

MINUTES
NEW MEXICO STATE GAME COMMISSION
New Mexico State Personnel Office – Auditorium
2600 Cerrillos Road
Santa Fe, New Mexico 87505
November 18, 2004
9:00 a.m. – 5:00 p.m.

AGENDA ITEM NO. 1. Meeting Called to Order

Meeting called to Order at 9:34 a.m.

AGENDA ITEM NO. 2. Roll Call

Chairman Riordan – present

Vice-Chairman Alfredo Montoya – present

Commissioner Arvas – present

Commissioner Henderson – absent

Commissioner Jennifer Montoya – present

Commissioner Pino – present

Commissioner Sims - present

AGENDA ITEM NO. 3. Introduction of Guests

Introductions made by approximately 50 members of the audience.

AGENDA ITEM NO. 4. Approval of Minutes (September 23, 2004—Chama, NM)

MOTION: Commissioner Arvas moved to approve the Minutes of the September 23, 2004 State Game Commission Meeting in Chama as presented. **Commissioner Alfredo Montoya** seconded the motion.

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

AGENDA ITEM NO. 5. Approval of Agenda

MOTION: Commissioner Alfredo Montoya moved to amend the Agenda for the November 18, 2004 State Game Commission Meeting by removing Units 52 and 5B from consideration in Agenda Item No. 8(a), and add Units 16B and 16C; in Agenda Item No. 9 remove 9(b) in its entirety, and Agenda Item No. 22 be tabled. **Commissioner Arvas** seconded the motion.

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

AGENDA ITEM NO. 6. Consent Agenda:

- Revocation of Hunting and Fishing License Privileges
- First Quarter (July – September 30, 2004) Depredation Report

Dan Brooks brought before the Commission for consideration revocation of Hunting and Fishing License privileges of certain individuals that have been offered a hearing and all chose not to have a hearing with exception of last 2 outfitters that will be assessed 5 points for their revocations.

MOTION: Commissioner Arvas moved to adopt the Department's recommendation on revocation and point assessment of the list of individuals for the period of time specified. **Commissioner Sims** seconded the motion.

Chairman Riordan Did anyone appeal any of these?

Dan Brooks No, they've all been afforded the opportunity to have a hearing but we didn't hear from any of them, and the letter we sent clearly states that if we don't hear from them we will present their names for revocation.

Chairman Riordan For informational purposes, what kind of notification do these people receive?

Dan Brooks They all receive the certified mailing with return receipt requested, and Notice of Contemplated Commission Action and also, in the first group, the penalty assessments. They also receive a courtesy letter prior to that because we want them to pay the penalty assessment. They agreed to that in the field when they sign the citation.

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

Brandon Griffith presented a detailed report of all the complaints filed with the Department during July 1, 2004 through September 30, 2004. There have been 100 complaints filed of which 43 have been resolved. The majority or 19% of the complaints are on bear, 17% on raccoon, 14% on elk, 13% on beaver, and 11% on mountain lion.

Chairman Riordan Where are we getting the bear and the cougar complaints from?

Brandon Griffith The majority of the bear complaints this year were from the northeast, southeast and southwest areas. Most were livestock issues. The cougar complaints were out of the southeast area on livestock damage, and sheep ranchers.

Commissioner Sims You said you had bear complaints in the northeast, where in the northeast?

Brandon Griffith There have been several in the Las Vegas area.

Commissioner Jennifer Montoya Do you have any background on the weasel complaints?

Brandon Griffith Yes, a weasel in Los Lunas was reported killing domestic rabbits and chickens.

Report was accepted on Consent as presented.

NEW BUSINESS

AGENDA ITEM NO. 7. Amend Waterfowl Rule 19.31.6.18, NMAC

Presented by R.J. Kirkpatrick. - Amend 19.31.6.18, NMAC, of the Waterfowl Rule for 2004/2005 Hunting Season to add 11 more Bernardo Youth/Adult Duck Hunt dates for up to 12 individuals per day. This is a proposal to increase opportunity for youth, parent, or guardian waterfowl, duck hunting particularly on Bernardo. We're proposing adding 11 days of hunting from December 20 through the end of January, 2 days a week. Hunters would have to submit an application to the Albuquerque office, no fee, there's got to be a youth on each application. The northwest area will determine who the lucky winners are and they'll notify us and we'll notify them.

Commissioner Arvas I've got a concern on the signage on the Bernardo.

R.J. Kirkpatrick Yes, we've got personnel that are working on that to make it a simpler process. We've also discussed making youth duck hunting easier than it is on the Bernardo.

Chairman Riordan I also like the idea of blind signage being used and letting people know that this area is available for use and what the procedures are.

Commissioner Jennifer Montoya The Department did not conduct any public involvement specific to this item. How are we able to move forward if we choose to?

Chairman Riordan We had public comment on this when we first came on. This is a re-clarification of what our intent was when we passed this motion 3 months ago and the intent of the Commission at that time was to open it up for more access to youth.

R.J. Kirkpatrick My apologies that it says that in the agenda. That is not quite true. This agenda item and the content has been available to whoever chose to look at our website in the past 30 days. There was public involvement and concerns and ideas about additional duck youth hunting on that portion of the Bernardo so we feel we haven't kept anyone in the dark.

MOTION: Commissioner Arvas moved to amend Waterfowl Rule (19.31.6.18, NMAC) for 2004-2005 Hunting Season to add 11 Bernardo youth-adult duck hunt dates for up to 12 individuals per day. **Commissioner Alfredo Montoya** seconded the motion.

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

AGENDA ITEM NO. 8. Amend the Elk Portion of the Big Game Rule, 19.31.8.13 and 19.31.8.24, NMAC

Presented by R.J. Kirkpatrick. - Amend Big Game Elk Hunting Rule 19.31.8.13 and 19.31.8.24, NMAC, for 2005-06 and 2006-07 as follows was previously published for public review:

- a. Change bag limit for all Mature Bull (MB) and Either Sex (ES) bag limits in Game Management Units 5B, 16A, 16D, 16E, 34, and 52 to Antler Point Restricted Elk (APRE)= 5 points on one antler. (Except designated "Youth Hunts");
- b. Establish unlimited "Over the Counter License sales" (ability to buy archery elk licenses from any Game and Fish office without applying for limited Special Hunt draw) for these seasons; Late Season (December-January) Archery Elk Hunts with APRE/6= (6 points on one antler) bag limits; in Game Management Units 12, 34, 37, 43, and 50; and
- c. Adjust "Youth Only" hunt dates on the Valle Vidal to eliminate overlap with other Mature Bull and Antlerless hunts.

R.J. Kirkpatrick Pursuant to Commissioner's Alfredo Montoya's amendment of the agenda to Portion A, the proposal is to change the current bag limit for any MB or ES that occurs in Game Management Units or sub-units 16A, 16B, 16C, 16D, 16E, and Unit 34 that was adopted by the Commission in Chama on September 23, 2004. The Department is currently proposing that all youth-only or mobility-impaired designated hunts retain the current bag limit of MB or ES but the Commission may choose to discuss whether or not that's appropriate.

MOTION: Commissioner Arvas I believe that as amended, I move that we accept the recommendation of changing the bag limit for mature bull (MB) and either sex (ES) in Game Management Units 16A, 16B, 16C, 16D, and 16E, all of 16, and Unit 34, to antler point restricted (APRE), 5 points on 1 antler, except designated youth hunts and mobility-impaired hunts. **Commissioner Alfredo Montoya** seconded the motion.

Public Comment

Caren Cowen I'm speaking on behalf of the New Mexico Cattle Growers and I respectfully request that you delete Unit 34 from this. The Game Department staff, federal Land Management staff, and private landowners agree that the elk herd there continues to increase and we have continued conflict in that area.

John Boretsky I'm Executive Director of the New Mexico Council of Outfitters/Guides and we support this particularly in the 16 units. I'd like to remind the Commission that you had a request from the landowners in Unit 16E at the Chama meeting to grow more elk in that area and reduce bull tags to the level of this year instead of increasing them.

Kent Salazar I support the antler-point restriction but I'd like to see a sunset clause and some data collections for the effectiveness on the herd.

Neal Christopher State Director of Sportsmen for Fish and Wildlife and I support the antler-point restriction with a sunset clause and your support of the handicapped.

John Dimas Registered lobbyist and am opposed to the point system unless it has a sunset clause.

Lief Ahlm I spoke with Colorado Division of Wildlife and in unlimited units they have a 4-point antler restriction on 1 side for elk or a 5-inch brow tine. In their restricted units, they don't have antler restrictions because they feel their permit restrictions reduced the harvest enough.

Chairman Riordan Colorado does have point restrictions, they do implement them, and Colorado with their point restrictions, has unlimited elk hunting.

Jeremy Vesbach I support with sunset clause, with an evaluation of public comments around the state, and then review after the sunset. Also, review the penalties so that it's a penalty significant enough to stop breakage of the law and also so animals will not be left out in the field.

Chairman Riordan Commissioner Arvas, do we have a sunset on your motion?

Commissioner Arvas No, but what I'd like to do at this time is get the flexibility of letting this work for a year and then we'll make up our minds next year.

Chairman Riordan Mr. Brooks, on the point restrictions that we have on deer, have you seen anything out in the field that suggests any trends?

Don Brooks Yes, several of us out in the field have observed that the harvest is down because the fork antlered deer aren't being taken. There has been some illegal take but it's somewhat small at this time and this is a cursory look but overall it seems to be working.

Chairman Riordan Have you had any significant increase in the larger bucks being taken?

Dan Brooks I have not seen that but there are factors I would attribute that to and not alone is that there aren't as many bucks out there.

Commissioner Arvas In my mind, there are 2 ways of addressing this. If you're talking about a person that shoots forked antlered deer and tells us that he did this, or are you talking about finding deer that are fork antlered that haven't been taken?

Dan Brooks I haven't heard any reports of deer being left in the field. All of those have been from either people that have turned themselves in, or have been checked by the officer in the field. There is some discussion about a sunset clause, I would remind the Commission that you've adopted a 2-year rule, so that will end after 2 years and then we'll be free to do whatever you desire.

Roy Hayes We know of 4-6 forked antlers that were killed and left. The officers have cited 2-3 hunters and the harvest rate has been low. I worked the Pinon area and I know of 2 legal deer that were taken, in the Corona area there was 1 legal deer, and in the Carlsbad area there were no illegal bucks reported.

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

R.J. Kirkpatrick Section B, Agenda Item 8, establishing late season archery only elk hunting opportunities in selected units in the state, with an antler point restriction of APRE/6 or a minimum of 6 visible points on 1 side. The proposal's intent is to provide opportunity to sportsmen to get in the field and partake of hunting.

MOTION: Commissioner Alfredo Montoya moved to allow the units identified for a late archery hunt but that it not remain unlimited and that we allow Department staff to determine the numbers that would be appropriate and also the process they would use for making these licenses available. My motion is to eliminate the word "unlimited" and allow the Department, with the Commission's concurrence, on the numbers the Department comes up with as long as there are additional opportunities but with some control. **Commissioner Arvas** seconded the motion.

Chairman Riordan The purposes of unlimited licenses, and we'll change the wording, is that Governor Bill Richardson, wants to assure that New Mexico residents have an opportunity to enjoy the outdoors and that we're increasing their ability to recreate outdoors by hunting, fishing, or whatever. This item and this motion is assuring New Mexico residents that they will have an opportunity to hunt and that they have the ability to secure a license does not mean that we're going to have unlimited licenses in a particular area where we'll have 5,000 people. We're attempting to redistribute hunters across the state so that we have quality hunting and we can actively and significantly manage our herds. We're trying to develop a hunter code of ethics to draw blood or if you shoot an animal and you draw blood, and you've not retrieved that animal, ethically your hunt should be over. We'll try to pursue and have comments on that in the future. The name of the game is protecting the resource, as well as providing opportunity for the public.

Public Comment

Allen Kerby You mentioned resident and non-resident tags—will there be non-resident tags available?

Chairman Riordan The emphasis is for resident tags but we will make it available for anyone wanting to go to the Game and Fish office and apply for those tags over the counter and we will review on an as-needed basis.

Allen Kerby Another concern is with the elk herds being on public land, are they going to be on private land at that time of the year? We've done some studies with other agencies and in some of those units the elk will be on private land, will that cause a big conflict?

Chairman Riordan I don't see it causing any conflict.

Allen Kerby The landowners would have to grant permission for the hunter to hunt on their property?

Chairman Riordan That gives the landowner the ability to go ahead and have an additional resource and have a trespass fee and that would be a positive effect on the landowner.

Allen Kerby A concern for the habitat and the environment, will people out in some of those units with heavy snows have an effect?

Chairman Riordan We're out there to provide an opportunity. People aren't supposed to be driving off of roads when hunting. They should be staying on maintained roads.

Commissioner Arvas I'd like to add at this time that the intent of this motion is to give every New Mexico resident some assurance that he'll be able to hunt in the state.

John Dimas If this is for bow, I'm not concerned, but if it goes into the rifle, I'm concerned because of supply and demand.

Chairman Riordan Caren (Cowan), this addresses some of the issues you had. We'll be having personnel out in the field moving those animals off the public grazing areas and it has been the Commission's intent not to deplete that resource. This gives the Commission the opportunity to put hunters out in that area, disperse the animals and it's beneficial for everyone.

Oscar Simpson President of the New Mexico Wildlife Federation, and in regard to Agenda Item 8(b), we are against the unlimited and there are numerous conflicts because the state quota system which regulates resident and non-resident, will be a significant problem especially when we deal with private lands, especially when the landowners would get the benefit of the non-residents, especially if that quota system is not applied. The private land hunter will be more likely excluded unless you make sure you explicitly enforce the quota system. How you enforce the quota system based on the total applications is a quandary I'd like you to explain because the total number of applicants goes to the division of resident versus non-resident.

Director Thompson We don't anticipate that these licenses would be restricted to public or private land but in fact would be a license for that particular timeframe for that particular unit and consequently would not be subject to application of the quota process.

Commissioner Pino Winter is the time wildlife rests. We have no business interrupting them during the time of rest and I would urge we not go there.

Commissioner Jennifer Montoya I think the Director clarified some of the process of how hunters will get this license but I'm concerned about what Mr. Simpson brought up about that ratio of out-of-state and in-state.

Chairman Riordan It's not an issue because these are over-the-counter permits, they're not on a draw system.

Commissioner Jennifer Montoya So there'll be some kind of feedback? I just don't understand how we know how many tags to give out.

Chairman Riordan We'll have that from the Department. They will keep tabs on everything. We're not going through vendors on this, we're going through the Department. The Department has access to all the information coming in and how many people have applied, how many residents will have applied, how many non-residents will have applied so we deal with this on a very hands-on way.

R.J. Kirkpatrick Yes, it can be a real flexible process. That's probably the most appropriate way to approach it.

MOTION: Commissioner Alfredo Montoya In restating the motion, I move that we allow for over-the-counter, but at the Department's counter, license sales for archery, elk licenses in the Game Management Units that were identified in Units 12, 34, 37, 43, and 50 with the Department's guidance on the appropriate numbers that each of these units can handle and also I stated that the Department would have the ability under the Chairman's and Director's supervision the process for accomplishing this. It's not all spelled out in today's meeting and there's work to be done on it but I think the intent is there and the motion is to ensure that we don't have chaos and we take care of the resource and the habitat.

Chairman Riordan Point of clarification, APR/6 on 1 side, correct?

Commissioner Alfredo Montoya Yes.

Commissioner Arvas second the motion.

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

Chairman Riordan Next is Agenda Item 8(c).

R.J. Kirkpatrick This has to do with a request from Commissioner Arvas specifically and other members of the Commission at the Chama meeting to rethink the structure and the placement of youth-only hunting opportunity on the Valle Vidal and incorporate a new proposal to present to the Commission here today for improving the timeframe that youth-only hunts would occur and that has taken place. Those hunts have been restructured and we've moved a youth hunt to the October 8-12 timeframe in the first year for 20 permits. The other youth hunt on October 29-November 2, is an increase in total permits. In addition, the Commission requests that the Department restructure so that no antlerless hunts occur during the same timeframe as any mature bull hunts occur because of the once-in-a-lifetime status of those hunts and that has been accomplished.

MOTION: Commissioner Alfredo Montoya moved for approval of the Department's recommendation to adjust the youth hunt dates on the Valle Vidal to eliminate any overlap with any mature bull or antlerless hunts. **Commissioner Pino** seconded the motion.

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

Chairman Riordan Just 1 comment that I've heard of some concern on some of these trophy quality unit areas we have on the Gila, that we do have cow hunts going on at the same time as some of our quality hunts and that's something we probably need to look at and address. Also, Commissioner Jennifer Montoya discussed with me the numbers of cow permits that we have been issuing and I know we've made significant reductions in many of those areas and if you could get with her and John Boretzky and have discussions as to where you want to go with that with the help of the Director.

AGENDA ITEM NO. 9. Amend the Deer Portion of the Big Game Rule, 19.31.8.9 and 19.31.8.20, NMAC

Presented by R.J. Kirkpatrick. - Amend Big Game Deer Rule 19.31.8.9 and 19.31.8.20 NMAC for 2005-06 and 2006-07 hunt seasons

- a. Add GMU 10 deer hunt to public draw and private land hunts with Antler Point Restricted Deer (APRD) = 3 points on one antler bag limit; and
- b. Remove GMU's 12, 40, 41, 43 and 47 from public land draw requirement and allow hunters to purchase licenses at vendor without applying for limited Special Hunt draw.

R.J. Kirkpatrick Agenda Item 9(a) was not removed from the Agenda pursuant to Commissioner Montoya's motion. At the Chama meeting, in the recommendations and proposals the Commission adopted pursuant to deer hunting in the Big Game Hunting Rule, we inadvertently left out 1 rifle hunt in GMU 10 and we're requesting the Commission replace that rifle hunt because it was our intent to bring it before the Commission in Chama.

MOTION: Commissioner Sims moved to add GMU 10 to the deer rifle hunt (APRD-3) for 2005-2006 and 2006-2007. **Commissioner Arvas** seconded the motion.

Public Comment:

Oscar Simpson President of the New Mexico Wildlife Federation and based on the amendments and corrections we support the amendment on Agenda Item 9 in its entirety.

John Dimas I'm still opposed to that.

Steve Padilla There's high praise for late deer hunts in New Mexico on the 3-point restriction in Outdoor Life magazine.

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

AGENDA ITEM NO. 10. Amend the Cougar Portion of the Big Game Rule, 19.31.8.12 and 19.31.8.23, NMAC

Presented by R.J. Kirkpatrick. - Amend 19.31.8.12 and 19.31.8.23 NMAC for 2005-06 and 2006-07 hunting seasons to allow cougar hunting on Wildlife Management Areas:

- a. Limited cougar hunts on Sargent Wildlife Area (WLA), Humphries WLA, Rio Chama WLA and Elliot Barker WLA;
- b. Unlimited Cougar hunting opportunities, during regularly established cougar season, on Marquez WLA and Water Canyon WLA;
- c. Establish unlimited cougar hunting opportunity on Urraca WLA from December 1-31;
- d. Establish unlimited hunting opportunity on Colin Neblett WLA from December 1-March 31; and
- e. Electronic Calls will be allowed on all of these WLA hunts; no dogs will be allowed except on Big Hatchet WLA; No vehicle access will be allowed except into designated parking areas; cougars harvested will count toward Harvest limits in the Zones where the WLA occurs.

R.J. Kirkpatrick This item has to do with allowing cougar hunting opportunity on Game and Fish wildlife-owned areas. This proposal establishes some cougar hunting opportunity on Game and Fish wildlife areas. The proposal before you establishes cougar hunting opportunity on the Sargent, Rio Humphries, Rio Chama, Elliott Barker under portion A as identified. The proposal reflects some limitation on the number of people and the timeframes when those people can access the Sargent, Rio Humphries, Rio Chama, and the Barker specifically in an attempt to take into consideration disturbance through the deer rut and elk and deer that are trying to winter on those properties. The other wildlife areas, the Marquez and Water Canyon in GMU 9, the Department doesn't propose that there be any restriction to the timeframes or the numbers of people that may seek to hunt lions on those wildlife areas. In addition, we propose that dogs not be used to hunt lions on our wildlife areas to limit the disturbance to elk and deer. We also propose that any lions harvested on those wildlife areas count against harvest limits set for the zone in which that wildlife area exists so that we are not negatively impacting harvest limits and cougar populations.

Commissioner Jennifer Montoya Could you talk about the history of cougar hunting on wildlife management areas? Have we ever had them in the past?

R.J. Kirkpatrick Not during my career with the Department although that may be answered more appropriately by folks that have been with the Department longer.

Commissioner Jennifer Montoya I'm not clear on why we would restrict on Sargent, Humphries, Rio Chama, and Elliott Barker and allow unlimited on the Marquez, the Water, and the Neblett?

R.J. Kirkpatrick Sargent Wildlife Management area is important for elk to spend as much quiet time as possible during the Fall and the late fall and milder winters. We would like to encourage the elk to stay on that wildlife area as long as they possibly can to avoid them moving off onto private properties causing depredation problems. Additionally, if we allow cougar hunting to occur prior to the dates

that we've proposed, there is potential that cougar hunting would be impacting quality elk hunting activities. The Humphries is an even more important wildlife area for elk and some deer to winter on in the fall. The Rio Chama may be the most important wildlife area for a variety of reasons. It's a critical part of New Mexico for wintering deer populations and the deer rut and we're also holding more elk on that wildlife area during the course of the winter. Disrupting them off that wildlife area has negative impacts to the deer, but those elk tend to go to private properties in the north end of 5B and the south end of 4 that have been problematic to us for years and we want to avoid any encouragement of elk moving to those private properties. The Marquez and Water Canyon Wildlife areas in GMU 9 aren't necessarily wintering ranges. They're spring, summer, and fall ranges for elk and the Water Canyon is used by all species. The reason we propose allowing cougar hunting on those wildlife areas is the harvest limit for the zone in which Unit 9 and 10 combined exists is 16 lions. We typically don't get past 3 lions harvested in that zone. We'd like to see deer populations come back in this zone. There won't be significant negative impacts to wintering deer or elk in either wildlife area, and no problems with overlap in hunting. Urraca Wildlife area is important for wintering elk and some deer. We'd like to keep the cougar hunting there quiet so we've proposed restricting the dates. We don't feel there's interest in hunting it so numbers of people aren't of much concern. Colin Neblett is such that during the timeframe we're proposing there aren't significant numbers of elk and deer.

Chairman Riordan I think the purpose of this is to provide opportunity and at the same time not seriously impact the resource. All these wildlife management areas were suggested under the harvest limit system so the word "unlimited" got misconstrued. It's not an unlimited amount of cougar harvest, it is everything falling under the quota system and if we are managing our wildlife for predation, we need to look at managing wildlife on game properties. We're there to protect our deer and elk herds and we don't know if this will have a significant impact. We were misrepresented in The Santa Fe New Mexican where we were misquoted that we wanted these to be unlimited tags. What we want is to have individuals in there doing what they should be doing, controlling some predation, instilling fear into those animals of humans.

Commissioner Arvas R.J., would you make us aware of your management technique and how you're going to be aware of who is in those areas?

R.J. Kirkpatrick The Department proposes that for any and all cougar hunting that may occur on these wildlife areas, hunters would be required to call the respective area office or call the Santa Fe office and register so that our district officers in the field know that those people are accessing our wildlife areas specifically for cougar hunting.

MOTION: Commissioner Sims moved to amend 19.31.8.12 and 19.31.8.23 for the 2005-06 and 2006-07 hunting season that allow cougar hunting on wildlife management areas as presented by Department staff. **Commissioner Alfredo Montoya** seconded the motion.

Public Comment:

George Hobbs with New Mexico Houndsmen. I think it'd be beneficial for the deer herds to help reduce the lion population.

Oscar Simpson with the New Mexico Wildlife Federation and we support No. 10 but we also want to make sure that the amendment includes that people notify the Department if they're going to be in that area.

John Dimas registered lobbyist and I'm opposed to using mechanical calls on game species and unlimited hunts in these wildlife areas.

Katrina Hummell representing Animal Protection of New Mexico and what concerns and disheartens APNM about this proposal is that it comes soon after the Department agreed to thoughtfully consider and work on a science-based cougar management plan for the state. We believe that proposals as this should be incorporated into that process rather than decided in a piecemeal fashion and this proposal appears to come without regard to the goals or principles of a cougar management strategy. APNM is also concerned that there's no provision for monitoring or follow up in this proposal to determine what impact this is going to have on wildlife in these areas. For these reasons, APNM respectfully requests that the Commission allow this issue of hunting in wildlife management areas to be considered in the context of the Department process to conscientiously develop a cougar management strategy for the state.

Chairman Riordan We are relying on the science of our harvest limits. All of this information and all of these hunts are still falling into the quota system. This is not additional tags, it's still under the quota system, still based on the science that the Department has dictated.

VOTE: Voice vote taken. Majority voted in the Affirmative, with Commissioner Jennifer Montoya and Commissioner Pino dissenting.

Motion carried.

Chairman Riordan Former Commissioner Padilla, do you have a statement you'd like to make? We had a passing of 1 of our former Commissioners, a former chairman.

Steve Padilla When I first got appointed to the Commission, Bill Brininstool was our Chairman for 4 years. He passed away 2 weeks ago. I wanted to bring it to the attention of the Commission and maybe you'd want to send a note to the family.

Chairman Riordan I'd like to say that our thoughts and prayers go out to the family and we appreciate everything that former Chairman Brininstool did for the State of New Mexico.

AGENDA ITEM NO. 11 Amend the Bighorn Sheep Portion of the Big Game Rule, 19.31.8.16 and 19.31.8.27, NMAC

Presented by R.J. Kirkpatrick. - Amend 19.31.8.16 and 19.31.8.27, NMAC, for 2005-06 and 2006-07 bighorn sheep seasons by changing one of the 8 licenses for the Pecos Wilderness Area to "youth only" bighorn sheep license. This license would be valid during the same scheduled hunt period. This item has to do with amending the Bighorn Sheep portion of the Big Game Rule in light of requests from the Commission and various others to look at providing more youth-hunt opportunity. The Department has put

together a proposal to convert 1 of the existing bighorn sheep license for the Pecos area to a youth-only bighorn sheep hunt in an effort to encourage the participation of youth hunters in our state. This will further the positive relationship the Department has with groups like FNAWS.

Commissioner Arvas It has been brought to my attention that something very unfortunate happened on this last hunt.

R.J. Kirkpatrick I don't know all the details but I know that a young individual did draw a once-in-a-lifetime Bighorn sheep hunt. His father took the initiative to kill the sheep and, therefore, eliminated that young hunter from being able to hunt Bighorn sheep in New Mexico. It was an unfortunate incident.

Bruce Mazuranich Can't give too many details because it's still under investigation but we've identified a suspect in the case. We've had extensive interviews with witnesses and charges will be filed within the next 2-3 weeks.

Commissioner Arvas I wanted to comment because obviously this is a premier effort for the Department and the Commission to take and we hate to see it abused in this manner.

Chairman Riordan Your suggestion, Mr. Kirkpatrick, is that we designate 1 of our existing 8 licenses to a youth-only hunt.

Commissioner Arvas and I talked about this and wouldn't it make more sense to add 1 hunt instead of taking away from the once-in-a-lifetime that we have for the adults.

R.J. Kirkpatrick That was talked about in detail with our Bighorn Sheep biologists, Eric Rominger and Elise Goldstein, and their feeling was that it would make more sense from a biological perspective and from the perspective that the reason the Department of Game and Fish is so successful with its Bighorn sheep management program as a result of the trophy quality sheep that we have in New Mexico. They command a huge price at the FNAWS auctions and raffles. We use that money for management purposes. Killing an additional ram each year as a result of adding this hunt because it is highly likely an individual would be able to kill 1 may negatively affect the image that New Mexico has of the trophy quality bighorn sheep.

Commissioner Jennifer Montoya It's perhaps not necessarily an impact to the actual quality, it's a perception of the impact to the quality?

R.J. Kirkpatrick No, the potential could be the impact to the numbers of big trophy rams in that Pecos population as we potentially allow a youth hunter to harvest an additional ram by making it an additional license. That decreases the total number of those big mature rams and has the potential to ultimately reduce the trophy quality of that population which would then reduce the demand for those auction and raffle permits.

Chairman Riordan The problem I have with that logic is the Commission in Chama instructed the Game and Fish Department not to kill those 30 ewes we thought we had in excess and then we found that those 30 ewes were moved without the Commission's overall approval to South Dakota. It seems to me that someplace in here we need to be able to use some common sense, allow a youth hunt, and it may not have to be a full curl, maybe a youth hunt with a ¾ curl and taking care of the problem that we had with Lief and Dan, by having to be accompanied by a Game and Fish officer on that particular hunt. Do it on a trial basis or maybe for 2 years and see how we do with that, but have it on a limited basis and not go out there and harvest a mature ram but take 1 of the lesser rams with ¾ or less. Allowing that particular youth to do something but having it as an added license and not 1 of the 8.

MOTION: Commissioner Arvas moved to amend the Bighorn Sections 16 and 27 of the Big Game and Turkey Rule 19.31.8 NMAC for the 2005-06 and 2006-07 hunt seasons by adding a license for the Pecos Wilderness Area to a "youth only" bighorn sheep license with a restriction of a ¾ curl or less. This license would be valid during the same scheduled hunt period. **Commissioner Sims** seconded the motion.

Public Comment:

Lief Ahlm Did you say to have a ¾ curl or less?

Commissioner Arvas Three-quarter curl.

Lief Ahlm For that 1 license for youth?

Commissioner Arvas Yes. It's difficult but what's your feeling?

Lief Ahlm I think that we've got to get away from any restriction on Bighorn sheep for the size of the ram.

Chairman Riordan Not necessarily. What we've done in special situations for harvesting for spiritual, educational reasons, we have a ¾ curl or less. What we're suggesting is we don't want to have an impact on the large, mature, \$100,000 ram that we have out there. What we're thinking is on a 1-time basis maybe looking at it for 2 years, evaluate and give these ewes an opportunity, but have it as a ¾ curl or less, and if we have a particular officer with them, I think that will void the issue you have because it seems that parents sometimes need to get control of themselves and not ruin the child's hunt. We'll have a game officer with them and do it on a 2-year trial basis but we can then evaluate.

Lief Ahlm You're asking that we restrict that youth hunter to a less mature ram?

Commissioner Arvas Yes, to a ¾ curl or less.

Lief Ahlm Then be escorted by an officer?

Chairman Riordan Correct, yes.

Commissioner Pino You currently have a youth license?

Commissioner Arvas Not for the sheep.

R.J. Kirkpatrick For clarification, there are no youth-only designated Bighorn sheep hunts currently, but 1 thing before the Commission chooses to vote, we'd like clarification on whether the Commission desires that this be a once-in-a-lifetime designated hunt for the youth-only permit.

MOTION: Commissioner Arvas amended his motion by making this license valid during the same scheduled hunt period and would be considered a once-in-a-lifetime hunt.

Director Thompson On a point of clarification, is it your intent to have this a once-in-a-lifetime youth license and when that person goes beyond the age of youth that they could then pursue a once-in-a-lifetime adult license?

Commissioner Arvas Sure, sure.

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

AGENDA ITEM NO. 12. Amend the Oryx Population Reduction Portion of the Big Game Rule, 19.31.8.8, NMAC

Presented by R.J. Kirkpatrick. - Amend Oryx Reduction Hunt portion of Big Game Rule 19.31.8.8, NMAC, for 2005-06 and 2006-07 regarding the 240 licenses available for "security badged" personnel on White Sands Missile Range. These licenses would be restricted to individuals who have never held a "Once in a Lifetime Oryx License"; application process would be restricted annually to those individuals with even or odd birth date years depending on the license year. This agenda item has to do with 240 licenses that the Commission approved at the Chama meeting. Those licenses were restricted to personnel who had security badges on White Sands Missile Range. They fall under the category of population management or reduction-type hunts on White Sands Missile Range. The reason for the proposal at the September meeting was it will allow the Department the opportunity to work with White Sands Missile Range to accomplish getting hunters in various parts of White Sands Missile Range where our average public hunter cannot get to because of that security badge requirement. This will allow us additional opportunity to get hunters into those parts of the range where a badge is required. After the Chama meeting and public input, this amendment has to do with further restricting the applicants for these licenses. The first part of the restriction would be not only do you have to be badged or a guest of a badged individual, but you may never have held a once-in-a-lifetime license. The second part of the amendment would be that you could only apply based on even/odd birth years of applicant.

Chairman Riordan What's to prevent 1 individual from getting a license every other year?

R.J. Kirkpatrick There wouldn't be anything to prohibit an individual from acquiring a license pursuant to this portion of the rule every other year unless he by chance has held a once-in-a-lifetime license. He would not then be eligible, other than the total number of people applying for these limiting his license to be successful every other year.

Chairman Riordan My only concern is that this becomes a situation where only the officers get an opportunity, have access to this, and they keep re-applying and getting it at the commanding officer's favor every other year.

Commissioner Arvas Our big problem here is this security badge. In theory, at least from what I learned from our Southwest Area Supervisor, there are about 3,500 people on White Sands that have this security badge designation. There is a portion of those obviously that are hunters and those that aren't hunters, but I think where the control is at this point is that we're not restricting a person, a guest of a badge hunter to go into this area, so that really expands it much more markedly by doing that and if the commanding officer is concerned about numbers, we will certainly be monitoring those numbers on a yearly basis and for whatever reasons this 240 harvest number is not satisfied, we can always amend the regulation.

Chairman Riordan I would just like to see in that motion, with your long career here as a Game Commissioner, figure out how we can limit those individuals from participating every other year. I don't want to see the licenses going to the same individuals every other year. Is there some way we can incorporate that?

Director Thompson Perhaps as a point of clarification, we would not even know if that were a problem until 2 years from now and from the numbers' standpoint, there are around 3,500 that apply for once-in-a-lifetime oryx licenses annually, and just a little less than 1,000 receive a license, so there are about 2,500 individuals annually who are in the pool so to speak for pursuing such licenses and there's no requirement within the midst of the proposal that the individual who receives such a license would have to be badged, only that they would be accompanied by a badged individual. So we believe that the actual pool of applicants is a minimum of 2,500 and arguably perhaps beyond 4,000. The size of the pool alone we believe would eliminate most of your concern, but in 2 years we could very easily evaluate whether there was a problem.

Commissioner Arvas In other words, if there is a repeat that is significant enough in number to be considered, we can change it at that time?

Chairman Riordan Let's move forward with your motion. If we determine that there is an abuse of the intent, then we will go ahead and address that in that 2-year period.

MOTION: Commissioner Arvas moved to amend the oryx population reduction hunt, Section 8, of the Big Game Rule 19.31.8 NMAC, for 2005-06 and 2006-07 regarding the 240 licenses available for security badged personnel on White Sands Missile Range. These licenses would be restricted to individuals who have never held a once-in-a-lifetime oryx license, but these oryx licenses would not be deemed a once-in-a-lifetime hunt. In addition, the application process would be restricted annually to those individuals with even/odd birth years, depending on the license year. For example, for hunters born on even years can only apply during the even Fall seasons.

Commissioner Alfredo Montoya seconded the motion.

Public Comment:

John Dimas I'm a registered lobbyist. Do not support this.

Doug Burkett I'm a wildlife biologist on White Sands Missile Range. We're happy with how this is proceeding. We need to get these population reduction hunts in those mountainous areas. These are areas that logistically are very difficult to hunt and we're concerned

that by not allowing people that have held once-in-a-lifetime hunt licenses, we're going to dilute the quality-type hunters we need in those areas.

Commissioner Jennifer Montoya We should re-evaluate this in 2 years. Let's see how successful we've been and if we're meeting the population reduction goals and White Sands has been an excellent partner and we should continue to honor the Management Plan and the partnership we have with them.

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

AGENDA ITEM NO. 13. Amend the Ibex Portion of the Big Game Rule, 19.31.8.19 and 19.31.8.30, NMAC

Presented by R.J. Kirkpatrick. - Amend the Ibex portion of the Big Game Rule 19.31.8.19 and 19.31.8.30 for the 2005/06 and 2006/07 seasons to increase the licenses available for the IBX-1-525 from 10 to 15 and in addition to eliminate the IBX-1-550. The results could be that hunter opportunity would increase for billies on the mountain range but also has the potential to increase reproduction and recruitment of oryx populations currently to be somewhere between 400-500 and the desired population based on some sustainable habitat between 350-400. As that population increases, several things become concerns, such as dispersion. The Department has documented dispersion of Ibex from the Floridas into the Hatchets where they've probably come into contact with desert bighorn sheep that bring the concern of disease transmission from Ibex or Oryx. Another negative impact is as Ibex populations increase on the Florida Mountains, habitat begins to be degraded which would be problematic.

Chairman Riordan Didn't we recently fly the Floridas?

R.J. Kirkpatrick That is correct. Eric Rominger and Pat Mathis of the Department were flying desert Bighorn sheep surveys and they saw 5-7 Ibex on the Little Hatchet.

Commissioner Arvas What he's talking about are the Floridas themselves.

Pat Mathis That's 309 Ibex from the last survey.

Chairman Riordan That's down considerably from where we estimated 400-500 animals?

Pat Mathis It's down from the population highs.

Chairman Riordan We know the population highs were 2,000 animals at 1 time?

Pat Mathis Between 1,000-1,500.

Commissioner Arvas What is the sex ratio, 50 billies to 50 nannies?

Pat Mathis Yes, about 40-50%, somewhere in there, it's pretty hard to determine that.

Commissioner Jennifer Montoya I just wanted to clarify that he saw 309 animals, that's not the population estimate correct?

Pat Mathis We actually saw 309 total, we probably missed 50-100 in the survey.

Chairman Riordan So we could have anywhere from 360 animals to 409 animals?

Commissioner Jennifer Montoya Can you speak to the habitat management plan with the Bureau of Land Management and how these numbers are set? How do we decide to keep them at this range from 350-450?

Pat Mathis We're operating off of an old Memorandum of Understanding to hold it at about 400. BLM has the authority to set the limit and so far the only thing we've ever set is about 400.

Chairman Riordan We had at 1 time between 1,000-1,500 animals?

Pat Mathis Yes, sir, we did.

Chairman Riordan Have we seen any negative impact on fauna or anything else with having 450 animals or even having 1,000 animals that have stayed on the Florida Mountains?

Tommy Gow No, to the best of my knowledge we have not since the hay day 15 years ago when the animals were up at about 1,500. Yes, we saw the impacts in working with the Department and we reduced those numbers. Now the concern is to maintain them at about 400 head knowing full well how quickly they can reproduce. If the animals start to impact the habitat, then we've got to start targeting and harvesting the females and reduce that population.

Chairman Riordan At the present time we've seen no impact on these 350-400 animals. We're not seeing any significant impact on the fauna?

Tommy Gow No, we're not, other than R.J. mentioned seeing those Ibex making potential contact with desert Bighorn sheep, then that is a concern.

MOTION: Commissioner Arvas moved to amend Ibex Sections 19 and 30 of the Big Game Rule 19.31.8 NMAC for the 2005-06 and 2006-07 hunt seasons to increase the number of licenses available for the IBX-1-525 from 10 to 15 and eliminate the IBX-1-550 hunt altogether. **Commissioner Alfredo Montoya** seconded the motion.

Commissioner Jennifer Montoya So what we've just heard from R.J. and Tommy Gow is that if we eliminate the nanny hunt then we risk increasing our numbers beyond the agreed upon management plan range? I want to make clear that we're partners in a management plan that targets a certain range and that if we allow more nannies to remain out there, we will see an increase and go beyond the agreed upon number.

Commissioner Arvas What I'm striving for with this motion is a little breathing room to try to increase at least to the limits that BLM wants us to, the max that that population can more or less stand plus increase the hunting opportunities at the same time. I can assure you that as an advocate for the Ibex, that I will monitor this situation closely and if I see this getting out of line this next year even with the 1-year plan, we'll certainly go ahead and change that but I'd sure like to give that Ibex population a shot in the arm for the present and as I can assure you, I'll monitor it closely with the Department to be sure that it doesn't exceed what BLM would like for us to do.

Chairman Riordan We have a very dated Memorandum of Understanding so we'd like to work with BLM.

Public Comment:

John Dimas Registered lobbyist and I don't support this because these are a liability.

Cecil Haas The ratio male/female is the highest I've seen. There is ample opportunity to increase the billy tags.

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

AGENDA ITEM NO. 14. Amend the Hunting and Fishing License Application Rule, 19.31.3, NMAC

Presented by R.J. Kirkpatrick. - Amend Hunting and Fishing Application Rule 19.31.3, NMAC, to accommodate additional specific deer and elk hunting opportunities; new access permits for youth /adult hunts on Bernardo WLA; and access permits for hunting cougar on WLA's. Basically, this item has to do with the Commission voting to allow the Department to amend, insert or replace language in the licenses and application rule to accommodate changes that were made in the previous agenda items. We weren't able to provide the Commission with the proposed amendments because we didn't know what the Commission was going to adopt. Things that we'll have to modify or add language for are that youth only bighorn hunt will be once-in-a-lifetime for those kinds of things. The requirements for people who hunt cougars on wildlife areas, language to accomplish and accommodate the late season bow elk hunting opportunity, so that's basically what this agenda item deals with.

MOTION: Commissioner Alfredo Montoya moved to grant the Department the ability requested by Mr. Kirkpatrick to amend the Hunting and Fishing License Application Rule to insert, delete or amend language as we've acted on prior to this item. **Commissioner Sims** seconded the motion.

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

Commissioner Alfredo Montoya I'd like to have my motion reconsidered and I'd like to restate it.

Chairman Riordan Okay, and that's on Agenda Item No. 14?

Commissioner Alfredo Montoya I'd like to amend my motion to grant the Department the ability to amend the hunting and fishing license application rule 19.31.3 to insert, delete or amend language as appropriate to Commission action to include where we added 1 once-in-a-lifetime youth bighorn license, where we amended the oryx population reduction badged hunts of Section 8, would not be once-in-a-lifetime but applicants could not have held a once-in-a-lifetime license and applicants are restricted to odd/even birth year for application and with this motion, we give the Department the authority to amend the items I just mentioned. **Commissioner Sims** seconded the motion.

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

AGENDA ITEM NO . 15. Amend the Private Land Elk License Allocation Rule, 19.30.10, NMAC

Presented by R.J. Kirkpatrick. - Amend Private Land Elk License Allocation 19.30.10 to change two year agreement to single year agreement in order to accommodate potential future changes in the Private Land Elk License Allocation Rule and changes to Big Game Elk Rule.

R.J. Kirkpatrick My apologies as we inadvertently reflected in our Public Notice the incorrect rule number for this agenda item, therefore, I ask for the ability to bring this agenda item before the Commission at the December meeting for more adequate consideration of the amendments we proposed.

MOTION: Commissioner Jennifer Montoya moved to table Agenda Item No. 15 and present it for reconsideration at the December Commission meeting. **Commissioner Alfredo Montoya** seconded the motion.

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

AGENDA ITEM NO. 16. Implementing Regulations for Gaining Access into Nature (GAIN)

Presented by Jim Karp. - Add a new section to Use of Department Owned Lands Rule 19.34.3 NMAC establishing the "Gaining Access into Nature" (GAIN) Program and creating fee structure for activities established under this program. This is a discussion only item to further implementation of the Gaining Access into Nature initiative. At the April meeting, this Commission directed the Department to develop a G.A.I.N. Program concept that basically is to provide wildlife-associated recreational opportunities on Commission-owned lands. The proposed opportunities initially will include mountain bike tours for wildlife viewing, cross-country skiing and snowshoe viewing for wildlife opportunities, desert bighorn sheep viewing, horseback riding for wildlife viewing opportunities, Department-accompanied guided tours also for wildlife viewing opportunities, and participation in Department big horn sheep counts and other wildlife management actions. In addition there would be bird-watching opportunities. The Commission-owned properties initially involved would be the Sargent, Humphries, Rio Chama, Red Rock, Colin Neblett, Heart Bar, and Lesser Prairie-Chicken areas. The intended goal of the GAIN initiative as is consistent with the Department's strategic plan is to implement a program that will provide for public participation and recognition of the Department as a steward of wildlife management and wildlife resources. Additionally, it will promote public access to on-the-ground real life information that will result in support and participation of the Department programs for management of wildlife and for management of habitat. A further goal is to enhance local recognition of the economic benefits related to wildlife-associated opportunities that would be provided by GAIN. Continuation of public support for those opportunities, augmented public awareness and participation in wildlife-associated activities will benefit wildlife, wildlife habitat and ultimately the properties owned and operated by the Commission, and simultaneously will hopefully benefit the economies of the areas, the localities in which these properties are located. The economic benefit to the state and to local communities can be augmented further by

participation of other state agencies including New Mexico Tourism and Economic Development Department in these activities. To this point, public involvement has been limited to discussion of the GAIN concept at Governor Richardson's Summit on Wildlife-associated recreation where governmental and public interests attending that conference expressed strong interest and support for expanded wildlife-associated recreation opportunities. The GAIN concept was proposed before the Legislative Finance Committee where additional support was voiced. Further formal and structured general public input will be solicited regarding the ultimate structure of GAIN, its desirability, and scope as a matter of public interest, and the content of regulations that will be proposed to the Commission for adoption in order to successfully implement the program. It will at all times be made clear in that public input process that any recreation activities that will be provided, will be consistent with all wildlife-associated interests and the original purpose for which the property on which those activities will be conducted was acquired. As part of the information package concerning GAIN we've provided a draft of some proposed regulatory language that basically establishes an impartial permitting system and a proposed fee schedule for the issuance of various permits. Whatever regulations are adopted, and whatever rules and regulations are implemented by the Department to implement GAIN, there will be strict control by the Department on the scope of any approved activities to minimize any impact on wildlife and impact on habitat. Inasmuch as this was only an informational presentation, no action is requested of the Commission.

Commissioner Jennifer Montoya Looking at these proposed Regulations to Implement GAIN, the Commission will be able to promulgate these regulations, we won't have to go to the Legislature?

Jim Karp The Commission will promulgate the regulations.

Discussion item only.

AGENDA ITEM NO. 17. Private Lands Sportsmen Access Program and Pilot Project

Presented by Luke Shelby/Jeremy Vesbach. - Private land access program proposal: The Department in conjunction with the New Mexico Wildlife Federation presented a "Private Land Access Program" proposal for Hunting, Fishing and Wildlife Related Recreation activities by leasing access from private landowners. Nearly 45% of our state are privately-owned lands and this represents about 35,000,000 acres. Of that 35,000,000 acres, a portion of it is dedicated to intense land uses such as residential areas or industrial areas, but the largest part is not dedicated to those uses and provides habitat for a variety of wildlife species, including game species. Working to provide more ready and convenient access to private lands and through private lands is the goal of the Private Land Entry and Sportsmen Enjoyment (P.L.E.A.S.E.) Program. This is a conceptual approach to provide better access and it has some desired components. We feel we should begin this program as a pilot project because of the uncertainties about the dimension of such a program and the ability to provide long-term funding. If designed, funded, and implemented correctly, the program could focus on opportunities for average recreationists with average financial means, it could provide economic incentive for private land owners to provide public recreational access and it could provide an indirect incentive for private land owners to maintain quality wildlife habitat on their properties. It could ensure enrolled lands contain and provide reasonable recreation opportunities and it could provide reasonable flexibility in how lands can be enrolled for a variety of purposes. However, at this time, the reality of the situation is that there are no funds budgeted for this in FY '05 nor requested for FY '06. In closing, planning considerations would include among many other things known hunter and angler distribution, identification of land locked public lands, a comparative selection process and performance assurances, staffing requirements and promotion and informational materials.

Commissioner Sims This program is strictly a voluntary program in regard to the private landowners and it's nothing that locks private landowners into long-term agreements or a time agreement on these things that you're looking at?

Luke Shelby During the term of the pilot project, we seek out some of those properties that would benefit dove and quail hunting, see what kind of interest we get from landowners about leasing some of those places. As a voluntary program, they would be compensated for their ability to allow public hunting or to pass through their land to get to those landlocked public hunting areas.

Commissioner Sims This is one of the things that I see going in the direction of being very beneficial to both private land and public lands. If you've got someone with private land elk licenses he would be allowed to hunt on his private land? Maybe we could work that into a project like this to where if he gives access to those public lands that are blocked by his private lands, we could work that into his private land permits could go over to some public land permits. If I'm understanding correctly, in letting some of these public hunters through and in consideration, some L.O.S.S. tags could be unit wide or ranch wide?

Luke Shelby Public lands or state lands.

Public Comment

Jeremy Vesbach I'm with the New Mexico Wildlife Federation and I'd like to thank the Department and the Commission for looking into this program. The idea behind it is all about getting more people outdoors.

Caren Cowen I'm speaking on behalf of the New Mexico Cattle Growers. We can see some benefits and we can see some downsides. Some of the programs in other states have turned out not to be quite so voluntary as they appear to be on the face so we want to watch that portion very carefully but there are opportunities for everyone involved here.

Chairman Riordan This Commission respects private property rights. I don't think we're looking at dictating anything to any private property owners. We're looking for a voluntary program only.

Kent Salazar With the New Mexico Wildlife Federation and I wanted to thank Commissioner Arvas and the Commission for looking into this program. I'm in favor of this and urge your support.

MOTION: Commissioner Arvas moved to direct the Department to continue development of enhanced private land access for wildlife-associated recreation as described in the conceptual P.L.E.A.S.E. Program, with emphasis on implementing a Pilot Project for Fall 2005 using existing funding as can be identified in Sport Hunting and Fishing, Conservation Services, and Administration Program Budgets for FY 06. **Commissioner Sims** seconded the motion.

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

AGENDA ITEM NO. 18. 2005 Legislative Package

Presented by Tod Stevenson. – The Department presented the Commission with information regarding 2005 legislative package items and requested the Commission's direction on several legislative issues in July 2004. This is an update on where we are with Legislative items and a couple of new items that have come up since you approved this package in July. These items had to go to the Governor and be approved. We've got approvals to rescind the \$100,000 appropriation that went to the State Engineer's office, modify current online license applications without an original signature, allow for donations and refunds on licenses in specific situations, amend the depredation statute to resolve issues. Still pending in the Governor's office are creating statutory authority for the Commission to establish a Citizen Advisory Committee for the Habitat Stamp Program, the license increase proposal for residents and non-residents, our ability to add a couple of different licenses from what's currently within the system, and the approval for the alternative funding. We have 2 new legislative items that we'd like to discuss and get your approval on. One would be a land acquisition and management fund establishment and fee with it. Essentially, it would provide an opportunity for the Commission to get approval from the Legislature to develop a new fund and charge a fee and that would allow us to acquire some interest in lands, water rights, water acquired for fish habitats, wildlife habitats and the capital projects that we'd need to go along to develop those lands, maintenance and long-term operations. The current perception is that the fee would be charged to all users, and it would be a 1-time fee annually. It would also apply to the G.A.I.N. Program or any of the other permits that we would have so it would be an additional fee that those individuals pay, and what we're looking at is \$300,000 plus total license or permits that a person would potentially generate \$1.5M that the Commission could apply towards new acquisitions.

Chairman Riordan Commissioner Jennifer Montoya and I have had telephone discussions to look at acquiring water rights and keep some of our waterfowl areas wet year round and allow for wildlife viewing in those areas, acquisition of those water rights, improvement to the existing properties, sprucing up our properties and looking at buying adjacent properties to some of our wildlife management areas to increase opportunity in hunting availability.

Commissioner Jennifer Montoya Would we also want to include the G.A.I.N. Program and would we also want to charge the wildlife viewers this habitat fee? I think it would be appropriate.

Tod Stevenson The second item we need to define in the statute the authority and clarify some things for the GAIN Program. That type of program could be funded and the Commission would be able to establish a fee for different types of activities that would be allowed under that G.A.I.N. Program. We're looking for those fees to primarily cover the implementation and administration of those programs. We would need your approval on the GAIN and land acquisition and management fund programs and your approval to move forward with the rest of these initiatives that you previously approved. One clarification so that everyone understands is the depredation modifications. It is the Department's intention now and between the time the Legislative Session begins to go out and establish a working group that would help us look at this language and make sure we have something that is adequate that addresses the public's needs.

Commissioner Alfredo Montoya I'd like to ask the Director if we've received the green light to proceed with the license fee increase?

Director Thompson At this time no, and for the clarity of the Commission and the audience, we're engaged in a rather substantial process of getting review of these different topics including the executive agencies and the Governor's office and we're still engaged in that process with a number of these items.

Commissioner Alfredo Montoya One of the things we need to concern ourselves with is that these are really good programs that we're requesting fees for and that we'd like to start these initiatives. The only thing I would caution is that if we're going for a license fee increase, that we be careful not to hit the sportsmen with too many fees. Lawmakers might get some pressure from constituents if we're trying to do too much at 1 time.

Director Thompson We're currently in the stage of developing proposals and ensuring there's adequate awareness between the Commission and the Department. The Executive Branch will evaluate and determine which have merit to move forward. Previously you heard about regulations and legislation regarding the GAIN Program. The reason for that is because the regulations are developed under existing statutory authority that has some limitations that appear to constrain development of GAIN so it makes sense to also examine the prospects of establishing such a program more firmly in statutory language and that's why you heard of a regulatory component as well as a statutory component.

Commissioner Jennifer Montoya Tod, it says that the habitat and acquisition management fund would collect a fee from selected license and permit holders. Do you think people could go buy this stamp without buying a license?

Tod Stevenson Yes. All of our licenses, habitat stamp, and other things are currently available for purchase. This is a great idea to promote a broader base of people to participate. The Sikes Act monies are well placed and it's less apparent to the non-consumptive user how they benefit from those monies, and it would be a great opportunity for the program to reach out to the Audubon, native plant, and various other societies that would go forward.

MOTION: Commissioner Arvas moved to direct the Department to continue development of previously approved initiatives and work with the Governor's office to pursue pertinent legislation regarding the Habitat Management Fund and G.A.I.N. Program. **Commissioner Sims** seconded the motion.

Public Comment

Steve Padilla I'd like to see alternate funding go after money from Tourism, and the Economic Development Departments. There's no reason they shouldn't be able to contribute to the Department of Game and Fish for law enforcement, census of wildlife, animal transplants, or anything that enhances hunting or fishing.

Director Thompson Yes, those discussions have been going on, and in large part relate to HJM 37 that was passed at the last Legislative Session which requests that the Energy, Minerals, and Natural Resources Department and the Department of Game and Fish investigate additional and alternative forms of conservation support. We've been engaged in that and there will be a report of those efforts prepared and delivered in December to the Legislature. This past week I testified to the Water and Natural Resources Interim Committee on some of that progress. There's been a tremendous amount of effort as this is a large-scale concept. The final form of what it might entail has not been identified but there are serious and cross-cutting interests in identifying what Mr. Padilla talked about, getting the true range of people with interests in wildlife and wildlife-associated recreation and other opportunities to the table. We have already engaged with the Economic Development Department, and with Tourism in part after the Governor's Summit on wildlife-associated recreation where we are forging more relationships and common endeavors.

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

AGENDA ITEM NO. 19. General Public Comments (Comments limited to 3 minutes)

Public Comments:

Marcus Burkhardt The current mobility-impaired application system is flawed because it is combined with the handicapped license information sheet. I've talked to law enforcement and they agree it's something they can't control the way it exists and we've made proposals to separate the 2 applications.

Chairman Riordan Let me suggest that you get with Director Shelby and have a discussion with him and see if something can't be worked out to propose to the Commission.

Roger Peterson I'm the Wildlife Chair for the Rio Grande Chapter of the Sierra Club. I knew very little about the item Mr. Stevenson was talking about but now we certainly welcome it and we will support it. .

Director Thompson I'd like to draw your attention to a letter by Mr. Tony Martinez where he's requesting consideration of providing more youth hunting for Pronghorn. I met with him personally yesterday and some members of Department staff in the Northeast have conversed with him and I think we'll be able to address his interests in an administrative way. He's indicated he would spend a year or 2 to do that and then will determine in the future if something more may be needed.

AGENDA ITEM NO. 20. 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 the determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated their professional code of conduct as per 19.30.8, NMAC. If in the Commission's determination, an individual shall be served notice, he or she will be afforded an administrative hearing following 19.31.2, NMAC. Further discussion may occur on matters of personnel, litigation, and land acquisition.

MOTION: Commissioner Alfredo 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 litigation regarding Eagle Nest Lake and the possible resolution of that item, and limited personnel matters, litigation, and land acquisitions. **Commissioner Jennifer Montoya** seconded the motion.

Roll Call:

Commissioner Arvas – yes

Commissioner Henderson – Absent

Commissioner Alfredo Montoya – yes

Commissioner Jennifer Montoya – yes

Commissioner Pino – yes

Commissioner Riordan – yes

Commissioner Sims – yes

Motion carried unanimously.

Commissioner Henderson arrived during the course of the Closed Session.

Commissioner Alfredo Montoya moved to reconvene the State Game Commission meeting. **Commissioner Sims** seconded the motion.

Roll Call:

- Commissioner Arvas – yes**
- Commissioner Henderson – yes**
- Commissioner Alfredo Montoya – yes**
- Commissioner Jennifer Montoya – yes**
- Commissioner Pino – yes**
- Commissioner Riordan – yes**
- Commissioner Sims – yes**

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. 21. Approval of Future Action Re: Resolution of Eagle Nest Lake Litigation

Presented by Tod Stevenson. – The Department recommended that the Commission designate the Chairman and another Commissioner to review and execute acceptance on behalf of the Commission, documentation resolving the pending litigation concerning Eagle Nest Lake and Permit 71 on such terms and conditions as shall be advanced by parties to the Settlement.

MOTION: Commissioner Alfredo Montoya As a result of discussions during the Closed Executive Session, I move that we take action in the Open Session to move that we authorize you as Chairman and Commissioner Arvas to review and execute, on the Commission's behalf, the documentation resolving the pending litigation concerning Eagle Nest Lake and Permit 71 that has been ongoing on such terms and conditions as shall be approved by yourself and Commissioner Arvas. **Commissioner Sims** seconded the motion.

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

Additional Public Comment:

Larry Perrault I am mobility impaired and a life-long resident of New Mexico. The hunt November 6-8 and by that time the elk are very spooked but we're assigned various units and these animals are 400-500 yards away at best. If you look at the Proclamation, you'll see that there were at least 6 hunts prior to mobility impaired. Of those, there were 152 people that hunted with rifle, bow, and muzzleloader prior to mobility impaired. I request that you please consider the fact that we are mobility impaired and cannot be trampling through the woods hunting. We have to remain on the roads and highways and these animals are spooked and I request your consideration and sympathy to move them up to late September, early October, but not November when they're so spooked and we don't have a reasonable opportunity to be relatively successful. Also, I thank you for having mobility impaired hunts in Unit 34, 16B, 16D. I don't understand why there's a hunt in Unit 50 when at the same time there are 150 rifle hunters in that same area that you assigned the mobility impaired.

Chairman Riordan Director Thompson, with your approval can we have Luke Shelby look at that also?

Director Thompson Yes, sir. I also mention that I recently met with the State Director for Mobility Impaired and Handicapped and I think we can enlist her support to make sure we better understand these things.

AGENDA ITEM NO. 22. Approval of Bond Interest Retirement Fund Use for Capital Projects

This item was deleted from the Agenda by Commission action under Agenda Item No. 5 this date.

AGENDA ITEM NO. 23. Adjourn

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

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

Meeting adjourned at 1:41 p.m.

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

12/15/04
 Date

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

12/15/04
 Date

Minutes by: Katie Gonzales
 MyDocs\Minutes\Minutes 2004\Minutes 11-18-04 (Santa Fe)