

MINUTES
NEW MEXICO STATE GAME COMMISSION
Indian Pueblo Cultural Center
2401 12th Street, NW
Albuquerque, New Mexico 87104
July 19, 2004
9:00 a.m. – 5:00 p.m.

AGENDA ITEM NO. 1. Meeting Called to Order

Meeting called to Order 9:25 a.m.

AGENDA ITEM NO. 2. Roll Call

Director Thompson called Roll:

Chairman Riordan – Present

Vice-Chairman Alfredo Montoya – Present

Commissioner Arvas – Absent (arrived at 12:30 p.m.)

Commissioner Henderson – Present

Commissioner Jennifer Montoya – Present

Commissioner Pino – Absent

Commissioner Sims - Present

AGENDA ITEM NO. 3. Introduction of Guests

Introductions made by approximately 100 members of the audience.

Chairman Riordan We have 2 of our individuals that are going to be retiring soon, Don and Jane MacCarter. From the Commission and Department, we really appreciate everything you've done for the Department over the last 20-plus years. Without individuals like yourselves, the wildlife, and sportsmen, New Mexico would not be the same and thank you very, very much for everything you've done.

AGENDA ITEM NO. 4. Approval of Minutes (June 18, 2004--Albuquerque, NM)

MOTION: Commissioner Sims moved to accept the Minutes of the June 18, 2004 Game Commission Meeting in Albuquerque, NM, as presented. **Commissioner Jennifer Montoya** seconded the motion.

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

AGENDA ITEM NO. 5. Approval of Agenda

Chairman Riordan moved to have an Alternate Order Agenda, in the following Order: Item 15, 16, 13, 7, 17, 14, 8, 9, 10, 11, 12, 17 again, 18, and 19.

MOTION: Commissioner Alfredo Montoya moved to approve the Alternate Order Agenda for the July 19, 2004 State Game Commission Meeting as presented with the condition that the Chair inform us where we are before each item. **Commissioner Sims** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously. Alternate Order Agenda subsequently distributed to all Commissioners.**

AGENDA ITEM NO. 6. Consent Agenda

- Disposal of Confiscated and Unusable Weapons
- Annual Depredation Report

Dan Brooks Most of these weapons have been seized and forfeited to the Department, that's why the majority are rifles. We have a few other things, i.e., shotguns, handguns, and we're looking to put through auction, but there is a requirement to get the Commission's approval.

Chairman Riordan Have you run these through all law enforcement and the forfeitures have gone through the Courts?

Dan Brooks Yes.

Chairman Riordan Okay.

Brandon Griffith You'll find in your binders the Annual Depredation Report that contains the depredation complaints filed with the Department in accordance with Title 19, Chapter 30.2. This fiscal year there have been 460 complaints filed, 326 have been resolved, which is a reduction of about 30% of the number of complaints in 2003.

Commissioner Jennifer Montoya Do you have any memory of what the depredation incident for quail was?

Brandon Griffith There were a number of quail complaints on the chili crop in Hatch.

NEW BUSINESS

AGENDA ITEM NO. 15. Summary of Progress to Review and Improve the Current Landowner Signup System for Elk

Presented by R.J. Kirkpatrick. - Present summary of committee meetings and redefined objectives of the program. Present *draft* regulations that will better enable the Department to achieve these goals. This is an update on where the Landowner System Review Committee is and where we hope to go. As a result, we've compiled some ideas and considerations for what may make the elk landowner system more functional, and user friendly. Pursuant to our discussions, not fair are the allocation of permits, big ranches get too many, little ranches don't get enough, landowners don't understand the use-factor portion, default permits where landowners who participate but are unable to compete for permits, and number of authorizations change each year, and 1 of the more boisterous complaints being that authorizations they receive should accommodate to pay for damages that elk may or may not have caused. From the Department's perspective, there are properties in the system that don't belong, the use-factor problem, using depredation is justification for more permits, and it's becoming more and more difficult to keep up with new signups. The landowner system applies to landowners who experience elk utilization within their deeded lands and all elk hunters who wish to recreate. The Department believes that should change to apply to landowners who provide meaningful benefit to elk via habitat within their deeded lands and all elk hunters who wish to recreate on deeded lands within New Mexico's exterior boundaries. Statutorily we're obligated to have the landowner system, but the Department feels it's a flexible system that recognizes the contributions of private lands and landowners to the management of elk and their habitats while providing an appropriate and effective harvest through sport hunting, enhancing the economic potential of elk-related recreational activities. The first concept we'd like to apply to the landowner system is minimum qualifying criteria; converting the elk-use factor to something that makes more sense; the 10,000-acre rule is a portion of the rule that allows properties 10,000 acres and larger that are contiguous to engage in a management plan with the Department and negotiated numbers of permits, season dates, etc., are allowable under that rule. We've found ranches smaller than 10,000 acres that have elk. The Committee's feeling is that as long as we continue to allow depredation as justification for participation and additional permits in the landowner system, we're not going to get to a very good end with elk in New Mexico. Depredation resolution needs to be separate from Landowner System. **Discussion item only.**

Commissioner Jennifer Montoya In the instance of elk eating 10% of an alfalfa field, if the person is not in the landowner system, what happens?

R.J. Kirkpatrick The landowner would have 2 choices, to participate in the elk landowner system and reap economic incentive from the authorizations that he's allotted, or move into the depredation program and then we will address that issue.

Commissioner Jennifer Montoya So we wouldn't see tags provided to the landowner for hunting elk that have damaged their property?

R.J. Kirkpatrick We've done that in the past. When we grant an individual 4-5 authorizations or licenses to kill, did we truly solve that problem. No, we didn't. Elk will continue to utilize that forage.

Commissioner Henderson How many landowners are participating in the LOSS Program now and have you tried to guesstimate if this were implemented what kind of participation you'd have, how it would change the participation?

R.J. Kirkpatrick 2,500-3,000 in our elk system. We're seeking comments from you and the public on what we're presenting today. Invariably there will be impacted landowners, but we don't know to what extent.

Public Comment

Larry Caudill I support the Landowner Signup System.

Jack Diamond Winston, NM. I just want to let you know how important the unit-wide tags are to people that qualify.

Oscar Simpson President of the NM Wildlife Federation. We'd like to have more public review prior to these comments and would like them placed on the website so we'd have a little more time to delve into them and give more substantive comments. Habitats both on private and public lands are in poor condition and we'd like to see the Game and Fish Department work more actively with the land management agencies to improve the habitat.

John Dimas Registered lobbyist for wildlife and environmental issues. If the Department is going to use their resources to build fences it's going to cause you some legal problems per the anti-donation clause.

AGENDA ITEM NO. 16. Reservation of 2 Elk Licenses for Non-Profit Wish-Granting Organization(s)

Presented by Dan Brooks. - This is an action item that allows the Commission to approve the reservation and issuance of 2 elk licenses. I bring forth the names of 2 individuals who have terminal illnesses and this is consistent with 17-3-13.5, NMSA, 1978, wherein the Department will reserve 2 elk licenses per year for sale to persons under the age of 21 who've been determined by a licensed physician to have a life-threatening illness and have been qualified through a non-profit wish-granting organization approved by the Commission. Both individuals (Baer Schiffer of Toccoa, GA, and Hunter Weaver of

Trussville, AL) are less than 21 years of age and they'd like to hunt in New Mexico and I'm proposing a hunt of a lifetime for them from September 1 through December 31 in any area where elk hunting is allowed with an any-sex license.

MOTION: Commissioner Henderson moved to accept the Department's recommendation and reserve elk licenses for the 2 individuals brought forward as named. **Commissioner Alfredo Montoya** seconded the motion.

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

AGENDA ITEM NO. 13. Amend Big Game Rule (19.31.8.30, NMAC) Regarding Allowing Ibex Hunting in Big Hatchet WMA, during 2004-2005 Hunting Season

Presented by Dan Brooks. - The Department will request the State Game Commission to list the Big Hatchet WMA in Game Management Unit 26 as open for Ibex hunting, which is consistent with other parts of the Big Game Rule. As background for the Commission, the Department's been successful in controlling Ibex numbers because we've allowed them to be on the Florida Mountains but when they get off then we have year-round hunting. Because of another rule that the Department has, the wildlife areas are closed and we do want this wildlife area opened. **Discussion item only.**

Commissioner Jennifer Montoya What sort of risks do you see opening the wildlife area to bighorn sheep?

Dan Brooks We assess a very low risk that hunters may mistake a nanny Ibex for a bighorn ewe although that's fairly small because bighorn sheep have a big white rump patch where the Ibex are tawny in color.

Commissioner Jennifer Montoya You're coming to us because the Ibex have recently moved into this area?

Dan Brooks Yes. We had a helicopter survey 2 months ago and we saw Ibex on the mountain that we haven't seen in the past.

Public Comment

John Dimas You can't count sheep, they hide.

AGENDA ITEM NO. 7. Suggested Legislative Actions - 2005 Session

Presented by Tod Stevenson. - The Department presented suggested legislative actions for Commission review and approval to be considered as Executive initiatives during the 2005 Legislative Session on behalf of New Mexico wildlife conservation interests, program funding, sportsmen opportunities, and Commission/Department regulatory abilities. We're preparing earlier and in a unique situation this year. We've responded to the Governor's Office and to DFA for our legislative package so that they can start looking at the budget concerns, and notified them that we were coming before the Commission for approval. Specifically, the Department suggests actions regarding (1) correct FY-'05 fund diversion to Office of the State Engineer; (2) revise resident and non-resident license fees incrementally over 6 years beginning in April, 2007; (3) seek new license types for special hunting and fishing opportunities; (4) allow on-line applications without signature; (5) provide for restricted hunting license donations; (6) provide for restricted license fee refunds; and (7) amend deprecation statute for more effective resolution of conflicts. Also, the Department requested approval to work cooperatively with Energy, Minerals, and Natural Resources Department and the Department of Finance and Administration on legislation for alternative conservation funding, and to work with citizens seeking to provide statutory authority for citizen advisory committees related to the Habitat Stamp Program.

Commissioner Jennifer Montoya Chairman Riordan, if we agree to this, does this preclude any other legislation?

Chairman Riordan No, it does not. We will address legislative items as we see fit for the next 6 months.

Commissioner Alfredo Montoya I suggest that the Legislative Subcommittee and Department staff identify the more controversial items, i.e., deprecation, and fee increase, and begin immediately and insure we have the Governor's support and go before the interim committees.

MOTION: Commissioner Alfredo Montoya moved to approve 2005 Legislative initiatives as presented by the Department with the modification that we explore rather than pursue the request for resident/non-resident license fee increases and direct the Department to coordinate with the Governor's staff to seek consideration of these topics as Executive initiatives, with emphasis on judicious incremental license fee increases to meet broadly recognized staff compensation, facility management, waterway safety, and sportsmen service needs in concert with alternative funding development to spread conservation costs more broadly among wildlife resource stakeholders. **Commissioner Sims** seconded the motion.

Commissioner Henderson We have 2 items that will have to come back to us, the fee increase and alternative funding and it's my hope that we can address those 2 items at the next Commission meeting.

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

AGENDA ITEM NO. 17. General Public Comments (Comments limited to 3 minutes)

Public Comment (Session 1--morning)

Bob Ricklefs We're neighbors to the Barker Wildlife Area and it doesn't seem like enough of a priority has gone to work on the noxious weed problem. We've spent thousands of dollars the last 10 years spraying it, sometimes the Department sprays sometimes not and we'd like the Department to budget yearly to get it done.

Stacy Goodson Trapper and I also work for Cox Fur and Hide Company. We tag bobcats and it's getting complicated with new tagging papers because latitude and longitude are required on every kill. They're tagging every 30 days and it's difficult for trappers to get into a place to tag and we would suggest tagging every 60-90 days.

Public Comment (Session 2--afternoon)

Joe Garcia I request to be included early on the Agenda for August so that I'll have the benefit of a similar audience as you.

Oscar Simpson We need to have the materials put on the website ahead of time to enable us to make constructive comments.

AGENDA ITEM NO. 14. Big Game, Furbearer, and Associated Rule Discussion for 2005-2007

Presented by R. J. Kirkpatrick. - Presented to the Commission *draft* Big Game and Furbearer and associated rule recommendations for review and discussion for 2005-2007. The Game Commission and the Department may implement point restrictions on deer hunting in the state. Antler Point Restricted Deer (APRD) shall mean a deer with at least 3 visible antler points on 1 side, burr at the base won't constitute a point. We need to make a distinction between mule deer, Cous whitetail deer, and eastern deer. We're also proposing a point restriction bag limit in Unit 4, antler point-restricted elk, a bull elk with a minimum 5 visible antler points on each side. We need a definition for bighorn ewe. On population reduction hunts, we've instituted a proposal to allow 240 hunters, i.e., military personnel, badged employees, or contractors, the ability to hunt oryx at White Sands Missile Range. These individuals, because they're badged, have the ability to access dangerous/remote areas that public hunters otherwise can't get into because of safety concerns.

Chairman Riordan Individuals who have state leased lands, if they'll do improvements on those state leased lands for the benefit of the wildlife, specifically deer, we would authorize other permits, as well as for the public to allow more public access as a special permit area.

R.J. Kirkpatrick The current deer enhancement license allows it to run through December 31 and it has been suggested that we extend the date to January 31, which may result in more demand for that enhancement license. Regarding turkeys, the only significant change is to close fall turkey hunting in 3 wildlife areas in Unit 4 to reduce potential disturbance to elk. On bear and lion, we changed all the harvest quota limits to eliminate confusion about what the numbers mean. Statewide there won't be any elk hunting after December 31 except in those northeast New Mexico units with approval of the Northeast Area Chief taking into consideration elk migration, winter weather, distribution, harvest goals and harassment of those elk populations during the course of that hunting season. We're proposing to split Unit 4 into 2 sub-units to recognize the 2 different elk herds. We've expanded areas that youth-only hunts can occur on for javelinas. On oryx, we've created an opportunity for hunters to apply for and enable them to hunt in mountainous areas on White sands Missile Range.

Chairman Riordan You and I discussed oryx opportunities for servicemen returning from Afghanistan or Iraq, have you included that into this?

R.J. Kirkpatrick We haven't included that because we need to visit with White Sands Missile Range because as an individual and a military person, White Sands' restrictions are such that it doesn't give them the ability to go anywhere on the missile range because they have to be badged.

Commissioner Jennifer Montoya Most of the returning military personnel are on Fort Bliss and McGregor Range. Are some of the proposed oryx hunts on McGregor Range?

Pat Morrow Yes. We could do that but we have a problem meshing with Fort Bliss. We've got 1 military-only hunt on Fort Bliss and we'd like to expand that to the Otero Mesa.

Commissioner Jennifer Montoya It's my understanding that that wasn't very popular.

Pat Mathis We had scheduling problems with Fort Bliss.

Commissioner Jennifer Montoya We could see more turnout and benefit to returning soldiers there?

Pat Morrow Yes.

Chairman Riordan What we'd like to do is come up with a proposal for returning servicemen/servicewomen for ways to give them opportunity.

R.J. Kirkpatrick On ibex, we've increased the number of youth-only and archery hunts allowing year long off mountain hunts. Youth ibex hunts won't be once in a lifetime because we don't want to restrict youth's ability to partake in hunting. A properly licensed bear hunter that possesses a Valle Vidal elk bow license can hunt bears during dates of their bow elk hunt. We're proposing making it unlawful to shoot wild turkeys that are sitting in trees or structures. Year round quail and wild turkey feeding would be legal on private property, currently the rule reflects that hunting isn't allowed within a quarter mile of those feed stations.

Commissioner Sims On the year round quail and wild turkey feeding being legal on private property, we're looking at that within a quarter mile, 440 yards of a feeder, that's going to be hard to enforce. There are river properties where quail and wild turkey are being fed.

Chairman Riordan For the purposes of law enforcement, just remove the quarter mile, 440 yards language, and just have a *caveat* that people need to be respectful of the federal regulations on migratory birds which doesn't allow them to feed.

Commissioner Jennifer Montoya Did you look at what other states do for this?

R.J. Kirkpatrick We didn't, but I can do that. Boundary discretions, we had to create legal description for that proposed splitting the South Largo Canyon area of Unit 2-B out to Unit 2-C. Folks from Acoma and Laguna have requested that the Department specifically exclude those tribal properties from our maps and legal definitions for GMU's 9 and 10 for reasons that they have hunters who look at our maps and its misleading that they think that tribal lands are part of Unit 9 or 13 and they're accessing tribal lands without permission. Acoma has different properties; however, they've acquired several private properties. Anything that is incorporated into trust will be designated as tribal properties and anything that isn't in trust will be not excluded as tribal properties.

Chairman Riordan I don't want to loose our authority over lands that are not trust lands. They're sovereign nations and they should be managing their own. I believe there are 28,000 acres bordering the L-Bar recently acquired by Zia that have been put into trust lands.

R.J. Kirkpatrick We'll make sure that the final draft recognizes acquired properties still under the authority and jurisdiction of the Game Commission are included as Unit 9. Quality hunt criteria, we eliminated the Salinas Oscura January rifle hunts. All deer hunting that occurs in Units 2-C, 5-B, 17, 23 Burro Mountain portion, and 27 we're proposing designating those quality deer hunts because of low-hunter density, timing of hunts, numbers and distribution of deer there and the trophy potential. All January bow hunts we're designating as quality hunts for same reasons. On trapping and fur bearing, the Department's not making any significant changes. We took input on banning these kinds of traps on public lands, district officers and their ability to tag bobcats, trap check intervals, and best management practices trap specifications were major issues. We are currently proposing to add language to make it unlawful for fur dealers to tag bobcats contrary to the rule.

Discussion item only.

Public Comment

Douglas Fraser Chair of Rio Grande Chapter of Sierra Club that includes New Mexico and Texas. Support the Commission finding common ground and trapping humanely.

Margot Wilson Executive Committee of Rio Grande Chapter of Sierra Club. Support ban on trapping.

Mary Katherine Ray Sierra Club. Support banning of leg-hold traps.

Jeff Lehmer President of New Mexico Trappers Association. We'd like to keep trapping on public lands and the rules/regulations are fine the way they are.

Charles Davis Game and Fish of the Jicarilla Tribe. Supports foothold trapping; supports 3-point restriction on deer.

Jeffrey Lane President, Bell Ranch. Supports trapping.

Jan Hayes Sandia Mountain Bear Watch. Please continue the 2004 bear hunt unchanged into 2007.

Caren Cowan New Mexico Cattle Growers. Support what we're seeing on deer situation and accommodations you're making with private landowners. The elk situation has not cleared but we're working on it. The ban on trapping, we urge you to leave regulations as they are.

Anne Lewis Humane Society. I support trapping on private lands and off public lands.

Lou Ann Graham Member of the Sierra Club and Humane Society. I support banning steel traps.

Bill Weddle I'd like to recommend that you retain the over-the-counter deer tags and I support the 3-point restriction.

Veta Wright Supports banning leg-hold trapping.

G. T. Nunn Frontier Outfitting. Support keeping furbearer laws as they are, support the 3-point minimum on deer, and disagree with bear harvest limits.

Mike Root Cuchillo, Sierra County. Is there any way the Commission can help trappers as far as promoting furs. We've lost our deer population. The coyotes are unchecked in my area. On the harvest limit, I'd like to see November and December added to season. I'm against the draw.

Oscar Simpson President, New Mexico Wildlife Federation. We'd like to offer extensive comments on what you have and hopefully this will be out on the website so we can look at it. We support the bear season for 3 years as it stands. We support the 3-point restriction. The organization chose not to take a position on the trapping regulations as they stand.

Wesley Burris Socorro, NM. I request you maintain trapping in the state as is.

Herman Towner Towner Ranch Outfitters. I have too many permits in Unit 12, but the herd has remained static through the drought and they're on the increase and I'd like an increase on elk permits later on. Our hands are tied with ranch-only provision because we have no control on who does what.

Ric Martin Outfitter from Jemez Springs. I have a problem with the Department wanting to lengthen the season plus the fact that there are too many cow permits and that's going to be a detriment on the elk in Unit 6-C. There are too many hunters in there so there will be no quality hunt.

Jason Dobrinski As an individual, I support trapping regulations as they are.

George Hobbs New Mexico Houndsmen. Please consider a proposal for raccoon hunting under the furbearer regulations.

Jeremy Vesbach I want to address the access issue and I'd like to urge the Commission to offer cash payments.

Commissioner Arvas What Jeremy and I have talked about is a system where we have access to private lands and we'll have a proposal before the Commission by the September Commission meeting.

Kent Salazar I'm still not convinced on the point restriction, but something needs to be done for deer, but I'd like to see a sunset clause with that so we can evaluate the effect on deer population. I support extension of the bear season.

Bob Atwood My concern was Unit 6-C but Mr. Martin has gone over that, and I agree with him those numbers need to be overhauled. Unit 6-A, I'd like to see those numbers on the bow hunt split to spread hunters out on deer is good, and I support trapping regulations as they are.

Jack Diamond Winston. I support the 3-point restriction. I'd also like to say I'm a firm believer on multiple use. I support trapping.

Margaret Adams New Mexico Meat-Goat Association. Leave the trapping regulations as they are.

John Wondzal I'm happy to see reduction of antler permits in Unit 24 and 15. I'd like to see that done in Unit 16. I'd like to see baiting for bears brought back. I'd like to see lion limit increased.

Debbie Hughes Hughes Brothers Ranch. I'd like to urge the Commission not to ban traps and snares.

Betty Pritchard Bernalillo. I support a ban on trapping.

John Ussery Part-time poultry grower. I support ban on leg-hold trapping.

Patience O'Dowd Wild Horse Observers Association. Supports trapping ban on federal lands.

Chris Fresquez Supports trapping regulations.

Marge Destler Cochiti Lake. Supports ban on leg-hold trapping.

Paul Butler (Had to return to work. Statement read into record by Chairman Riordan. Supports proposal to change the elk hunt for bow hunters in the state.)

Hannah Cornelius Taos. Supports ban on leg-hold trapping.

Commissioner Henderson I would like to recommend that the Department take this Agenda item under advisement and someone in the Department take the lead and create the opportunity for a working group to resolve some of the differences.

Steve Padilla You've been told that Arizona and Colorado have banned trapping. That was done through referendum. Those states are now sorry they banned trapping. I urge you to leave trapping as is.

AGENDA ITEM NO. 8. Final Waterfowl Rule (19.31.6 NMAC) for Adoption

Presented by Reagan Smetak. – The Department presented final Waterfowl Regulations for the 2004-2005 Hunting Season to the Commission for adoption. On dark geese, we met with the public and this is the input we've received. Last season we had an unlimited number of permits for geese. We harvested 370 dark geese by 1,003 permittees. During the *draft* presentation of the rule, we discussed several options. There are an unlimited number of permits available to hunters, 1 bird per season, 7-day season and start on a Monday. Another option is to have a drawing for 250 permits with a 2-bird bag limit, 2 birds per season, 7-day season and start on a Monday; or 500 permits, 1 bird per season, 7 days starting on a Monday. Another option, drawing for 600 permits, 1 bird or 300 permits, 2 birds. If we go into a drawing, 1 thing that the Commission has requested is a way to have tags associated with permits. That's in the rule now under the draw system and it does present difficulties if it's unlimited on how to distribute a tag, i.e., plastic or paper tag, and making sure vendors do this correctly.

Commissioner Arvas How many permits were issued last year?

Reagan Smetak There were 1,003 permits issued last year under the unlimited system, and the harvest was 370.

Commissioner Arvas The thing I wanted to clarify is there has to be some relationship to the unlimited permit in terms of the designee that the permit goes to and the tag. There was to be some numerical system where the tags aren't floating around or someone can give his tag to someone else. We don't want to issue 1,000 tags if we select Option 1, and then if someone gives their tag to someone else they can go ahead and get 2 geese, that was never the intent.

Reagan Smetak If we go with an unlimited number of permits, the hunter still had to put in for that permit to receive it. That way we can associate a tag because we have the information to enable us to send it to them.

Chairman Riordan The way it was done last year is we had individuals come into the Game and Fish Department and they were issued over the counter so there was control. The problem was not the unlimited number but that the Department of Game and Fish did not issue a goose tag. If we're allowing 2 geese, then we need to have 2 geese tags where the individual has to separate each and attach it to a goose.

Commissioner Arvas If we select Option 1, and if they get their permit, there will be a tag attached to that permit and there should be a numerical system where that tag coincides with the person that receives the permit.

Reagan Smetak That can be incorporated because we're talking about the Middle Rio Grande Valley hunt and if the hunter comes to the Albuquerque office, we can insure there's a tag associated with numbers that match. The dark goose season was opened up in 1995.

Commissioner Arvas Previous to hunting the dark goose in the Middle Rio Grande Valley, there was a lesser number of dark geese after we started hunting them. The population has now markedly increased in the Middle Rio Grande Valley. Hunting did not affect the expanding number of dark geese in the Middle Rio Grande Valley.

Commissioner Jennifer Montoya Reagan, you're saying that all these options would get us to 370 again?

Reagan Smetak No. These are options available to you and the first under this unlimited system gives you an idea of what an unlimited number of permits produced in harvest last year, 370 dark geese. We may get 370 next year. Under this other system of 250, you're looking at a 200-bird harvest based on the success rate. The 500 is the same way. The 300 and 600 permits are an additional 25 birds, so 225 birds.

Commissioner Jennifer Montoya We're signatory to a plan several agencies have signed off on and we have committed to achieving this 10,000 bird goal for the Middle Rio Grande Valley and so given that last year was a high-goose year, estimated 8,000, but over time we've been seeing this average around 5,500 more or less. The Department recommendation in order to meet that plan is what?

Reagan Smetak We believe that this is higher than the 250 permits, we're providing opportunity with the 2-bird bag limit and that it will take us a little longer to get to the 10,000 that are identified in the plan but it is reachable.

Commissioner Arvas When you're talking about a population of around 9,000 birds in the Middle Rio Grande Valley, how are 370 birds going to markedly affect that number?

Chairman Riordan We had hunter opportunity last year where we had 1,000 hunters go out into the field. I'm in support of having hunter opportunity. We only harvested 370 birds. If you look at our goose population 5 years ago, it was significantly less than what they are now.

Reagan Smetak We had a 9-day season last year. This recommendation is 2 days shorter but it will distribute the hunt and pressure out over this area and accommodate public opportunity.

Chairman Riordan Commissioner Arvas, can you live with a 2-bird permit, 7 days, but opening it up?

Commissioner Arvas Yes.

Reagan Smetak Currently in the rule under the matter and method, you have to tag your geese. What we're discussing is how we want to accomplish that.

Public Comment

Wayne Prentice Waterfowl Magazine. I would rather go with a middle-of-the-road season rather than unlimited and start on a Monday.

Commissioner Sims At 2-birds per season and 9 days, and if we are going with a 300 permit, 2-bird season for 7 days this year, we are not going to have the hunter opportunity.

Reagan Smetak We are looking at this because of the unlimited permits available at a 37% success rate, that generates this 370 dark geese harvest. Based on the same numbers, 225 would be what we would expect to harvest under a 300-permit system with a 2-bird bag limit.

Commissioner Henderson Do we have any time frame by which we are expected to meet the 10,000-bird goal?

Reagan Smetak There's no time limit. That's an on-going management plan signed off on by the Department, U.S. Fish and Wildlife Service and Wildlife Services. There's no sunset clause to the plan.

Commissioner Henderson We just need to recognize that if we provide a liberalized harvest, it'll just take us longer to achieve the goals. It seems the public is preferring a smaller number of permits, is that because of quality hunt and there aren't that many hunters out there?

Reagan Smetak That's 1 of the points that was brought up during the draft rule process. Some of the public was commenting that too many hunters were out in the field at the same time.

Kent Salazar The overwhelming comment was that the quality of the hunt did go down. I support the 300 permits, 2-bird limit, 7-day season.

Dave Gilmore from Albuquerque. I think we were within the limits last year. I support the unlimited, 2-bird per season proposal.

Ellery Worthen I support the 1-bird limit, and more hunters.

Oscar Simpson I would like to see a limited hunt with 1-2 birds.

Jeremy Vesbach New Mexico Wildlife Federation. Our membership supports the 500 permit, 1-bird limit.

MOTION: Commissioner Arvas moved to accept Option 1, unlimited permits, 2-bird limit, 7-day season opening on Monday.

Commissioner Sims seconded the motion.

Reagan Smetak Before you take the vote, I ask for the latitude to make these adjustments that you're about to vote on in the rule so that I can reflect that and have it published. The rule before you doesn't reflect that.

Commissioner Jennifer Montoya Yes. I just wanted to remind the Commission that we are signatory to a plan in which we've made a commitment to be more conservative on a year-to-year basis and I don't agree with this motion. I won't be voting for it but I just want to say that it seems to me that we should adhere to a plan that our Directors have signed and take the more conservative route.

Commissioner Henderson I would have 1 caveat. It doesn't have to be included in the motion, but I'd like this Commission to make a commitment to revisit this after seeing the results of this particular season's activities.

Commissioner Jennifer Montoya Could that be reflected in the motion?

Chairman Riordan We can address this on a year-by-year basis.

Reagan Smetak Waterfowl is a 1-year cycle and we'll be doing this again next year.

VOTE: Voice vote taken, Commissioner Jennifer Montoya voted in the Negative, remaining voted in the Affirmative. **Motion carried.**

Reagan Smetak I'm separating out the hunt days because I want to keep the same hunt days as last year. Comments provided to me have been providing more rest opportunity between Bernardo and La Joya. If it's the Commission's desire to provide more rest opportunity for birds, we can remove Tuesdays in that hunt structure and have Tuesdays and Fridays as complete days of rest.

Chairman Riordan What are we looking at doing on the Bernardo north because Bernardo north was shut down for duck hunting this past year? My suggestion is that everything to that Unit 7 drain east and north of U.S. 60 be included in the same dates as your southerly hunt on the Bernardo Game Refuge.

Wayne Prentice It won't affect east of the No. 7 drain because that's closed on Tuesdays and that would allow the birds to be over on the west side on Tuesdays.

Reagan Smetak The Department came up with a youth-only opportunity, north of 60, for the parent/guardian and youth hunt. We could then have language that could be incorporated into the rule and make available and offer an experience to youth and the adult gets to hunt along with the youth. As to La Joya, we would take out Tuesdays on La Joya. We would provide Tuesdays as with Friday as a day of rest. What we're trying to do, as 1 area had pressure, we would provide, as Bernardo was being hunted to provide La Joya with that refuge opportunity, and on the days La Joya was hunted, is to provide Bernardo with that refuge area so we would flip-flop them.

Chairman Riordan La Joya south is in conjunction with the Sevilleta is looking at having the same hunt dates, so that area will be opened up.

Wayne Prentice There wouldn't be a conflict because the south area of La Joya is Tuesdays, Thursdays and Sundays, and the north has been Mondays, Wednesdays and Saturdays, so if you leave an area up there that's closed on Bernardo west and in the south end, you've got a place where those birds can get a rest.

Chairman Riordan What you're suggesting is go ahead and have it still open Tuesdays, Thursdays and Sundays for La Joya south, and La Joya north Mondays, Wednesdays and Saturdays. What we want to see there is the Bernardo area at the same time as La Joya north.

Reagan Smetak We did meet with Sevilleta about the hunt structure and what they've told us is that La Joya hunt days match what we have published as rules so that those areas that are open in Sevilleta would follow open days on La Joya and we'd be able to go further south and distribute hunter pressure all the way to Sevilleta.

Chairman Riordan For clarification, Sevilleta has opened up access through San Acacia area to their ponds, so we're addressing south of La Joya, but they won't be able to drive up within 200 yards from the ponds from the south.

Reagan Smetak The Department's recommending that we separate the youth waterfowl days from opening days of the regular duck season and that's consistent with past years, with the addition of the properties north of U.S. 60 where we'd have a permit number drawing for youth waterfowl hunters and allow the parent/guardian to have a permit at the same time. As for Bernardo/Casa Colorado Wildlife Management Area, we're not recommending any change, we're adjusting calendar dates. Lastly, regarding ducks, Tim Mitchusson has notified me that New Mexico will fall under the liberal package for ducks, which means that we'll have 6 as a bag limit, but he can't tell me yet whether they're going to restrict canvasbacks and pintails. What we're asking for is that you allow the latitude to be able to adopt a rule within those federal frameworks. On the Bernardo/Casa Colorado, we have youth opportunity but what would happen is that an individual 18 years or older has to accompany the youth and they are not allowed to hunt. If you'd like us to change that, certainly we can change that.

Chairman Riordan I'd like for us to look at that.

Reagan Smetak The next motion, if you so choose, is going to incorporate everything that we just discussed so that it will allow time to publish the rule and print the Waterfowl Small Game Proclamation and I can get that in the hunters' hands before opening day of dove season.

Chairman Riordan Maybe we can have 1 or 2 days where father/son get together and they can both experience.

Wayne Prentice I did check with the U.S. Fish and Wildlife Service within 2 weeks of setting final regs. The final harvest information is in and the transect surveys they've been running could be by the 30th as they have up on the board that the final recommendations will be there. They're not sure about canvasbacks and pintails.

Commissioner Arvas moved to pass the proposed changes to the Waterfowl Regulations (19.31.6) for 2004-2005 as presented by the Department and allow the Department the discretion to make administrative changes to Waterfowl season days and bag limits to fit within the approved Federal Frameworks. **Commissioner Sims** seconded the motion

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

Public Comment

Dave Gilmore What is being done for waterfowl? La Joya needs to be revamped and you need to look at water acquisitions, land acquisition, more farms and residential flock creation.

Commissioner Arvas We have 2 projects being presented to the Department in the La Joya/Bernardo areas. One is a million dollar plus project and the other will be \$2-\$3M. The waterfowl is the main reason we've put our energies into that area.

Chairman Riordan We have \$225,000 appropriated from Governor's Capital Outlay for improvements on Bernardo alone and for acquisition of water rights, creation of ponds and viewing stations and he's committed more money for those areas. We're talking about a possible habitat improvement stamp that can be used for Game and Fish properties and state lands. In our last non-resident fee increase, approximately 50% of those \$1,500,000 was designated for habitat improvement on Game and Fish properties and that included La Joya/Bernardo.

AGENDA ITEM NO. 9. Final Upland Game Rule (19.31.5, NMAC) for Adoption

Presented by Reagan Smetak. - The Department will present final Small Game Regulations for the 2004-2005 Hunting Season to the Commission for adoption. We're looking at 2 possible hunt dates and 3 possible bag limits. The Department can handle either of these bag limits. Regarding dove, there's no change from previous year in the north zone; in the south we want to return to split hunt from September 1 through September 30 and December 1 through December 30. No change for band-tailed pigeon, and Sandhill crane. These are proposed hunt dates and hunt codes and which areas will be open. We've adjusted dates to reflect current calendar years. Permit numbers for Sandhill cranes, there are 2 sets and we're talking about 1 crane per day, 2 per season, or 2 cranes per day, 2 per season. The Middle Rio Grande hunt, we're looking at 65 permits if we have 1 per day, 2 per season and 50 permits at 2 per day, 2 per season. The reason we're recommending 1 bird per day, 2 per season, is to work with Wildlife Services to address depredation complaints by moving hunters to a farm that's complaining about these birds causing damage to crops. We're within our harvest allocation from the feds. We've got approximately 5,000-6,000 birds in the Middle Rio Grande Valley.

Chairman Riordan There are 25,000-30,000 birds in that valley.

Reagan Smetak I know this is where the math doesn't work and it's caused problems but I must reiterate that we're sharing resource with several states.

Director Thompson The Commission has been provided with the Central Flyway Council Tech Committee report, and the basics in that are that Sandhill Cranes' count has ranged between 18,500-19,500 and allocation was 650 birds of which 1/3 is assigned to New Mexico based upon number of harvestable birds from a population that has a long life and low-reproductive rate.

MOTION: Commissioner Arvas moved to adopt the Department's recommendations at this time for the reason that there's not that much difference in the 1 per day, 2 per season, with tags. Makes more sense if there are problems with depredation and if you have a hunter go out a second time even though it's a tremendous inconvenience for most hunters to do that. We might be able to satisfy some of the depredation complaints in the Middle Rio Grande Valley.

Reagan Smetak As we discuss the permit system with geese, we'd also have a permit with the cranes, and we'll have the tag associated with that. **Commissioner Henderson** seconded the motion.

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

Reagan Smetak On quail, there are 2 different hunt times, the November 15 through February 15 season, reduce the bag limit from 15 to 10. We looked at the ability to hunt quail during the javelina hunt. If you drew a javelina permit, you're going to have the ability to hunt quail, or go from November 1 through January 31 and keep a current bag limit of 15; also, an option to reduce the bag limit to 8 and to have feeding stations or areas for quail. I also heard the requirement of 440 yards or quarter mile that you'd like to have removed.

Commissioner Jennifer Montoya On July 30-31 at NMSU, the Game Department in partnership with Quail Unlimited is going to host a workshop with quail experts around the southwest to discuss current research to help the Department draft a long-term management plan so that we can have a document that helps the Department in making these recommendations. It's also an effort to work closely with public agencies and looking at demonstration sites where we can look at grazing allotments with willing landowners who might be interested in looking at methodologies for cattle grazing and stubble height as a measure of livestock use and determine if that can benefit quail.

Commissioner Sims On the dates of November 15 through February 15, that'll also coincide with dove season, correct?

Reagan Smetak That's correct. In the southern zone you'd have split where you'd have September 1 through September 30 and December 1 through December 30.

Commissioner Arvas Are you saying that if you go quail hunting on November 15, that the season is open for dove? I think what Commissioner Sims asked is if you are hunting quail can you hunt dove at same time?

Chairman Riordan Only from September 1 through December 30 and running currently with November 15 through February 15.

Commissioner Arvas We changed it last year to enable us to have the quail hunt on November 15 to be able to harvest doves also. How many javelina permits do we issue?

Reagan Smetak 2,000 permits. There's additional opportunity to hunt another species. If you weren't drawn for javelina, it doesn't mean you can't hunt quail. There's more opportunity if you harvest javelina and you wanted to harvest quail, you can go out and do that. On dove, in the south zone, during the December 1 through December 30 hunt, you could also hunt quail. Those dates coincide with December 1 through December 30 and you can hunt quail and dove in the south zone.

Commissioner Arvas Not the 2 weeks in November though?

Reagan Smetak That's correct.

Chairman Riordan Can we talk about the 15 season up there and reducing the bag limit from 15 to 10? What's the reasoning for that?

Reagan Smetak The public is requesting this. Can we handle it, yes. Can we stay with 15-bag limit, certainly. The reason is because the average hunter is bagging 2.4 birds per hunter and so going from 15 to 10 is no different than going from 15 to 8, this is to be more cognizant of what the public's asking the Department to do. There's no biological harm to go from 15 to 10, or 15 to 8.

Chairman Riordan If there's no biological harm, what you're saying is staying at 15?

Reagan Smetak That's right.

Public Comment

Terry Riley, PhD. Theodore Roosevelt Conservation Partnership, former pheasant/quail biologist in Iowa. Biologically there's no doubt quail can withstand harvest, particularly with respect to fact that most hunters limit themselves if they can't find quail; however, some research shows that as you reduce the bag limit, hunters will try harder to get to bag limit, so there's a possibility if you go from 15 to 5, and average harvest is 2, hunters may start to get 5 because it's an attainable goal. There are dangers in lowering it too much.

Commissioner Jennifer Montoya I'm sorry, I don't know when dove season is?

Commissioner Arvas December 1 through December 30.

Reagan Smetak Is my understanding correct in that dove season would start November 15 instead of December 1 and go from November 15 to December 15?

Commissioner Arvas That's what we're bound to, right? We have a 30-day season that we're bound to by the Waterfowl Migratory Council.

Reagan Smetak Adjusting it to November 15 is not a problem.

Chairman Riordan Commissioner Arvas, you're getting same effect whether you have 30-days hunting in December or starting November 15.

Commissioner Arvas The only advantage is if a person's going quail hunting in the south zone, and the quail hunting opens up on November 15, that he's not successful with quail hunt, he can hunt doves.

Larry Caudill That move last year caused problems because it took away ability to hunt doves over Christmas vacation and you promised Dennis Krentz who was here for that meeting and attended some of these public input meetings that we were going back to the way it used to be which was the month of December to the second half of the dove hunt.

Commissioner Arvas I don't remember promising anyone anything. I said I would consider it but I still feel there are just as many people that feel as strongly about being able to hunt quail/dove at the same time from December 1.

Larry Caudill No, the comment was having the ability to hunt doves during the Christmas break when people were off. The fact that it moved to November 15 for dove last year is what caused all the problems.

Ellery Worthen Are we trying to reduce harvest of quail? For years everyone has told me there's only 1 way to do it and that's seasonally, bag limit has no effect. If we're trying to reduce quail, why are we keeping the season the same length?

Reagan Smetak I just need to clarify 1 thing, the last time it was November 15 to December 14 to catch those days and I think what we said was December 15.

George Richards We're going about this the wrong way. We have a big state with different zones. What we should do is divide the state into 3 parts. We should have a north part above U.S. 60, east part from U.S. 54 the reason being that right now we have an abundance of quail in the eastern part of the state. We have a climate that's all together different in the eastern part of the state, we have a climate that's different in the northern part of the state and most of the quail hunting is done in the southwest. The southwest quail population is very low now. My recommendation is we leave the full season that we've had before in the eastern part of the state. The northern part doesn't make any difference so we could keep the same season there. The southwest we need to reduce the season and reduce the bag limit. We need to reduce the bag limit to 8, shorten or cut the season.

Oscar Simpson The southwest is devastated as far as quail population and habitat is concerned. I'd like to see the southwest part of the state as a separate zone, and reduce the season and bag limit.

Reagan Smetak We'll need to address feeding areas.

Chairman Riordan Go ahead and eliminate the quarter mile restriction.

MOTION: Commissioner Arvas moved that quail season be from November 15 through February 15 and set the bag limit to 15 statewide. **Commissioner Sims** seconded the motion.

Reagan Smetak I understand that you'd like to see the quail season from November 15 through February 15 with a 15 bird bag limit. Do you also want dove season to go from November 15 to December 14?

Chairman Riordan Let's do that under doves.

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

Chairman Riordan Reagan, Dr. Terry Riley made a good point that 2.3 birds are what people are harvesting. George Richards We need to address our quail population on a district basis.

Reagan Smetak On pheasant, we requested from Richard Jaramillo, Manager of the Middle Rio Grande Conservancy District, to open levee roads during this proposed hunt with permits of 25 in the south and 25 in the north and for private land they'd have to apply but there'd be an unlimited number of permits available to him. The landowner would come to the Department and show proof that they own land and prove that their property does not lie within a subdivision so that we can minimize the ability that the Department would have to minimize the commission of law infractions, i.e., shooting within 150 yards from a residence. There'd be no limit to amount of permits available. There's in place something that would allow the landowner to help us minimize how many hunters are out there.

MOTION: Commissioner Arvas moved to accept the Department's recommendation regarding pheasant. **Commissioner Henderson** seconded the motion.

Commissioner Henderson Why is that we have a special hunt in Valencia County?

Reagan Smetak There was a 1-day hunt last year and it was unlimited to anyone that bought an over-the-counter license and public comment has been that this is getting out of hand. Individuals are getting themselves into situations where either serious injury or death could result.

Chairman Riordan It's been a law enforcement nightmare in the Valencia area. I will abstain from this vote because I own a game preserve in that area.

Public Comment

Dave Gilmore The main complaint from those people is noise.

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

Reagan Smetak A change to squirrel is to include Unit 57 in the GS-1 hunt area. The hunt dates and bag limits will stay the same. Falconry, there'll be no change. We're adjusting the season date to reflect a new calendar year. On grouse, we're recommending adjusting the season date to reflect a new calendar year. On the dove issue, just to make sure I'm clear, in the south zone you want to go from November 15 to December 14?

Commissioner Arvas That's right.

Chairman Riordan You don't have a motion on that.

MOTION: Commissioner Arvas moved that the dove season be held from November 15 through December 14.

Commissioner Sims seconded the motion.

Public Comment

Larry Caudill The public input in Albuquerque and the outcome of written comments was great aggravation on not being able to hunt dove during that Christmas/New Year's break.

Ellery Worthen The Commission told the people from southern New Mexico that they'd leave December 1 through December 30. The complaint was they wanted to hunt over the Christmas vacation with their kids.

Reagan Smetak We had more public input supporting this option than we did the previous option.

Commissioner Arvas Do you see any negative aspect to starting quail season on November 15?

Reagan Smetak No, sir.

Commissioner Arvas So the point of contention there is that the public wants another 15 days to hunt dove along with quail?

Reagan Smetak They did support the split season and the December 1 through December 30 timeframe. What we're dealing with is being able to hunt over Christmas or not hunting over Christmas. From a biological standpoint, I've not received any information from staff about this being a bad thing to recommend to the Commission.

Commissioner Arvas I'd like to retract my original motion with approval of the second

Commissioner Henderson Yes.

Commissioner Arvas I'd like to leave quail season as stated and have dove season as recommended by the Department. That would increase hunting opportunity and make the public/people happy.

Chairman Riordan We've altered the motion and the second, and we need to have all restrictions be removed on feeding quail in the Upland Game Proclamation.

Commissioner Sims reaffirmed the second.

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

Reagan Smetak I'd like to request a motion on matter and method because that's the tagging requirement, the tags for Sandhill Crane and geese, and the feeding areas for quail. The purpose of the tagging is for the Middle Rio Grande Valley geese hunt, and Middle Rio Grande Sandhill Crane.

Chairman Riordan So we're giving you the direction to go ahead and create tags for both the crane and dark geese.

MOTION: Commissioner Arvas so moved. **Commissioner Sims** seconded the motion.

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

Commissioner Alfredo Montoya presiding.

Commissioner Henderson moved to pull Item 10 from the Chairman's Table for consideration. **Commissioner Arvas** seconded the motion.

Roll Call

Commissioner Arvas – Yes

Commissioner Henderson – Yes

Commissioner Alfredo Montoya – Yes

Commissioner Jennifer Montoya – Absent

Commissioner Pino - Absent

Commissioner Riordan – Absent

Commissioner Sims – Yes

VOTE: 4 Ayes; 0 Nays. Motion carried.

AGENDA ITEM NO. 10. Amend 2004-2005 Big Game Rules (19.31.8.7 and 19.31.8.20, NMAC) – Deer Bag Limit

Presented by R. J. Kirkpatrick. – The Department presented new information with regard to the previously tabled item involving amending 19.31.8.7 and 19.31.8.20, NMAC, the bag limit for deer for the 2004-2005 Season from FAD to a minimum antler-point restriction of 3 visible points on 1 side. The first item of business is to create in the rule the definition for a antler point-restricted bag limit. The Department has made the adjustment to reflect a minimum of 3 visible points on 1 side, burr at the base won't constitute a point. The next question before the Commission is the application of the point restriction and will it be statewide, will it be select units, will it be Game Commission properties, where will the Commission desire to apply point restriction to date. The staff and I have put together a list of game management units in the State of New Mexico where we have sufficient information on the total doe/buck ratios below statewide averages; 20:100 is the level we looked at.

Chairman Riordan In those areas that are above 1 buck to 5 does, we won't have the 3-point restriction in that area?

R.J. Kirkpatrick That would be up to the Commission, but that was the discussion we've had since the last Commission meeting.

MOTION: Commissioner Alfredo Montoya moved to proceed with 3-point antler restriction with the difference being that it be applied statewide with a sunset clause of 2 years so that we may reconsider this with the understanding that there are a number of things we need to do to improve the deer situation, i.e., better control on law enforcement, habitat improvement, working with federal agencies on controlled burns and other things that affect deer population. **Commissioner Arvas** seconded the motion.

R.J. Kirkpatrick Point of clarification, the amendment would impact the 2004-2005 season deer hunting. The draft regulations presented this morning did contain the option to have point-restriction for all deer hunting in the State of New Mexico for 2005-2006.

Commissioner Arvas After the last meeting's discussion, I got the impression that when you make the 2005-2006 recommendations in September, that you become more conservative than the 3-point recommendation you're making now.

Commissioner Alfredo Montoya When Dan Brooks was pressed on whether he would be able to enforce this rule, he said there would be leniency because the rules are already published in the Proclamation and that he'd do his best to enforce.

Chairman Riordan Staff feels they can get notification out and the conservation officers can make the decision on whether they give individuals warnings or tickets based on circumstances, but the animal would be confiscated and that would not reward someone for doing something wrong.

Commissioner Alfredo Montoya The issue was that no one was sure whether notification would get to persons that drew.

Director Thompson The Department has the ability to adequately provide outreach statewide but we still encounter circumstances where an issue will be made and will require discretion If confiscation circumstances were put in place, we will encounter difficulties.

Dan Brooks The seizure part we can do but that rises to the level of probable cause, but then we have 2 other issues: 1 is the criminal act of killing an unlawful deer not a part of bag limit and then getting through the magistrate court system is going to be tough.

Public Comment

Bibo Lee I'm wondering if you'd consider lowering the days on deer hunt to 3 because of the drought.

Larry Caudill I support the 3-point restriction.

Bert Ancell Bell Ranch. I support the 3-point restriction and consider the trapping situation for predators.

Jess Rankin Hunting outfitter from southern New Mexico. It's a good idea on the 3-point minimum on deer. An eye guard or brow tong, will that count as a third point?

Chairman Riordan Brow tine will but a burr will not.

Jeffrey Lane I support the statewide 3-point restriction.

Jack Diamond Winston, NM. I support the 3-point restriction.

Jim Thompson Safari Club. I support 3-point restriction.

John Boretsky Executive Director of New Mexico Council of Outfitters/Guides. We support the 3-point restriction.

John Dimas Registered lobbyist for wildlife and environmental issues. I'd be reluctant to open it up statewide.

Bob Ratcliffs Philmont Ranch. We do predator control at Philmont.

Bob Atwood Outfitter from Belen. I support the 3-point restriction.

Jeremy Vesbach Would the sunset provision take away the 2-point restriction as well? I don't know why we should make people leave the spike and take the 2-point. Personally I'd like to see clarification if all point restrictions expire or if it would go back to 2-point.

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

AGENDA ITEM NO. 11. Amend 2004-2005 Big Game Rule (19.31.8.20 NMAC) – Private Landowner Licensing Ability in Current Deer Entry Units

Presented by R. J. Kirkpatrick. – Present new information with regard to the previously tabled action item involving amending 19.31.8.20, NMAC, to allow landowners the ability to designate themselves and others to purchase a deer-hunting license valid on that private property, with approval from the Department and consideration of a conservation plan.

MOTION: Commissioner Alfredo Montoya moved to take Item 11 from the Chairman's Table for consideration.
Commissioner Sims seconded the motion.

Roll Call

Commissioner Arvas – Yes
Commissioner Henderson - Yes
Commissioner Alfredo Montoya – Yes
Commissioner Jennifer Montoya – Absent
Commissioner Pino - Absent
Commissioner Riordan – Yes
Commissioner Sims – Yes

R.J. Kirkpatrick There's a desire to allow private landowners that are benefiting deer whose properties lie in these deer entry units where deer hunting is allowed by application and getting a special entry permit allowing those landowners the ability to designate with written permission or family members to purchase a deer license to hunt on their private property during 2004-2005. The system is in place that'd allow private land deer hunting. We also accepted military and wildlife management areas. There are issues requiring a landowner to engage in a conservation/management plan to gain the ability to hunt deer on his private property. That would put a significant burden on the Department in that we would have to build the management plan, and approve the management plan.

Commissioner Henderson Your comment regarding conservation plans, is that because of short notice this year or are you looking at other years?

R.J. Kirkpatrick Multiple years. Our fear is engaging into a system similar to our current elk loss system where we have to evaluate every property. This agenda item applies to this year recognizing the proposal would apply for the next 2 years.

Public Comment

Debbie Hughes Association of Soil & Water Conservation Districts. We've got several programs through the U.S. Department of Agriculture that could complement this. It sounds like it's a voluntary incentive based program but it may be something we can work together on. We also work through U.S.D.A. technical guides that have cost-share programs. There might be some opportunities/possibilities to contract through local soil and water conservation districts for technical support.

Kelly Dow Socorro, New Mexico. I think the landowners reap some benefit from all the hard work and money that they put in the ground trying to help the deer.

Commissioner Arvas R.J., would you clarify that this is only for deer entry permit areas. This is not statewide?

R. J. Kirkpatrick This is correct. This is only for private lands in deer entry units for fall of 2004.

Commissioner Arvas Will we still proceed with the conservation plan concept for the future?

R. J. Kirkpatrick Correct.

John Boretsky Executive Director of NM Council of Outfitters/Guides. We support the 3-point restriction.

Charlie Mulcock Mayhill, NM. I support the 3-point restriction.

Jeremy Vesbach I'd urge the Commission to combine the habitat incentive program with the voluntary access program.

Terry Riley Theodore Roosevelt Conservation Partnership. I'd recommend that you not implement anything this year.

Jack Diamond I support the landowner system and you should implement it this year.

Ellery Worthen How are we going to take another program? We need a uniform plan for deer, elk, and antelope.

Oscar Simpson I don't support it unless we have more details.

Larry Caudill You need controls/constraints. I haven't heard anything on the limit of hunters, revocations/cancellations if the landowner fails to live up to his end of the deal.

Tom Stromei I think you'll create a resource that's never been tapped and it's similar to the elk landowner system.

MOTION: Commissioner Arvas moved to amend Title 19.31.8.20 by inserting Paragraph H as presented by the Department, to allow landowners in current Deer Entry Units (except Units 4, 5A, Military lands and WMA's), to designate individuals who may purchase a deer license valid only on their private property. **Commissioner Sims** seconded the motion.

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

AGENDA ITEM NO. 12. Amend Big Game Rule (19.31.8.24, Section G, NMAC) Regarding Available Elk Season Dates for "Ranch Only" Ranches in GMU 56A, 57, and 58

Presented by R. J. Kirkpatrick. - Amend Big Game Rule (19.31.8.24, Section G, NMAC) to allow the Department to accept a formal request for extended season dates for hunting antler less elk from "Ranch Only" landowners in GMU 56A, 57, and 58. Upon review of each request and after taking into consideration unit harvest goals, elk migration and availability and patterns of hunter distribution in the area, the Department may grant a landowner the ability to use antlerless authorizations during an agreed upon 5-consecutive day timeframe from February 1 through February 23, 2005. Landownership in these GMU's is 100% private property. The elk hunting that occurs is on ranch only authorizations pursuant to the landowner system.

Commissioner Sims In this area there are no state draw hunters, it's private ranch only?

R.J. Kirkpatrick We're 99% sure they hunt elk on 56 Sierra Grande. It's all private property, ranch-only hunting. It's not in the draw, so we're not affecting public hunters that have applied. The other concern is that hunting is harassing the elk population from September 1 through the end of February in this portion of the state. What the amendment states is that any rancher for these units this year that felt that he needed the ability to hunt for a 5-day period in February would submit a request to the Northeast Area office, and the weather patterns, migration of elk, harassment/hunting pressure those elk are exposed to, would have to be taken into consideration and the area chief would make the determination whether that would be a justifiable request and then grant/deny based on findings.

Commissioner Sims What information do you have on Unit 58 that is the extreme east?

R.J. Kirkpatrick Cow tags used in October, early November, and to Christmas in December. There aren't very many permits available in Unit 58 so not many get used.

Commission Sims Why are there so few permits in Unit 58 as compared to Unit 56 or 57?

Lief Ahlm There are fewer elk in Unit 58. Unit 57 has the bulk of elk. Highest success rate is in Unit 58.

Commissioner Sims This is going to affect Unit 58 even though there's a smaller amount of elk in Unit 58.

MOTION: Commissioner Henderson moved to Table Agenda Item #12. **Commissioner Sims** seconded the motion.

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

AGENDA ITEM NO. 18. 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: Chairman Riordan 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 Sims** seconded the motion.

Roll Call:

Commissioner Arvas – yes

Commissioner Henderson – yes

Commissioner Alfredo Montoya – Absent

Commissioner Jennifer Montoya – Absent

Commissioner Pino – Absent

Commissioner Riordan - yes

Commissioner Sims – yes

Motion carried unanimously.

Chairman Riordan moved to reconvene the State Game Commission meeting. **Commissioner Sims** seconded the motion.

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

Chairman Riordan 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. 19. Adjourn

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

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

Meeting adjourned at 5:59 p.m.

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

8/18/04
Date

s/Guy Riordan
Guy Riordan, Chairman
New Mexico State Game Commission

8/18/04
Date

Minutes by: Katie Gonzales

My Docs\Minutes\Minutes 2004\Minutes 7-19-04 (Albuquerque)