to dispose of vehicles and other fixed assets that are worn out, obsolete, or have reached the end-of-their-service life. State statute requires that an agency's governing body approve the disposal of personal property prior to the disposing of the items. This year's list is mostly pick-up trucks and personal computers. I'd like to alert you to a change, second page, third line, 2004 Ford pick-up, will not be going to auction. That truck with only 65,000 miles will be re-issued to the field. This approval is required by the Procurement Code to send those items to the State Police Auction, on Saturday, July 17, 2004, Department of Public Safety headquarters, 4491 Cerrillos Road, in Santa Fe.

**Chairman Riordan** Are Department of Game and Fish personnel allowed to bid on these items?

**Pat Block** Anyone who wants to can show up and get a bidder number. Yes, it's open to the public.

**MOTION: Commissioner Sims** moved that the Commission approve the Department's request to dispose of the fixed assets covered under this agenda item. **Commissioner Henderson** seconded.

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

#### **AGENDA ITEM NO. 19. State Game Commission Approval Sought for 2005 Habitat Stamp Program Projects and 2006 Budget Preparation**

**Presented by Dale A. Hall.** - The Department forwarded to the State Game Commission for approval, recommendations made by 5 regional Citizen Advisory Committees concerning the Habitat Stamp Program's 2005 and 2006 Project Lists. The Habitat Stamp Program generates approximately \$40,000 per year, another \$60,000 if interest is generated off the fund. We're operational planning and we've got a 3-year plan in place, and we've got 2007 targets in place. There are \$2.1M in reserve for projects and \$2M un-reserved. Bureau of Land Management has hired a coordinator, Dave Heft, and we're requesting a \$37,700 project to pay half his salary, the rest of his salary will come from implementing projects. A situation I want to alert you of is that the Committees are on their last renewal process and by law they'll expire April, 2005. There are some potential consequences to that: less informed public involvement into the Habitat Stamp Program, and more federal processes. My opinion is that we try and seek statutory authority for the Committees this coming legislative session. Our 2005 Projects, we have a \$1.4M budget, a flat budget from 2004—we have 102 projects ready to go, 63 of which are backup projects. About 64% are targeted at deer habitat improvement—we've got vegetative treatments, and wildfires. We're making adjustments to our 2004-2005 projects to help water those areas. Water development is also slated, 4 riparian enhancement, 2 turkey transplants, surveys for prairie chickens, pronghorn, and 16 habitat surveys slated. In the 2006 budget we're seeking up to 10% over 2005. With your authority today we'll take \$1.5M and encumber it.

**Chairman Riordan** Are we doing anything for quail?

**Dale Hall** We do have some grassland restoration in the Las Cruces area.

**Chairman Jennifer Montoya** That would leave approximately \$500,000 unencumbered.

**Dale Hall** Yes, but keep in mind that there's more money coming in.

**Chairman Riordan** Why do we have such a buildup of money that hasn't been used?

**Dale Hall** In part, it's because during the previous administration, we had a zero budget so we couldn't request budget increases to help spend down the increase. During those timeframes, we had high-interest rates. There's an amendment to the 2005 list and that's a project that we need to withdraw. We didn't have unanimous consent on that project. Would you like us to plan for a flat budget or would you like us to be thinking about a 10% increased budget?

**Chairman Riordan** We'd like to get moving on some of these projects.

#### **Public Comment**

**Don D'Lorenzo** U.S. Forest Service. The U.S. Forest Service has been extremely committed to the success of this program. States' and federal dollars are leveraged for the good of habitat improvement for a lot of species always with an understanding of where those dollars are coming from. We'd encourage you to accept the 2006 recommendations.

**MOTION: Commissioner Sims** moved to approve 2005 Project List. **Commissioner Arvas** seconded.

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

#### **AGENDA ITEM NO. 20. General Public Comments (Comments limited to 3 minutes)**

#### **Public Comment**

**Mike Rivera** The beaver transplant project is happening.

National Trappers Association provided a video titled "Destroying the Myth" for the record.

#### **AGENDA ITEM NO. 21. Closed Executive Session**

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

**MOTION: Commissioner Arvas** moved to amend the Agenda and deal with Item #22 before going into Closed Executive Session. **Commissioner Henderson** seconded.

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

#### **AGENDA ITEM NO. 22. Transfer of Property at Eagle Nest Lake to the State Parks Division**

**Presented by Jim Karp.** - The Department presented documentation for the transfer of approximately 851 acres at Eagle Nest Lake to the Energy, Minerals and Natural Resources Department, State Park Division, for the establishment of Eagle Nest State Park. The Joint Powers Agreement between the Commission and State Parks providing for the operation and maintenance of certain facilities at Eagle Nest State Park and for joint law enforcement powers was also presented. The 2004 Legislature approved the Division transferring to the Energy, Minerals and Natural Resources Department approximately 872 acres of land surrounding Eagle Nest Lake for eventual development of Eagle Nest Park. This transfer will enhance the overall landscape of the Eagle Nest Lake area and under the terms of a Joint Powers Agreement between the Commission and the State Parks Division, it is intended that there will be no negative impact on wildlife, hunting, fishing, or trapping as conducted now at Eagle Nest Lake and the area surrounding the lake itself. The actual acreage that will be transferred to State Parks is approximately 851 acres rather than the 872 authorized by the Legislature, and that's the result of getting a final survey of the property. The Joint Powers Agreement between the Commission and State Parks requires the State Parks Division to provide free access to licensed fishermen to the entire portion of the lake encompassed by the park and obviously that access will be available on lands that are controlled by the Commission. At those 2 free access points, State Parks will provide toilet facilities, trash waste facilities, and parking. There is a joint management area surrounding the lake itself and designated areas indicated on the map. Park regulations and joint law enforcement activities will be carried out between the 2 agencies, but in all instances if there is a conflict between Park regulations and Commission regulations, the Commission regulations will prevail. Also within that area, there'll be no camping, no open fires, no development/construction of any nature without the prior consent of the Game Commission. With that background, we're asking that the Commission authorize the Chairman to execute both the Deed transferring the 851 acres and the Joint Powers Agreement that regulates how the property will be jointly managed.

**Chairman Riordan** Requests Commissioner Arvas Chair the meeting.

**Jim Karp** I would suggest that the last sentence of that suggested motion be eliminated inasmuch as we do have the legal description based on the survey so the document can be signed without holding it pending receipt of that legal description.

**MOTION: Commissioner Henderson** moved to authorize the Commission to execute the Quitclaim Deed with Energy, Minerals and Natural Resources Department of the State of New Mexico for approximately 851 acres of land comprising Eagle Nest Lake, and to execute the Joint Powers Agreement between the Commission and the Energy, Minerals and Natural Resources Department in the form of each document as provided to the Commission. **Commissioner Sims** seconded.

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

**Acting-Chairman Arvas** I would like to entertain a motion to enter into Closed Executive Session pursuant to Section NMSA 10-15-1(H)(2)(7) and (8) of the Open Meetings Act, in order to discuss limited personnel matters, litigation, and land acquisitions.

**MOTION: Commissioner Jennifer Montoya** moved to enter into Closed Executive Session pursuant to Section NMSA 10-15-1(H)(2)(7) and (8) of the Open Meetings Act in order to discuss limited personnel matters, litigation, and land acquisitions.

**Commissioner Henderson** seconded.

**Roll Call Vote:**

Commissioner Arvas – yes

Commissioner Henderson – yes

Commissioner J. Montoya – yes

Commissioner Pino – yes

Commissioner Sims – yes

**Motion carried unanimously.**

**Acting-Chair Arvas** The matters discussed in the Closed Executive Session were limited to the items on the Agenda for the Closed Session. No action was taken in the Closed Session.

**AGENDA ITEM NO. 23. Adjourn**

**MOTION: Commissioner Sims** moved to adjourn. **Commissioner Henderson** seconded.

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

**Meeting adjourned at 5:37 p.m.**

s/Bruce C. Thompson

**Bruce C. Thompson**, Secretary to the  
New Mexico State Game Commission

July 19, 2004

Date

s/Guy Riordan

**Guy Riordan**, Chairman  
New Mexico State Game Commission

July 19, 2004

Date

**Minutes by: Katie Gonzales**

My Docs\Minutes\Minutes 2004\Minutes 6-18-04 (Albuq.)