

MINUTES  
NEW MEXICO STATE GAME COMMISSION  
New Mexico State University-Carlsbad  
Lecture Hall – Room 153  
1500 University Drive  
Carlsbad, NM 88220  
December 16, 2005

AGENDA ITEM NO. 1. Meeting Called to Order.  
Meeting called to Order at approximately 9:14 a.m.

AGENDA ITEM NO. 2. Roll Call.  
Chairman Riordan – present  
Vice Chairman Arvas – present  
Commissioner Henderson – present  
Commissioner Montoya – present  
Commissioner Pino – present  
Commissioner Salmon – present  
Commissioner Sims – present  
QUORUM: Present

AGENDA ITEM NO. 3. Introduction of Guests.  
Introductions were made by approximately 60 members of the audience.

AGENDA ITEM NO. 4. Approval of Minutes (September 21, 2005—Las Cruces, NM)  
MOTION: Commissioner Arvas moved to approve the Minutes of the September 21, 2005 State Game Commission Meeting in Las Cruces as presented. Commissioner Sims seconded the motion.  
VOTE: Voice vote taken. All present voted in the Affirmative. Motion carried unanimously.

AGENDA ITEM NO. 5. Approval of Agenda.  
MOTION: Chairman Riordan moved to approve the agenda with Agenda Item No. 21 removed. Commissioner Sims seconded the motion.  
VOTE: Voice vote taken. All present voted in the Affirmative. Motion carried unanimously.

Chairman Riordan: There's an article in the Albuquerque Journal on the Consent Agenda issue about 1 ½ weeks ago and I think some of the information in there was inaccurate. This Commission was approached by an individual who felt he did not get treated fairly and it so happened that I knew him. I know half the people in New Mexico, but he came before this Commission and wanted to review his Hearing Officer's decision. This Commission approved it and went ahead and sent it back to the Hearing Officer. Nobody contacted that Hearing Officer. Nobody gave any other information to that Hearing Officer from this Commission. I don't even know who our Hearing Officer is. It was settled and dealt with and revocation of this individual's hunting privileges was not taken. I want everybody in this room and I want it in the Minutes that everybody has the right to come to this Commission and appeal a decision if they don't feel they got treated fairly.

Commissioner Sims In that particular case there's no foul in the way that process operated.

AGENDA ITEM NO. 6. Consent Agenda.

- o Election of Chairman and Vice-Chairman

MOTION: Chairman Riordan I nominate my mentor and good friend, Tom Arvas, as Vice-Chair of the State Game Commission. Commissioner Sims seconded the motion.

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

MOTION: Chairman Riordan moved to nominate Leo Sims as Chairman, of the State Game Commission. Commissioner Arvas seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. Motion carried unanimously. Commissioner Sims then chaired remainder of the meeting.

- o Committee Reports

Commissioner Arvas The Legislative Committee met on November 14 and reviewed the proposed legislation that will be introduced during the short legislation.

Director Thompson The Department has 3 approved legislative initiatives, 2 of which involve bills and 1 which has more to do with appropriations. One relates to improving provisions in the statute for bear-proof trash or garbage containers, and the other relates to trophy poaching and civil liability related to those who choose to kill particularly exquisite animals that many of you have an interest in and they take the heads off. It's an insult to the wildlife resources that so many of you value and we expect to be pursuing legislation regarding that. The Department has several small funds such as depredation damage, and big game enhancement. We're working with the Governor's staff and budget analysts to more effectively appropriate those funds so that they go toward the purposes that sportsmen contribute to throughout the state over the years. Habitat Stamp is another very important fund that we don't believe requires a bill but is more importantly addressed and embedded in the appropriation language. The 2 bills are still in the drafting stage but we'll have those prior to the legislative session.

Commissioner Riordan We need to get on the call other things that need to be looked at. Maybe David has some conservation things, some sportsmen's issues from Alfredo, Peter, and Dutch.

Chairman Sims This will be a short session and I urge you come to the legislature and talk to these people and help us get this through.

- o Quarterly Depredation Report

Luke Shelby The Quarterly Depredation Report before you as required by regulation for the Department to provide you this update each quarter. There were 122 complaints filed with the Department the first quarter, with about 53% resolved and others pending. To date there have been about 140 depredation complaints.

Commissioner Arvas Give us an idea of what the complaints are.

Luke Shelby The top 5 species that generated the most complaints were bears, raccoon, elk, fox, and squirrels.

Commissioner Riordan How many bear complaints in the Sandia area?

Brian Gleadle We received a few complaints in which officers were successful in discussing and educating individuals over the phone, going to residences and identifying food sources, cleaning up potential attractants, and resolving them that way. We moved 2 bears out of the Sandia's. Compared to previous years, this year was mild.

Commissioner Riordan When we removed the bears, did they return?

Brian Gleadle In 1 instance, yes. That was the bear that went back to Moriarity and we moved that bear twice.

There was another bear we moved, it did not return.

Commissioner Riordan Where did we move that bear?

Brian Gleadle Both to the Mount Taylor area.

Commissioner Riordan Have we moved any bears to the Gila area?

Brian Gleadle The only bear that I'm aware went to the Gila area was the bear out of the Raton area and was overnighed at the Rio Grande Zoo and then was sent to the Gila.

Commissioner Riordan Is that process we set up with the Mayor working?

Brian Gleadle It worked perfectly when we had to implement it.

Chairman Sims How far was that move where the bear returned to Mount Taylor from where it was captured?

Brian Gleadle That was 90-100 miles.

Chairman Sims How long does transit take for him to return?

Brian Gleadle That bear relocated itself to Moriarity in 4-5 days.

Commissioner Salmon I noticed we don't list coyotes, feral hogs and other obvious animals that are involved in depredations. Is that because they're non-game species and we don't have any jurisdiction?

Luke Shelby The primary reason that those species aren't listed is they're not all statutory wildlife species and our friends in the wildlife services take care of coyote complaints. We will receive some and we normally refer those to experts in that species' field.

- o Revocations

Dan Brooks The Department brings for your consideration 195 people that haven't paid their penalty assessments. They received tickets in the field, agreed to pay and never did. We're recommending they be placed on revocation. We have 11 outfitters that don't have their proof of commercial liability insurance which is required by statute and we have 365 people that are not in compliance with their parental responsibility obligations. We had a hearing for an individual that was found guilty of trespass. The Hearing Officer found mitigating circumstances and so brings that forward as no revocation for Mr. Kapinski.

Chairman Sims Mr. Kapinski was hunting on property he was allowed to hunt on and upon his exit from that property, was driving down the highway and witnessed another hunter dressing a deer?

Dan Brooks That's correct. Mr. Kapinski was trespassing; however, he wasn't actively hunting at that particular moment. He was a deer hunter, looked over and saw some people with a deer that happened to also be trespassing, stopped and thought he would look at the deer, check it out and there happened to be a Game and Fish Officer enroute because the landowner's foreman had already called about the trespassers. Mr. Kapinski was caught up in this whole thing but he didn't have a gun, he wasn't actively hunting, just a curious onlooker. The Hearing Officer found that there were mitigating circumstances, so we bring forward the Hearing Officer's recommendation that Mr. Kapinski not be revoked.

Chairman Sims The other hunter did get trespass charges?

Dan Brooks Yes.

Chairman Sims How did the landowner feel about Mr. Kapinski and did you get feedback?

Dan Brooks Well it wasn't the landowner, it was the foreman. The landowner is an absentee landowner. This occurred on Sam Donaldson's ranch, but Coy Dixon is the foreman and he was concerned. He was the 1 that called to begin with and so, yes, they felt we responded and we handled the situation and there was no testimony at the hearing but I know from talking to him previously that they didn't see this as a big issue.

Commissioner Arvas Would you go over the 3 areas? The first 1 was the people that had been cited that didn't pay, the second was the outfitters, and the third was the not-in-compliance-with the Parental Responsibility Act? What's the next step for each of those individual groups once the Commission votes?

Dan Brooks Your decision is final so they will receive a certified letter that says they are now placed officially on revocation and they cannot buy license or permits and the only recourse is district court. There are rules established and statutory language that gives the Commission authority for revocation, so what we do is follow due process. They receive certified notices that let them know we have enough evidence and information and the Commission is considering revocation. They get the official contemplated action notice that advises them that they have 20 days to notify us. If they want a hearing they can be represented by counsel, can see all the evidence, and rebut all the evidence with an attorney or by themselves. That's all part of the due process so by the time it gets before you, the decision is final because the due process runs its course. About 70%-85% of the people don't ask for a hearing, and those that do get a hearing, get to rebut the evidence.

Commissioner Arvas In the case of outfitters, what happens to them?

Dan Brooks If you'll notice, what it says is "until in compliance." What that means is that statutorily they must have commercial liability insurance. That's not a Commission rule. That's a statute and we've sent them notices and asked them to provide that to us. What happens with outfitters is they have insurance and some will sign up in October and will run until October. Others it might be August or whatever, but we have files on each 1 and we know when their commercial liability insurance expires. What we do when we see it expiring is notify them they must get

back in place, and if at that point they haven't done that, we have no recourse but to place them on revocation. What you're voting on is until they're in compliance. As soon as they provide us with that proof they're reinstated.

Commissioner Arvas My understanding is that there are some folks in the outfitting industry that know exactly what you do and instead of getting a year policy, they'll only get a policy for the period of time of the hunt period. That's what I was wondering, if it's a repeat offender, are you offended by that?

Dan Brooks No, I'm not offended by that, but for clarity, that was a past interpretation, but since then we've gone back and re-scrutinized the statute and had some dialogue with various individuals and authorities and we believe that the commercial liability insurance must be in place year round. That's because during the off season they're actually advertising and booking clients. They're still in business, but they're just not taking them out in the field.

Commissioner Riordan What's the guides/outfitters cost for insurance versus other states' cost for insurance?

Dan Brooks I don't know what it costs them to get that.

Chairman Sims Are our requirements relatively the same as other states, their limits and such?

Dan Brooks I don't know, we haven't done a comparison but statutorily they must have \$500,000 of commercial liability insurance. That was established in 1997.

Commissioner Riordan I'm just curious if our costs are higher in this state than others. If we could get some information on that I'd appreciate it.

Commissioner Arvas You might want to do a review of the western states. I think that would be a good idea, just for our own awareness whether we're overpricing or anything along those lines.

Chairman Sims On the failure to pay penalty assessments, at the end of 3 years if he still hasn't paid that, does he go back on our list for non-payment for the 3 years prior or after 3 years even if he doesn't pay, is he back in the system?

Dan Brooks Yes, he is back in the system because there's specific language about the Commission being able to revoke a person for a period of no longer than 3 years and the only exception to that is the Parental Responsibility Act and the Wildlife Compact in which many western states are involved. This is consistent with the statutory allowance that the Commission has 3 years only if you don't pay. The reality on people that take the penalty assessment and don't pay is they didn't plan on fishing, they're not a regular customer. They are someone that went to the lake, grabbed a fishing pole and in most instances, it's fishing without a license or hunting small game without a license, but we write over 1,000 citations on fishing without a license. They didn't plan on fishing, they don't want to go to court and they can pay this or they can go to court. Most people say they'll pay and they get to keep fishing so they get a license privilege for 15 days and then they don't pay, and they never planned on paying.

Chairman Sims If it's your parental responsibility that you're behind on, you can't get a driver's license. Is there any way that we could get these people that haven't paid their fine and work with the DOT until they pay? They can't get driver's license as we work through the parental responsibility the same way?

Dan Brooks Human Services provides us a list monthly and probably the 2 agencies that work the most to revoke people are Motor Vehicle and Department of Game and Fish. All state agencies are mandated to revoke professional and recreational licenses, but the Department of Game and Fish and Motor Vehicle probably are the 2 that are most responsive. We're different because our customers are slightly different. People who buy fishing licenses may not be drivers or a driver may not buy an angling or hunting license, so we act separately, but with the same list. We can send the names of people we revoke on to Motor Vehicle.

Chairman Sims I think that would bring more out of the woodwork.

MOTION: Commissioner Montoya moved to accept the Department's recommendation on revocation and point assessment of the list submitted by the Department of individuals for the period of time specified. Commissioner Henderson seconded the motion.

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

## NEW BUSINESS

### AGENDA ITEM NO. 7. Once-in-a-Lifetime Exemptions (19.31.3, NMAC).

Presented by Dan Brooks - Licensees may now donate, transfer, or receive a license refund under certain conditions. This amendment proposed that any Once-in-a-Lifetime licensee be re-instated as eligible to participate in future drawing if the licensee donated his or her license to an individual qualified by an approved non-profit, wish-granting organization. Donation of a Once-in-a-Lifetime license will not prohibit the donor from applying for and receiving another for the same species and restrictions in the future. The Commission has qualified 2 organizations, Hunt-of-a-Lifetime and Outdoor Dream Foundation to qualify youths to be able to receive these licenses. The Hunt-of-a-Lifetime and the Outdoor Dream Foundation are 2 non-profit groups that work with terminally ill kids. When an individual brings a license to us and says I can't use it, then the Department will contact either Hunt-of-a-Lifetime or Outdoor Dream Foundation and see if there's a youth they think they've re-qualified that would be willing to take this hunt. We contact the organization and then once that happens, we work to get that hunt going and get them licensed.

MOTION: Commissioner Montoya moved that the Commission approve the Department's proposed amendments to Section 19.31.3.11, NMAC, to allow reinstatement of individuals that donate a Once-in-a-Lifetime license through a non-profit wish-granting organization to be eligible to re-apply in the future for the same hunting opportunity. Commissioner Riordan seconded the motion.

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

Luke Shelby Our officers are required to attend and successfully complete the New Mexico Law Enforcement Academy, and we just had a batch of recruits complete that academy and in every academy class there are 5 recognition awards given. I'm very proud to say that the last group of officers we had go through the academy, our officers took 4 of those 5 top awards. One is here today, Tim Simbal, who after his training will go to the Farmington District, receive the award for best driver and that's not a speed-type driving, it's a high-speed pursuit driving.

### AGENDA ITEM NO. 8. Private Land Entry and Sportsmen Enjoyment Regulation – Conservation Access Fee Amendment.

Presented by Luke M. Shelby - The Department requested that the Commission amend the Private Land Entry and Sportsmen Enjoyment (PLEASE) regulation (19.34.7, NMAC) to include exceptions that waive the conservation and access fee requirement for individuals under 18 years of age, resident anglers age 70 and older, and 100% disabled resident veterans. The current regulation requires the \$1 fee of each resident and non-resident license buyer.

MOTION: Commissioner Riordan moved to adopt the *Private Land Entry and Sportsmen Enjoyment* regulation amendment as presented exempting anyone under the age of 18 from purchasing the \$1 conservation and access fee including the individuals 70 years and older and the 100% disabled resident. Commissioner Henderson seconded the motion.

Commissioner Arvas I'd like the audience to be aware of the fact that we have a trend that seems to have set in on the hunting industry and that's that in the last 7 years we've gone from 21,000,000 licensed hunters down to 13,500,000 licensed hunters nationally. One reason is the expense involved. Another reason is that we have single moms and as you probably know, unless a father is available. The Department and the Commission need to have an ever-present awareness of what we can do to keep that number of licensed hunters up at maximum and that goes as far as a simplification of our proclamation. Believe it or not that's 1 of the standard complaints from hunters. They don't understand the proclamation. I just want to make that a matter of record that I'm doing everything I can to simplify the process.

Chairman Sims I get calls all the time on our proclamation—what does it mean, where are we going in it? We've made it difficult to read and if we can simplify so the average person can understand it.

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

AGENDA ITEM NO. 9. Development of Hunting, Angling, GAIN, and PLEASE Opportunities for 2006-2007.

Presented by Luke M. Shelby – The Department presented to the Commission for consideration several opportunities for development to improve hunting and fishing in the state, as well as ideas for expanding the GAIN and PLEASE Programs.

Chairman Riordan To hunt feral pig or rabbits, you don't have to purchase any type of hunting license, is that correct?

Luke Shelby That's correct, for residents. In New Mexico, if it's not a game animal, feral pigs, cottontails, coyotes, you don't need a license if you're a resident. If you're a non-resident, you do have to have some type of hunting license. It doesn't matter what kind of hunting license it is, you do have to have purchased a hunting license.

Commissioner Arvas Of the \$250,000, that was a 1-time effort, correct? How are you going to be prepared to continue the program once that's been expended?

Luke Shelby Correct, we've included the same amount in our FY'07 budget request.

Commissioner Sims Has there been any discussion in other areas such as the Malpais. Have we looked into that?

Luke Shelby That particular area did not come up. Not to say that it's not a problem, it just wasn't identified.

Commissioner Arvas I'd like to see the Department give us a review of the success and what happened with that first year's effort. I was interested in this program.

Luke Shelby I can provide you with periodic updates.

Chairman Sims What type of budget does Montana have?

Commissioner Arvas The last numbers I saw were somewhere in the area of \$5,000,000, but it's working so well in the State of Montana that it's a model for other states. There are 18-19 states with a similar program that's in effect now. The reason this is so important is to offset the loss of hunting opportunity. That seems to be the number 1 complaint and surveys indicate hunters have no place to hunt.

Commissioner Salmon These are great programs to get young people started in hunting and fishing. I notice the Department is taking renewed interest in non-game animals and fish.

Chairman Sims Do we have a lot of interest out there in the crossbow hunters? How does that compare to modern bows?

Luke Shelby Over the past years we've received requests from numerous individuals to allow crossbows as a legal weapon. Our current definition of legal weapons does not include crossbows. They're powerful and very fast and add a short measure of accuracy because it can be held against the shoulder and we have recently begun exploring the possibility of allowing that. One of the things as alluded to previously in the Commission meeting sometimes we look at other states for guidance, their experiences regarding this weapon type and most states have experienced a handful of individuals that are avid crossbow hunters.

Chairman Sims What have Colorado and Wyoming done?

Luke Shelby I don't recall the exact states, but we could probably bring this back to the Commission after we've gained a little more knowledge and information and present it for your consideration.

Commissioner Arvas That's a fairly controversial subject because as you know the conventional bow hunter or the long bow hunter, is opposed to the introduction of the crossbow.

Commissioner Riordan We approved that at a previous meeting. I don't think we've had any negativity on that have we?

Luke Shelby There has not been any negative feedback regarding that regulation at this time, but Commissioner Arvas is correct in that it's controversial with 1 segment of our license-buying hunters and that's what we'll have to present to the Commission.

Chairman Sims There are things on the market, are those legal at this point in New Mexico?

Luke Shelby Yes.

Commissioner Henderson I'm pleased with this Commission because I think this Commission has recognized that our wildlife resource is a benefit to the entire spectrum of publics and the GAIN and PLEASE programs are adding to that opportunity and broadening that base.

MOTION: Commissioner Henderson moved to instruct the Department to begin development of the hunting, fishing, GAIN, and PLEASE opportunities as expressed here and beyond that, in particular, presented or further suggested from the Commission.

Steve Padilla I wanted to inform the Commission on GAIN. We lobbied that bill through Senator Feldman and as part of the political/legislative process, as you know compromises need to be made and we promised that no GAIN funds would be used for acquisition of property to the Department. Had we not done that, that bill would never have passed. I know of 2 committees where it would have died had we not made that promise to the legislature but to members of the agricultural community.

Chairman Sims Steve, would that cover acquisitions of easement? Using GAIN money for acquisition of easements has not fallen into that acquisition of property?

Steve Padilla I don't believe easement would fall underneath it. It was just to go out and purchase private property. Chairman Sims On acquisition of property itself?

Steve Padilla We had to make that compromise to get the bill through. If you approve the crossbow, at least don't set the hunts anytime near the ruts. That's a real unfair advantage.

Commissioner Arvas seconded the motion.

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

AGENDA ITEM NO. 10. Request for Adoption of Fishing Rule 19.31.4, and Manner and Method Rule 19.31.10, NMAC, Changes.

Presented by Mike Sloane – The Department presented a new 4-year fishing rule for adoption by the Commission. This rule revision addressed bag limits, method restrictions, open waters, youth fishing, bait fish controls, and special fishing opportunities.

Commissioner Riordan On Tingley, I'd like to see the Department of Game and Fish put up some signs on that property for catch and release only.

Mike Sloane Our staff have been there actively helping folks clip off treble hooks, flatten barbs, and inform them of the new regulation, and the new regulation has allowed an opportunity for that kind of education.

Chairman Sims I think we should look at this in a broader spectrum.

Robert Rhoades I'm with Carlsbad Sportsmen's Club. We're looking for help with bringing back the black bass population. The game and fish population in this area has taken a beating with the drought and the golden algae problem we've had and we're asking for length restriction limits.

Commissioner Montoya I would ask the Department to open up another opportunity for fishing rule changes. I'm also interested in expanding the fishing rule that apply to Heron Lake. What's the length for lake trout at Heron Lake?

Mike Sloane There is no length limit at this time.

Commissioner Montoya Rural towns in New Mexico depend on these resources for their economic development and taking advantage of those periods in the year when people visit those communities. We need to protect the resource. If they can take any size now, it depletes the resource. I'm interested in seeing length limitations and how we're handling the kokanee salmon. We need to look at our fisheries throughout and to re-visit these concerns in other lakes throughout the state. Do you think that's possible?

Mike Sloane Yes. I neglected to mention that we are asking for a 4-year regulation but the Commission can amend it at any time.

Commissioner Montoya Mr. Thompson, I'm interested in opening up this fishing rule regulation in the early spring for some of these considerations I just mentioned for the state instead of amending the current rule.

Mike Sloane The Division has identified golden algae as 1 of our priority issues and we're developing protocols and will be looking at the lower Pecos fisheries. We've tried stocking and unfortunately every time we think it's going to be in okay shape, we end up getting another pulse of golden algae. We're struggling with that whole issue. Relative to lake trout at Heron, it's interesting that you mention kokanee and lake trout. We rely on Heron Lake to produce all eggs for stocking kokanee in Navajo, Heron, and Eagle Nest Lakes. If you're not harvesting lake trout, you destroy your kokanee fishery which in our case would mean that the kokanee spawn would be decreased. We have initiated a study estimating the kokanee population when we stock, how effective we are in maintaining that population and I think that will start to get at some of those questions about a length limit that we can use. I just read an article that said an adult lake trout will eat 41 Yellowstone cutthroat trout a day, so they can decrease a trout population like kokanee.

Commissioner Riordan Mike, we know those golden trout/Yellowstone trout are slow-moving. We have fast-moving kokanee. My emphasis has always been providing hunter/fishermen's opportunity. We need to look at slot limits, figure out another way to balance. If we need to look at tags, you can only keep 1 trout a season over 10 pounds. If we need to concentrate more and put more balance into Eagle Nest and into Navajo for eggs, so be it, but we have a unique fishery there and our goal is to provide a good product for our client. We need to look at small mouth bass and lake trout.

Mike Sloane It is the only lake trout fishery in the state so we'll come up with a solution.

Chairman Sims As far as expanding these ideas of what we're going to do with fish size and the population of 2 lakes, how difficult would it be to expand that to Brantley Lake and table this today and expand that at our next meeting?

Mike Sloane It would be a matter of pulling it all together and making a presentation which could result in regulation changes which may or may not affect these regulations today. It probably would not affect the regulations for Conchas and Ute, so you could go ahead and approve what we're presenting today and we could bring more. Commissioner Pino Is that enough or should we change that from 2 to 4. The information that I have is that they're eating up the prey base and essentially offsetting the balance of food and predators.

Casey Harthorn That's exactly what's happened in years past. The stripers did eat the prey bases. Some was stripers, and environmental conditions with the draw down. We lost spawning for shad and whites, which was because of the draw down. We are going to monitor the striper population. We're initiating a program to monitor the population and the condition and if this doesn't achieve the recommendations or what we want it to do, then we'll come before you again.

Commissioner Riordan I'd also like to see us look at slot limits just like is done on red fish.

Commissioner Salmon I have fishing regulation comments that I'd like considered at a future meeting. New Mexico is 1 of 4-5 states that don't keep a record on carp. Interest would be increased in this fish if we kept a record and method of largest carp. Underwater spear fishing in lakes and reservoirs is another issue I'd like to consider.

Another item is waters closed to fishing. I didn't see the west fork of the Gila listed among the waters closed to fishing. I'm assuming the west fork is or will be closed to fishing above the falls.

Mike Sloane I think that was an oversight on our part.

Commissioner Salmon We want to close that to fishing because we're going to put Gila trout in there. Another item under bait, it says under the current regulation that is unlawful to use protected fish, bullfrogs, and tadpoles as bait. Bullfrogs are non-native in my part of the state, and I don't think we're trying to protect them. We can hunt them all year long with BB guns and spears. I'm wondering why it wouldn't be legal to use bullfrogs, or bullfrog tadpoles as bait.

Mike Sloane I believe the intention was to prevent introduction to other parts of the state.

Commissioner Salmon Is there some way to finesse that so you could catch them and use them as bait but not transport them?

Mike Sloane Perhaps we could add them to the list of cut bait as opposed to any other type.

Steve Padilla My handout addresses lake trout. The last paragraph, "The extremely slow growth of the lake trout means that fishing regulations must be quite restrictive to prevent overharvest. Bag limits are generally low [or should be generally low] and open seasons, [should be] relatively short." What I'd like to see is on lake trout anything under 28 inches throw back and maybe 1-2 per day. Heron Lake is a diamond in the rough and the Department needs to polish their rules and regulations on that lake to attract more people into the area because as the Governor has said, he wants the departments to contribute to the economies of these rural communities and lake trout are highly desirable by fishermen. As far as impacting kokanee, this is simply a regulation and if the future we see there's an impact on kokanee that can easily be changed. If you go to Heron Lake now, you'll see dead fish. That's not impact from the kokanee. Also, as far as kokanee, starting this year's snagging season on Tuesday was horrible. There was no one there. Had it started on Thursday, half of Albuquerque would have been there and filled all the motels and restaurants. Your consideration would be greatly appreciated.

Chairman Sims I think we need to look at the season on lake trout.

Mike Sloane We're also proposing limiting the types of bait that can be used by the drainage in order to protect native species. Currently those restrictions are in place in the Pecos drainage and we're applying other restrictions throughout different watersheds.



Oscar Simpson I'm President of the New Mexico Wildlife Federation. Since we're talking about fisheries and quality and attracting fish, 1 of the things we're lacking is adequate water. We need permanent pools if you want to keep fisheries alive and the local economy going. You need to look at the water rights. Water is key. We need to protect wildlife and the aquatic system.

Chairman Sims We're working in that direction.

Luke Shelby Some of the recommendations are easy to incorporate in this rule change, but there are some where we need to develop a sound regulation for your consideration based on biology and the incorporation of those rules that coincide with the publication of our rules and information booklet. If our next meeting is not scheduled until late February, our information booklet needs to be in anglers' hands. It needs to go to the printer by April 1. Is between now and the next Commission meeting enough time to develop a recommendation for some of the slot limit as well as the length limit concerns to bring something solid back to the Commission?

Chairman Sims Whatever products we can bring back that are beneficial to our sports fishermen. If it's going to be ongoing whatever we can do in the length of time is all we can do.

Commissioner Montoya Since Luke opened the door on Commission meetings, I'd rather meet more often than have 25 items on the agenda.

Chairman Sims Bruce, how many meetings are scheduled for 2006?

Director Thompson We haven't got that fully set but we've been examining the prospect of 7 meetings. Nothing prevents an additional meeting if there is a need identified, but I think we can manage to keep the agenda within reason. We've been especially busy and have had heavy agendas, but about 6-7 meetings per year normally can cover the needs. We'll discuss further to identify the most workable schedule.

Chairman Sims I've identified more meetings for 2006 than we've had in the past and cover more areas.

Robert Rhoades I didn't want anyone thinking that what we're asking for on Brantley and this area is a change in length regulations. What I did want to bring to your attention is that the area needs work and attention. Length limits won't necessarily take care of that. Some of that may be taken care of by stocking. That's why we're asking for the push on warm water fish hatchery and making fishing available for stocking when water conditions are right.

Chairman Sims I think Bruce is on-key working with your groups down here and what the problems are and then how to solve those problems.

Director Thompson A number of things have been discussed and we have some well-formulated regulations before the Commission today. The others, as Luke Shelby indicated, are going to take not only a consideration of timing but consideration of the biology and ultimately we've got to identify what can be brought before the Commission, adopted, put in place, and actually put before the anglers in terms of information in time for them to use it. With your permission we will come back to the Commission with more recommendations.

Commissioner Riordan We can move forward on some of these regulations on Tingley. We have to go ahead and deal with that particular issue now because we have people using it. If we can move forward with what the Department has suggested and at a future meeting address these other issues and open it back up. We have Green Meadow Lake and I don't know who's responsible for that but we need to get that lake up and going.

MOTION: Commissioner Montoya moved to approve the proposed amendments to the Fisheries Rule 19.31.4, NMAC, and the Manner and Method Rule 19.31.10 as presented including changes to the rules for Tingley Beach, removing the big catfish designation at Aztec Pond, changes to the limits for yellow perch and striped bass, restricting the use of bait fish by drainage, and increasing the length limit on smallmouth bass at Ute and Conchas Lakes, and that the Tingley Beach regulations be adopted immediately.

Commissioner Arvas seconded the motion.

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

#### AGENDA ITEM NO. 11. Request for Adoption of Commercial Fishing Rule 19.31.9, NMAC, Changes.

Presented by Mike Sloane – The Department present changes to the Commercial Fishing Rule for adoption by the Commission. The changes formalized rule restrictions placed on bait dealer permits for the past 2 years and will match restrictions proposed for bait minnow use by anglers.

Commissioner Salmon How do water dogs or tiger salamander, and gill-stage critters come into the bait situation as far as sale?

Mike Sloane Native crayfish, and water dogs are permissible and collection is allowed in specific waters.

Commissioner Salmon Then if you want to sell them you would come under the same bait permit regulation?

Mike Sloane You would be required to have a bait dealers' license, yes.

MOTION: Commissioner Arvas moved to approve the proposed amendments to the Commercial Fishing Rule 19.31.9, NMAC, as presented to formalize the process by which bait dealers are licensed and to restrict the species of bait fish that may be sold. Commissioner Henderson seconded the motion.

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

Luke Shelby I would like to summarize the Commission's concerns about the fishing regulation and what we're going to bring back before to you at a future date. We have the lake trout length or slot limit issue, look at the date snagging season will open, the possibility of lake trout tags at Heron, the large carp record that doesn't need a regulation change, the spear fishing concern, close the West Fork of the Gila with what you just passed, and the bullfrogs as bait issue and the possibility of using them as cut bait, Steve's 28-inch size limit suggestion, Brantley needing work, and Green Meadow Lake. Do we have everything?

Chairman Sims I think so. On the spear fishing issue, we might want to have a minimum depth of water that you can do the spear fishing in.

#### AGENDA ITEM NO. 12. Recommendations for HSP Citizen Advisory Committee Nominees.

Presented by Dale Hall - A proposed list of nominees for each of the 5 regional HSP Citizen Advisory Committees was presented to the Commission for approval. In addition, the list contained recommendations for staggered membership terms and a recommendation from the Department to extend terms from 2 to 3 years.

Chairman Sims These individuals have done a tremendous job in our area and glad that they've agreed to come back and do more work. That's a real benefit.

Commissioner Riordan At a previous Commission meeting we had this discussion and I emphasized to Dale that I would like to see the Sikes Committee and us concentrate on water infrastructure across the state instead of having these committees allowing the federal government to come in and tell us that we need to expand. Like Oscar Simpson said, water is everything. Have these monies go to something that's going to last us 20-30 years.

Commissioner Arvas Dale, I'd like to recommend that you provide ample notice of any meetings to the individual in that region and if the Commissioner that represents that region is not available, that we try and get another Commissioner to go to that meeting if at all possible. The main reason for this is that the Commission is going to want to see a more-described timeline of activities instead of waiting to come up with a package of recommendations as in the past. I'd like to see more of a transition where there's a Commissioner in attendance at the meeting, and you're developing the recommendation from that meeting and if there are any problems or concerns, they can be addressed at that meeting instead of waiting to bring a whole package to us and have to address all of them at 1 time.

Dale Hall We'd love for all of you to be in attendance and we'll make that attempt to invite you. What I'm hearing from you is that you don't want full lists of projects coming forward?

Commissioner Arvas You can eventually come up with a full list but what I'd like to see is the list developed regionally. There's more awareness to the individual representing that region. I also encourage you to invite some representative from the U.S. Forest Service and Bureau of Land Management.

MOTION: Commissioner Pino moved that the Commission forward to Governor Richardson and the Secretary of Finance as per Section 9-1-9, NMSA 1978, the list of nominees and terms as recommended appointments to 5 regional Habitat Stamp Program Citizen Advisory Committees. Commissioner Riordan seconded the motion.

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

#### AGENDA ITEM NO. 13. Benefits of Using Spatial Analysis for Wildlife Conservation and Management.

Presented by Ed Rivera and Mike Dorey - The Department provided a demonstration of the benefits of Spatial Analysis for displaying and accomplishing Conservation and Management in Context. An example was the union of the COER area layer map with the BLM landownership layer map, thus deriving the acreage of each type of ownership per COER for use by game managers to implement P.L.U.S. for elk. Discussion item only.

Commissioner Arvas Would you tell us what GIS/ISS means?

Ed Rivera ISS is Information Services, a division at the Department of Game and Fish. GIS is Geographic Information Systems. I'm talking about everything that has to do with geographic information technology in the Department, including hardware, software, people, and processes.

Commissioner Arvas Tell me what the record does?

Ed Rivera The idea is to come up with the private land in each COER boundary. I'm able to take this VVF file the way it is and export into Excel. The result of all that work is a spreadsheet which indicates the COER areas. Then you see the breakdown in land status on what the private land is.

Commissioner Arvas How'd you do that to get to that many places?

Ed Rivera In Excel you can do that.

Chairman Sims The ownership column tells you who the owner is?

Ed Rivera It gives the breakdown of Forest Service, Indian, National Park Service, private, state land, and Game and Fish.

Commissioner Arvas Were you concerned about the boundaries at all?

Ed Rivera I've spent approximately 120 hours digitizing these boundaries.

Commissioner Arvas That's been an age-old question, whether it's the correct boundary to start with and then is it the right place to have the boundary? You're comfortable answering that?

Ed Rivera I'm pretty comfortable with it. We could be off a little in some areas, but the percentage is probably the same. If we're off a little, it probably wouldn't change the percentage.

Commissioner Arvas You're obviously under the impression that unless there is a major land swap, that the private land is going to stay private, BLM, Forest land, is going to stay the same?

Ed Rivera That's correct. What took time was the area game managers and I going back and forth making sure the boundaries were pretty tight.

Commissioner Montoya The area game managers, they're familiar with these units and they would set the boundaries for you and you'd put them on the map?

Ed Rivera Yes, I'm impressed with the way they know their areas so it doesn't take them too long once they have a good map to work off of.

Commissioner Arvas So if you wanted you could interpolate these findings into GPS findings pretty easily?

Ed Rivera Yes, you can overlay and do all sorts of other analysis such as cities, towns within a COER area. You could figure out a buffer area around each COER area, there are a variety of things you can do.

Commissioner Arvas Could you break that down into unit numbers and even down specifically to ranch numbers?

Ed Rivera Yes. This prototype was originally designed for the antelope management system, which is a program that was developed for this software for the area game managers. It's main purpose is to find where landowners are in the state.

Commissioner Arvas One of the major problems we have every year as far as enforcement is hunters being mistaken about where they are, but it wouldn't be that hard to send out maps with the license to figure out where a specific ranch was?

Chairman Sims Is it accurate enough to depend on to determine state and private lands so we won't have liability issues?

Ed Rivera We have some disclaimers in the data. That's a big concern so it's common to use disclaimers. It's pretty accurate and there are known errors in the BLM data and they have disclaimers in the metadata. For instance, they have the Humphries boundaries wrong so I actually changed them.

Commissioner Arvas Is your intent to get down to the ranch level?

Ed Rivera We are down to ranch level as far as primary antelope.

Commissioner Arvas I mean for elk?

Ed Rivera I'm not sure if we have enough money to do elk?

Commissioner Arvas It costs that much?

Ed Rivera Right, it takes a lot of time to digitize. These large boundaries for the COER occupied elk range took me about 120 hours. There are about 2,500 elk private land owners, so it takes a lot of time but we're trying to figure out how to do that. I know R.J.'s desire is to digitize.

Mike Dorey There's a statewide initiative to combine all the agencies' GIS information as part of the Governor's consolidation plan, so that's part of what the new administrator will do. We'll work with other agencies and they may have some of that already mapped out.

Commissioner Arvas That would be a good request for the General Fund. That helps all the agencies. How about the Land Office?

Ed Rivera The State Land Office is very helpful.

Commissioner Arvas Monetarily?

Ed Rivera Not monetarily. They're helpful in sharing data.

Commissioner Arvas Energy and Minerals, you've got their data in there too?

Ed Rivera We do have some of their oil wells and they're very willing to share that data.

Director Thompson This will be available later if you want to examine further. I wanted Department staff to put this presentation together to illustrate Conservation Management in Context. What we're trying to do is provide more contextual information for Department staff to make better judgments to help the Commission with questions you have. The information behind the information is often the most valuable.

Commissioner Pino In the legend I notice you have Tribal and on the list of ownership you have Indian—I would recommend that you be consistent and use the word Tribal or the letter "T".

Ed Rivera Yes, sir.

Commissioner Pino If you're interested in an area, and if we can't go to the computer, what kind and size of manual maps can you produce?

Ed Rivera We have a 3-foot by 4-foot wide plotter and then we have a fairly new 2-foot plotter that has better detail in it. We also have another software extension that will allow us to package this data and send it to people on CD. The Director would like to see more public access to some data and web mapping is probably the way to go.

Commissioner Arvas Other than the updates, you've got all the stuff done?

Ed Rivera Yes, it's a little slower if you just have dial-up, but if you have broadband web mapping it's very efficient to get your point across to put it into context.

Director Thompson Regarding birds, it's very possible to put something like bird areas or other items of interest to each of the Commissioners in context with any kind of spatial information that we have access to and have built into the system.

#### AGENDA ITEM NO. 14. Summary of Department Management, Recovery, and Conservation Plans.

Presented by Luke M. Shelby - The Department presented to the Commission a summary of all current and pending planning documents including management, recovery, and conservation plans. The Commission received information regarding the purpose and dimension of various planning documents and their respective categories to help guide the Department in present and future planning efforts. Discussion item only.

Director Thompson It's my pleasure to announce that I got a phone call yesterday that the National Acceptance team has completed its review and their recommendation is for full acceptance of the New Mexico Comprehensive Wildlife Conservation Strategies. I was told that the review team believed it was among the best that they've seen thus far in their national review and that's among 50 states and 6 territory plans, so I'm proud of the effort the Department has executed thus far. We anticipate in the next few weeks that we will hear about full acceptance when the Director of the Fish and Wildlife Service completes the final review. It's a great step forward.

Commissioner Montoya Has the Department ever engaged in an overall strategic plan for the Department as a whole. Not all the individual plans that we have to come up with that you noted there, but a strategic plan for the Department as a whole where objectives are prioritized, and where individual departments or individuals are assigned specific tasks where there are timeframes established? Most organizations will go through the exercise of strategic planning periodically. Does the Department engage itself in any strategic planning other than by task or by area of responsibility as was noted, but overall strategically for the Department as a whole?

Director Thompson The Department does have a strategic plan. It's incorporated with our budget submission each year, we update that strategic plan annually, and it accomplishes many but perhaps not every 1 of the items you discussed. Additionally, the Comprehensive Wildlife Conservation Strategy is intended to provide overall guidance along those same lines.

Oscar Simpson President of the New Mexico Wildlife Federation. In relation to the GIS layers, oil and gas development, and land use, nothing is ever static, so we need to define where the winter ranges are, where the migratory paths are to incorporate this stuff and use it in our land-use planning and our conservation wildlife strategy. We've got to have these COER areas or we are going to end up with nothing in this state. We've got to take a stance; we've got to have a plan that says no oil and gas here, no mining there, or whatever. You've got to put your foot down and do something. I'm just saying it needs to be incorporated. You've got GIS tools that have been available for a number of years; we're just now getting around to doing it. In relation to this and where we're going, everybody needs to know how to play the game and where we're going instead of always fighting and a piece meal approach and wildlife is always losing.

Commissioner Arvas Looking at the report, the New Mexico Department of Game and Fish plans, I noticed that there seems to be an updating of the plans administered by the Wildlife Management Division in some areas to current times, is that just the fact that the 1999 plan was a 5-year plan? Do we know?

Luke Shelby That is correct. It was a 10-year plan.

Commissioner Arvas The oryx management plan is the same?

Luke Shelby I do not know how long the oryx management plan is for.

Luis Rios The oryx management plan which was developed in conjunction with White Sands Missile Range doesn't have an ending date.

Commissioner Arvas So it's ongoing?

Luis Rios It is.

Commissioner Arvas How often do we meet with those folks?

Luis Rios We're always meeting with them regarding oryx throughout the year.

#### AGENDA ITEM NO. 15. Management and Maintenance of Game Commission Properties.

Presented by Lisa Kirkpatrick – The Department provided overview of the management and maintenance needs on State Game Commission owned and leased properties. The briefing included a preliminary schedule for completion of identified projects for the coming year and overall context for developing future actions and schedules. Discussion item only.

Commissioner Arvas Is White Peak's Road officially ours now?

Jim Karp It's still in litigation but yes.

Commissioner Arvas Where is our wildlife viewing area on the Sargent?

Lisa Kirkpatrick It's to the northwest of the parking area.

Commissioner Arvas How far?

Lisa Kirkpatrick We intend to use the parking area for the viewing area, it's in the snowmobile pasture.

Commissioner Riordan The area we're looking at is adequate but it doesn't have to be the only area that we've got. We can go up to the road right where the monument is and there's a beautiful elk viewing area where people can drive and it's only 100 yards into the property. If we put a gate across the road, we're providing a service to the people that live in Chama and we've got instant elk viewing. No cost to the Department.

Lisa Kirkpatrick We intend to do something along those lines. It just won't be the formalized viewing platform that we originally planned and we're still looking at going forward with the viewing platform, it just may not be in that same area, but we do intend to advertise the area to work with the Chamber of Commerce and the Visitors Center in Chama to get people there to view elk even though there may not be a formal structure.

Commissioner Riordan All we have to do is move that gate that goes over the creek up 100 yards and put another gate just past the monument, put a white pipe fence around that area where people can't drive into the valley. Beautiful elk viewing and all we've done is intruded in 100 yards on the existing road.

Chairman Sims Is it going to take some kind of surface?

Commissioner Riordan It's there, it's flat. It can be instant.

Commissioner Montoya What did they find that the Smithsonian is interested in?

Lisa Kirkpatrick They found several artifacts—several stone tools, but the part that was most interesting to them is that they found a bone fragment that they believe might be bison but they're not sure. They're doing analysis of that to see, but there apparently are significant layers of prehistoric information that they're finding.

Commissioner Montoya So there aren't any cultural or archeological agencies that will prohibit us from doing anything on an archaeological site?

Lisa Kirkpatrick We don't expect that. What they'll usually do if it's something that can't be avoided is, they require some type of mitigation and our archeologist is working closely with their office to deal with whatever we finally come up with.

Commissioner Pino Are there any existing formalized reports on the archeology of that site?

Lisa Kirkpatrick To our knowledge, there has never been any work done in there before.

Commissioner Pino No, the work they're doing now?

Lisa Kirkpatrick I don't know if we've finalized the reports. Our archeologist has done draft reports.

Commissioner Pino Can you share that with me or the Commission?

Lisa Kirkpatrick I believe so, I don't know what the confidentiality associated with those is. There are some concerns but I believe that that information can be shared.

Commissioner Riordan In the Chama area, we have the Humphries and our pipe fencing isn't painted and we have toilets that are in absolute disarray. There is no parking, graffiti and beer bottles fill that area. Can we do anything to clean that up? It's not expensive but we've got to send a crew there to get it cleaned up and make it look like we own it.

Lisa Kirkpatrick We recognize that and that would be part of our regular maintenance projects on the Humphries. We have concerns about those toilet facilities and we're looking to move them because they're right on the road and the public uses it as a rest area so we're looking to move them where they would benefit people that are using the wildlife area instead of the public being under the impression that those toilets are provided for travelers.

Commissioner Riordan We might be able to get some help from the Transportation Department. The Chairman has a close relationship with the Chairman of the Transportation Department and maybe we could do something there and have them assist us with maintenance.

Chairman Sims The Commission leases the Monastery Lake from the Benedictine Monastery in Pecos. What purpose does that lease serve the Department?

Lisa Kirkpatrick It provides fishing access.

Commissioner Arvas Is there a budget for Commission-owned properties?

Lisa Kirkpatrick I believe that portion of the budget is about \$1.2M, and I believe that includes the farms.

Commissioner Arvas Has that gone up or down in the last couple of years?

Lisa Kirkpatrick It has increased during my time in the Division.

Commissioner Montoya Where are the farms?

Lisa Kirkpatrick The farm that is owned is the Ladd S. Gordon Waterfowl Complex and it includes 4 farms—Casa Colorado, Bernardo, La Joya, and Belen Farms in the middle Rio Grande. The agency also has a lease with the Bureau of Reclamation for the Seven Rivers Farm near Artesia.

Commissioner Montoya You identified maintenance on 3, now there are 4?

Lisa Kirkpatrick Yes.

Commissioner Montoya Is that for all the properties you mentioned on this spreadsheet in the state?

Lisa Kirkpatrick Yes. It's for everything except our farms.

Commissioner Arvas At La Joya, don't we have an ongoing project with the folks from Colorado that is supposed to come into play? We were supposed to get some money from them?

Lisa Kirkpatrick That's the NAWCA Grant. That's the Quaqmire project that I referred to earlier.

Commissioner Arvas That's over \$1M we got for that?

Lisa Kirkpatrick No, the \$1M was the entire NAWCA Grant for all of the entities that applied up and down the middle Rio Grande. We received a portion of it, but it did not all come to the agency.

Commissioner Riordan When are our properties open, such as Bernardo? We've experienced in the past during the weekends Bernardo has closed on the tour. Have we since changed that? Is it open now on the weekends for people to tour the property?

Lisa Kirkpatrick We have changed that.

Commissioner Riordan One thing we need to address is part of the properties that we owned we did not plant any type of grain or grass or anything in our wetlands area there on Bernardo and I don't think in La Joya either. You don't have any feed in those marsh areas, and we're not doing a service to the client, we're not doing a service to the

animals by not having any food for them. Our people told us they didn't have any time to plant the marsh areas, yet we've got Bosque del Apache and they've planted their fields so that last year the snow geese weren't moving from Bosque del Apache. They're just going from the farm back to the marshland and from the marshland back to the farm. They're going to do the same thing to us this year because we didn't plant anything in those marshlands to hold those birds.

Commissioner Arvas When we had that meeting in Sevilleta, there was overwhelming display by the Fish and Wildlife Service that we're not managing the bird population down there like we should, and there's no reason for the birds to stay there.

Commissioner Riordan What we found is that we weren't doing things early enough in the season to hold birds. They were telling us how many birds were ending up in the Chihuahua area and they have over 10,000 snow geese down in the Chihuahua area that pass right by us and we're not doing enough to try and hold these birds for the benefit of birdwatchers, hunters, and tourism.

Commissioner Henderson I have to say how little staff we had dedicated to the maintenance, 1 crew for 67 properties, 100,000+ acres, so I'm looking forward to you catching up on your maintenance backlog. I think it will be interesting to see the skill level of your maintenance folks. The Quagmire is a good example. We were going to use the Bureau of Reclamation at the Bernardo on the Rio Grande; we own lands right now that are simply growing salt cedar because we can't get the water to those lands. I'm excited about the way that our personnel are going to be doing the construction work. We're hoping we can buy or manage more areas along the Rio Grande or other wetland areas and have that skill base on staff is exciting. It'll be nice to have that area productive again.

Director Thompson This concludes items 9, 13, 14, and 15, all of which I'd asked various staff to put together to provide overview and perspective for the Commissioners. I especially emphasize that we don't consider these as we gave them today, but rather these are all topics that we expect to be ongoing and periodically come back to the Commission and today invite your thoughts as follow-up to Department staff.

#### AGENDA ITEM NO. 16. Recommendations for Use of Land Conservation Funding.

Presented by Lisa Kirkpatrick – The Department requested Commission approval for projects identified for funding under the Land Conservation Funding appropriated from the General Fund to the Department by the Legislature and the Governor in the 2005 Legislative Session. Discussion item only.

Chairman Sims Lisa, explain to us where the amounts came from. Explain how those amounts will be dealt with as we move along.

Lisa Kirkpatrick What you've just alluded to is of concern in a couple of areas. You'll notice we recommended a list that exceeds \$5M total and part of why we did that was for that very reason. We were concerned that some of these projects wouldn't be seen all the way through to the end--that the proponents might change their mind, that something else might happen that makes the project fall through, that if we just came up with \$5M worth of projects, that we may end up with some of those projects not happening and not be able to expend those funds. Much of the information provided to us about the costs were estimates and in order to do any kind of an acquisition an appraisal is required. The state is not permitted to pay anything more than what the appraised price is. We also knew that there was going to be negotiation in these amounts.

Chairman Sims These appraisals are fair market appraisals done by qualified appraisal companies?

Lisa Kirkpatrick Right.

Chairman Sims Did the proponents produce these values?

Lisa Kirkpatrick Yes. The information about the amounts requested came from the proponents and in some cases, for example, the Silva Ranch is currently on the market and that is their asking price but that is not necessarily an appraised price, so if the state were to go forward with purchasing that property, it would still need to go through an appraisal and if the appraisal comes in at less than that amount, then that would be all that the state would be able to expend for the acquisition of that property.

Chairman Sims Tell us what is attractive to this Commission and the Department of Game and Fish?

Lisa Kirkpatrick The Silva Ranch rated highly from the Department's and the Conservation Services Division's view point in that it's located in the Zuni Mountains, in the northwest corner of the Zuni's in an area that it's ownership is checker boarded between the Forest Service and private land ownership and it's adjacent to a large parcel of private land that has subdivided called the Southern Cross Ranches. The part that's attractive to us is that this is a location

where the Zuni blue head sucker is located and we're very concerned that it's only located there and the risk to that species if that private land owner chooses to develop that property. This acquisition is extremely important for that species. We currently have a recovery plan for the Zuni blue head sucker and that was 1 of the things identified as critical.

Commissioner Montoya The Horse Springs Ranch is the first 1 on the list that has easement. What exactly does an easement mean—easement to what?

Lisa Kirkpatrick This easement allows access to some Forest Service property that is located behind it.

Commissioner Montoya Is it an easement to go through the property?

Lisa Kirkpatrick That's part of it but the other part is that it is 6,000 acres, it is currently an active cattle ranch and what this would do is allow the owner to continue to use that property as a working cattle ranch but they would not develop it as far as any kind of subdivision or construction.

Commissioner Montoya So it buys the development rights, for how long?

Lisa Kirkpatrick It's a permanent easement, in perpetuity.

Chairman Sims Our motion is not to acquire the easements, the motion is to move forward and to look more in depth at what our options are, where we want to go, so I think to go through each of them line by line at this point we're out so far we don't know what's going to fall through the cracks, we don't know what direction to take, in general this is the kind of thing that's come before us to move forward.

MOTION: Commissioner Arvas moved to approve that Department staff may pursue, in compliance with appropriated purposes and amounts, the completion of 14 listed projects presented for use of the Land Conservation Funding with the condition that projects may be executed outside of the order of priority when conditions are such that the nature of negotiations may make a lower priority project available for more timely completion than a higher priority project. Commissioner Riordan seconded the motion.

Public Comment:

Caren Cowen I'm speaking on behalf of the New Mexico Cattle Growers Association. I've got to tell you that we're disappointed and shocked with what we see here. At your July meeting, on page 13 of the Minutes, in Commissioner Henderson's original motion, the Commission directed the Department to engage a broad array of people to develop this list and these projects and then further on in the discussion, Chairman Riordan specifically mentioned New Mexico Cattle Growers and New Mexico Farm and Livestock Bureau. This is the first we've seen of this. There may be wonderful projects here but you unfortunately haven't given us the opportunity to make that determination. Furthermore, during the September meeting, when the Wildlife Conservation Plan was produced, we were assured that we would be included when decisions like this were made and we're not.

Chairman Sims I understand your concern and respect that. I want to assure you that the ball may have been dropped but it wasn't intentional. Moving forward with these projects will include the New Mexico Cattle Growers, I assure you that. I apologize for that.

Joel Alderete I'm with the New Mexico Farm and Livestock Bureau. We were very disappointed to hear that this has gone this far. I need to point out that the properties that you do own already and the problems you're having maintaining them. When you're including the cost to buy these areas or the easements, are you also including the maintenance fee to go along for 5-10 years or however long, because once you purchase these, you're required to take care of them? Is there money to do that or are you going to be seeking money later in the legislation to do that?

Chairman Sims I'm sure the New Mexico Farm and Livestock will be kept abreast and a part of this.

Oscar Simpson I'm representing the New Mexico Wildlife Federation. We would like to see more public disclosure and an understanding how this game is played. We were first involved and it was kind of an interagency task to develop those. We weren't allowed to look at the individual applications, to give input or advice to the Game and Fish until a selection committee had gone through those, so these are some of the problems that I share with other people here that if an application is submitted, it becomes public record and we'd like to see that information in order to evaluate and then maybe submit different applications based on what's there. This needs to be a more open public process.

Commissioner Henderson These issues are relevant and cogent to what's going on. Caren and Joel, I too apologize. I know that Jeremy from the Federation had attended some of our meetings and participated in some of the decision-making processes. What we wanted to do this first round is to make sure that we can start limiting the number of proposals that we had to work with and they met the criteria and had relevance to the Department. I think



that in the future we will strive strongly to include maintenance in the dollars that are appropriated to us because the fact of the matter is we don't want to acquire lands that we can't maintain. I will also say that we put together a working group that we believed was fairly representative of the broad spectrum of interest groups including a number of agencies, NGO's and other organizations. It wasn't a perfect process and we certainly have learned from the process.

Chairman Sims I want to make sure that when we move forward on any of these projects, when we tell New Mexico Cattle Growers that we're going to do something, that we do it. They've been strong supporters of the Department of Game and Fish and they need to be involved in these projects.

Commissioner Riordan I think the Cattle Growers, the Livestock Bureau, and the Wildlife Federation have made a good point. This motion lets us go forward on pursuing certain things. I'd like to have the Department inform the Commission on any projects that fall through the cracks, and I would like to have recommendations and input from the Wildlife Federation, the Livestock Bureau and the New Mexico Cattle Growers.

Oscar Simpson The process works fairly well. The point is that when an application is submitted and you're not allowed to look at that application and understand what's going on, I think it's ridiculous until after a committee made the first cut. It's public information, it was submitted as an application, and it helps me get behind a project or supply a new project.

Chairman Sims Oscar, I assure you this wasn't a hidden agenda. It just wasn't well communicated.

Director Thompson I don't want to have a debate with Oscar, but to insure that this audience has an accurate perspective. We did not do, in my estimation, quite the way things were characterized. There was a request and I did insure that Oscar was provided some information. At the point the request came in, we didn't have complete submission, so provided information on the nature of the projects that had been submitted but we were awaiting information. To my knowledge there was not a subsequent request from Oscar for the actual full information. We certainly could have and would have provided it under those circumstances. I take full responsibility and don't want to shift that to the Commission. This procedure happened under my watch as the Director, and I regret if there were any promises made that weren't kept. I'm quite comfortable in insuring that the interests of the Cattle Growers, Farm and Livestock Bureau, New Mexico Wildlife Federation, and others can be addressed and included.

Chairman Sims We put our sentiments and apologies out there, but I think the most important thing is we take what we have and move forward with a broad array of more communication and a better way to do our business.

VOTE: Voice vote taken. Six voted in the Affirmative, Commissioner Pino cast a dissenting vote. Motion carried.

Commissioner Riordan Once again, more public disclosure and communication with the Commissioners, and maybe what some of their identification of needs are in their areas?

Chairman Sims We need to give our word that this is going to happen on this matter throughout this process.

Commissioner Henderson Since I was part of that committee, I will work with staff to develop a strategy.

Chairman Sims Who was on that committee?

Commissioner Henderson It was a working group.

Lisa Kirkpatrick Director Thompson, myself, Commissioner Henderson, Department of Agriculture, Department of Energy & Minerals, State Parks, State Forestry, and local governments.

Chairman Sims I think we need to be careful if we're dealing with a committee or we're dealing with workers.

Commissioner Riordan I think that if we're dealing with a committee, it has to be a named committee so we can hold people accountable for what's being done, and it seems to me if it's a working group and nobody knows who's on the working group, but everybody has come up with these names and these suggestions, it's got to have more structure.

Chairman Sims In the future, the whole Commission needs to be aware prior to working groups and who's going to participate and in what areas. Can we have that assurance?

Director Thompson I can assure you that I've heard your wishes quite clearly and I believe we can make that happen. For clarity, the reference to committee or work group perhaps somewhat of an overstatement. The group that's being referred to is individuals and I'd be quite happy to name all of them. It's a group of people who met for about 2½ hours on 1 day at the request of the Department to simply assist us in providing perspective on these projects and the Department then took that information and ultimately prepared a recommendation. That's what actually happened. We will comply with what has been stated today.

AGENDA ITEM NO. 17. Mexican Wolf Update.

Presented by Chuck Hayes - The Department presented an update regarding recent Mexican wolf-related activities. This included a field update, field team staffing, completed standard operating protocols, the completed evaluation of the proposed 1-year moratorium on new releases, and progress toward finalization of the Mexican wolf reintroduction project's 5-year review. Discussion item only.

Chairman Sims How many livestock kills have we had in New Mexico? Have they been compensated satisfactorily?

Chuck Hayes I believe the running total number is 64 confirmed or probable livestock depredations. I think that's a subjective question, they would probably say they weren't reimbursed satisfactorily. I don't have a number of reimbursements, but no one to my knowledge has turned down a reimbursement. There may be some that haven't applied; no one has been turned down. Wildlife Services confirms the kill, they provide the information to the landowner who then contacts Defenders of Wildlife and they submit the claim there. For confidentiality reasons, we haven't necessarily asked for and haven't been provided with the names of all individuals who have received the claims. There has been \$34,000 in claims paid out over the 5-year review period, 1998 through the end of 2003. There has been approximately \$11,000-\$12,000 paid in New Mexico through 2004, so another year beyond that. Chairman Sims At one point we had a letter from an individual who was hunting with his dogs and his dogs got attacked. What happened on that? He was requesting reimbursement for vet bills.

Chuck Hayes I did speak with Defenders of Wildlife who administers the compensation program and asked about that and encouraged them to compensate in that case. The last I heard he was considering whether or not to submit those, I believe he did submit them, but it was clear even before that Defenders' position has been that they do not pay for hunting dogs in that case. They have paid for hurting dogs, dogs associated with livestock operations. They have not compensated for hunting dogs.

Chairman Sims The theory of that?

Chuck Hayes I couldn't explain that to you. My encouragement and the agency's encouragement was that they should compensate this. They chose not to. Simply, their philosophy is they're paying to support livestock operations and associated activities not necessarily hunting and other things.

Chairman Sims My concern is we haven't cleared up that issue. I don't know if we've dealt with all the problems.

Chuck Hayes One of the things we've heard is that folks are not necessarily happy with the third-party compensation program for a variety of reasons some of it is because of who it is, some because it requires a confirmed kill, some of it because of exactly this situation. That reason is a good example of why the recommendation is to evaluate and perhaps consider a governmentally funded program that would not necessarily take those stances, but that there would be some clear standards that would be based on fair and equitable compensation, not on how they felt about hunting dogs versus livestock dogs.

Chairman Sims We've got a year's moratorium to sew that up. I think it's pretty important that we move forward.

Ron Shortes I'm representing our family ranches in Lincoln and Catron counties and as Catron County Attorney. My remarks today are directed at the help you offered with the program problems dealing with fish and wildlife. Catron County still has big problems with wolves. Some steps with the moratorium is an opportunity for everyone to try and deal effectively with this program and arrive at something that everyone can live with, but we aren't anywhere near that yet. John Oakley specifically, admits that for every confirmed livestock kill there are 8 or more actual kills. That 64 figure you were given adds to more than 512 cattle. At market prices today that's more than half a million dollars, so we're talking about \$34,000 worth of compensation for damages that are 10-20 times that amount. The current compensation program by Fish and Wildlife's admission is clearly not working. We feel that's the fair thing is for the people causing the problem should pay for the problem and if the program's cost is more than they're willing to pay for then an alternative needs to be looked at. As I understand the Endangered Species Act reform as it's going through Congress does have compensation issues. We appreciate the efforts that have been made to work with Catron County. There is also a big problem with the confirmation issue of wolf kills. We feel that having more local participation or people that know more about livestock would benefit this process. As Commissioner Arvas pointed out, we've already got a problem with losing numbers of hunters. There's also an issue of the impact on prey animals like deer and elk, the wolf impact on other predators. There's been a study that's been completed on the possibility of a sanctuary for all wolves, or at least problem wolves in New Mexico, that I understand is now available.

Joel Alderete I'm with the New Mexico Farm and Livestock Bureau. I'm going to defer commenting until the review comes out. More than anything, since this is an update, I want to let you know that about a month or a month and a half ago, a wolf was found killed with a bald eagle, and the area ranches before it was confirmed as a killed with a gun shot wound were interrogated for at least 3 hours by Fish and Wildlife personnel. It was during hunting season so I'm surprised hunters weren't given the same treatment.

Oscar Simpson I'm with New Mexico Wildlife Federation. Since elk and deer are the food stock for the wolves, how is the connection studied between where the wolves go and how with density and concentration and where the elk or deer are moving based on whether that ties anything with the depredation and livestock. Has that been studied or looked at?

Chuck Hayes No, I'm not sure either 1 of those has been looked at on that scale. What we're looking at primarily is data on annual home ranges for wolves. We can do it quarterly or monthly. The information I'm using is simply winter counts of prey in that area. I will say that whenever translocations or anything like that is proposed, there are on-the-ground assessments that are made to look at apparent prey density that's primarily based in the area at that immediate time.

Jean Ossorio I'm with the Southwest Environmental Center in Las Cruces. Thank you for a thorough and informative report. We will be commenting at the January meetings on all of the proposals. I have a brief comment relating to the timing of not proposing the population rule change until April 30, 2007. Given that some of these proposals in their present form have been on the table since April, 2001, that seems to me to be procrastinating. Meanwhile, we still have a semi-stagnant wolf population. You mentioned a helicopter survey to determine actual numbers of packs and pups, how many pups are surviving until December 31, 2005 is of great importance in the application of the moratorium. What roughly is the timing planned for that survey, and will results of that survey be available at the adaptive management working group meetings in January?

Chuck Hayes The timing is probably mid-January, and the assumption is to back date or consider the mid-January observations reflective of December 31. Whether the results will be available in late January, probably given that timeframe there won't be anything formal. We may have basic flight observations that we can report at that time but I wouldn't even promise that.

Commissioner Arvas Do you know what the response from the Arizona Game and Fish Commission was?

Chuck Hayes I've got information from Terry Johnson, the person that presented the information to the Arizona Game Commission. He said they were not asked and did not attempt to take any action, and they said some positive things about collaborative end of the effort and seem to be consistent with the process moving forward. They didn't take any formal action but did get the information and at least responded fairly positive to the information presented.

Commissioner Arvas When we began this process and became involved and had an actual MOU, the reason we did this is to be able to go to the table to negotiate. There still seems to be some real lack of clarity and I'm reading from the Albuquerque Journal, Mr. Ness makes the statement, "well, by gosh, we need to think about shutting this thing down." This is not going to get shut down and that's 1 of the reasons this Commission decided to become involved. If there are things that we can do to make things better for our constituency, we're certainly going to do that. This is not going to go away.

#### AGENDA ITEM NO. 18. Strategic Use of Video and Other Information Media.

Presented by Marty Frentzel - The Department provided the Commission with information about our current efforts and solicited input to help determine future strategic direction regarding TV, video, and print media. This briefing sought to better coordinate the Department's outreach efforts and to make our video and print efforts more complementary.

Chairman Sims You're talking about Tourism and what the Department of Transportation does, is there any concept on partnering with them?

Marty Frentzel Absolutely, under the Governor's new marketing strategy.

Pat Block We did in fact meet with Johnny Montoya who is the new head of the State's Branding Campaign which is to try and establish a single identity for the whole state. There are 6 agencies involved. The Department of Game and Fish is 1 of those so we plan to keep working with them and to do everything we can to take advantage of the resources of the whole group, but also to make sure that our Department and New Mexico's wildlife resources are featured as prominently through that campaign as it can be.

Commissioner Arvas Is he the head of the State Branding?

Marty Frentzel Yes, he's supposed to be finding new markets for the state to reach and the people in Tourism will continue to market to the traditional market.

Commissioner Arvas He's with the Tourism Bureau?

Marty Frentzel Yes, and he was receptive to the ideas, many of which we're going to give you today.

Commissioner Arvas I spoke with our Land Commissioner and he assured me that he would love to partner with us on the New Mexico Wild Program, so that's another person you can talk to. I'll include that in my motion.

Chairman Sims That includes hard paper, and internet?

Marty Frentzel Yes, we can do that in an afternoon.

Pat Block We talked about that when we were talking about the fishing rule. One of the restrictions is there are printing lead times to distribute this information electronically.

Marty Frentzel If people don't want the e-mail, so they don't feel we're spamming them, they can opt out of it.

Chairman Sims So we're going to have some savings to offset this?

Pat Block We have the potential to do it with paper, as soon as something changes, you can update it electronically and disseminate that information, so we're looking at ways to communicate with as many people as quickly and effectively as we can.

Commissioner Arvas What's the difference between a viewer and an individual?

Marty Frentzel Viewers are viewed multiple times—it's the number of people watching a show, it's not the number of individuals. News clips about wildlife, we have a contractor who monitors those. News clips about wildlife have about 3,000,000 viewers in the Albuquerque market every month. Obviously there aren't 3,000,000 people in the State of New Mexico. They're counting the same person multiple times.

Commissioner Pino On the overhead, do you say \$21,000 additional for closed captioning?

Marty Frentzel Yes.

Commissioner Pino Here it says \$10,000?

Marty Frentzel The \$10,000 is to close out this fiscal year, through June. It's \$21,000 annually.

Commissioner Arvas Marty, in your opinion, have you had any problem with the video program as it is presented now? Are you happy with the production, with the program effectiveness? Is there something about the program that you don't like?

Marty Frentzel It's a good program for the money we pay.

Commissioner Arvas It's worth the money.

Marty Frentzel My problem is that I don't have an infinite number of dollars in my budget.

Commissioner Arvas The other thing is on this partnering, have we really explored that to its fullest, or not?

Marty Frentzel Under the contract, that has been the obligation of the contractor and we have attempted to set up some meetings, and we will do more.

Commissioner Arvas So it's within the realm of reason that pursuing these other agencies that our cost might be minimized?

Marty Frentzel We can attempt to do that, yes, sir.

Public Comment:

Paul Evans I'm the producer of the Wild New Mexico television program. I've got a statement I'd like to read:

"Mr. Chairman and Members of the Game Commission:

I want to thank you and the Department of Game and Fish for giving me the opportunity to address you today. I'm the producer of Wild New Mexico television program and I'd like to share with you a little bit of information regarding the development and current status of the program. Since 1999, I've had the privilege of promoting hunting and fishing in the unique and not always weather hospitable wilds of New Mexico. Before the turn of the last century, 6 years ago, the television program the Department had supported was not much more than 2 bubbas on a bow. With nearly 20 years of professional television and documentary film-making experience, I knew in the back of my mind that the program that I was producing New Mexico Outdoors had much greater possibilities. While growing up a city slicker, I knew that there are a lot of folks who rarely get the opportunity to enjoy the great outdoors, nor do they know how, so they don't have much interest in watching some lucky guys fish their hearts out. I also knew most women weren't willing to sit down with their husbands and boyfriends to watch a couple of guys trade bull and a bow. I did learn after a while that if you showed the same people where you were going, what you were doing and most

importantly, how you were doing it, they would. I knew spending many years traveling New Mexico's back roads, that the arrival of a New Mexico Department of Game and Fish game warden on many lakes and in many wooded areas was received with mixed reviews. I also knew that there were a great many department employees who work extra hard to restore, improve, and expand both wildlife and their habitat in this state. I believe television would not only be a perfect way to introduce many of these department employees to the viewing public, but also help build morale within the department. On the evening news, you get 15 seconds. On Wild New Mexico you'd get 15 minutes. After New Mexico Outdoors dropped from airwaves, I enlisted the support of some of the best in the business and created Wild New Mexico. Bob Gerding, New Mexico's outdoors ambassador, Tim Baca, the Department of Game and Fish video specialist with whom I have a great deal of admiration for and worked with in television news for a number of years, 4-time Emmy award winning editor Ron Romero, former KOAT-TV news reporter Janet Blair, former Madison Avenue creative art director Ron Salsburg, who has worked on many public service campaigns including for the office of the President of the United States, and local recording artist Chris Candelario. I invested the time and energy to put together a pilot program which was warmly received by then Chief PIO, Don MacCarter, and Mark Birkhauser, and the Public Information Department. The program designed to promote hunting, fishing, and outdoor recreation in New Mexico. In only 18 months we have created according to KASA-TV, the second most popular, locally produced, television show outside of the local news. From Raton to Portales, from the 4 Corners to the Gila Wilderness and many points in between, we have not only spent time hunting and fishing, but taking viewers behind the scenes of the New Mexico Department of Game and Fish and showing how biologists are working to save native species and restore habitats in an attempt to improve the opportunity for all New Mexicans to hunt, fish, and view these resources. We've also taken the time to discuss many serious issues that affect wildlife, including chronic wasting disease and whirling disease. In its first year, Wild New Mexico was nominated for an Emmy by the National Association of Television Arts and Sciences southwest region. The program over time has also received support from other public and private sources, including the New Mexico State Land Office, the New Mexico Department of Tourism, and a handful of local license vendors. I believe the program is an invaluable economic, educational, and promotional tool together with the Department's quarterly newspaper insert provides invaluable support of the Department of Game and Fish and their efforts in the public eye. Again, while television stations might give you 7 seconds in a story, we'll give you an average of 7 minutes per story, and I believe we might be biased, but it's always favorable. Wild New Mexico has already reached more than a million viewers since its initial airing in July, 2004. When the Department was reviewing our fee proposals, Wild New Mexico was asked to make a financial investment in return for being awarded the contract. We hope the Department recognizes the investment that Wild New Mexico team was asked to make and has made in order to deliver a quality program and hope the Commission and Department will help continue the program. We're asking for your help in listing other state agencies with similar interests to keep the show on the air. I thank you for your time and the privilege to address you and serve the Department of Game and Fish in the State of New Mexico."

Commissioner Arvas You started this program in mid-July on FOX, Channel 2?

Paul Evans Yes.

Commissioner Arvas I've got a letter here from KASA that says that since mid-July, they've got 417,000 viewers?

Paul Evans Now it's 585,000.

MOTION: Commissioner Arvas moved to pursue negotiations to retain the Wild New Mexico program and to make a calculated and fervent effort to partner with the State Land Office, Parks and Recreation, and Mr. John Montoya with the Tourism Bureau and to further explore cost-effective methods of using video and other electronic mediums.

Commissioner Riordan seconded the motion.

Commissioner Pino Before we vote on the motion, the Governor of the State, Bill Richardson, supports filming within the State of New Mexico, and video is filming. I think we should work directly with the Governor and see what kind of means he can put towards this effort to help us promote New Mexico and if he's giving loans to film makers that are outside the State of New Mexico, I'm pretty sure he can give us something that we're doing ourselves. We should make an all-out effort to try and encourage to promote our own talent right in the State of New Mexico.

Commissioner Riordan This is a wonderful production. I've had nothing but tremendous comments on it, and if we're going to go ahead and we're in the business of selling licenses, and protecting resources, but we need to tell the people about the resource and product, and this is 1 of the best ways I've seen for the cost. However we fund it, but it needs to be funded.

Chairman Sims I think we all need to get together and work to bring this funding to the Department.

Commissioner Montoya I would still like to encourage you to pursue the electronic means. I also support the idea that we need to go after those that are not engaged, that we don't have their e-mail addresses and they've never applied to us and we don't know who they are. I think there are other areas that are less important than promoting the work that everyone is doing in the Department and that in itself is an investment. You have to invest to get a return and our investment is in the public relations and there'll be a return.

Pat Block Once we begin working on the e-mail communications, there'll be a number of ways to sign up to be on those mailing lists, not just through the hunt applications. They'll be through the website and tell-a-friend kind of things. Also, we're working with the International Association and Marty has submitted information about what we've done in terms of recruitment retention, and we expect to get the full report. We currently advertise the website prominently on the show at just about every opportunity.

Commissioner Henderson I'd like to express my support for this program. I represent all the wildlife recreation interests, but most of those I come in direct contact with are those that will benefit. They hear about the Department through media as this, not through license buying or that sort of thing. Spatial analysis is a tremendous tool.

Oscar Simpson I'm with the New Mexico Wildlife Federation. I suggest you also explore the streaming video—you take your GIS stuff and say where do I need to go, and what's there? With a short segment that says I can go look at the wildlife properties, it shows a visualization of what wildlife is there, and then incorporate it into the schoolrooms, go look at the streaming videos at the places to go. This legislative session I would like to make sure that we get some of the oil and gas money and tie it back into what we're doing here. The restoration dollars are going into the general fund and they're not restoring and they're not educating.

Luke Shelby When we brought the TV show back on the air in 1997-1998, we had a contractor that liked to be on TV, liked to hunt and fish, he didn't care too much about making money, so he was basically recouping what his production costs were. We also had an interesting anomaly with that contractor—that contractor was able to keep all the advertising revenue from the show and he realized very quickly how to generate additional revenue by partnering with State parks. They were more than willing to pay to be on the show. Game and Fish gave up a little bit of air time but it reduced the cost to put that show on the air, and quite frankly, that took very little effort for that contractor to go out there and drum up those dollars and he didn't even hit all that were asking to be on the show. U.S. Forest Service and U.S. Fish and Wildlife Service wanted a short segment on the show and they were willing to pay that money. We were able to stay on television for a little bit of money and let the contractor make some more money by partnering with these other agencies, and I think more effort needs to be put like the motion indicates, into partnering with other agencies. The only thing we give up is a few minutes of the show to get those other agencies.

Chairman Sims The only suggestion I have is in New Mexico we have a guy named Jack Brittingham who has his own TV show, owns property in New Mexico, and he sells millions of dollars of videos every year. He's interested in New Mexico we need to track these people to come in and that'll pull in even more big viewers.

Paul Evans I approached State Parks initially and they did not have the money to put toward the show.

Commissioner Arvas What year was that?

Paul Evans That was in December, 2004.

Chairman Sims My suggestion is Department of Transportation. You coordinate that through Traffic Safety Department where there's terrific hunting and coordinate that scenic byway segment into our hunting segment and we'll win/win.

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 Comment:

Mike Casabonne I'm the President of New Mexico Federal Lands Council. I want to speak on predation, a major factor in our business, especially the sheep business. The majority of our problems are from coyotes and bobcats and the Department does not regulate coyotes. Our organization allows livestock operators to do what they need to do to alleviate their predation problem with bobcats. We also have problems with mountain lions are increasing in numbers from anecdotal evidence that we have and from talking to neighbors and seeing signs. As they start to disperse into a wider area, they cause more conflict with livestock operations and confirmed kills are really only a small percentage of what the total problem is. I wanted to ask the Commission to formally consider expanding the

preventive program to some of the game management units that currently do not have benefit of preventive lion control or any other way that you could liberalize the methods and numbers of mountain lions that livestock operators could take. I think that livestock operators and landowners can be an asset to the Game Department in management of a species. We do provide a lot of input that help big game populations, specifically, the deer in our area. We provide mineral, water and things that help deer population and the way you've structured the hunts allow landowners to be more able to take advantage of better management of deer populations, but allowing them to have better control over their predation situation would help and would help foster rancher/game cooperation.

Chairman Sims I agree with you and landowners are a key factor to our wildlife benefit. Bruce, we do not have a depredation program for lion where we can come in and take action with what they're doing there?

Director Thompson For most of those circumstances, we work with wildlife services and we have a contract. So we'll identify with Mr. Casabonne some of the specific circumstances and determine whether or not we have a process that works, but we do have a contract we work through.

Mike Casabonne The preventive philosophy is something I'd like the Commission to consider because it's a lot better for us if we don't have the loss to begin with. I know the wolf compensation program is not very successful because you can't find all the losses and you can never be adequately compensated for the losses.

Chairman Sims Bruce, maybe we could see what we could do. Maybe we could do something preventable.

Oscar Simpson I'm with the New Mexico Wildlife Federation. The public needs to know few organizations respond to public lands, habitat, and issues, and there are 4 habitat specialists in each area office and we'd like to see you use the website to advise us on what's going on in the different areas of the state and the comments from your employees to inform what they're doing, comments, and it better educates the public, and what issues are at hand. You address the issues and never let the public know what's going on. Your e-mail service is a good way to inform the public.

Ron Shortes A concern that impacts all the Forest Service lands in New Mexico is they're engaged in preparing plans for roadless areas and transportation plans and all of the U.S. Forest Service has promised Catron County that they want to reduce the number of roads in the Gila. It's a serious issue if the roads are reduced if anyone interested in multiple use of the forest and they want to use motorized vehicles. This isn't a small number and if you don't have access to 4-wheelers and that is a serious problem if you're a long way from road. You have regulations in terms of state trust lands for removal of carcasses and we suggested adopting your regulations to enable people to do that.

#### AGENDA ITEM NO. 20. Closed Executive Session.

The State Game Commission adjourned into Closed Executive Session to discuss litigation, personnel, and acquisition or disposal of real property or water rights, and 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, and 19.31.2, NMAC.

MOTION: Commissioner 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 several land interests at the recommendation of our Director as per 10-15-1, NMSA. Commissioner Arvas seconded the motion.

#### Roll Call Vote:

Chairman Sims – yes

Commissioner Arvas – yes

Commissioner Henderson – yes

Commissioner Montoya – yes

Commissioner Pino – yes

Commissioner Riordan – yes

Commissioner Salmon – yes

Motion carried unanimously.

Commission Montoya moved to enter into Open Session and the record reflect that no action was taken during the Closed Executive Session, but several items were discussed by Legal Counsel and the Director. Commissioner Arvas seconded the motion.

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

AGENDA ITEM NO. 21. This item was deleted in the approved agenda.

AGENDA ITEM NO. 22. Access to the Marquez Wildlife Area.

Presented by Jim Karp. – The Department requested that the Commission designate a member of the Commission to initiate negotiations for the acquisition of real property interests or license rights for access to the Marquez Wildlife Area.

Commissioner Pino moved to give Chairman Sims and Department staff the authority to negotiate the easement for access to the Marquez Wildlife Area. Commissioner Montoya seconded the motion.

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

AGENDA ITEM. NO. 23. License Request by ConnectChama.

Presented by Jim Karp. – The Commission was asked to consider the request by ConnectChama for the extension of a license to access a communication tower at Rabbit Peak. Based upon its services offered, the local community and the state of its financial position ConnectChama sought extension of the license on the existing license terms, including no fee payment.

Commissioner Montoya moved that the Commission act on the request from ConnectChama that the Commission extend the easement that we've allowed ConnectChama to use to Rabbit Peak for a period of 1 year at no charge. Chairman Sims seconded the motion.

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

AGENDA ITEM NO. 24. Adjourn.

MOTION: Commissioner Henderson moved to adjourn. Commissioner Montoya seconded the motion.

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

Meeting adjourned at 5:13 p.m.

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

February 24, 2006  
Date

s/Tom Arvas for/Leo Sims  
Leo V. Sims, II, Chairman  
New Mexico State Game Commission

February 24, 2006  
Date

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