

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
Catron County Community Center  
Mountaineer Street  
Reserve, New Mexico 87830  
Thursday, July 7, 2005

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

Meeting called to Order at approximately 9:15 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 – absent  
QUORUM: Present

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

Introductions made by approximately 75 members of the audience. Catron County Commissioner Ed Werheim, Catron County Commissioner S. Rufus Choate, Catron County Commissioner Hugh B. McKeen, Jr., former District Judge Bob Atwood, and District Judge Clay Atwood were also present in the audience. **Director Thompson** recognized Patrick Block being selected as the Assistant Director for Support Services with the Department of Game and Fish.

**AGENDA ITEM NO. 4. Approval of Minutes (May 20, 2005—Santa Fe, NM)**

**MOTION: Commissioner Arvas** moved to approve the Minutes of the May 20, 2005 State Game Commission Meeting in Santa Fe 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 July 7, 2005 State Game Commission Meeting as presented.

**Commissioner Henderson** seconded the motion.

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

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

- o **Committee Reports**
- o **Revocations - Dan Brooks**
- o **LOSS**

**Commissioner Montoya** reported on the LOSS Committee that the Department had recently sent a mailer that included a draft rule and a summary of changes and summary of the Committee's accomplishments. It's located on the Department's website and will provide the LOSS Committee with feedback in anticipation of presentation and recommendations no later than the September, 2005 Game Commission meeting. **Chairman Riordan** suggested appointment of an Audit Committee consisting of Commissioner Pino, Vice-Chairman Arvas, and Chairman Riordan to review the external audit contracts.

**MOTION: Commissioner Montoya** moved to establish the Audit Committee for the purposes of reviewing external audit contracts, such Committee consisting of Commissioner Pino, Vice-Chairman Arvas, and Chairman Riordan. **Commissioner Henderson** seconded the motion.

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

**Dan Brooks** The Department submits the 10 individuals for consideration that have accumulated 20 or more violation points. They've all been afforded a hearing and we present 12 individuals that do not have proof of commercial liability insurance as outfitters, and as soon as they provide that information, outfitters will be in compliance.

**MOTION: Chairman Riordan** moved to adopt the Department's/Hearing Officer's recommendation on revocation and point assessment of the attached list of individuals for the period of time specified with the exception that Mr. Lewis be referred to the Hearing Officer and submit the Hearing Officer's report to the Chairman and it be reviewed at the subsequent Game Commission meeting. **Commissioner Salmon** seconded the motion. **Commissioner Salmon** seconded the motion.

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

## **NEW BUSINESS:**

### **AGENDA ITEM NO. 7.           Reservation of 2 Elk Licenses for Non-Profit Wish-Granting Organization(s).**

**Presented by Dan Brooks** -The State Game Commission considered reserving 2 elk licenses, each for a qualifying individual, plus an alternate for each individual, whose name has been submitted following the criteria established in 17-3-13.5, NMSA, 1978. This was an action item that allowed the Commission to approve the reservation and issuance of 2 elk licenses. One of the individuals, Zachary Gage Elliott, submitted by the Outdoor Dream Foundation; and the other, Brandon Rains, submitted by Hunt-of-a-Lifetime Foundation. The Department recommended September 1, through December 31, for any bull, valid statewide where elk hunting is allowed. There are 2 other names, and those are alternates because these youngsters are not healthy, so should 1 of the 2 cannot hunt, then the others would be available as substitutes. There's been a change in the law so we may come to the Commission at a later date with more names because individuals that are awarded licenses may turn their license back to the Department for Commission and approval to be awarded to other individuals, so Commission action is required.

**MOTION: Commissioner Montoya** moved to accept the Department's recommendation and reserve 2 elk licenses for the 2 individuals, plus alternates. **Commissioner Arvas** seconded the motion.

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

### **AGENDA ITEM NO. 8.           Draft Comprehensive Wildlife Conservation Strategy.**

**Presented by Bill Graves and Kendal Young** - The Department presented the Commission with a second draft of the Comprehensive Wildlife Conservation Strategy (CWCS) and provided orientation to its organization and content. The presentation was intended for Commission review of the draft CWCS prior to the Commission being asked to approve for Department submission for federal review before October 1, 2005. Action is not requested today.

**Kendal Young** I'm Kendal Young from the New Mexico Carp Fish and Wildlife Research Unit. One of the mandates from the feds was to be able to take our information and roll it up into a regional and ultimately a national perspective.

**Bill Graves** This presentation and document will be placed on the website the morning of July 8, 2005 and anyone who wants to review then can do so.

**Chairman Riordan** I notice we have a diverse group of individuals that have been active in dealing with this, and we're a little light on sportsmen's groups. I'd like someone to contact Tim Turri and Jim Thompson from Safari Club, Rocky Mountain Elk Foundation, and the New Mexico Muledeer Foundation. I notice there's no one from fishing groups with input.

**Bill Graves** Those folks were invited initially, and we'll try to keep them engaged.

**Commissioner Arvas** You say \$1,000,000 have been averaged annually to fund this project?

**Bill Graves** \$5,000,000 out of the \$337,500,000 nationwide has been allocated to New Mexico over the past 5 years and it's averaged about \$1,000,000 a year depending on the appropriation.

**Commissioner Arvas** You also say there's a non-federal match of 25%. Is that in real dollars or in kind?

**Bill Graves** It can be either or both. It's a 50% match for operations actually implementing the CWCS. It's 75% from the feds for planning and 50% for actual implementation.

**Commissioner Arvas** How much of game protection funds would go into a project as this?

**Bill Graves** It will depend on the scale and scope of the projects. We obviously can't implement this plan all at once so there'll have to be an executive decision about what we think are the most important strategic elements, then operational planning, and at that level is where we'll come up with cost estimates.

**Commissioner Arvas** When the final draft is given, will the Commission be able to look at the projects recommended, and will they have a dollar value to them?

**Bill Graves** The Commission, of course, approves our budget.

**Commissioner Arvas** If there's a project that has a dollar value that's higher than another project, is the Commission going to have the ability to eliminate or add projects in a prioritized manner?

**Bill Graves** We would engage the Commission in that because that's the process we're going to have to go through in deciding what we can implement in any particular budget year.

**Commissioner Arvas** So, you can actually round off and number dollars for any given project?

**Bill Graves** When we propose projects, they'll have cost estimates attached to them for staff time, equipment, contracting, and other costs.

**Commissioner Arvas** I'd like the final draft either in the form of approval or rejection, the input of projects of the folks that you listed, New Mexico Farm and Livestock Bureau and the Tribal representatives.

**Bill Graves** We're required to have the input in development of this comprehensive plan, we're required to have input in implementing it. In fact, nearly half the state is privately owned and those same interests have interest in federal lands and how they're used. We're going to need to work with everyone that's affected or interested in designing and implementing these projects.

**Commissioner Arvas** When we get the final draft in August; it would be nice to be able to look at a dollar value for the projects recommended.

**Bill Graves** I won't be able to tell you that.

**Director Thompson** This is a comprehensive strategy for New Mexico and New Mexicans. It's not an operational plan at this juncture. The action suggested in August will be to approve the Department's submission of the draft which will be subject to federal approval. We anticipate that may take 8 to 12 months. After that approval, the operational aspect will be developed so that's when the specific projects and dollar amounts will come into play. They would not be attached to this strategy. It's a strategy for New Mexico and New Mexicans, and it's important that everyone realize this is still a work-in-progress and we need their input. Perhaps the most significant thing is there are efforts underway nationally to finance this endeavor and New Mexico's share in the future would be in the order of \$5,000,000 a year.

**Commissioner Arvas** This is a very important step for the Department to take, but what I'd like the Department to be aware of is the Commission's concern about what you might call a prioritization of the projects in the comprehensive plan, and I'd think that somewhere down the line you're going to have to prioritize.

**Bill Graves** Once we have an approved document, we'll seek executive decisions about what's important and based on that, we'd develop operational project proposals and that's where costs come in. I'd point out to you on collaboration that when you read this document, you'll note that almost every conservation action says "collaborate with" or "work with" or "cooperate with" to get these things done and we're going to have to work with all these interests to have a significant impact on the state's biodiversity.

**Commissioner Arvas** This is something for New Mexicans, and I'd like to have all New Mexicans involved.

**Chairman Riordan** Director Thompson, Bill, if you'd get with Vice-Chairman Arvas and myself and let's go through this and look at some priorities so we can make presentations to the Commission.

**Public Comment:**

**Jeremy Vesbach** with NM Wildlife Federation and I'd like to commend the Commission and the Department for taking this on and doing it right. It's a worthy goal to work together on species before the point of conflict is reached.

**Tom Klumker** from Glenwood. Now we're getting wrapped up in another federally mandated program and once the New Mexico Game and Fish Department accept this money, then you accept direction from the federal government. When you review the document, it's heavily put together by the Nature Conservancy which we in the private sector are skeptical about.

**Caren Cowen** with NM Cattle Growers Association and I understand good people have spent time on a project that they're heavily invested in, but this effort is a train wreck. The document is 500 pages and the public gets 2 weeks to read it. The initial document was over 700 pages that we've had our members trying to look at. There's no way a project of this magnitude can happen in this timeframe.

**Joel Alderete** with NM Farm and Livestock Bureau and it's my understanding that Congress submitted an amendment to the Pittman-Robertson Act which is funded by fishermen and hunters and is taking money from them to fund this project. Are hunters and fishermen paying for something that they don't understand? The scope of this project is overwhelming. There are species on this list which are already federally funded. Eco-regions were taken from the Nature Conservancy and we want to know why the Nature Conservancy was chosen over other eco-regions? Decline of most species is blamed on agriculture, but the agricultural benefits aren't mentioned, inconsistency, and contradiction in the document and we're concerned the problems this document will cause.

**Ken C. Swaim** I agree with what has been said. This is a horrible direction to go in and I think we ought to get away from the feds and not take their money and stand up for the Department of Game and Fish.

**Commissioner Arvas** I agree with the comments that have been made by the audience that there is some concern and I'd like to see Director Thompson get with Bill Graves and Kendal and see if we can figure out an extension factor. How long has this been available?

**Bill Graves** A week.

**Commissioner Arvas** If it was brought forth a week ago and we're going to talk about it in 2-3 weeks, that's asking a lot. If you and Director Thompson see if there can be an extension of at least portions of this presentation that you're planning in August to the September meeting, I think that would be appreciated.

**Chairman Riordan** Director Thompson, I'd like to see it broken down. Look at it for the September meeting, but break this agenda item down by thirds, then 4 of us get together, but I'd like more input from the audience and from the sportsmen's groups and get something meaningful in the next 30 days.

**Director Thompson** The points that Caren Cowen and Joel Alderete made, we're quite aware of because we've had communication and in a few cases those have been addressed, and in others there are inaccuracies on interpretation that we need to work on. It shouldn't be looked at as something that is being dumped on people, but rather we've been focusing on, and now see being influenced by a wide array of people participating and we'll continue to do that. If it takes going into September, what guides this is getting an affective and approvable draft that can be submitted. Mr. Swaim's comments are appreciated, they don't in any way, shape, or form take away from the Department of Game and Fish, but rather it's pursuing something the Commission has indicated is important. Also, as additional and alternative funding for conservation, this truly does deal with moving forward with alternatives rather than working against sportsmen. That's the intent.

**Chairman Riordan** As Chairman, I approve the agenda with the Commission's concurrence, and we're going to put this off until September.

**AGENDA ITEM NO. 9. Private Land Entry and Sportsmen Enjoyment (P.L.E.A.S.E) Pilot Program Update.**

**Presented by Luke M. Shelby** - The Department presented to the Commission an update regarding the PLEASE pilot program including options regarding proposed access fees to be paid to landowners for leasing hunting and fishing access and information regarding other state's programs. Details were provided regarding future Commission action necessary to meet legislative requirements to complete an appropriation transfer to the private landowner/sportsman access program that must include a regulation, as well as a conservation and access validation fee. We did receive from State Purchasing Division sole-source type agreements with landowners. This means there are no requests for proposal nor an invitation-to-bid process necessary. We also conducted a preliminary identification effort where each district in the state provided information to a number of landowners and requested their willingness to possibly participate. This effort produced about 30-40 interested landowners which was part of our public-review process. This is what I'm requesting for our pilot program where we may pay \$1.00 per acre or \$500 per water source with a maximum per landowner of \$1,500. These limits would allow participation of 30 landowners based on the maximum amount a landowner can receive and the \$45,000 we will find in our existing FY 06 budget to do this. The Legislature granted \$250,000 contingent upon the adoption of State Game Commission rules and a conservation and access fee. We will return to this Commission with a recommendation for that conservation and access fee and some reasonable rules regarding the overall program.

**Chairman Riordan** How much later do you think it's going to take for you to come up with something?

**Luke Shelby** About September, that way we'll be beginning our pilot program and we'll have an idea of how that's working and it'll help us identify some problems that we aren't able to identify before we start. September would be reasonable, but I defer to the Director.

**Chairman Riordan** Director Thompson, I'd like to see us put this on the September agenda.

**Director Thompson** I think that's very possible and anything we're discussing here regarding a fee would not be effective until April, 2006.

**Public Comment:**

**Jeremy Vesbach** with NM Wildlife Federation and I'm here to commend the Department for jumping into this quickly. This is a win-win for landowners that offers more choice while at the same time providing what sportsmen want. I'd also like to encourage the Commission to keep their eye out for this pilot stage and think how we'd like to develop this program to work for New Mexico.

**Chairman Riordan** This program started when Jeremy and Tom Arvas met with me and I'd like to commend Jeremy and Vice-Chairman Arvas.

**Caren Cowan** with NM Cattle Growers Association and we're cautiously optimistic about this process and we'd like to work with the Commission and the Department and extend to you an invitation to our Joint Stockmen's Meeting in December to lay it out to the landowners. What about the liability to the landowner when hunters go on their property? Is that taken into consideration and it's something we need an answer on before we get to that point?

**Chairman Riordan** I think if you contact your legal staff and ours, simple legal forms should take care of liabilities to landowners but I think as individuals sign up, we'll probably have some kind of hold harmless.

**Joel Alderete** with the NM Farm and Livestock Bureau and I think this is a good idea. This is something that we'd been visiting with some Department people about setting up on our website and give these hunters an opportunity to handle their land.

**Ron Shortes** representing family ranch and Catron County. We would like to participate and be able to work with Mr. Karp on this as some of the technicalities could cause problems for landowners.

**Commissioner Arvas** I'd like to thank Jeremy Vesbach and the NM Wildlife Federation for their efforts in establishing the idea for this program and I'd like to thank the Chairman for giving us the opportunity to go to the legislature and acquire the money.

**MOTION: Commissioner Arvas** moved to direct the Department to continue development of enhanced private land access pilot program including recommended lease fees payable to landowners choosing to participate. **Commissioner Montoya** seconded the motion.

**Commissioner Henderson** This is a key pilot project for this Commission because this Commission has established itself as wanting to reach out to landowners and create more opportunities partnering landowners with sportsmen.

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

**AGENDA ITEM NO. 10. Process for Appointment of the Citizen Advisory Committees for the Habitat Improvement Stamp Program will be Established by the Commission in Accordance with 17-2-1, NMSA.**

**Presented by Jan Ward/Dale Hall** - The Department provided an example of previously-used procedure to establish representation for 5 statewide Citizen Advisory Committees to furnish advice, evaluations, and recommendations for using Public Land Management Stamp funds and seek guidance from the Commission regarding selection and appointment of individuals to the Committee(s). We're requesting that the Commission initiate a process for the appointment of the Citizen Advisory Committees for the Habitat Stamp Program. The current organizational structures for the Habitat Stamp Program and our Citizens' Review Committees have been operating since 1991 to review and approve projects and send those recommendations to the Game Commission. The public land user is typically a grazing permittee, but may also be someone from oil and gas. This individual could be an outfitter. Appointments have been for staggered 2-year terms so that we don't have a complete new CAC every 2 years.

**Chairman Riordan** I'd like for each Commissioner to work with Jan and come up with 7 names out of the respective areas that you represent. Commissioners Pino and Montoya, although Commissioner Pino is at-large, get together and come up with your list of who your 7 members are, and make the recommendation to Jan. Commissioner Arvas, at-large, and I will come up with our 7 names out of the Bernalillo area, and then upon approval of the Chairman, go ahead and bring these forward.

**Commissioner Arvas** If there's anyone that should be called "Mother of the Sikes Act", Jan would be that. She's been involved from the original concept and has worked very hard.

**Chairman Riordan** I'd like to see these committee members strive toward infrastructure improvement. Let's identify 1 area such as water and go ahead and address the needs that we have in individual districts, whether it be cisterns, or additional wells, but let's make a concentrated effort to get something done and in another year we'll look and see where we need to go and what else we can tackle on a broad basis.

**Commissioner Salmon** What would be the timeframe on coming up with these names and approving these committees?

**Jan Ward** Initially we'd have a list for the Commission's consideration in August, but that can be extended. The committees will probably not be meeting again until February, 2006, so we can extend that timeframe if you'd like.

**Chairman Riordan** I'd like to see if we can't get it done by September 10.

**Commissioner Henderson** Are we reconstituting all of the committees? Are we replacing all new members or re-nominating members?

**Jan Ward** That's up to the discretion of the Commission.

**MOTION: Commissioner Arvas** moved that the Commission maintain the existing provision for 5 regional Citizen Advisory Committees, seek pertinent revisions to 19.34.6.12, NMAC, for consistency with statutory provisions, and that the Commission Chairman work with the Department staff to compile a list of Committee nominees for consideration by the Commission in September 2005 and subsequent submission of final appointments to Governor Richardson and the Secretary of Finance as per Section 9-1-9, NMSA, 1978. **Commissioner Montoya** seconded the motion.

**Commissioner Pino** I think there's an existing committee?

**Jan Ward** We had 5 Citizen Advisory Committees, 1 for each region of the state and those committees expired in April, 2005, so right now we have no citizen advisory committees.

**Chairman Riordan** Jan will make available past committee members for your review if you like.

**Alvin Garcia** For clarification, your previous request was that each Commissioner work to compile this and then work with Department staff.

**Chairman Riordan** Yes, Alvin, what I did was I gave the authority to the individuals in each district to go ahead and review, make the recommendations to Jan, and then as Chair, as the motion says, I will move forward and make the recommendation.

**Alvin Garcia** I wanted to clarify that.

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

**AGENDA ITEM NO. 11. Review and Approval of Native Trout Restoration on Gila River West Fork**

**Presented by David Propst and Luke Shelby.** - Information was provided regarding efficacy of recent non-native fish removal efforts on the West Fork of the Gila River. Commission approval was requested for Department personnel to use a full array of fish restoration techniques and to proceed with associated preparatory efforts and any related environmental review. We bring this before you because the complexion of this issue has recently changed. The results of our efforts since March need to be presented as well as the recent decision by the U. S. Fish and Wildlife Service to pursue a downlisting of this species. This is not the same issue that we presented previously and we feel it important to bring this matter to the Game Commission's attention for the next step in Native Trout restoration.

**David Propst** This is to restore the Gila trout to about 23 miles of habitat in the Upper Gila River. Most of the specimens that were collected are Brown trout but 2 mature Rainbow trout were also collected, so we have both species in the system. My request is that the Commission consider our proposal to complete the renovation of the West Fork of the Gila River this year and hopefully be able to stock Gila trout this fall which will be a major achievement toward recovery of Gila trout and is a factor in consideration to downlist the species.

**Chairman Riordan** Could you comment on the remoteness of this area?

**David Propst** The nearest trailhead from Willow Creek is about 20-21 miles from the Gila Cliff Dwellings trailheads, depends on the route you take, but between 17-20 miles from the nearest trailhead.

**Chairman Riordan** This is about 13 miles total that we're going to be looking at?

**David Propst** Depends on what Cub Creek gives us. If we have to go in and do something to Cub Creek, that will add another 7 miles.

**Chairman Riordan** Are there any in-holdings close to this property?

**David Propst** No, there are not.

**Chairman Riordan** No water wells?

**David Propst** No, this is entirely within the Gila Wilderness.

**Chairman Riordan** I'm just putting it on the record.

**Commissioner Salmon** I've been a critic of Fintrol uses in the past, and this particular case we're in a situation where we can and should use all available treatments, including Fintrol, to finish the job in the West Fork. We need to consider what the West Fork is going to look like if we don't finish this treatment program because we virtually have no fish, particularly no game fish, in the West Fork of the Gila and tributaries. If we're to leave the streams as they are now, there would be no reason to go there and fish. There's been a lot of criticism of the Fintrol applications in the past. If we go in there and do this, the Department should encourage or go out and find an independent observer and facilitate their access into the stream to observe this procedure and make sure it's done right and that public concerns are taken care of. As a more long-term consideration, when these treatments are done, typically, the fish used for renovation are hatchery Gila trout. I think once this downlisting is approved, I'd like to see the Department begin to consider the use of wild Gila trout for transfer to other streams rather than hatchery fish. I think there are increasing concerns that we're going to turn the Gila trout into another hatchery Rainbow with the same lack of quality. My final concern is that the state trout and fishing organizations will get behind this downlisting process.

**Public Comment:**

**Gerald Jacobi** retired Professor of Environmental Science from Highlands University and consulting biologist, I support this endeavor.

**Jeremy Vesbach** with NM Wildlife Federation and on behalf of our membership, we support this proposal.

**Don Gatlin** What is the means of treatment to clean out the stream?

**David Propst** Antimycin is dispensed into the stream. It's a poison compound that's specific to aquatic/gill-breathing organisms. In fact, that's the only thing it's lethal to. It's dispensed at 10 parts per billion. Fish, when the water courses over their gills it gets into the bloodstream and it interferes with oxygen transfer within the mitochondria of the cell and so essentially suffocates the fish. The only other organisms that are affected are gill-breathing aquatic insects and they are less susceptible than fish are. It's specific to fish and that's 1 reason we use it. It's a desirable tool because it breaks down extremely rapidly in a few hours and that coupled with the fact that it's there in very small amounts is gone within 3-6 hours.

**Don Gatlin** Did you kill endangered minnows for the Gila trout areas and, if you did, how many did you kill, and if so, how is it legal for the state to kill 1 endangered species for restoration of another. That's confusing to me because it's not legal for us to kill an endangered species?

**David Propst** No, we kill no other endangered species, federal or state, when we're doing any of these treatments.

**Don Gatlin** So there's no loach minnow, spike minnow, or Chiricahua leopard frog or anything like that there?

**David Propst** We did a pre-treatment survey and Chiricahua leopard frog had been reported in the area but at the time of our applications there were no Chiricahua leopard frogs present. Studies that have been done indicate that Antimycin applied at the levels for fish removal do not affect amphibians, but they were not present when we did the treatment.

**Don Gatlin** My concern is because there is the endangered minnow in the Gila River areas and the cattle are being blamed for why the minnow is dying and I just wondered if it had an affect on poisoning the Gila trout, might it not be a factor of why some of the minnows are being harmed. My other question is why is Negrito main stream not being stocked with trout?

**Luke Shelby** I don't know why we're not stocking the main stem of Negrito. Allow me to see if it's problems we're having at the Glenwood Hatchery. The other more important point that he brings up is the presence of endangered species and some of these aquatic systems that we would propose the use of Fintrol if there were those species present. Our protocol calls for removal of as many of those species as we can hold off site and then returning them to the stream after the restoration treatment has been completed. The state cannot go in and kill a bunch of endangered species for the benefit of others and we certainly wouldn't do that.

**Don Gatlin** That was my last question, why Negrito main stream isn't being stocked?

**Chairman Riordan** David, for my clarification, Gila Chub—does it show up in this area? Has it shown up in this area in the past?

**David Propst** There's no documented evidence that Gila Chub ever occupied the West Fork of the Gila upstream of the waterfalls. We've

done studies/inventories going back into the '70's and they weren't there. There's no evidence that they were ever there. Gila Chub does occur in Turkey Creek which is a tributary to the West Fork of the Gila River itself. That's lower elevation or warm water stream so the only known population of Gila Chub we have in New Mexico is in Turkey Creek. Prior to any treatment, we do thorough inventories, not just for fish but for amphibians, everything that's in the system so that we can see as part of the process whether it's complying with the Endangered Species Act regulations that we're not in violation of any of these.

**Tom Klumker** We've been promised for the last 15-20 years downlisting fish in portions of these streams. I've offered the last 2 Department directors use of my mules and my expertise to stock fishable streams like the upper end of the Middle Fork. We've got a sorry state of sportsmen opportunity fishing in the Gila and when you took out the 23 miles of the West Fork.

**Chairman Riordan** If Mr. Shelby could get together with that gentleman. We'd like to create more fishing opportunity.

**Luke Shelby** Yes, sir.

**William Schudlich** I'm the Chairman of the State Council of the New Mexico Council of Trout Unlimited. I'd like to address Commissioner Salmon's comments about Trout Unlimited getting behind the downlisting of the Gila trout. Our organization is strongly in support of getting the Gila trout downlisted and eventually delisted and we feel that completing this project replicates the Whiskey Creek population and gets the fish to the point where the 2003 recovery plan has been met and we feel that this project is essential to getting the Gila trout downlisted and increasing the fishing opportunities for the Gila trout.

**Commissioner Arvas** I'd like to see you make public what you just said, whether it's through our press or 1 of the papers. I'd like to see your organization take an official position that the public can see because it reinforces what we're doing. I think that'd be appropriate.

**William Schudlich** When the U. S. Fish and Wildlife Service put this in the [Federal Register](#), we did come out against the downlisting mainly because this project had not been completed and the Whiskey Creek population had not been replicated. I have made some comments in the paper and I don't know whether it was printed or not but I had replied to Commissioner Salmon's article in the [Las Cruces Sun](#) but where do you make those comments in a public forum other than letters to the editor.

**Commissioner Arvas** I think we can help you with that. We'll get Mr. Frenzel to help you figure out a way to get that in, but I think the public needs to be aware of your position because what happened before was more erroneous claims made by what you'd said or what your organization said.

**Chairman Riordan** Most people know my stance on the use of piscicides. It's not my first approach. I like to see alternatives being used before we rely on the use of piscicides so it's possible in this situation that downlisting or creating more opportunity for fishermen support this 1-time use. How many times are you going to treat this creek?

**David Propst** The protocol is that we treat until we have a condition where there are no target organisms left, so we anticipate at least 1 and possibly 2 through the reaches then it depends on the reach. The areas where there might be scattered individuals, our hope is that 1 application will be sufficient.

**Chairman Riordan** Do this and then put Gila trout into the stream and then find out that we have a problem and then come back and kill the Gild trout that we just put in?

**David Propst** I hope not. That's not my intention. That's 1 reason our protocol calls for treatment until we have no target organisms. That way we can be sure that the system is "clean" and safe to put Gila trout back into it.

**Chairman Riordan** If the Commission approves this, is the U. S. Fish and Wildlife Service going to work in conjunction with you?

**David Propst** Yes. This is a cooperative effort between U. S. Fish and Wildlife Service, personnel in U. S. Forest Service, particularly the Gila National Forest, but also people out of the regional office in Albuquerque. The Gila trout recovery effort has always been a multi-agency endeavor and on any given effort their members or personnel from those participating agencies are involved in addition to universities and others. We recently sent a letter to Bonnie Rabe, head of New Mexico Bureau of Pest Management, and they're the ones responsible for certifying pesticide applicators. I sent her a letter inviting her and/or her staff to come with us on a trip should we be granted the ability to do this treatment. I'm not sure how she fits into the independent realm but from a regulatory standpoint her office is responsible for at least a portion of what we do out there, so an effort has been made to make that contact.

**Chairman Riordan** In the past we've had tremendous successes with trout restoration. We've had some dismal failures too. I'd like a comfort level that we're working with the feds, that we get the gentleman from Highlands to work with you. I just don't want us to screw it up. If we do it, let's do it right. Let's try and get this trout downlisted and open up opportunity for fishermen and at the same time, Assistant Director Shelby, try and go ahead and look at something else as we take these waters out of the fishing area and access to fisherman that we give fishermen something back in some of the other areas.

**Luke Shelby** We've heard our Commissioners' desires and concerns from the public. I emphasize the improvements we've made to our protocol regarding the use of additional sentinel species both upstream and downstream from the treatment area as well as the facilitation of observers. We'll use Commissioner Salmon's suggestion to make them independent observers as well as the importance of redundant neutralization stations downstream from the treatment effort. We'll make sure those things get implemented.

**Chairman Riordan** If the Commission does approve this use that we're looking at things on an as-needed basis. This is not our first alternative to use piscicides. It's the last resort to accomplish a goal.

**Commissioner Pino** We're close to the Gila River and I'm wondering whether there are residents in the river basin here and what their feelings are regarding the use of poison in the river. I've never seen the river myself, but it shouldn't be foreigners telling local residents what to do.

**Laura Schneberger** I'm a permittee and landowner. Our allotment butts up to Main Diamond and I was there in 1989 when the Divide Fire set a big rolling wave of black tar. I don't know if there's a need for that kind of piscicide to be introduced in that particular area. If we were to have a few Chiricahua frogs, tadpoles in the stream, I don't know how you could tell what they were and it's a real concern to me that ranchers are being so severely impacted at their water tanks and with their other waters, yet the government can go and drop some kind of poison in there that affects gilled creatures. I see leopard frog limitations on all the farmers in the valley and the ranchers at their tanks, and I have a concern with this agent being introduced into the watershed. We should all be held to the same standards. I don't know that it would be necessary to

do it in Main Diamond. I would need to see a whole lot more to convince me.

**David Propst** Main Diamond has Gila trout in it. We have absolutely no intention of using Antimycin in the stream because that's the species we want there and it has never been used in Main Diamond. The ash flows were a major problem there and that did eliminate Gila trout in 1989 and they were restocked.

**Alvin Garcia** I've worked with Department staff for many years with Water Quality Control Commission and the hearing process applied to the Commission to use Fintrol or Antimycin in streams. I wanted to volunteer myself as a resource because of my experience in getting the Water Quality Control Commission to authorize its use and participate in hearing processes. Mr. Propst, concerning the Water Quality Control Commission permit processes, have permits from previous uses expired? Do we have to go back to the hearing process? Case-by-case basis use and stricter control by the Commission of Fintrol problems with the permit process, if we previously allowed a permit to be requested then we've delayed in the actual exercise of that permit or the application of Fintrol, we might have to go back through the hearing processes and I wanted to make the Commission aware of that by taking a hiatus.

**David Propst** When we got the authorization to apply Antimycin to West Fork, the Water Quality Control Commission gave us through 2006 to complete the job, but we do have a timeline.

**Commissioner Salmon** Mr. Klumker raised some good points and I'd like to get together with him and Department people to make sure that all our available waters in the Gila have the appropriate game fish and facilitate those fishing opportunities.

**Commissioner Henderson** It seems to me that when the Commission voted on use of Antimycin or Fintrol, it was clearly addressing what we're talking about which is to require the Department to be thoughtful, deliberate, and to use all tools available leading up and including, if necessary, the final use of poisons in its approach. In this case, if we have a good case, this is the poster child for us to demonstrate as a Department that we can do this kind of restoration in a professional manner. I'm anxious to get the fish downlisted and eventually delisted so that the authority falls with us at the state level and not at the federal level.

**Chairman Riordan** This is a different situation than in the Animas Creek. We have no communities in close proximity to this particular watershed. We have no wells working off this watershed, and I've been assured by Department staff that is the case. Once again, I just want to make sure that we do it right the first time. If this Commission so approves, make sure that these guys get it right because this is not something we take lightly. It's the last alternative for us to go ahead and try to achieve trout restoration.

**Commissioner Salmon** It's clear to anyone that's been up there that the Gila offers some of the truly fine game fish and trout fishing opportunities in the southwest. What we have now is a mere shadow of what it could be with the improved management and the right stocking procedures and improvement of wild trout opportunities. I hope this is a first step in bringing that fishery up to its potential because it could have great recreation and economic benefits to the entire region.

**Commissioner Pino** I asked earlier whether there were any local people here. As local people we're shy to stand up and voice our concerns. I'm not satisfied that everyone was given an opportunity.

**William Schudlich** I'm thankful that you've approached this in the way you have for local people. White Creek, Cub Creek, and West Fork, years ago those were places we loved to fish. Now the beaver dams are gone, it's a meandering stream, there was an abundance of snakes that were devouring the fish, we're making a lot of issue out of restoring this area, but until we address the forest health in the area and we remove that abundance of woody growth, those streams are not going to improve and once we put these endangered trout in the stream, when there is a fire it would reduce the woody growth. We're not going to gain any ground until we address forest health and get that stream back to where it was years ago. The only way you can make water is preserve the water that rains.

**Tom Klumker** Yes, Commissioner Pino, there is a lot of concern downstream. The Mineral Creek proposal a few years ago is that the residents downstream from Mineral Creek which would have been closer in proximity to the restoration area, we're definitely opposed. In the West Fork case, we've got the Gila Hot Springs and the people downriver.

**Van J. Allred** I'm a Catron County businessman. We've been licensed vendors for Department of Game and Fish for over 50 years and an ongoing concern with these programs and streams of reintroducing species of trout, there are a lot of people that come throughout the year and deterioration of the fishing.

**Chairman Riordan** We've heard the concerns and we're going to address them.

**Commissioner Arvas** Hopefully the public recognizes the fact that this Commission is taking this as a serious matter and I can assure you that the considerations by individual Commissioners are at the level of highest priority and whatever the outcome, this Commission serves the state, should be in the best interests of the resource and the public.

**MOTION: Commissioner Henderson** moved to allow the Department to proceed with native trout restoration activities on the West Fork of the Gila River using available tools; additionally, if a chemical treatment is necessary, it shall be applied judiciously, within protocols that emphasize extreme care for and sensitivity to human considerations, acceptance of non-native trout replacement and utilizing sentinel species, enabling interested parties to witness treatment activities and controlling mechanisms to demonstrate and ensure a complete neutralization process. **Commissioner Arvas** seconded the motion.

**Chairman Riordan** Again, I want to emphasize judicious application. I've got a tremendous ethics problem with us going and eliminating fish and continually doing it and all animals and all vertebrates, insects, and whatever is in that stream, I have an issue with us going ahead and continually killing.

**Commissioner Pino** requested a Roll Call vote.

**Roll Call Vote:**

**Commissioner Arvas – Yes**

**Commissioner Henderson – Yes**

**Commissioner Montoya - Yes**

**Commissioner Pino – No**

**Commissioner Riordan – Yes**

**Commissioner Salmon – Yes**

**Motion carried with dissenting vote by Commissioner Pino.**

**AGENDA ITEM NO. 12. Change to Fishing Regulation 19.31.4, NMAC, on Comanche Creek**

**Presented by Luke Shelby.** - Approval was requested from the Commission to change the current bag and possession limits on Comanche Creek from the statewide limits of 5 trout per day (10 in possession) with no more than 2 cutthroat trout per day and in possession to "catch and release only" to maintain recreational objectives in concert with the U. S. Forest Service while moving forward with fish restoration planning. We're requesting a reversal of the Commission's decision at the March meeting and bring those waters back to catch-and-release and not to statewide limits.

**Public Comment:**

**Jeremy Vesbach** with the NM Wildlife Federation. We support this action and feel it's important to work with the Forest Service.

**Chairman Riordan** Jeremy, for the record, you support us catching New Mexico Cutthroat trout?

**Jeremy Vesbach** Catch and release, yes.

**William Schudlich** I'd like to go on the record as supporting this rule change.

**Chairman Riordan** Bill, do you support the catching of the Rio Grande cutthroat trout?

**William Schudlich** Yes, I do.

**Chairman Riordan** Keeping them?

**William Schudlich** No, not right now. Not on Comanche Creek. There should be catch-and-release now.

**Chairman Riordan** Let's get that out in the open.

**William Schudlich** I would love for the Rio Grande Cutthroat trout to be to the point sometime in the future where New Mexicans could go out and fish and keep Rio Grande Cutthroat trout but I don't think we're there now and given the potential action of the U.S. Fish and Wildlife Service and the litigation that's going on, I think it would be silly for us to go out and put a bag limit on cutthroat trout now.

**Chairman Riordan** Mr. Vesbach, you're in favor of us keeping the Rio Grande Cutthroat trout?

**Jeremy Vesbach** No, we're favoring this action to go back the way the regulation worked for catch-and-release. It'd be foolish for us to put ourselves in a situation where we're taking the fish and increasing the likelihood that it be delisted. This is a promotion of fishing opportunity but at the same time it's saying you can catch and release like it was.

**William Schudlich** Comanche has always been open to catch-and-release fishing and that's the way we'd like it to stay for the time being.

**Chairman Riordan** That's what this is doing after conversations that you, Dr. Thompson, and I had. Commissioner Arvas and I had real concerns that 1 minute we're trying to save the Gila trout and then we're out catching the Rio Grande Cutthroat trout and keeping them. There was no consistency in where we were going.

**Luke Shelby** You're correct and we apologize for that confusion. In subsequent discussions that we had with the Forest Service, we thought it would be in the best interests of the Commission to keep this catch-and-release until we can come back to you at a later time with a more comprehensive restoration effort on the Costilla.

**Commissioner Henderson** Luke, how many miles are we talking about of stream reach here?

**Luke Shelby** I do not know how far that is. It's several miles.

**Chairman Riordan** For clarification for the audience, this item was presented to us at the last Commission meeting and we never got to vote on it, but the issue was that you kept 2 Rio Grande cutthroat trout in the bag limit, now we have presented as a change that it's going back to catch-and-release.

**Commissioner Pino** The U.S. Forest Service brought this to the attention of the Department and the Commission. Is anyone here from U.S. Forest Service to address this issue?

**Luke Shelby** No, there's no one here from the U.S. Forest Service.

**Chairman Riordan** I think Bill Schudlich brought this item to Commissioner Arvas and me and made us aware of what was happening.

**MOTION: Commissioner Arvas** moved to accept the proposed changes to the fishing rule 19.31.4, NMAC, to reinstate the catch-and-release regulation on Comanche Creek from its confluence with Vidal Creek downstream to its confluence with Costilla Creek. **Commissioner Salmon** seconded the motion.

**Commissioner Arvas** Once again, I'd like to see representatives from the Forest Service and BLM come to our meetings.

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

**AGENDA ITEM NO. 13. Upland Game Rule Adoption, 19.31.5, NMAC.**

**Presented by Tim Mitchusson** - The Department presented, for adoption, final recommendations for the Upland Game Rule, 19.31.5 NMAC, for the 2005-2006 license year only.

**Chairman Riordan** Would you explain what a Eurasian dove is?

**Tim Mitchusson** They're much bigger than a mourning dove, larger than a white wing dove, they're a light grey color, with a black and white collar on the back of the neck. They're a non-native bird, escaped from the Bahamas, came across the U.S. in 1991-1994 and expanded gradually through the state. In some areas such as the Pecos and Lower Rio Grande Valley, and even around Socorro and Albuquerque, they're becoming common. They're primarily an urban bird. We're not going to eliminate nor wipe them out, but there are places like the east side or around dairies where they're common.

**Chairman Riordan** For those in the audience, we're looking at increasing the grouse season from September 1 through October 15, which gives an additional 2 weeks of grouse hunting in the north. For outfitters hunting elk, and their clients get their elk early, it gives their hunters an opportunity to go do something else out in the woods. Secondly, on the Eurasian dove, opening up the limit where basically there is no limit on Eurasian doves, provides more hunter opportunity. We want to stress that we are very concerned and want to make sure that we do not go over our aggregate bag limits of mourning and White wing doves. When you reach that aggregate of 15 birds, your hunt is over. It's up to you



to decide if you want to go out and continually hunt Eurasian dove before you reach the aggregate of 15 birds. Thank you for suggesting we open up that youth hunt at Casa Colorado. The Seven Rivers Hunt is what we presently provide for the kids down in Artesia, and we think these are going to be wonderful hunts for kids. Also, Tim, we talked about opening up Bernardo on the youth hunt where now it's a first-come, first-serve hunt.

**Commissioner Arvas** Is it unusual for the Department not to have a plan for small game?

**Tim Mitchusson** It has not been developed yet. We have migratory bird plans through the flyway system but the Department resident small game do not have a management plan mainly because those populations are dependent on weather conditions and management has little impact on total populations. Strategies and plans can be developed with the understanding that there's little that the Department can do to manage small game populations over the huge area that we're involved with, but they're in development. I understand Larry Kamees is working on a quail plan.

**Commissioner Arvas** I think the mere fact that we don't have 1 enlightens me to the fact that maybe we should have 1.

**Chairman Riordan** Thank you for listening to the Commission's wishes on the sandhill crane and for the audience, in the past we've allowed 2 birds per season only 1 bird per day in an effort to create opportunity for hunters that got to go out once or twice, you're allowed 2 birds per season equaling 2 birds, 1 day. Once again, those individuals have to have a tag and tag them just as we now do with turkeys and geese, correct?

**Tim Mitchusson** For the special season, sandhill cranes they do. For the regular season, there's no requirement. For the special season Middle Rio Grande, Estancia Valley, and southwest they do have to tag.

**Jeremy Vesbach** representing the NM Wildlife Federation, and we appreciate the focus on increasing opportunity, youth opportunity, and particularly the extension of the grouse season.

**MOTION: Commissioner Salmon** moved to accept the Department's proposed changes to the Upland Game Regulation, 19.31.5, NMAC, for the 2005-2006 license year, increase grouse season length in the GS-1 zone, initiate a youth pheasant hunt at Casa Colorado WMA, increase permits and bag limit for the Middle Rio Grande Valley Sandhill crane hunts, liberalize the bag limit for Eurasian-collared dove, and allow the Department the discretion to alter seasons and bag limits for migratory game birds, if necessary, to conform to federal frameworks.

**Commissioner Henderson** seconded the motion.

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

#### **AGENDA ITEM NO. 14. Waterfowl Rule Adoption, 19.31.6, NMAC.**

**Presented by Tim Mitchusson** - The Department presented, for adoption, final recommendations for the Waterfowl Rule, 19.31.6, NMAC, for the 2005-2006 license year only.

**Chairman Riordan** For clarification, when I met with Tim and Reagan, we found that we basically have no geese working the Bernardo game refuge and we have very few geese working the Casa Colorado game refuge. The reason we're suggesting we close the hunt on the Casa Colorado, is to get these birds to have some sanctuary again and get them back up in the northern portion of Socorro County and the lower portions of Valencia County and provide hunter opportunity. What's been happening is we've been having all the birds staying on Bosque del Apache Wildlife Refuge. They haven't been coming off so we need to re-establish that sanctuary, provide opportunity on other Bernardo and La Joya for hunters on the light geese.

**Commissioner Arvas** Tim, I'd like to see you somehow arrange a meeting with U.S. Fish and Wildlife Service concerning their hunt on the Bosque del Apache. Something isn't working right and these hunts are a farce. You state that there are 19 light geese shot during their hunt.

**Tim Mitchusson** That was during our hunt.

**Commissioner Arvas** I think their hunt was even worse.

**Tim Mitchusson** I think they had around 21.

**Commissioner Arvas** So you tell the average person you go hunting in a refuge and only harvest a total of 20 geese, that doesn't make sense, so something is wrong. I understand there's been a change in administration and I'd like to attend that with you, is have a meeting with them concerning their management practices. I believe they still need to have hunts on the refuge, is that correct?

**Tim Mitchusson** I believe their intention is still to have the hunts there and we do have a coordination meeting every year to discuss upcoming seasons and Department personnel will be working closely with Bosque personnel trying to encourage light geese issues up and down the valley.

**Commissioner Arvas** The Chairman and I would like to attend that meeting and so whenever you get the dates, be sure and give us enough notice because I'd love to sit down with those folks and talk to them about their hunts.

**Chairman Riordan** Just for information, I did have a luncheon with the U.S. Fish and Wildlife director, Dale Hall, and he was surprised that we were not harvesting more geese on that particular refuge and it seems they were cutting and planting more corn on the refuge and keeping those animals on the refuge and not providing hunter opportunity. He's aware of the problem. I think he'll be very receptive to us meeting with them. I think that Bosque Hunt Club, a club that takes over 1,000 geese a year, last year they had less than 150 birds taken.

**Tim Mitchusson** That was around 200.

**Commissioner Arvas** That was the number we had.

**Chairman Riordan** We still had an excess of 32,000 birds sitting on the refuge when I was there. That's a lot of snow geese and they never left the refuge.

**Tim Mitchusson** The problem with our hunts and Bosque deals with the same issue, and we'll be working with federal agents and try to work with this is that federal baiting law in that all grain must be removed 10 days prior to a hunt, so that's part of our problem on Bernardo and the geese take off. Bosque was working with agents and providing some feeding areas and that met their goals to keep the cranes and geese on the Bosque, but maybe we could do something towards that to keep the birds on Bernardo so they're not inclined to move back to Bosque. There are 2 issues regarding future duck season you might get questions about. So to inform you is a task force recommendation through the International regarding duck seasons and their recommendation is a shorter season and reduced bag limit. The other is the Hunters Choice

bag limit experiment in the central flyway and that's to do away with seasons within seasons and just have season-long duck season, not worry whether pintails close or canvassbacks close. Surveys will be sent out this fall to New Mexico waterfowl hunters regarding these 2 issues.

**MOTION: Commissioner Arvas** moved to accept the Department's proposed changes to the Waterfowl Regulation, 19.31.6, for the 2005-2006 license year, remove the requirement to apply for the Bernardo Adult/Youth duck hunts and expand the hunt area, eliminate the Casa Colorado WMA light goose hunts, reduce hunt days for the Bernardo WMA light goose hunts, change the application deadline for the Bernardo light goose hunts, and allow the Department the discretion to alter season dates and bag limits for waterfowl, if necessary, to conform to federal frameworks. **Commissioner Montoya** seconded the motion.

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

#### **AGENDA ITEM NO. 15. Approaches to Rule and Boundary Changes for Elk Management in Game Management Unit 10.**

**Presented by Brian Gleadle** – The Department presented information regarding elk management objectives for Game Management Unit 10, which requires amending specific portions of the Big Game and Turkey Rule, 19.31.8, NMAC, and the Boundary Descriptions for Wildlife Management Units Rule, 19.30.4, NMAC. Changes for the 2006-2007 Season would include, but are not limited to, identifying a new sub-unit, changes in elk hunt codes, changes in public draw license numbers, and changes in private land authorization certificate numbers for Game Management Unit 10.

**Commissioner Arvas** Would you go over some of your discussions with landowners in that area as to what major concerns were and what the reactions were when you asked them questions on management techniques?

**Brian Gleadle** Most of the landowners have resided in those high-mountain meadows around McGaffey Lake for many years. What we're seeing is a lot more of the past ranching objectives and techniques come back into play and primarily that focus is around hay production and oat production for those landowners and we're seeing a high-density of elk in that area specifically in the spring and could focus into the summer especially in the drought years. Those elk numbers have concentrated in those areas and impacted those landowners being able to resolve their farming issues and on some levels their livestock grazing issues on the private property. We're obviously working with these landowners through the depredation process. We've been able to successfully conclude on 2 of those landowners a fence on 1 and PVC on another. We currently have 3 more in the system that we're trying to resolve individually, but when we sit down and look from the area level and we look at these high levels of elk numbers in this area, we also look at how we can use sound management objectives to go ahead and redistribute some of those elk. Again, we're not suggesting reducing elk numbers as a totality in Unit 10, and still maintain that sportsmen opportunity, but try to re-distribute those animals and those high levels that are exhibiting now in those private areas.

**Chairman Riordan** Acre-wise, how big of a unit is this?

**Brian Gleadle** It's 1 of the smaller in the area and that's why you're looking at 500-600, but it still does maintain quite a bit of areas and is reflected in those low-success rates. I don't recall how many acres it is. But again, you also look at the high level of Tribal lands within that unit.

**Chairman Riordan** How many permits are you issuing on both in aggregate?

**Brian Gleadle** Currently, there are 200 mature bull rifle tags being issued, 300 antlerless rifle, 300 either sex bow, so we're getting hunters in there. You're looking at the low numbers, low population size as well as the large land mass and again, a large portion of this unit is Tribal-controlled, so you're looking at a lot of the checkerboard area to the west and to the north.

**Chairman Riordan** Here's a suggestion and we can have conversations before our next meeting, but you may want to look at putting more individuals out in the field later and move those animals around, maybe look at increasing archery and muzzleloader tags, because that area primarily is a dense area.

**Brian Gleadle** The Forest Service area around the McGaffey and Page areas, are habitat-protection areas. There are numerous roads in the area, however, because of the off-road limitations I don't know that you're affected much, but a lot of the hunters road hunt through there. You don't get a lot of hunter pressure off the beaten path, *per se*, because you're looking at having to pack that animal out back to the road. So, R. J. could probably help me out with his past involvement with this unit and some of the influence factors that have allowed that herd to get to that high-density level in that specific core area. I think that's 1 of the areas that we're trying to focus on either to manage the hunters to get them where we need them to be or use that hunter pressure to cause those animals to move out of the area and some of those later hunts.

**MOTION: Commissioner Pino** moved to re-open the Big Game and Turkey Rule, 19.31.8, NMAC, and Boundary Descriptions for Wildlife Management Units, Rule 19.30.4, NMAC, for the purpose of addressing changes to accommodate elk management objectives identified for Game Management Unit 10. **Commissioner Arvas** seconded the motion.

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

#### **AGENDA ITEM NO. 16. Annual Depredation Report and Overview of New Approaches.**

**Presented by Brandon Griffith and R. J. Kirkpatrick** - The Department presented the Annual Depredation Report for the period of July 2004 through June 2005. The Department provided an overview of actions that have been taken this year to increase our capability to expend depredation stamp funds and some new and innovative tools being used to successfully address various complaints.

**Commissioner Arvas** On page 2 of the 2005 accomplishments, you cite the fact that we spent \$497,564.27 on game-proof fences. How can we justifiably say that was a wise choice?

**R. J. Kirkpatrick** You're right in that resolving depredation complaints by utilizing game-proof fences is an expensive venture. If there's any justification for fencing off a piece of property, it's that it's 1 of the only tools we have available that results in long-term resolution to the problem and is required by statute. No more wildlife show up on those properties, but it is extremely expensive. This year we built 14 fences, 20 were offered, and that was started with a budget of about \$400,000 in 2005. We asked for budget adjustment requests in the middle of the year, got another \$125,000 in December. We've worked on other ideas to minimize the need for fences. We've gotten motion sensitive scare devices that were used in Farmington that are working well. We've got a couple of our depredation specialists in the state that are looking at a company called Bird Blaster which lays down gas pipe and they pressure it up with an air compressor and it's got valves on it that are attached

to surgical tubing. Motion detectors notice movement and can pin it down to where deer, coyde, and elk set it off. When they trigger the motion detector, a high-pressure air blast sets off the surgical tubing and it's noisy and visible. The product is extremely expensive and we're thinking we can build something similar. We've engaged in 2 somewhat unique agreements with 2 chronic, high-level depredation complaints where we're comfortable that we've taken worst-case depredation situations and converted it to an agreeable and positive management plan that incorporates elk into the management plan of a ranch

**Commissioner Henderson** Is there a cost-share requirement for any of these depredation applications?

**R. J. Kirkpatrick** There's no obligation by the landowner other than to prove the depredation. Once it gets to the level of fencing, they've got to sign an agreement that comes with some obligation on their part for fence maintenance associated with it during a portion of the 20-year agreement.

**Commissioner Pino** Looking at the list, there are a few repeat customers. They keep coming back and using the system and it's frustrating to see private individuals taking advantage of the state. How do you decide whether you go back in and re-address another area essentially with the same owner?

**R. J. Kirkpatrick** What you're looking at is distinguishing between some of those individuals. The initial part of the resolution included a forage lease which is allowable in regulation and statute and if we couldn't get to fencing the first year or second year, we'd pay them a forage lease for that amount of time until we could get the fence done. Another point is that some of these individuals have and are participating in receiving some form of resolution to their problem through the current landowner system, as well as receiving these fences or forage leases and the new language in the rule prevents that from occurring.

**Chairman Riordan** I'd like to see for you, Commissioner Montoya, Commissioner Arvas and I sit down and let's look at alternatives. Let's look at maybe a memorial before we start building any more fences, putting them up at a cost of half million dollars to the Department. It's doesn't seem to be cost effective. I understand it's a program that's been working, but it's working well for certain individuals. This type of expenditure for 14 fences is outrageous.

**R. J. Kirkpatrick** To add some clarification, the dollars that are expended are unique dollars that are associated with that depredation stamp and the Department does administer them but they aren't licensed dollars *per se*, although our time is.

**Public Comment:**

**Shawn Menges** life-long resident of Catron County and operate the McCarty Ranch. Regarding elk trespass, we've appealed the tags, tried to work with Game and Fish to address the elk trespass issue, anywhere from 40-250 head of elk to about ¼ mile from Reserve all the way out to about a 5-mile radius. Mr. McCarty owns approximately 300 acres in Unit 16. The only solution that's been offered to Glen is to buy into 1 of these game-proof elk fences. Mr. McCarty doesn't want a game-proof fence but nothing else has been offered as a solution to prevent the elk from coming on to the private property or to disperse the elk. The private landowner's elk tags that were given in the past were cut. Any time he makes an appeal, his tags are completely taken or the option of the game-proof fence is adjusted.

**Chairman Riordan** How many permits do you get on the 400 acres?

**Shawn Menges** 1 tag.

**Chairman Riordan** Mature bull?

**Shawn Menges** It's either sex, I believe.

**Chairman Riordan** Ok, that's a bull tag. What about on the 800 acres?

**Shawn Menges** On the 400 acres, they appealed it and it was not given back nor is there any other solution. On the other side, 2 tags and they're the ranch-only. It's difficult to compensate your losses with tags that you can't even burn.

**Chairman Riordan** We have a L.O.S.S Program Review Committee that has been set up and we're looking at the ranch-only permits. I believe the ranch-only permits are going to be unit-wide permits. It makes more sense, gives more value for individuals. We understand the economic impact elk have on your property. We want to go ahead and give something back to the providers of that habitat. When's that going to happen?

**Commissioner Montoya** The August meeting.

**Chairman Riordan** No later than the September meeting and that will make a huge financial impact on ranchers.

**Shawn Menges** Regarding this propane canon, it's not an option because I also serve as the Catron County under sheriff and I'll tell you that you start putting in canons around town, we're going to have a different problem.

**Chairman Riordan** Why don't you and R.J. have a discussion and if you're around at the end of the meeting, we'll sit and see if there isn't some other solution.

**R. L. Posey** from Otero County. The complaints I get from local residents are that when they file a complaint nothing is done. Therefore, I feel the number of complaints is not indicative of the problems. I realize fencing is expensive, but when you fence 1 person's property, all it does is shove the problem onto the neighbors. I'm sure you're aware of a problem in Otero County where the Department fenced an orchard and it shoved the elk over on the neighbor and I don't know whether they filed a complaint.

**Caren Cowen** with the N.M. Cattle Growers Association. What we're finding as an association is that we get calls on depredation complaints and I suggest they call the Department and they say they never did anything. What you're getting is not indicative of what's happening out there but we need to work better at. A lot of people feel they put the cost sharing up front because they've paid for losses in the beginning.

**Chairman Riordan** For clarification, Commissioner Montoya is chairing the L.O.S.S Committee and it's also dealing with depredation problems. We're awaiting input from individuals around the state and we'll bring this up during our next Commission meeting in August, no later than September, and I think the majority will be pleased with some of the things we're doing.

**Luke Shelby** A little clarification on the fences is we have 4-5 contracts that have been signed with landowners, can we proceed with those and not enter into any more contracts with landowners to build fences?

**Chairman Riordan** Let's have that discussion later.

**Luke Shelby** Ok, and about the landowner regulation, we're collecting that information now and a lot of those meetings don't end until the last of July and for us to put together another regulation where in can be reviewed in a timely manner before the August meeting, may be doing the public a disservice.

**Chairman Riordan** Maybe we should look at September.

**Ron Shortes** As the Catron County attorney, I urge people to go to the Department's website and look at the proposed L.O.S.S regulations that attempt to deal with the depredation problems. Anyone in Catron County that has concerns about the depredation or elk issues that they feel are not properly addressed by the new regulations is welcome to contact me if they cannot attend meetings.

**Commissioner Montoya** One of the biggest challenges is trying to clarify that there are 2 different and distinct programs. The L.O.S.S Program is for landowners that don't mind wildlife being on their property and it's elk authorizations for doing good things for elk. The Depredation Program is for landowners that don't want anything to do with elk and that's the reason for fences and keeping elk out of their properties and the biggest problem has been the mixing of the 2 programs where a landowner wants more authorizations for damage done to properties attempting to keep the programs separate because the objectives are different. The L.O.S.S objective is to make it economically feasible and attractive for landowners to want wildlife on their properties. We're making it clear that if you don't want wildlife on your property, then you go the Depredation Program route, but don't expect elk authorizations. Granted, there will be some exceptions with the L.O.S.S Program but for example your hay pile may be well fenced and a herd of elk come in and run all over it, or an elk herd takes out a quarter mile of your fence you will be able to submit a depredation complaint. As landowners, you're going to have to choose which program you want to participate in.

**Charles Fuller** When you're considering the word "landowner", I think a resident landowner should take precedence over an absentee landowner. Several large-ranch landowners don't live in New Mexico. So, what I'm asking is that you consider a resident landowner over an absentee landowner when considering these permits and that you give the permits to the small ranch owners as unit wide.

**Chairman Riordan** We absolutely understand the deficiencies in having a ranch-only permit. We won't see anymore ranch-only permits unless the rancher himself wants 1.

**Don Gatlin** Your depredation complaints on bear could be handled through the sportsmen and allow more bear season. On the depredation reports, take the bears that have to be killed on the depredation complaints off the quota for bear hunting. On the fencing, we had a meeting with U.S. Fish and Wildlife and a woman had a wolf complaint. After the meeting, U.S. Fish and Wildlife pulled her aside and wanted to build her a wolf-proof fence so her children can play. I'm wondering if the state is going to take over the wolf program, are they going try to make fences to make our children safe and not have to worry about wolves.

**Chairman Riordan** On that issue, I think you have to discuss that with the Wolf Task Force you sit on and see if that's an alternative. R. J., how many bear complaints have we had in this area?

**Brandon Griffith** Most of these complaints have been generated out of the northeast part of the state this year, very few complaints in the southwest and northwest areas.

**Chairman Riordan** What about Albuquerque?

**Brandon Griffith** I believe we had 8 bear complaints in Albuquerque.

**Don Gatlin** I'm wondering why wolf depredations aren't on the depredation report, because they are in our state and they are affecting people?

**Chairman Riordan** Presently it's an issue being dealt with by the feds. We are now participating in this Wolf Task Force. We have some of the Commission members, the Director of the Department, as well as representatives from the Governor's office on that task force to see how we can be more responsive to those depredation complaints.

**Don Gatlin** Could I ask that we start calling in these depredations to the Department of Game and Fish since the state is trying to oversee the program?

**Chairman Riordan** I think you have a good idea and I don't have a problem with you going ahead and contacting the Department and we log the wolf depredation complaints, but this is something that needs to be dealt with on the task force and put down what your issues are on how you want to log these complaints. We want to be responsive-that's why we're here and that's why the Wolf Task Force is here. We're going to deal with some of those issues. You brought them to us--make sure you bring them up to the task force. This task force is going to deal with this problem within 60 days. All the issues you have are going to be dealt with somehow and you need to get all those issues before that task force.

**Commissioner Arvas** I'd like to reiterate for the public that this Commission decided to become involved with the wolf as a result of the fact that at least getting to the table we had an opportunity to resolve some of the problems in our state. This was not a mandate from the State Game Commission for the wolf to be re-introduced in New Mexico, but we are certainly working with the federal authorities and all other individuals in the federal government that are re-introducing the wolf. I think the public misunderstands our position. We're at the table--we're not the decision makers so that means that we at least have an opportunity of being able to make these decisions someday.

**Chairman Riordan** In addition, we understand there are a lot of deficiencies in this wolf program. We're going to deal with some of these and hear these people on that agenda item, but please understand we're here to listen to your complaints, to go ahead and have this task force deal with the issues that you have because we know there are a lot of problems in the existing wolf program. There are things that aren't practical, and don't make any common sense. Those issues were brought out during the Wolf Task Force meeting last night before the Governor's representative, and I can assure you this Governor is a conservationist, sportsman, hunter, fisherman, and he's going to deal with this issue and come up with something that makes practical sense. It will happen within 60 days like he said it will. As Chairman of the State Game Commission, as a sportsman, all of us here appreciate the contribution that the rancher makes to wildlife. Without the rancher, our wildlife would not where they are today.

**MOTION: Commissioner Arvas** moved to accept the Fiscal Year 2005 Annual Depredation Report as submitted by the Department.

**Commissioner Montoya** seconded the motion.

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

**AGENDA ITEM NO. 17. Approach for Allocating Land Conservation Appropriation.**

**Presented by Bruce Thompson** - The Commission was briefed on the nature and specific purposes of the 2005 Legislature appropriation of \$5 million to the Department of Game and Fish from the General Fund for a variety of land-conservation purposes including federal Endangered Species Act compliance. A suggested approach was presented to effectively and quickly allocate these funds to achieve management of wildlife areas, sportsmen values, agricultural-land preservation, reduction of wildfire risks, and conservation of at-risk species through interagency partnerships and local leveraging. Commission direction was requested regarding further implementation.

**Public Comment:**

**Bill Waldman** I'm the State Director of The Nature Conservancy. I support Director Thompson's broad outline of the how the Department and the State Game Commission can consider utilizing this money.

**Caren Cowen** I'm with the NM Cattle Growers' Association. NM Cattle Growers' comes at this from the position that our policy is no-net loss of private lands. When we see this kind of money flashed around we have huge concerns about what this is going to do to private land ownership and then in turn the tax base to the rural communities that depend on private land and livestock on it to fund counties like Catron. I'm also concerned about convening a small group of professional staff from agencies. I would hope that that would be a much more public process and that affected groups and organizations will be able to participate. I'm also concerned about no formal process for bids.

**Director Thompson** Ms. Cowen's correct about the need of maintaining existing properties and that is a qualifying element of this program. As far as how public the process is, that can be part of the Commission's directive.

**Chairman Riordan** I just want to say that I believe the public process works. We need input from the people we serve.

**Joel Alderete** I'm with the NM Farm and Livestock Bureau and we too have a no-net loss policy. I'm also concerned about the public process and I'm still trying to assimilate what was said on this.

**Chairman Riordan** We've had tremendous acquisitions in the past—The Nature Conservancy, Sargent Wildlife Area, 20,000 acres which are the jewel of all the properties that Game and Fish own and we've been able to open that up to the public for hunting, fishing, animal watch, elk viewing, and the Governor now has a process where you can drive in and walk out and watch the animals grazing. We don't want to be pulling everyone's land out of private ownership—it's got to have a great beneficial use to everyone.

**Ron Shortes** I'm representing Catron County and our family ranches. We concur with what Ms. Cowen and Mr. Alderete said.

**MOTION: Commissioner Henderson** moved to direct the Department to identify and execute a full spectrum of land conservation projects, overseen by the Department of Game and Fish, in concert with multiple agencies, conservation organizations, sportsmen's groups, municipalities, and private partners, on a willing participant basis, that provide substantive leveraging of other funding, demonstrates enhanced sportsmen use and other wildlife-associated recreation opportunities, enhance agricultural lands and practices with wildlife and/or open space values, assist smaller rural communities, benefit federal at-risk or specially classified species of wildlife and habitat, encourage support from municipalities and legislative leaders, improve conditions on or in proximity to existing wildlife management and protection areas, and can be executed or substantially arranged by December 2005. **Commissioner Arvas** seconded the motion.

**Commissioner Henderson** I've been working with the task force/working group over the last couple of years in an effort to bring resources to bear that were not licensee funds to enhance the full spectrum of wildlife values. This is our initial effort to try and put practice of broad-based management from a spectrum of working and volunteer groups to enhance wildlife. This was the first volley in an effort to find alternative funding for wildlife management purposes—monies that enhance all wildlife but monies that are contributed by the full spectrum of full general public so that sportsmen don't carry the full burden of the wildlife management efforts in this state. It's going to test our abilities to work with other agencies and the public in general in instituting and administering the full spectrum of these wildlife projects.

**Chairman Riordan** Commissioner Henderson, if we do approve this, I'd like more interaction from Commissioner Montoya and myself on projects that we're looking at, and as Ms. Cowen mentioned, I'd like to see some kind of participation from the public and make sure we have notification to interested parties and the public such as NM Farm and Livestock and NM Cattle Growers, and sportsmen's groups as to what we're trying to accomplish and make sure that we're serving the constituency instead of just serving ourselves.

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

**AGENDA ITEM NO. 18. Mexican Gray Wolf Reintroduction Update.**

**Presented by Chuck Hayes/Lisa Kirkpatrick** - The Department provided the Commission with an update regarding the Mexican Gray Wolf Reintroduction Program including current public input opportunities regarding 3 subject areas (5-year Review of the Blue Range Mexican Wolf Reintroduction Project; 5 Standard Operating Procedures for the Reintroduction Project); and a proposed 1-year moratorium on new releases of captive Mexican wolves. The Department provided an update on the status of wolves in New Mexico and Arizona, along with current issues or concerns surrounding certain groups of wolves. We're looking at a population within the recovery area of roughly 50 wolves and about 7-8 different groups--3 of these are packs within New Mexico, 2 packs were recently moved and both of these are from areas not too far east of here. One is the San Francisco pack that was involved in multiple confirmed depredations and a permanent removal order was issued, the adult male, adult female, and yearling were all removed—there were 4 pups with that pack born this year that were removed and are now in captivity and are available to the program. The second pack that was involved in depredation was the Ring Pack. That pack was involved in 2 depredations as a pack to confirm depredations. In addition, the male was also involved when he was separate from the rest of the pack, information based on radio telemetry, and 2 additional depredations that put him at the 4-depredation level, a permanent removal order was issued, and he was removed by lethal take by aircraft. Trapping now is ongoing for the female with pups. The attempt will be to remove the female and pups—they have 2 depredations so they're not under a permanent removal order but they'll be placed in captivity and then available for future management actions. There is 1 pack that has been translocated to the Gila wilderness—this is a pack that came from Arizona. These packs were removed because they had established territories in and around areas of human settlement, and have nuisance incidents involving people and dogs. There was 1 pack moved to Arizona which doesn't directly affect us but they have now been moved to the far western end of the recovery area.

**Chairman Riordan** How many collared wolves do you think are in the wild in NM?

**Chuck Hayes** I don't know the number exactly but basically 3 packs in NM, of those a total and some loose individuals, let's say roughly 20 individuals.

**Chairman Riordan** You're thinking we have 20 animals that are collared?

**Chuck Hayes** No, that would be a total in New Mexico.

**Chairman Riordan** Oh, you're saying 20 total. I've heard from various people that think we have 60-80 wolves in NM. Somehow I'd like to get some kind of a number as to where we are. I think we deserve that, I think they deserve that.

**Chuck Hayes** I agree with you on that. As the program moves on, the proportion of wolves that have been collared has decreased as there are wolves that are produced in the wild. The program has yet to move from a population estimate that's based on known collared animals to some other form of estimation like we use for other wildlife. That's a transition step that needs to be made. That is 1 thing that was identified within the suggested 1-year moratorium as a task to be worked on as developing some other population estimation numbers that would get at the total number, especially the uncollareds. There is a significant number over the course of the program of fate-unknown wolves. Those are believed to be dead, but they could be just collars lost to the program and that is something that we could stand to get a better handle on.

**Chairman Riordan** Were you at the task force meeting last night?

**Chuck Hayes** No, I was not.

**Chairman Riordan** I would appreciate it if you would at least sit in as a member of the audience and listen to some of the complaints. For those in the audience who are not aware, we do have a representative from the Governor's office who is also the cochair on the task force, and that's Ned Farquhar, who did a remarkable job listening to your concerns with the other co-chair, Director Thompson.

**Public Comment:**

**Heather Hardy** I've had a couple of encounters with wolves, 1 was less than 30 feet from my door when I scared it off. I've lost 3 more chickens since the last meeting; I've lost so many chickens I can't even tell you. My kids can't play outside by themselves, my dog can't go outside by herself, and this is becoming a huge problem. I keep getting told there are no attacks on people and that's because they just re-introduced them. It's going to take someone's kid getting killed before someone will listen. I was told they'd build a fence for me.

**Chairman Riordan** I can assure you people are listening now. You've got the Governor's office here and this task force is set up and they are listening.

**Jeremy Vesbach** I represent the NM Wildlife Federation. I want to say the Commission has the right approach of getting involved early and we support that.

**Laura Schneberger for Don Jones** Don Jones could not be here, but he does have this chronology from late February until recently that he'd like for me to present to you along with some suggestions and possible ways to mitigate some of the issues he's been experiencing.

**Laura Schneberger** This is what we deal with and when we seem stressed, it's difficult day after day to imagine your situation and your future when we're confronted with this type of issue.

**Pastor Dean Long** I'm the founder of Apache Creek Deaf and Youth Ranch. We have thousands of children that come to our ranch and if this continues we'll soon have hundreds of wolf packs difficult to deal with. If we can eliminate the Gila trout's competition, I think we need to protect our families, children, and ranches.

**Don Gatlin** I feel we're still being lied to about these wolf packs. People on the 5-year review were all wolf lovers, there wasn't 1 affected person allowed to do the 5-year review so the data is useless to us. If there are 20 total wolves in New Mexico since 1997 the wolf reintroduction program is a failure.

**Carlie Gatlin** We've lost our faith in the organizations because we don't feel we're listened to. I was involved in a car accident and I carried my child in the snow for about 8 miles before we were found. Upon returning to the accident site, we found wolf tracks within our tracks down Highway 503. That makes me nervous living with wolves and it's threatening our culture and our way of life.

**Chairman Riordan** I do think there are things that can be done on this program and the purpose of this task force is to listen to what the problems are and try and fix them. The Governor is interested in what you have to say. You will see some type of response from him on this task force. What I'd like to do on this task force, Director Thompson, is post when we're going to have our next meeting on the Game and Fish website. You people need to be at those meetings and you need to get information to the task force and let them know what the concerns are.

**Director Thompson** We set the next meeting to be on July 29. We don't have a location but we'll get that out.

**Chairman Riordan** Pat {Block}, you make sure it gets on the web page.

**Billy Stern** I'm the Grazing Reform Program Coordinator for Forest Guardians. I'd like to introduce an idea we've come to the table with, 3 words, "voluntary, voluntary, and voluntary." We do not claim that voluntary buyout of grazing allotments is a complete solution to the conflicts in the wolf reintroduction, there are other factors, but we do believe it's a solution that could provide new opportunities for those who find themselves in the middle of the conflict and provide new options.

**Chairman Riordan** Billy, the concept deserves looking into, but there are a couple of issues you haven't addressed. On a voluntary buyout, ranchers are the individuals that support our wildlife. They contribute to the water for wildlife on both public as well as private lands, they do indirect supplemental feeding of our wildlife, and if you pull those individuals off that public grazing, what happens to wildlife and who's going out there and doing all the habitat for us. I'm saying you need to look at that and come up with some kind of a program that will assist us if some of these individuals that will benefit wildlife because right now the people out there now supporting wildlife are your ranchers.

**Billy Stern** I'm not going to dispute that and I agree that's a good comment that whatever systems are in place that the ranchers currently giving aid would have to be taken up by volunteers or agencies.

**Jack Diamond** You can drive through the streets in Reserve and see that this county is not prospering like other counties. We have 3 industries now--ranching, outfitting, and land sales from people that have to sell because they can't make a living. One point I keep making to people is that it's important to keep private enterprise in a system with a lot of federal land which is what we have here. The reason is that if the people leave this and we lose this community, you're going to have government agencies, i.e., Yellowstone Park where you have to pay to enter; hunting is decreased, so it's important to keep the people here. This wolf can affect all the industries, not only ranching but also outfitting, and I hear about this buyout with ranching, well how about outfitting, and the sportsmen's industry, is there some buyout for them too

because wildlife is going to suffer.

**Tom Klumker** I operate in the Gila wilderness and most of the wolves put in there don't stay there. It'll be 2-4 years before we're going to have what's happening in Idaho, Montana, and Wyoming in the new Bugle magazine it tells the horror stories of the numbers of displaced elk that they're losing and we're just seeing the tip of the iceberg.

**Ed Werheim** Catron County Commissioner Werheim read a proposal from the Catron County Commission requesting the State Game Commission immediately institute an independent assessment of the existing and potential impacts to wildlife which belong to the people of New Mexico and domestic animals belong to the residents of Catron County due to the introduction of the Mexican wolves. This request is specifically for NM Game and Fish to get an independent assessment of impacts of wolves on other species of New Mexico wildlife, including the elk population, the declining mule deer population on threatened and endangered species as well as impacts on domestic animals, livestock and pets. Catron County specifically requests that the State Commission utilize the services of New Mexico State University wildlife departments which have expertise regarding predator prey ecology and wildlife management and which is unbiased on this issue. They request the Commission authorize and implement this proposed independent wolf impact assessment on New Mexico's wildlife before the Commission considers any more wolf introduction and/or translocations into New Mexico. Families are concerned for the continued safety of their children. Mothers have reported that they oversee their children constantly and cannot let them out of their site even in their own yards for fear of wolf attacks. Furthermore, there have been requests for signs posted at strategic places warning visitors and residents of risks of attack by Mexican wolves on children, pets, and livestock. The Catron County Commission is asking that the NM Game and Fish post such signs in Catron County. In summary, the Catron County Commission looks forward to working with the NM Game and Fish on implementing this critical wildlife impact assessment as well as on signage request as a beginning to a mutual acceptance of an acceptable resolution to the Mexican wolf issues.

**Chairman Riordan** What exactly do you want from us on the signage?

**Ed Werheim** We've had a request from people to caution/beware of wolf-infested area, watch your pets and kids.

**Chairman Riordan** I think that makes common sense. We'll get on that and see what we can do. Director Thompson if you could look at that. Chuck, we discussed at the September meeting when we voted for the Commission to come to the table on the wolf so we had interaction with U.S. Fish and Wildlife and back then I asked what impact 1 wolf pack have on "x" amount of elk and deer per year, per week, and someplace in here we need to know and we need to have some common sense approach to this. If we're being asked to introduce wolf on a biological basis yet we're flying by the seat of our pants as we've reduced the take on deer by implementing the 3-point restriction, we've reduced the impact on elk trying to overcome whatever impact we have by the wolf by cutting back on cow tags we have in this area and trying to bring elk herds back up because we know there's got to be some impact. We need to know what the impact is so that we can better plan where we're trying to go with our deer and elk herds. I'd appreciate if you could get back with something to me and Director Thompson and we can get it out to the public as well as to the task force.

**Ken Swaim** I read a study that said wolves average 8 pounds of meat per day per wolf. I'm coming to ask you to take a public stand against the wolf. I don't want you to go to work with the U.S. Fish and Wildlife Service to help make this process successful. I want to see you do everything you can drag, kick, and scream to keep it from being successful because if it's a success, the people in this room are going to cash the check that you're writing.

**Jim Williams** We lost the logging industry to the spotted owl. I've heard politicians and different factions say we've got to get industry in here; we've got to have jobs in Catron County. Now we've got the Mexican wolf vs. the rancher and this is going to put us out of business. As long as we're a working people and self-sustaining, we're an asset to the prosperity of the United States and the State of New Mexico. I don't think the state should consider taking over management of this wolf program. Mr. Hayes can't tell us how many collared wolves are in NM. One thing we came up with at the task force meeting is if we've got to have wolves, let's have sanctuaries.

**Hugh McKeen** This wolf re-introduction started under false pretense. Wolves as a species were not endangered. Survey show there was plenty of deer as prey base and later it was determined that there were not enough deer. We were led to believe that 3-confirmed kills by wolves would remove the wolf from the program. Wolves are re-located to another site and given another 3 strikes. Other false statements, wolves only kill the old and diseased and do not kill for fun, that there were no documented cases of human death from wolves in North America. The 5-year review and the State Game Commission should primarily address the failures of the program. There's only 1 option, confine the wolves to a fenced area and give our citizens freedom. We want no more wolf releases until these issues are satisfied.

**Charlotte Choate** You're taking away what makes our county what we love. This wolf is a terrorist that has been released by our own government. I'm angry that our own government would force this dangerous killer on us.

**Rufus Choate** I'm a Catron County Commissioner and rancher. This wolf thing is going to get worse as we do away with the ranching and with more subdivisions wolves will have less open space. The potential for interaction between wolves and people will grow and logically the potential for attack on humans and pets will grow. It's not the responsibility of ranchers and residents of Catron County to tolerate or compensate for loss of property and property rights. We need the help of the Department of Game and Fish.

**Jess Cary** I own 2 businesses in Reserve. Does the U.S. Fish and Wildlife Service have a permit from the NM Department of Game and Fish to shoot elk to feed wolves now or in the past?

**Chairman Riordan** No, sir.

**Jess Cary** I've got some recommendations that I hope you will consider. Recently a calf was killed by a feral dog in Luna. My recommendation is that feral dogs killing big game and livestock be DNA tested to see if they are from the Mexican gray wolf born in the wild. My next concern and recommendation is elk cow/calf ratio. We feel a real threat to the loss of hunter opportunity of elk and deer. I recommend for your consideration that a cow/calf ratio on-ground survey be conducted in the high-population wolf areas and constantly monitored. Why?-- because Catron County will be a high-population wolf area. At the June meeting when I talked to the gentleman stated there were 30 collared wolves and 70 un-collared wolves. I don't know if that's a combination of New Mexico/Arizona, the main thing is they really don't know. The social economic report is I feel flawed because all data was not used in livestock losses from high-wolf population areas. Mental health needs to be addressed and in depth. I hope you consider rejecting this social economic report until all facts are in.

**Chairman Riordan** Director Thompson, I'd like to see what our cow/calf ratios are in this unit where we do have elk compared to Unit 34 up north where we don't have any wolves--Chuck and R.J., if you could assist him.

**Caren Cowen** I represent the NM Cattle Growers' Association and we've heard about land acquisition today from willing sellers, about voluntary buyout. You're looking at a group of people who've become willing sellers. They weren't that way before wolves got here and other endangered species have done the same. The term "willing seller" in the era of Endangered Species Act is almost a misnomer. I wonder if it's appropriate for the Commission to support the 1-year moratorium and things that are going on so that we can go back and take a breather, try to go back and let the task force do its job and build support from the ground or make this to where people can survive where they're not able to now. Finally, you've all heard this today that the public is asking for this but it's not the public that has to live with it and we have to find the comparison so that the public can understand what these people are suffering.

**Joel Alderete** I'm with NM Farm and Livestock Bureau. One thing that people don't correlate is that private property is tied to those permittees and if someone were to lose that permit, first thing they're going to do is subdivide. When you're talking about wolves, you're going to have 10 families out there. The other thing is that we would like to see maybe the Commission support the 1-year moratorium until we find some on-the-ground solutions to these folks' problems.

**Ron Shortes** Probably the most important issue is human danger. The U.S. Fish and Wildlife Service have proven that they have no ability or willingness to control the animals. My understanding on this re-introduction program is that you are an important and serious participant and we need you to do the right thing instead of going along with what U.S. Fish and Wildlife is doing. If you're going to have this program and these wolves cannot be controlled any other way, then they need to be limited to sanctuaries or to some specific limited area. Another concern on these meetings in Albuquerque and Phoenix is that Dr. Hedrick and a lot of the supporters of the re-introduction program now are agreeing that their genetics are bad and they want to fix them using the Aragon wolves and the Ghost Ranch wolves. I think U.S. Fish and Wildlife Service is trying to gloss that over with more bad science. Another issue that hasn't been explained is that when you drive the livestock off the public lands, you finish ruining the county's tax base because the only taxes the county gets from public land ranchers is from their livestock and if their livestock is gone because of wolves or ranchers can't afford to replace them, then the county loses its tax base.

**Commissioner Arvas** I'd like to hear something from Chuck after hearing all of that. If you were sitting on this side of the table, what would you do, Chuck?

**Chuck Hayes** I admit you're in a difficult position. You've heard some real concerns and good ideas and perhaps the best thing you can do as the Commission is see that potential solutions continue to be supported and brought forth. Every agency that's involved in the Mexican wolf re-introduction would be excited to find ways that they can better manage wolves to co-exist with people on the landscape and I don't think anyone is going to argue with the fact that that's a worthy endeavor that we ought to spend some effort on. There are important pieces of information that you're asking for that we can look at. There is information within this first draft of the social economic review that is not the answer but gives us a starting point to look at those questions and they're not the ones who are going to get questions about prey base and numbers but within the draft they have looked at things like number of hunters, number of hunter days within the recovery area since wolves have been there and that number has gone up. There are projected conceivable and financial impacts that could be very real at some point but this gives us a starting point to look at where we are with some of those and see what has materialized and what hasn't to date and that can help us to some extent, prioritize where we go.

**Commissioner Henderson** This Commission took a bold step in re-asserting ourselves in the wolf program. Some of the questions and problems that need to be answered have arisen from the result that early on in the process the Commission and the Department were not players in the wolf program. New Mexico initially opted out from playing a clear role in the program and as a result of that New Mexico became the recipient of problem wolves rather than being able to work with the committee to find other solutions to the problem. We have now made the commitment to work on this program and finding solutions is not going to be easy, but the Department's commitment and the commitment the Governor has shown, and the task force rolling up their sleeves and putting forth a good effort.

**Commissioner Montoya** This Commission and the Governor's office and all those individual on the part of the state that have anything to do with having input on what happens with this program will keep you in mind. We are not going to leave here and forget your comments and safety, but we need to find out how we can work this thing out so that your rights are protected. It's not the right thing to do to bring this program in and let you fend for yourselves and we're not going to be negligent in our responsibilities and I'd like to assure you that we will do everything we can with limited capabilities that we have. Some things requested are good information to have and involving other individuals and institutions such as NMSU is good advice. We need to know what impact it's having on wildlife and domestic animals, but I just want to say we're glad we heard from all of you and it's put a new perspective when people are being impacted.

**Ned Farquhar** I know there's a lot of opposition to the wolf program and the Governor's view is to try to take these ideas and put them into effect and try to make it better in the way it's implemented and in his words "make it more fair and sensible."

**Chairman Riordan** We do believe that you'll have some significant recommendations in this program and a common-sense approach to what's been going on.

**Commissioner Pino** Earlier I asked local residents to speak up on the efforts at the Gila River. As local people we're shy to speak up on issues and I'm glad you spoke up. Sometimes we ask for more and not less, I feel the 1-year moratorium is too short, it should be 2 years, maybe 4 years. Granted, everything has a right and if we approach it in a comprehensive way, we can come up with solutions.

**Commissioner Salmon** We can learn from other states and workable situations are possible. It's also clear that some of the wolves in this program are not behaving as normal and we need to address that issue on the task force, as well as the compensation issue.

#### **AGENDA ITEM NO. 19. General Public Comments (Comments Limited to 3 Minutes).**

##### **Public Comment:**

**Jeremy Vesbach** I'm with the NM Wildlife Federation and earlier we discussed the Comprehensive Wildlife Conservation Strategies and that it's funded with Pittman-Robertson Act funds and I wanted to correct that it is general fund money not sportsmen's dollars.



**Howard Hutchinson** I'm Executive Director with the Coalition of Arizona/New Mexico Counties and an issue has recently come before the counties that I believe is of interest to the Commission and that's the new roadless rule that's taking place throughout the forest lands in the State of New Mexico and across the western states because these roads are used by the hunting, recreation, and fishing communities to access those lands. There's also an OHV rule and consideration of issues for off-highway vehicles. One issue we've raised through the coalition and member counties is that when hunters retrieve a kill, they use OHV's in some instances. The new rules prohibit leaving a posted trail for any purpose and that includes retrieval of a kill, so these issues behoove the Commission to address.

**Chairman Riordan** Director Thompson, can we make a note of that?

**Director Thompson** Yes, my understanding is that the ATV rules provide for an exception for hunter use, but I'll verify that.

**Jack Diamond** At a previous meeting, I asked how this will affect the ranches that we manage and that we own, and no one could give me an answer, so I was hoping it would be nice when we get ready to accept this, I'd like to know what the bottom line is, whether it's a decrease or increase.

**Chairman Riordan** You've got my number, Jack, call me.

**John Boretsky** I'm Executive Director with the NM Council of Outfitters and Guides and in the fall, 2003, when we walked out of the meeting that established the bear hunting seasons for the next 2 years, the sportsmen's community was less than enthralled and that's in spite of the efforts that Commissioners Sims and Riordan made on behalf of an attempted compromise that we would've found more palatable than what we're living with now. Immediately following that, representatives of Sportsmen for Fish and Wildlife, the NM Houndsmen Association, and the NM Council of Outfitters and Guides got together and decided that experience and common sense did not apply when what we needed was stronger biology. We opted to commission a study on bears and bear management from a private wildlife biologist who was intimately familiar with NM and NM wildlife management, and NM bears. The study was a review of literature, surrounding states, and management practices in New Mexico. The study was finished in late-2004 and contained recommendations for the state to bear management. If you recall, Mr. Chairman, in December you and I discussed the report and at that time there were other things you wanted to see. We added that to the report and then we got involved in the 60-day legislative session, and in April I came back to you and told you we had the study finished and requested to be put on the agenda and I specifically asked that we be put on today's agenda. I wanted it in Reserve because I'm too used to trying to explain wildlife issues to urban people. If we had it in Reserve, dealing with bears in Reserve, we'd have access to the sportsmen from Silver City, houndsmen from the Mimbres Valley, and outfitters from the Gila. We felt these people who make a living on the land should be the ones to review a policy. I was assured we'd be on this agenda today. In keeping with that, I arranged for the biologist to be ready to make a presentation. I got backing for the recommendations we were going to make from other sportsmen's groups, specifically the southern NM chapter of Safari Club, and the NM Wild Turkey Federation. A couple of weeks ago we got notification that we were no longer on the agenda. What comes to mind is that there are people that don't want opposing views aired before the Commission, don't want you to have access to other information, that are perfectly happy with a Walt Disney version of what wildlife is and how wildlife should be managed, and this is wrong. Sportsmen in your community, your constituents, have spent thousands of dollars putting together a presentation, summary, and study of the best bear management practices we feel we could have. All we're asking is an opportunity to present it. Bear management is within your power and authority, and it's something that could be and should be reviewed.

**Marvin Cromwell (Written statement)** In 2001 the Department of Game and Fish killed all the elk in my game park because they might have had CWD. None did. In 2001 CWD was found in wild deer. Four years later it's still spreading. Since 2001 the state has greatly restricted my right to interstate commerce to purchase elk from out of state. I appreciate Director Thompson has started to move forward on this issue; however, if I lose another hunting season I will be forced to take this to court.

**Van J. Allred** I'm here on behalf of an OHV club and I'm going to give you a letter that I've written. I'd like to ask the Commission to look at our roadless area. My business depends on the future of these people's ability to use our forests.

**Rufus Choate** I appreciate you coming and have been an asset and we appreciate it.

**Caren Cowen** I'm with the NM Cattle Growers' Association and I handed out a letter from 1 of our members which covers the issue of elk and private property. I might suggest that a memorial passed several years ago on elk-carrying capacity, and we've had a change in state and federal administrations and we seem to have lost that effort and we might try to bring it back.

**R. L. Posey** I represent the Otero County Grazing Advisory Board and in 2000 the Department of Game and Fish published a document about elk in NM and they estimated the elk population in GMU 34 at 4,300 with a goal of 1,300. In 2001, the Department published another document that estimated 3,300 population elk with a 1,000 goal. I didn't get information on elk population estimate until June, 2004, when the Department held a meeting in Mayhill and they estimated that there were in excess of 2,500. The Department made the unilateral decision for population goal of 2,000 that they were going to work toward in 5 years. One person from the agricultural community was present, and they did not agree with the decision. In March, the Department had a meeting in Alamogordo and Mark Madsen said that they estimated there were 2,900 elk there. You can tell the elk population is increasing in GMU 34 and ranchers feel the estimates are low and the elk are having a devastating affect on the rural and county's economy and due to the excessive elk population, the Grazing Advisory Board recommended to the county commission that they establish a blue ribbon committee to look into the wildlife management situation with emphasis on elk. The panel's suggestion is on the agenda for July 26.

**Chairman Riordan** Do we have a Department of Game and Fish representative on that blue ribbon committee?

**R. L. Posey** Yes, sir. What the grazing board recommended was a number of individuals, Game and Fish, your name is on there also. We did make a broad recommendation on people and organizations we'd like to see.

**Ron Shortes** In June, Mr. Kirkpatrick and Mr. Rodden came to Quemado to visit with U.S. Forest Service, and Catron County. The U.S. Forest Service requested that NM Department of Game and Fish participate in the environmental assessments of these ranching permits and allotments on federal properties and hopefully we'll have BLM involved. The involvement is important because the game management on these allotments has to go hand-in-hand with the management of the trees and livestock.

**Laura Schneberger** These are notes from Don Jones on landowner elk tags that he asked me to hand to the Commission.

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

**MOTION:** Commissioner Montoya moved to forego an Executive Session. Commissioner Salmon seconded the motion.

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

**AGENDA ITEM NO. 21. Modification of Proposed Yates Mineral Lease.**

**Presented by Jim Karp** – The Department asked that the previously approved mineral rights lease to Yates Petroleum Company be modified in accordance with its submission to the Board of Finance. The presently approved lease has no definite term as it continues for such period as oil or gas is produced from the well. The modification limits the term of the lease to 25 years in order to require only Board of Finance approval. At its March meeting, the Commission voted to enter into a Mineral Lease with Yates Petroleum underlying parcel property no longer owned by the Commission. That lease included a basic term of 5 years and an overhang indeterminate term that would last for so long as there was production under the lease. The Board of Finance viewed the possibility that the overhang period could last longer than 20 years and it could be more than \$100,000 in income generated, requiring approval of the lease by the Legislature. In order to facilitate the culmination of the lease, Yates agreed to a maximum 25-year term resulting in our being able to go to the Board of Finance who has it on its agenda on 12 July. One of the conditions of that approval is merely to have the Commission acknowledge the fact that it agrees to the change in the term of the lease to a maximum of 25 years, and we ask that the Commission so approve that change.

**MOTION:** Commissioner Arvas moved to modify the term of the lease of mineral rights with Yates Petroleum Company to a period not to exceed 25 years with all other terms and conditions of the approval for entering into such lease previously stated by the Commission to remain in effect. Commissioner Montoya seconded the motion.

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

**AGENDA ITEM NO. 22. Adjourn.**

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

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

**Meeting adjourned at 5:18 p.m.**

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

  8/22/05  
Date

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

  8/22/05  
Date

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