

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
State Capitol Building – Room 307  
Santa Fe, NM 87501  
May 20, 2005

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

Meeting called to Order at 9:23 a.m.

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

Chairman Riordan – present  
Vice Chairman Arvas – present  
Commissioner Henderson – absent  
Commissioner Montoya – present  
Commissioner Pino – present  
Commissioner Salmon – present  
Commissioner Sims – present  
**QUORUM: Present**

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

Introductions made by approximately 60 members of the audience. Distinguished Guests in the audience were the Honorable State Representative Luciano “Lucky” Varela, State Land Commissioner Pat Lyons, and Ex-State Game Commissioner Jennifer Montoya. Representative Varela encouraged Department assistance with providing camping opportunity in Pecos Canyon while the road to Jack’s Creek Campground is under repair.

**AGENDA ITEM NO. 4. Approval of Minutes (March 31, 2005—Ruidoso/Alto, NM)**

**MOTION: Commissioner Arvas** moved to approve the Minutes of the March 31, 2005 State Game Commission Meeting in Ruidoso/Alto as presented. **Commissioner Montoya** seconded the motion.

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

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

**MOTION: Commissioner Arvas** moved to approve the Agenda for the May 20, 2005 State Game Commission Meeting as presented. **Commissioner Salmon** seconded the motion.

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

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

- o **Revocations**
- o **Recognition of Commissioner Jennifer Atchley Montoya**

**Chairman Riordan** acknowledged and recognized **Ex-Game Commissioner Jennifer Montoya**. Commissioner Jennifer Montoya served approximately 2 years on the State Game Commission. She did an outstanding job and she gave of her time without compensation. It’s an extremely difficult job and we appreciate everything Commissioner Jennifer Montoya has done. Commissioner Jennifer Montoya was presented with a plaque in recognition and appreciation of dedicated service to conserving New Mexico’s wildlife resources, January 2003 through January 2005.

**MOTION: Chairman Riordan** moved to make an exception and consider Steve Lewis, guiding without a permit, an item at July’s Game Commission Meeting in Reserve. **Commissioner Sims** seconded the motion.

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

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

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

## NEW BUSINESS

### AGENDA ITEM NO. 7. Approval of State Land Office Easement for Hunting, Fishing, and Trapping.

**Presented by Luke M. Shelby** - The Department presented for Commission approval the new easement for access upon State Trust Lands for the regulated harvest of protected species. The proposed easement was developed in conjunction with the Commissioner of Public Lands. It is for a 2-year period and the fee is based on a formula that considers, among other factors, license fee revenues and proportions applicable to providing allowed activities on State Trust Lands.

**Commissioner Montoya** What was it last year?

**Luke Shelby** It was around \$130,00 based on a flat fee of \$100,000 and then some additions regarding the consumer price index.

**Chairman Riordan** When was the last time we had a fee increase on state-leased land?

**Luke Shelby** The last lease was negotiated in 2000, but as the Commissioner points out, we didn't have a fee increase.

**Commissioner Montoya** Have you determined an estimate of what the fee increase will be next year?

**Luke Shelby** These are projections and for illustration purposes only, but if we sold the same amount of licenses that we did in 2003, the rental-easement fee would go to \$230,818. As you know, when we have a license-fee increase, we typically see fewer licenses sold the following year, but we expect that to come back—so, it would be around \$230,000.

**Commissioner Pino** On your rental projection, you show that 1961 was the first agreement?

**Luke Shelby** Right.

**Commissioner Pino** What's the acreage today?

**Luke Shelby** The acreage today is a little over 8,000,000 acres. The Commissioner's ability is to withdraw lands for business leases. An example of that is south of Albuquerque, New Mexico sold that withdrawn from the lease or any other business leases that they need to take out.

**Commissioner Riordan** That's about 13,000 acres on Mesa del Sol that is within Bernalillo County boundaries and it's against the law to shoot within Bernalillo County.

**Commissioner Arvas** Thank you, Commissioner Lyons, for the cooperative attitude of the Land Office exhibited during all of these talks and negotiations, Director Thompson and Assistant Director Luke Shelby for their efforts to work this out. Do we calculate the formula in advance or after?

**Luke Shelby** We calculate the formula at the beginning of the fiscal year.

**Commissioner Arvas** This year's calculation has already been done?

**Luke Shelby** We will use the license fees from the most current year we have available.

**Commissioner Arvas** Which would be last year?

**Luke Shelby** Right. For 2005 we use 2003-2004 license figures.

**Commissioner Arvas** Was this something that's done in other areas, or are we doing this type of formula?

**Luke Shelby** I do not know what other states do, but I do know that in New Mexico we have a relationship with the Commissioner and what we pay for hunting, fishing, and trapping on state lands. It provides for increases based on those figures.

**Commissioner Montoya** Or decreases, as you mentioned that whenever there's a fee increase, there's a smaller number of applicants the year after the increase?

**Luke Shelby** That's typically what we see. We don't know if we're going to see that this year, but typically that's what we see.

**Commissioner Montoya** The minimum will be \$150,000?

**Luke Shelby** Yes.

**Commissioner Sims** How much of a cut did we have last time we had a license fee increase in applicants, percentage-wise?

**Pat Block** Generally, on the over-the-counter licenses we've seen between 5%-10% decline. On the special hunts, it doesn't reduce revenue because you still have more people applying than you do licenses to give out. So where you see this, is in the over-the-counter licenses like fishing. You'll see 5%-10% and then generally come back in a year, and after about the third or fourth year, you're back to where you began.

**Commissioner Sims** How do you see the formula working in to our license fee increase and our new philosophy on how we're going to treat our deer draws?

**Pat Block** I don't see a large decrease because if you look at the formula, the 3 biggest numbers are public elk, public deer, and public pronghorn and those are all subject to drawing, so I still expect that even with the dip in applicants, we're going to see all licenses given out or we'll see a big drop in revenue.

**Director Thompson** It's been a pleasure working with the State Land Office in crafting this agreement. As far as we're aware, this is a novel approach and, on behalf of sportsmen's interests this approach, provides some incentive for the State Land Office to not only keep lands in the program but also to insure that those lands provide the best opportunities.

**Chairman Riordan** I'd like to thank you Commissioner Lyons because I know that you're a sportsmen's advocate, and you're a wildlife advocate. You care about the resource; you care about the sportsmen out there in the field, and we appreciate

everything you do.

**Commissioner Lyons** I have to give credit where credit is due. Bob Jenks and Luke Shelby are the ones that really did the work on this, and did a successful economic analysis assessment, and secondly, I want to point out that the money that Game and Fish gives us goes to education so you can say you supported educating our children in New Mexico. That's our constitutional mandate-- to raise money for education, not determine how it's spent. Thirdly, part of my objective is to keep the lands open to the sportsmen of New Mexico.

**MOTION: Commissioner Montoya** moved to approve the State Trust Land Easement for hunting, fishing and trapping activities as presented. **Commissioner Sims** seconded the motion.

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

**(Department of Game & Fish and the State Land Office Easement was executed by Commissioner Lyons, Chairman Riordan, and Director Thompson.)**

**AGENDA ITEM NO. 8. Amendment of Hunting and Fishing License Application Restrictions, 19.31.3.11, NMAC.**

**Presented by Roy Hayes** – The Department presented an item for action/consideration by the Commission to amend hunting and fishing license application restrictions for deer hunting in areas where unitization occurs involving state land.

**Commissioner Sims** On these unitization agreements, how long do they last? Do you go year by year?

**Roy Hayes** It is a 1-year agreement, and it has to be renewed each year. The district officer will bring a recommendation to the area, the area reviews it, and if we approve, we pass it on to the Director.

**Commissioner Sims** Is it renewed every year by a new contract, new signatures?

**Roy Hayes** Yes, sir.

**Commissioner Arvas** This agenda item addresses the problem with lands?

**Roy Hayes** It could. Before we had public draw licenses, there was no incentive. They don't have to allow access by our new rule. They cannot hunt on that school section with a private deer license, so that would be an incentive to unitize and I think we're going to get more of these agreements.

**Commissioner Arvas** Do you have to talk to these people? Are we making an attempt to go to those landowners?

**Lief Ahlm** We haven't made that attempt because we don't have the same pressures that they have in the southeast and we haven't had that request from the public to open those lands, but it is something that could be looked into.

**Commissioner Montoya** So, with this action it isn't specifically for these locations that you identified, it can be applied in the northeast?

**Roy Hayes** Yes, it would be a statewide application exception to the law so that throughout the state you could have it unitized. The landowners are the ones that usually contact the district officer and we in the area try and make sure that it's a good deal for the public hunter. We want to make sure the public hunter gets a definite benefit out of it and if we determine that it will be a definite benefit for the public hunter and the landowner, then they bring forward the recommendation and justification for the area and we will pass that on to the Director.

**Commissioner Sims** This agreement that we are addressing on the rule changes is for deer only, or is that deer, elk, and antelope?

**Roy Hayes** This is for hunting, fishing, and trapping on state lands. We have unitization agreements for quail and elk, but the problem is that the private deer licenses are not valid on public land. We would like to change where the private deer license would be valid on state land that has a valid unitization agreement.

**Commissioner Sims** Without the unitization agreement, it doesn't work?

**Roy Hayes** Correct. It's public land and those licenses would not be valid.

**Commissioner Montoya** I'm all for partnerships where private land can be opened up for additional hunting opportunities that aren't there now.

**MOTION: Commissioner Montoya** moved that the Commission approve the Department's recommendation to amend rule to allow private land deer permits be used on state land where there is a valid agreement for unitizing state leased and privately owned or leased lands. **Commissioner Sims** seconded the motion.

**Chairman Riordan** I would like to see something incorporated into these unitization agreements where private landowners show us that they're doing some conservation, or improvements on that state-leased land for the benefit of wildlife. I don't care if we're increasing water tanks where we know that he's getting a benefit and we're getting a benefit. I'd like to see some kind of improvement that takes place each year as we have these unitization agreements. I do think that we still have other issues. I do think we need to look at these large pieces of land where people are not being cooperative in making them accessible to the hunters and fishermen. We need to look at alternatives. Please keep in mind the conservation situation. They have to have some kind of improvement for wildlife.

**Roy Hayes** We'll add that to our negotiations and make sure that's part of the justification when we forward that to the Director.

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

**AGENDA ITEM NO. 9. Requesting Commission Approval to Dispose of Fixed Assets.**

**Presented by Patrick Block** - The Department requested Game Commission's approval to dispose of vehicles and other fixed assets that are worn out, obsolete, or have reached the end of their service life. State statute requires that an agency's governing body approve the disposal of personal property prior to disposing of the items. On July 16 at the New Mexico State Police auction we'll have 29 vehicles, 46 computers, 1 printer, 4 trailers, 3 horse trailers, 2 freezers, 2 copiers, and a mailing machine. These items have either reached the end of their service life, or they are no longer functional so we're requesting Game Commission approval to dispose of these items.

**Chairman Riordan** What kind of notification do we put out on the auction?

**Pat Block** The auction is widely advertised. James Cecil Auctioneers is the contractor that does that for the Department of Public Safety. They place newspaper ads in papers in major cities, and they have a pretty extensive mailing list. It's a public auction, so there's a legal notice.

**Commissioner Sims** On anything like vehicles with a title, we have a mileage, title, and year, but I notice that with computers, freezers, it would be beneficial to see not only purchase price, but info on when the item was purchased. Gives me a general idea of what kind of life we're getting out of these items and also would be beneficial to the public bidding on these items.

**Pat Block** The purchase date is available in our system so we'll include that on future presentations.

**Chairman Riordan** What do you think on these vehicles, i.e., if we paid a total of \$620,201 for these vehicles what would we be able to recoup?

**Pat Block** Generally, the vehicles sell from between \$5,000-\$9,000, depending on the actual vehicle and really how good it looks. I think at an auction it is more what you see, but also I think people have come to know that these vehicles are maintained at a pretty good level so they do bring a good price. If you're looking at \$19,000 about 1/3 of the original price is not an unreasonable average so if we sold all 29 vehicles, we'd be looking at around \$200,000.

**Commissioner Arvas** It would be illuminating if we spent \$620,000 for the vehicles we're selling, we could recoup 1/3 of those replacement costs. Have all the computers been replaced that are listed here?

**Pat Block** The ones on this list have been replaced.

**Director Thompson** In most cases, not all, these are items that have already been compared to other surplus equipment we're able to get through other agencies, so these are actually effectively worn out.

**Pat Block** These are the hand-me-downs that were replaced by hand-me-downs from other agencies.

**Chairman Riordan** One thing I would like is the Department to make sure to do an ad in the major newspapers in the north and south.

**Pat Block** To reiterate, the auction will be held Saturday morning, July 16 at the Department of Public Safety on Cerrillos Road, Santa Fe.

**MOTION: Commissioner Arvas** moved that the Commission approve the Department's request to dispose of the fixed assets covered in this agenda item. **Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 10. Commission Approval Sought for 2006 Habitat Stamp Program Projects with GPS Update.**

**Presented by Dale H. Hall** - The Department forwarded to the State Game Commission for approval, recommendations made by 5 regional Citizen Advisory Committees concerning the Habitat Stamp Program's 2006 and 2007 project lists. A progress report was presented about obtaining GPS locations on all Habitat Stamp Program projects, with special emphasis on examples from the Lincoln National Forest

**Chairman Riordan** I'm real pleased with what you're doing on your water development in that area. I think we need to emphasize infrastructure for wildlife, i.e., watering holes. Make that commitment in the next 2 years. We've got quail issues in the southwest portion of the state.

**Commissioner Arvas** It might behoove us to relate how the Citizens Advisory Committee entertains the suggestions or recommendations from all entities that are involved. Last year we had money left over and we weren't able to use it for a variety of reasons.

**Dan Walden** The advisory committee in the southeast is unique in that they don't want any projects other than habitat improvement. Forest Service has approximately half a million dollars in projects. The committee plays an important role in prioritizing and working with the Forest Service on vegetation treatment in woody areas.

**Dale Hall** We have 5 committees throughout the state. We have 5 sportsmen, 1 public-land permittee and we have an environmental interest representative, so we try to hammer out interests at the committee meetings and bring those forward.

**Commissioner Arvas** Would you tell us why we have that money stored up?

**Dan Walden** We spend approximately 83%-85% in the southeast. We've been doing the smaller projects. The Forest Service doesn't want to go over budget. If you have 15-20 projects, you're looking at \$10,000 coming back. That's not including prescribed fires, and the projects are there so we've been successful in spending 80%-85% of the funds. We've completed 2005 projects in the Lincoln and will submit the bills next week.

**Commissioner Arvas** The amount of money from the Habitat Stamp Program, is that increasing or decreasing?

**Dale Hall** Our revenues have increased. During drought years of 2002-2003, when some of the forests were closed, we did see a dip in fishing license revenue. We saw that fund dip because the interest rates have gone down, but overall we have a steady stream of funding coming to the program. That extra money has accumulated over the year because we're not spending all the money that's been allocated for some of the reasons that Danny mentioned. We've implemented some processes to take care of that. In the past we didn't have these tiered projects and so if we couldn't do burning, you couldn't spend the money. Now we have tiered projects so that if you can't do burning, you can drop down the list and pick up another project and get that project done. Don Ellsworth, on board as coordinator for BLM, whose job is to improve efficiency through the BLM. With the Director's help we're looking at another way to tackle that extra money.

**Chairman Riordan** Where are we removing the salt cedar?

**Dale Hall** That's by Pilar, in BLM country that borders Pilar/Rio Grande. This is as far as the salt cedar has moved up the Rio Grande, so we can put up a border to prevent it from invading any further upstream.

**Chairman Riordan** What we've had happening in our salt cedar removals is we're addressing the Rio Grande itself, but we're still allowing the salt cedar to remain in the tributaries and arroyos and feeding the seeds back to the same area that was cleared.

**Dale Hall** We do have 2007 projects that'll come back next year. We'll amend those project lists and be back next year with some more information. In summary, we have a list of 2006 projects ready to go and then we have a tentative list for 2007 projects.

**Commissioner Pino** Looking at the list for central Eagle Nest, Albuquerque field office, there are 2 items listed. Can you explain why the Albuquerque list for BLM is so short?

**Dale Hall** If you go to bigger, large-scale projects, they eat up all the money.

**Commissioner Arvas** You refer to that \$500,000 project, would you tell us why it cost that much?

**Dale Hall** I show it's a \$360,000 total project of which we're contributing \$100,000.

**Commissioner Pino** We're looking at 2006-2007.

**Tom Gow** The question is why just 2 projects?

**Commissioner Pino** Yes, explain why that project is so huge and addresses 1 area?

**Tom Gow** Because now in Malpais we have a block of public land that we're going to keep clear culturally and that's the biggest chunk of money. We're also looking at treating habitat. We're looking at improving mule deer habitat. We've got indirect beneficiaries with Acoma and Ramah Tribes with their elk program, the way they're managing their elk herd.

**Commissioner Salmon** I've been impressed with the number of different habitat improvement projects with funding from people who hunt and fish on public lands. How much more we could do if we could get other people who use public lands to contribute. We should continue to look at alternative or additional means for funding these projects by making use of public lands from users who don't hunt and fish but do use public lands.

**Tom Gow** We've just hired a field specialist. We have 300,000 acres of public land at Malpais and I've given him my vision within 3 years, at most 5 years, and I want us treating at least 30,000 acres per year.

**Dale Hall** We've planned on taking a field trip because some of the citizens had some of the same questions and we're going to look at the Malpais area.

**Commissioner Sims** Where exactly is it located?

**Tom Gow** South of Grants.

**MOTION: Commissioner Salmon** moved to approve the tiered list of 2006 and tentative list of 2007 Habitat Stamp Program projects recommended by the Citizen Advisory Committees. **Commissioner Pino** seconded the motion.

**Commissioner Montoya** I have a question of the BLM representative. I know that in his area we've been very active. I'm wondering if all the areas are as active as the central part of the state.

**Dale Hall** Some of our most active partners are in the Socorro office and they are very aggressive in doing some work. The Las Cruces office is getting very aggressive in bighorn sheep management in the Hatchet Mountains. The Farmington office is very active. We do have a real good working relationship with BLM.

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

#### **AGENDA ITEM NO. 11. Update on Status of Elk Landowner Signup System Review.**

**Presented by R. J. Kirkpatrick** – The Department presented an update on the status of the Elk Landowner Signup System review including a presentation of the summary of the questionnaire and presentation of a draft rule of 19.30.5, NMAC, which will accomplish significant changes to the current system.

**Chairman Montoya** We've made sure that there's been thorough public involvement in our meetings. The largest paper in our state has done several articles on it. On the website there was a huge survey that went out to sportsmen and every single landowner that participates, I've learned that there are good employees that are knowledgeable in the Department and they are truly public servants. They want to help the different constituencies that we represent - it's just that they're shackled with

regulations that limit their ability to do a better job. I've also learned that the public is supportive of this program. The landowner and the sportsman are not that far apart. The survey shows at most there were 8 percentage points apart but almost always within 2-3 percentage points. All of them care about this program and they want it to succeed and I've learned that it's just a few cases that give the program a bad name. A few individuals that use the program that get a lot of attention and the recommendations of the committee will minimize even those few to lessen what we have now.

**Public Comment:**

**Ron Shortes** - I've been working with your staff on that survey. I was involved with ranch evaluations that came under prior Commission. That system was aimed at giving landowners input into the evaluation of their property. Unfortunately, that system got scrapped so many people thought they were entitled whether they had elk or not. If it's done scientifically with common sense, it's going to end up being fair. One issue our committee dealt with was the appeal process. I agree that the Commission and the Chair should have final authority on any appeal issues and that the determination of elk and acreage and contribution factors be based on contribution to the wildlife and the elk.

**John Boretsky** - Executive Director of the New Mexico Council of Outfitters/Guides. I just wanted to caution Commissioner Arvas that we're paid by 5-day hunts and attorneys are paid by the hour. I'd like to point out that in 2003, New Mexico State did an economic survey of professional guided hunting in New Mexico and I realize that the bulk of our money comes from elk. According to New Mexico State we bring in \$127,000,000 per year. The pass-along effect of that is \$225,000,000, that's a quarter of a billion dollars into the rural economy.

**MOTION: Commissioner Arvas** moved to open 19.30.5, NMAC, for the purpose of accepting public comment and testimony on proposed amendments to allocation procedure for Elk Landowner authorizations. **Commissioner Sims** seconded the motion.

**Commissioner Arvas** Having had the opportunity to be in the old landowner system and look at all the changes that the committee has made, I think when it's all said and done you can come back to the Commission and I think this whole area will be more than substantial not only private but for the public.

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

**AGENDA ITEM NO. 12. "Mandatory Harvest" Reporting Program.**

**Presented by R. J. Kirkpatrick** – The Department presented information to the Commission regarding the advantages and disadvantages of a Mandatory Harvest reporting program. The presentation included a biological-management perspective, an economic perspective, a proposed implementation schedule and a "LIVE" demonstration of the proposed system designed to reveal its ease and simplicity.

**Chairman Riordan** I would like to see the harvest being allowed up until the deadline and make it mandatory that you have to fill it out before you submit your application.

**R.J. Kirkpatrick** The second you start entering your personal information, it will know whether you submitted your harvest report or not. If you didn't, the pop-up screen will remind you to do that.

**Chairman Riordan** For Commission purposes, I think this will assist us in finding out how many elk we're harvesting, and what's out there. Also, we should consider including other species like furbearers that we need to monitor harvest better.

**Public Comment:**

**Roger Peterson** - I'm with the Rio Grande Chapter of the Sierra Club. We favor this program.

**R. J. Kirkpatrick** - We talked about whether we would apply this to other species in New Mexico. We might be wiser to go ahead and implement with deer and elk first to see how it works, work the kinks out of it, make sure everyone's comfortable with it and then move it on to other species.

**Roger Peterson** - We think it important that reporting requirements be imposed on the trappers.

**Jeremy Vesbach** - I represent the New Mexico Wildlife Federation. I want to thank R. J. for getting the provision in there that if someone does miss it, they can still get their license. I'd like to see outreach and sportsmen's groups about this prior to implementation, maybe some staff go out and make sure that we're speaking to some of the sportsmen's groups and also that we keep that late fee small in the first few years so that people that don't know about it, at the point of application to submit their application that they're not paying a \$50 late fee.

**MOTION: Commissioner Montoya** moved to direct the Department to proceed with development of a "mandatory harvest reporting program" and present more precise details to the Commission in conjunction with the 2007-2008 Big Game Rule development process. **Commissioner Salmon** seconded the motion.

**R. J. Kirkpatrick** We hope to implement it for the 2006 fall hunting season. We'd like to do a real good job in getting public input. The other issue is going to have to do with doing a bit more detailed research on the technology and contractors that may be interested in doing this for us, and our IT Division being able to make sure that a contractor, or internally, that all the systems are able to accomplish it.

**Chairman Riordan** I think we ought to move a little quicker.

**Commissioner Arvas** I'd like you to come back to us in the fall and tell us it's working. I think people like Dale Jones get word out and our public relations do too.

**R.J. Kirkpatrick** We talked to special interest groups, sportsmen's groups, and wildlife-oriented folks and they've been asking us why we haven't been moving all along.

**Commissioner Montoya** Probably even sooner than that in terms of the notice going out with the licenses.

**Chairman Riordan** Isn't there something that if the licenses are issued you must go ahead and return this survey to validate this license?

**R. J. Kirkpatrick** We're sure that every single deer and elk hunter in New Mexico wants this implemented will know of the new requirement and how easy the process is.

**Commissioner Pino** On paying the late fee, we're doing this for the first time, we really don't know how the system is going to work. I agree with the gentlemen who made comments on keeping the late fee low, maybe not even having it for first few years of the program.

**R. J. Kirkpatrick** We'll take that into consideration. Other states are implementing or have this process in place and we'll visit with them about their experience and report back to the Commission.

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

#### **AGENDA ITEM NO. 13. Amend the Big Game and Turkey Rule, 19.31.8.13, Paragraph F, NMAC.**

**Presented by R. J. Kirkpatrick** – Amending specific portion of the Big Game and Turkey Rule, 19.31.8.13, Paragraph F, NMAC, to include GMU 36 in those units where private landowners may have the ability to submit requests for extended season dates for Antlerless elk hunting. The respective Area Chief and the Chairman of the State Game Commission must approve these requests.

**Commissioner Sims** Are the landowners going to have the responsibility to show what they're doing and are we going to have to have manpower in the field?

**R. J. Kirkpatrick** A landowner that feels he needs to hunt elk in January in the northeastern part of the state, will have to contact Lief Ahlm and work through whether or not they're doing what Lief feels is appropriate to warrant taking that request to the Commission.

**Commissioner Sims** At that time, is he going to have the manpower and funding to do that?

**R. J. Kirkpatrick** I think there will be relatively few ranches that ask for this overall. It's in relatively few units.

**Lief Ahlm** As of today I've had 6 properties asking to extend the hunting. Some of them are multiple ranches that sign up together, but I don't think there's going to be a manpower problem.

**Chairman Riordan** Lief, you're going to reassure us that we can get something back out of this?

**Lief Ahlm** Oh, yes. They're all talking about leaving certain parts of the regular season closed, and not using all of their permits. Almost all of them leave water on, they plant grass, and leave various areas for elk.

**Chairman Riordan** We're going until January what?

**Lief Ahlm** January 31.

**Chairman Riordan** We're not going to come back next year for February 28? January 31 is our dead days?

**R. J. Kirkpatrick** We agree that December 31 is when most hunting stops on private property. It would only be for a particular 5-day period in January and we would never recommend it go past January 31.

**Chairman Riordan** You know our feelings on trying to do something conservation minded for the elk and we're more than willing to work with those ranchers that are willing to work for the benefit of wildlife.

**MOTION: Commissioner Arvas** moved to amend Paragraph F in Sections 13 and 24 of the Big Game and Turkey Rule, 19.31.8, NMAC, to add Game Management Unit 36 to the list of Units in which ranch-only ranches may hunt antlerless elk during extended seasons, with approval of the respective Area Chief and the State Game Commission Chairman. **Commissioner Sims** seconded the motion.

**VOTE:** All present voted in the Affirmative, Commissioner Pino dissenting. **Motion carried.**

#### **AGENDA ITEM NO. 14. Amend Upland Game Rule 19.31.5, NMAC, and Waterfowl Rule 19.31.6, NMAC.**

**Presented by R. J. Kirkpatrick** – The Department presented the Upland Game Rule 19.31.5, NMAC, and Waterfowl Rule 19.31.6, NMAC, for the 2005-2006 hunting seasons. Changes from the 2004-2005 season included, but were not limited to, changes in crane permit allocations, Bernardo duck hunting opportunity, and adding the ability to harvest collared dove during open dove season.

##### **Item No. 14-A. Proposed Waterfowl Season Rule Changes.**

Proposed amendments to the 2005-2006 Waterfowl Rules are necessary to update resident waterfowl rules and coordinate with USFWS frameworks on migratory species and adjust hunting opportunity where appropriate. In the Bernardo, that adult-youth duck hunt that this Commission put in place last fall requiring a permit, as a result from last year went fairly well. This year we've

got requests from folks that we remove the application requirement. The dates we're proposing are Saturdays, Mondays, and Wednesdays throughout the season and they can hunt waterfowl while they're in there.

**Chairman Riordan** Are those dates the same as in Bernardo south?

**R. J. Kirkpatrick** Yes.

**Chairman Riordan** In other words, if they go in on a Saturday in the youth hunt area in the north side of Bernardo, if U.S. 60 is full, they can go down and go in the general hunting?

**R. J. Kirkpatrick.** Yes. Bernardo and Casa Colorado light geese hunts. After a discussion with Tim and him researching the hunter success, we're proposing some significant reduction. We're proposing that the Casa Colorado property not be hunted at all and reducing the number of days for this particular hunt on Bernardo to 4 days. The reason is we only killed 19 geese this past year. What's happening is that the first guys that get in may or may not get a goose and after that it seems there aren't very many geese.

**Chairman Riordan** Tim, I understand what you're trying to do on this. I think that a problem we've had on Bernardo and Casa Colorado is we've had more grain planted on the Bosque del Apache properties than we've had in past years. I think what's happened is they've been knocking down grain, birds would come from Bernardo and then go back to the Bosque on alternating basis. Director Thompson and I went out there and we never saw a goose. The geese never got up off the Bosque del Apache. We drove in and there were 32,000 snow geese on the property at the time that we were there and they never came off. What's happened is there are very limited hunts going on there at Bosque del Apache. I think what we've accomplished is going to increase the hunting pressure and have these geese start moving back and forth between refuges and coordinate. I think it had to do with management problems out of the Bosque hunt club that is bordering Bosque del Apache for the entire season. How many geese did they take, 200?

**Tim Mitchusson** We kill over 1,000.

**Chairman Riordan** Usually it's over 1,000 geese, so that tells us that management is the problem. We had a lot of geese in this area but they all stayed down in the refuge and very seldom did they get out. Tim, before we stop hunting, I think we need to have better coordination between our Department and the U. S. Fish and Wildlife. I think they're open to working with us before we do something drastic on the hunts.

**Commissioner Arvas** Tim, is there any way to meet with someone because it's a farming right.

**Tim Mitchusson** That's going to get worse because they're expanding that refuge farther south. We acknowledge it and I think the problem here is with fewer light geese overall. Over the past few years, the problem is there aren't light geese on Bernardo until the day of our hunt. They show up and we flush them out and they head back to the Bosque. The intent was to get those birds to stay there during December, we'd open up that youth hunt, and they'd have a good time. The second hunt opens up and that'd be a quality hunt and then Bosque would hunt right after our hunt and chase the birds back up and then we could have another quality hunt in January, but our success rate has been declining on that early December hunt. Last 7 years they've taken 14 geese total at Casa Colorado. We have gotten 4,000-5,000 geese in the upper valley. There's no incentive to come up there so this is an attempt to increase without eliminating all the hunting.

**Commissioner Arvas** When Bosque del Apache had it's last hunt, the harvest ratio was less than 20 groups. If there are 30,000 geese on the refuge, it's certainly not worth the hunt.

**Tim Mitchusson** The problem is they're up against the baiting law just like we are.

#### **Item No. 14-B. Small Game Season Rule Changes.**

Amendments to the 2005-2006 Upland Game Rule are necessary to update the rule and coordinate with USFWS on migratory species, (i.e., September teal, Sandhill crane, dove, and band-tailed pigeon) and adjust hunting opportunity where appropriate. Contact from folks in Las Cruces is concern about the squirrel population that is a result of precipitation patterns. On the quail issue there's more interest in the Department quail management development plan and we'll initiate that process if that's the appropriate course to take.

**Commissioner Arvas** I don't know if this is intrinsic to the Las Cruces area, but Commissioner Jennifer Montoya had started an effort to try and get something going with quail.

**Commissioner Salmon** I've started talking to people down there.

**R. J. Kirkpatrick** The flyway councils are currently considering states hunting ducks and waterfowl species. Seasons within seasons as we're doing now there's an interest in having the states in the flyway initiate a program called Hunter's Choice where the hunter chooses what he wants to shoot, how long he gets to hunt, and what he gets to hunt, which is a harvested animal dictates where you move. Tim can explain it more, but I think it would be appropriate for us to brief the Commission because it's going to be a real difference for New Mexico if we happen to be 1 of the states that goes to Hunter's Choice. From a fiscal standpoint, it's going to cost a little money to do the survey work.

**Tim Mitchusson** Hunter's Choice is a system where the hunter decides what he's going to take. Currently we have a 6-bird bag limit for the central flyway with limit restrictions on certain species and canvassbacks and pintails shorter seasons. Hunter's Choice option would be season long and possibly all season. The bag limit would be different and would go down from 6 to 5

birds total, but there's also the option where 1 bird can only be a hen mallard, pintail, or a canvassback. Once you take 1 of those 3, you can't take any of those 3 again. You're restricted so your choices are either mallard drakes, or you can shoot that trophy pintail, but you cannot shoot a hen mallard or canvassback. This is intended to reduce the harvest while simplifying the regulations.

**Chairman Riordan** We'd like to explore that further.

**R. J. Kirkpatrick** Grouse hunting, no changes. Pheasants, bag limits to hunting private land in Valencia County. One of the issues that arose last year—by the way that putting that hunt into a draw process and allowing landowners the ability to decide if they want it or not, to hunt by getting the application form from us and then giving it to whomever they chose worked beautifully. There was not 1 call on that pheasant hunt this year. One concern this Commission brought up last year was the draw date for this Middle Rio Grande Valley hunt. Some Commissioners have expressed the desire to move the draw date for that hunt later so people that may not have been aware of it in September, have more time to become aware of a hunting opportunity. Along pheasant management, the Commission asked me to look into what Arizona was doing with reference to CRP and putting strips of grain into those CRP blocks and enhancing prairie chicken. NRCS and park services may have the ability to finance those kinds of activities, but currently farmers are obligated to pay for that. They're allowed to do a little of it but they have to pay for it out of their pockets so we're going to try and figure out a way the Department with federal funds can assist in putting strips of grain around those CRP quads.

**Tim Mitchusson** For cranes, our allotment went up from 206 to 284 this year. With those options we then have 360 permits. With those permits they could take 2 birds per day, 2 birds per season. The other option if you want to increase opportunity is book 390 permits and keep the bag limit the same as it is, 1 per day, 2 per season. My preference would be 360 permits. We're getting saturated with hunter numbers down in the valley. This became a quality hunt, hunters could take their 2 birds, have better data for what the harvest will be. Last year we took 348 birds, we only reached our allotment by 17 so we're close. This would increase opportunity. We get about 400-450 applications for 310 permits.

**Chairman Riordan** I'd like the first option where you get 2 birds in the field, just as on dark geese. Are we doing our tag just as with dark geese?

**Tim Mitchusson** Just like we did last year. Everyone that takes a crane in Rio Grande valley, have to tag those birds. The only other option is that southwest hunt—we issue 60 permits and hunters can hunt November and January. If the Commission desires to increase hunter opportunity, we could split that into 2 seasons. In the past, that was under-subscribed, last year it was barely oversubscribed.

**Chairman Riordan** Commissioner Salmon, why don't you and Tim get together and have a discussion and figure out what your recommendation is for that area.

**R. J. Kirkpatrick** One unique thing is collared doves. A hunting opportunity we're proposing this year will include collared doves as a bag during our regular dove seasons. We propose dove hunting during the structured season and you can shoot as many collared doves as you like but once you reach your bag limit of mourning or white wings, you have to stop hunting.

**Chairman Riordan** There is a tremendous amount of collared doves that moved in from Texas and further east over the last 2 years and maybe from the south. These birds are about 1½ times as large as our mourning doves and white wing doves, much lighter color and have a distinguished collar band on their neck. They're an unprotected bird by the federal government and they're protected by the state.

**Commissioner Salmon** There's quite a bit of hunter interest in adding collared doves to the bag limit.

**Chairman Riordan** I think there's concern that they compete with white wings and morning doves.

**Tim Mitchusson** That's an issue but hasn't been confirmed. Last year for dark geese we had 300 permits less than the first year. Opening on Monday reduced the hunter pressure on opening day. We reduced the harvest from 360 to 189 birds. The population showed a slight decline, but I think that's due to survey error.

**Chairman Riordan** Majority of Canadians was in Albuquerque?

**R. J. Kirkpatrick** For the Commission's information, we're getting good input on both of these rules. They're on the website in proclamation format.

**Chairman Riordan** As a result of the \$245,000 from the Governor's capital outlay, and Commissioner Henderson's assistance we're building an additional duck pond for viewing purposes as well as hunting purposes south of U.S. 60 and east of Unit 7 drain and it's going to be a large development.

**Director Thompson** We had additional funds from the North American Wetland Conservation Act and International Mountain Joint Venture.

**Chairman Riordan** We've put \$500,000 into that area. We have a lot more opportunity for hunters as well as wildlife viewers.

#### **Public Comment:**

**Steve Padilla** I own a private ranch, and I would like to see grouse season extended to mid- to-end October. There were several articles by Outdoor writers complaining about the shortness of the season in New Mexico compared to surround states. Could we extend the opportunity to elk hunters to do a bit of grouse hunting?

Discussion item only.

**AGENDA ITEM NO. 15. General Public Comments (Comments Limited to 3 Minutes).**

**Public Comment:**

**Dr. Richard Becker** Past-president of Albuquerque Wildlife Federation and President of the Albuquerque Chapter of National Wild Turkey Federation. I'd like to recognize Luke Shelby, R. J. Kirkpatrick, and Dale Hall, and Marty Frentzel for working with our organization and we appreciate their support and involvement. The Wild New Mexico Program is doing a good job in New Mexico. I'd like to recognize Dale Jones, a wildlife biologist, retired from Forest Service and is relocating to Utah leaving on July 14 and we've been fortunate to have him in New Mexico for many years.

**Commissioner Arvas** moved to present to Dale Jones a symbol of the Department's appreciation for all his past and future efforts on June 9.

**Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 16. 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 personnel, litigation and purchase, acquisition, or disposal of real property or water rights as per 10-15-1, NMSA. **Commissioner Sims** seconded the motion.

**Roll Call Vote:**

**Chairman Riordan – yes**

**Commissioner Montoya – yes**

**Commissioner Arvas – yes**

**Commissioner Henderson – absent**

**Commissioner Pino – yes**

**Commissioner Salmon – yes**

**Commissioner Sims – yes**

**Motion carried unanimously.**

**Chairman Riordan** The matters discussed in the Closed Executive Session were limited to the items on the Agenda for the Closed Executive Session. No action was taken in the Closed Session.

**AGENDA ITEM NO. 17. Notice of Commission Contemplated Action.**

**Presented by Bruce Mazuranich** - The State Game Commission, after meeting in Executive Session determined, and directed the Department to send a Notice of Commission Contemplated Action to any outfitter or guide that evidence and information indicated may have violated their Professional Code of Conduct or other matter contrary to 19.30.8, NMAC, or 17-2A-3, NMSA, 1978.

**MOTION: Commissioner Arvas** moved to accept the Department's recommendation and send a Notice of Contemplated Action to the registered guide and outfitter discussed in Executive Session. **Commissioner Pino** seconded the motion.

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

**AGENDA ITEM NO. 18. Comanche Creek Fishing Regulation.**

**Presented by Martin Chavez (U. S. Forest Service Representative), and Mike Sloane.** – Mr. Chavez described concern of the U. S. Forest Service regarding undesirable effects on Rio Grande Cutthroat trout if fishing regulations are relaxed on Comanche Creek.

**Commissioner Salmon** What sort of treatment was planned to remove fish from Reach 1 and restock from somewhere else, was that your suggestion?

