

MINUTES
NEW MEXICO STATE GAME COMMISSION
Western New Mexico University
Light Hall Auditorium/East of Administration Building
1000 West College Avenue
Silver City, NM 88062
February 24, 2006

AGENDA ITEM NO. 1. Meeting Called to Order.

Meeting called to Order at approximately 9:13 a.m.

AGENDA ITEM NO. 2. Roll Call.

Chairman Sims – absent

Vice Chairman Arvas – present

Commissioner Henderson – present

Commissioner Montoya – present

Commissioner Pino – absent

Commissioner Riordan – absent

Commissioner Salmon – present

QUORUM: Present; Vice-Chairman Arvas chaired the meeting.

AGENDA ITEM NO. 3. Introduction of Guests.

Introductions were made by approximately 40 members of the audience, including Representative Manny Herrera.

AGENDA ITEM NO. 4. Approval of Minutes (December 16, 2005—Carlsbad, NM)

MOTION: Commissioner Montoya moved to approve the Minutes of the December 16, 2005 State Game Commission Meeting in Carlsbad as presented. Commissioner Henderson seconded the motion.

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

AGENDA ITEM NO. 5. Approval of Agenda.

Vice Chairman Arvas Changes to the Agenda are that we will delete Agenda Item No. 6, and Agenda Item No. 8, and we'll move Agenda Item No. 17 after Agenda Item No. 14.

MOTION: Commissioner Salmon moved to accept the agenda for the February 24, 2006 State Game Commission Meeting with changes. Commissioner Montoya seconded the motion.

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

AGENDA ITEM NO. 6. Consent Agenda. (DELETED ITEM)

NEW BUSINESS

AGENDA ITEM NO. 7. Designate Reasonable Notice to the Public for Commission Meetings During 2006.

Presented by Jim Karp, Esq. – Section 19.30.3.8.A(1), NMAC, requires the Commission to take action at its first annual meeting to continue or amend its existing practice to determine what is reasonable notice of Commission meetings under Section 10-15-1D, NMSA, of the Open Meetings Act. The Department recommended continuing the present practice for 2006 as contained in Section 19.30.3.8, NMAC, at least 10 days prior to a regular meeting, 3 days prior to a special meeting, and at least 24 hours prior to an emergency meeting.

MOTION: Commissioner Montoya moved to adopt the notice requirements presently contained in Section 19.30.3.8, NMAC, as reasonable notice to the public as applied to public meetings held by the Commission for the year 2006. Commissioner Henderson seconded the motion.

Vice-Chairman Arvas Are we in line with other state agencies in terms of that public notice period?

Alvin Garcia Most other agencies, smaller boards, and commissions have Open Meetings Act resolutions that they pass every year. We embody it in regulation and it works because the statute requires that we give notice, but it is consistent with what the Attorney General's office has proposed in the Open Meetings Act guide books as well as what other agencies do.

Vice-Chairman Arvas So it's not any less or any more than what they've suggested.

Alvin Garcia Yes.

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

AGENDA ITEM NO. 8. Presentation of the Fiscal Year 2005 Financial Statements and Audit Report. (DELETED ITEM)

AGENDA ITEM NO. 9. Proposed Calendar for Development of the 2007-2008 Big Game, Turkey, New Mexico Hunter Reporting System and Associated Rules.

Presented by R. J. Kirkpatrick – The Department provided the Commission with a draft calendar illustrating Commission meeting presentations, public involvement processes, and Department activities that will result in the adoption of a new Big Game & Turkey rule, a mandatory harvest reporting rule, and amendments to associated rules that will guide the 2007-2008 and 2008-2009 hunting seasons.

Vice-Chairman Arvas Give the audience an idea of what type of meetings we have that lead to the culmination and finalization of the Big Game Rule.

R.J. Kirkpatrick On April 6, the next Game Commission meeting, the Department will present a first draft for the Commission's consideration and we'll ask the Commission to open all of the rules that are associated with Big Game and Turkey. There are a variety of rules, manner and method, licenses and applications. At that point we'll make sure that those drafts and summaries of adjustments that are different from what we're doing currently are made available to the State of New Mexico via our website, newspapers, and television. We will mail to all special-interest groups we have on file, we'll make drafts available at all the area offices. We would entertain hosting or attending any meetings to talk through any issue. That will occur throughout that 6-month process. Our hopes are that anyone who has interest will be able to access the information and get hold of us and either request personal meetings, phone calls, or submit written comment. They'll also be able to attend the various Commission meetings in the interim and comment to the Commissioners directly.

Vice-Chairman Arvas You're still going to go ahead and make a recommendation for a 2-year rule again?

R.J. Kirkpatrick Currently it will be a 2-year rule recommendation. We've discussed moving it to a 4-year rule and that hasn't been ironed out.

Vice-Chairman Arvas I'd like to stress that every Commissioner that serves on this Commission is very receptive to your concerns and if you have any problems, we certainly want to hear about these problems.

R.J. Kirkpatrick The first draft proposal that we'll submit to the Commission on April 6 is based on the input we've gathered over the course of the last 2 years of hunting seasons, but it is the foundation by which the public can engage the Department in developing the subsequent drafts that we'll ultimately bring to you in September. It's a starting point to discuss, comment, input, and consider.

Vice-Chairman Arvas I'd like to recommend that any changes that you make be highlighted in some form so that the Commission can be aware of these changes. I know in the past there's been some confusion when there was a change made and for whatever the reason, the Commission wasn't aware of it.

Commissioner Salmon Could you briefly explain the hunter reporting system rule? What does this involve? It's mandatory reporting for certain hunters?

R.J. Kirkpatrick The system we're trying to design is extremely simple and convenient for the hunting public. It currently applies only to deer and elk hunters. We may incorporate some trappers into that, we're not sure yet. Generally, if you hold a deer or elk license or permit for the fall of 2006, you must call a free phone number or get online and report your hunt, whether you went, whether you killed, whatever that information is. We'll establish some deadlines for you to do that. If you do that you'll be completely eligible to apply for any special entry hunts for the following year. If you fail to do it by the deadline, you'll have an opportunity to re-up your eligibility before the April deadline of special entry applications. It's mandatory if you desire to apply for any special entry hunts for the following year. You'll need to have given us your harvest report prior to those 2 established deadlines. One is no penalty, the other comes with a penalty.

Commissioner Salmon Am I right that the changes considered for the Big Game Rule and Turkey Rule also include furbearers? If there were changes in the furbearer rules, it would come during the same process?

R.J. Kirkpatrick That's correct. The furbearer is a stand-alone rule and we'll ask for the Commission to open it April 6 and it'll go through the same public comment process for the next 6 months to development of a final in September.

Commissioner Salmon I've received a lot of input from people who are concerned there's no seasons or bag limits on protected furbearers and I'm not saying that there should be, but I think we should consider mandatory reporting for licensed hunters and trappers of forbears so we have a better idea of what our take is and we can include that as part of the review process.

Public Comment:

Earl Montoya I don't understand what was said. I think I heard that it's going to be mandatory reporting and the penalty is if you don't report, you might not be eligible the following year. Is that correct?

Vice-Chairman Arvas That's exactly right.

Earl Montoya I have a problem with that. I have sons and relatives that are out of state and they come and stay to hunt and they bring in a lot of money. My 2 sons are in professions that they travel a lot and they may not make that, and I do not agree with this mandatory reporting.

Vice-Chairman Arvas R.J., why don't you tell us again why this is such an important tool for your Division?

R.J. Kirkpatrick Currently our harvest estimates, especially on deer and elk, have limited accuracy in that less than 10% of our hunters are actually returning their harvest report. We found through research that we did 2 years ago that most of the people that do return their harvest report are successful hunters and so the real problem is that we don't have a real solid sense of how many deer or elk we're killing in the State of New Mexico. It's extremely difficult to manage populations in today's world with all the demands placed on it if that information is lacking. The other thing is we're currently spending a lot of money in the paper process that we use to get that information. This new system becomes electronic or telephonic which is much easier for the hunters and cost effective for the Department. We'll have that harvest information which will allow us to recommend to the Commission adjustments for the next year in a timely fashion and we don't have to take 2 years to make an adjustment to level hunter opportunities, so it's advantageous to our hunters as well.

Vice-Chairman Arvas So in answer to this gentleman's concern if for whatever reasons either of his relatives or friends is not able to participate in a hunt, all they need to do is call and tell you they didn't go on a hunt.

R.J. Kirkpatrick The process is less than 3 minutes on the telephone. We ask you who you are and we'll know what hunts you had the opportunity to go on, did you go, didn't you go, did you kill, didn't you kill are the questions we'll ask and I suspect that anyone that has computer can access our website from anywhere in the world and give us that report.

Vice-Chairman Arvas I'd like to add that we're not the only state doing this. Most of the western states are asking that same type of reporting and the reasons are the same. They save money in terms of doing the work they need to do plus they get much better information than the paper way.

Earl Montoya I understand what was said, but I would ask you to consider exactly what was said to you. You have a voluntary system now. It's not working. Wouldn't it be simpler to assume, and I think you're about 80% correct, that most of those that don't report, the answer is obvious. They did not have success.

Vice-Chairman Arvas We really can't assume that anymore. In fact, what we found in the past is people that are unsuccessful report they are successful. I don't know why they'd want to do that. I think this is 1 more necessary step in this changing world to allow the Department to do their job better and as a result of all the other western states doing this, I don't think we're asking too much from our sportsmen.

Earl Montoya I'm not aware of the other western states, do they make it mandatory that you report and if you don't report that you can't file the next year? Think of the impact economically if we lose 10% of out-of-state hunters that come into Grant County. I've been told in the past that the average out-of-state elk hunter that comes into Grant County, if you include all the costs, brings in about \$3,500 per hunter. Now if you lose 100 of them, that's going to have a big impact.

Vice-Chairman Arvas I certainly agree with you.

Director Thompson This gentleman wasn't aware that this is going to be a regulation change and there will be a public process during which we can further consider his comments.

Vice-Chairman Arvas It isn't going to happen today. I think that's what the Director is trying to say, so we would appreciate your comments and we will have some Department people talk to you individually to try and get this straightened out.

MOTION: Commissioner Salmon moved to proceed with the proposed calendar for development of the Department's proposed 2007-2008 Big Game and Turkey New Mexico Hunter Reporting System and associated rules. **Commissioner Montoya** seconded the motion.

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

AGENDA ITEM NO. 10. Proposed Changes to the Fisheries Rule, 19.31.4 NMAC, and the Manner and Method Rule, 19.31.10 NMAC.

Presented by Mike Sloane –The Department proposed changes to the Fisheries Rule, 19.31.4 NMAC, and Manner and Method Rule, 19.31.10 NMAC, including: 1) reducing the limit on lake trout to two (2) fish; 2) opening the kokanee season at Heron Lake on November 11 instead of November 15; 3) changing the opening/closing dates, persons allowed to fish, and limit at the Red River City ponds; 4) closing the West Fork of the Gila River to fishing; 5) restricting spear fishing to ponds, lakes, or other impoundments; and 6) allowing bullfrogs to be used as cut bait only.

Vice-Chairman Arvas Would you go through the process in terms of presentation?

Mike Sloane This all started back in August when we as a Division determined public interest in changing the fishing rule and what things they were interested in. We identified 12 changes. We went back out to those folks that we knew were interested and discussed those changes with them, we put out press releases, and then we developed a regulation based on the limited input that we got back which is consistent with changing the fishing rule. That was then posted on the web for 30 days, we then came to you at the Carlsbad meeting and requested those changes. We went back over your suggestions and changed the rule in an effort to match those, posted it on the web, and are here today to discuss those changes. Today we're proposing 6

changes. One is to reduce the limit for lake trout from 5 fish to 2 fish. We heard at the Carlsbad meeting that there's interest in the Chama area in trying to maintain that fishery. Our concern is about the kokanee fishery and the balance between lake trout and kokanee, so we changed it and are initiating a kokanee and lake trout study so that we can monitor that balance and come back to you if we feel there needs to be another change. We also heard in Carlsbad that there was a concern that kokanee snagging season at Heron Lake was opening in the middle of the week and people weren't able to take advantage of that. Our concern is our ability to get in there and collect eggs for our annual spawn so that we can maintain that fishery. In looking at the calendar and figuring out when Veteran's Day is and those sorts of things, we're proposing to open the kokanee snagging season on the second Friday in November at Heron Lake. That should be right about when we generally close so we won't be losing any ground and it's about 5 days earlier. The third change was requested by the City of Red River. They have some town ponds that they desire to have open and closing dates on due to restrictions on ice fishing. They wanted to have a kids' pond and they wanted the limit to be 3, so we drafted regulations to match those. Commissioner Salmon at the last meeting pointed out an oversight on our part which was not closing the West Fork of the Gila that has been restored with Gila trout. We've proposed in regulation we have 2 stream crossings demarked where the lower boundary of fishing is, or upper boundary, depending on which direction you're coming from. We're also proposing to restrict spear fishing to impoundments to avoid the concerns that Commissioner Salmon raised about folks going into large pools in the Gila River and removing all of the catfish, and finally, we're proposing to allow bullfrogs as cutbait only. We had removed bullfrogs as bait, but it came up in Carlsbad that there may be some problems with that so rather than allowing people to have live bullfrogs, we're proposing to allow them to use parts of bullfrogs so that we don't have any concerns about introduction into places where they are not already. I also have 2 additional items. One is that in our review of the regulation we found 1 clerical error at 19.31.4.12(A)(5)(b) where we have tackle restrictions on the special water on Rio Ruidoso and that should not be in place so we're requesting that that language be removed. We would be deleting "where only barbless lures or flies may be used". The other issue that has come up is that at the Carlsbad meeting we requested replacing restrictions on bait fish that could be used in specific drainages. We restricted the use of bluegills to cutbait only. We have heard from some anglers particularly around Elephant Butte that they prefer bluegill for striper fishing and for trotlines for flathead catfish live bait as opposed to using only cutbait. We thought we had addressed that by providing for the use of golden shiner at Elephant Butte, in particular, so we may come back to you after talking to more folks about that issue and see if we need to change that to allow to go back to the way it was where you can angle for bluegill and then use them as live bait.

Commissioner Salmon As regards the live bluegill, I've done that in the past on Elephant Butte to Caballo where we would catch bluegills by angling and use them as bait on a trotline or rod and reel and I would speak in favor of allowing that at least on certain impoundments. On restricting spear fishing, I'm assuming that applies only to game fish. That wouldn't prevent someone from shooting carp in the river or spearing carp or some other unprotected species in the river?

Mike Sloane That's correct. Our regulations only apply to protected species.

Commissioner Montoya On the opportunity to be able to go snagging for kokanee at the time that they're still good to eat and not waiting until they've died and they're floating on shore. How does this proposed date compare to the date that we had this past year?

Mike Sloane This past year and in regulation it used to open November 15, next year depending on how you look at it, it will open midnight November 9 or midnight November 10. It's the middle of the night that Thursday/Friday.

Commissioner Montoya I appreciate that it's opening in time for the weekend and for when people want to be there, but is this soon enough so that people can take these kokanee instead of letting them spoil?

Mike Sloane I believe it's as soon as we can do it and still maintain our ability to get enough eggs from fish. The fish are there, they were there in great numbers this year and that run starts the last week in October and runs generally into the Christmas holiday so there are fish coming in at various times during that whole period that are in good shape, yes.

Commissioner Montoya In addition to reducing the bag limit on lake trout, there was also some discussion on the size limits. Are you addressing that in the rule?

Mike Sloane We're proposing not to address that largely in an effort to try and see if we can judge what that balance between lake trout and kokanee needs to be and to allow folks to take those fish. Another reason is that lake trout tend to be very deep water fish and when you pull them up they don't tend to survive very well as they come up from the pressures of that depth to the pressures at the surface, so you could be returning fish that would die anyway.

Public Comment:

Earl Montoya I have concerns with 2 of your proposed changes. Does this Commission want to set a precedent where you're going to let every town, city, or municipality that has a pond change or possibly have changes made to the state Fish and Game regulations? Secondly, it adds complexity to the average fisherman as he doesn't know whether he has special rules to comply with every time he goes to a different lake or whether he just has to abide by the state regulations. The third point, the limits and everything that are being changed either the state is going to have precedent statewide, or it doesn't, or you're going to have exceptions and you're going to set a precedent that now you're going to start allowing exceptions for everybody that is a special case. I as a sportsman don't want to have to worry if I go to a municipality whether I'm under a different set of rules and

regulations. The other one I have problems with is No. 1. If you look at our demographics and our state, we're an Hispanic state. The poorest people in the state are the Hispanics. Comes down to economics--if you're telling me that I have to drive so far, spend money for gas, camping, and whatnot, and I'm going to be limited to 2 lake trout, I will not go. It's cheaper for me to buy fish.

Mike Sloane There are 2 instances that I can think of where municipalities have set ordinances relative to specific ponds. Both of those municipalities will provide signage—that's Tingley Beach and Red River. The State Game Commission determines the rules and the cities go by them. These were 2 isolated examples. Relative to number 1, I'm not sure but perhaps there's a little confusion. Lake trout are a specific species in Heron Lake. They are not statewide so the statewide limit for trout is still 5. Only at Heron Lake did we reduce the limit for lake trout. Even at Heron Lake, if you catch a Rainbow trout, you can keep 5. If you catch a kokanee salmon you can keep 5, but lake trout only 2.

Vice-Chairman Arvas Would you explain why the recommendation is made to go from 5 to 2?

Mike Sloane There were concerns raised by the people in the community that lake trout is supposed to be a trophy fishery and that the size of the fish being caught was not large enough and that there weren't enough fish. This is an opportunity to reduce the take and allow the fish to grow a little longer and reproduce and have more fish available.

Vice-Chairman Arvas Director Thompson, would you address this gentleman's concern on the municipalities?

Director Thompson It's not precedent setting and we will agree with this gentleman that the intent is not to set a precedent for doing municipal by municipal regulations. I believe the Commission has shown ability and a willingness to consider where regulations that have been put in place that are consistent with a local need are appropriate, and this is 1 of several circumstances where that's occurring.

Vice-Chairman Arvas If that situation ever becomes burdensome to the extent the Commission is going to be dazzled by a lot of different municipalities for whatever reason I think they'll take another position. I think this is just a position that this Commission would like to take in terms of trying to work out a good agreement with a municipality. I do know in other states that individual municipalities have a tremendous amount of authority, and what we're trying to do is work with them at this point and try not to get into any arguments and hopefully, this will be 1 of 2 examples where we're doing this. Have you had any other municipalities give you a call or want anything special?

Mike Sloane The only time we have interactions with municipalities was when they request stocking changes, not any regulation changes.

Earl Montoya In response to the comments on lake trout, the reason for cutting it from 5 to 2 is that the size of the fish have gotten smaller and they're worried about the reproduction and maintaining of the fish population, is that correct?

Vice-Chairman Arvas That's right.

Earl Montoya Wouldn't it make more sense if that's a problem, since it's limited to a few lakes in the north, to close the season for 2 years and let the population recover and keep the limit at 5?

Mike Sloane We don't believe the fishery has declined to the point that that type of methodology is necessary. We think that by reducing it to 2 we can support that fishery.

Commissioner Montoya I represent that part of the state and I received the comments. Their concern is what you referenced in an earlier comment that in that particular part of the state most of the people depend on this kind of fisheries and hunting for their livelihoods and if that is depleted for 2 years, it would be devastating. This request came from them because most people that fish for lake trout are fishing not because they want to eat the trout, they're fishing more for the sport because there are other kinds of fish in Heron Lake. This particular lake trout brings people that spend a lot of money in Tierra Amarilla, Chama, and surrounding areas and it was an economic consideration in addition to try and protect the species, but it was more of an economic consideration than here in Silver City. Anything that will impact these regulations that impact the economic conditions of the area are important to the community. It was important to people up north because they depend on the money that sports fishermen bring to their community.

Earl Montoya I understand what you're saying, but you're in the north and we're here in the southern part of the state. Take notice that if our people go there specifically for lake trout because of the size and the sport associated, it's a losing game for us. It's true you're going to suffer if we don't go up there and fish in your lakes so you're in a Catch 22 situation. If you don't want to close the lake down, there are other solutions I would suggest that maybe you consider. Maybe you can consider that they can fish for the fish, use barbless hooks but not keep them until the population increases and grows. If it's just the sports aspect to the fishing and that way the people could still come up, fish for the lake trout, but not take them away if you say it's not for food. I appreciate your comments, I understand the dilemma but it does have an economic impact on you up north but there's economic impact for us in the south to go all the way up north to fish and be limited to 2 fish.

Vice-Chairman Arvas Have you ever gone up there to fish for lake trout?

Earl Montoya No, but my sons have.

Vice-Chairman Arvas Has anyone in the audience gone to Heron Lake to fish for lake trout? What is your feeling sir?

Member of the Audience Haven't gotten any. I've gone a couple of times and have never gotten 1.

Vice-Chairman Arvas Correct me if I'm wrong, but it's a special technique for catching lake trout. You have to have special equipment, special lures, special rods, so it's a specialized form of fishing that requires something other than the normal angler-catching-fish-for-consumption. With that I think the Commission is satisfied.

MOTION: Commissioner Salmon moved to accept the Department's amendments to 19.31.4, NMAC—Fisheries, as proposed. **Commissioner Henderson** seconded the motion.

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

MOTION: Commissioner Salmon moved to accept the Department's amendments to 19.31.10, NMAC—Manner and Method of taking as proposed. **Commissioner Henderson** seconded the motion.

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

AGENDA ITEM NO. 11. Commission Approval Sought for Funding Landscape-Scale Habitat Stamp Projects.

Presented by Dale A. Hall -In addition to annual projects funded by the Habitat Stamp Program, the Department and Program Cooperators sought approval to fund 6 landscape-scale habitat improvement projects totaling \$1,250,000. These projects have been prioritized by representatives from citizen advisory committees and agency representatives.

Vice-Chairman Arvas There are 3 items I'd like for you to consider. There's some question as to why we have such an outstanding balance, \$4.5M hasn't been used throughout the last few years.

Dale Hall We've implemented several changes in the way we've done the program and those are alternate projects. If we had a lot of burning projects on line and then we could not burn, all that money was not spent. There are other processes where we've increased some flexibility in that some have been up to 45-50% successful. Now they've raised and they're about 85% efficient in using their funds so we're improving our ability to put that money to the ground.

Vice-Chairman Arvas When you speak of matching funds, would you tell us where the match is coming from?

Dale Hall The matching fund, up to 1996, was more or less a dollar-for-dollar match to the program. In 1996, due to regulatory problems, there was much more work to get projects NEPA ready. They have all their documentation ready to go as soon as the money is available, but the NEPA process is costing the agencies much more funds, archeological clearances, environmental assessments, and that is considered part of their matching funds, but we do have other sources of matching funds; sportsmen's groups contribute their time and labor, 319 grants from the state Environment Department, there are a lot of other matches. We're getting pretty close to the 1-to-1 match.

Vice-Chairman Arvas I'd also like to have you ask your partners in these projects to make some comments if they'd like to.

Larry Paul I'm a wildlife biologist with the Guadalupe Game Unit 30. Do you have any questions that I could answer?

Vice-Chairman Arvas Is the Sikes Program as we're implementing it working to your satisfaction?

Larry Paul Yes it is. Since 1988, we've got 44 water projects on the ground. Most of them trick tanks. We have 40 of them identified and unfunded yet, but we're working toward that. Our mandate with the forest funding is veg manipulation. We have Ponderosa Pine underthinning in progress, we've conducted thousands of acres for fire through Sikes, and we have many more planned. We have District EA that covers the entire district excluding threatened and endangered habitat. Our Sikes Program is giving us leverage to address forest issues.

Bruce Anderson I feel the Sikes Act Program has given us an opportunity to make improvements in these areas that we've not been able to do with our federal funding. It has also stimulated a number of partners that are helping us and Dale mentioned the match. We're now well beyond what we had submitted earlier thanks to the Turkey Federation, and Brub Stone has helped us get some of these waters together and emphasis on improvements like that. It's the partnerships that have helped us make progress and we're seeing definite improvements in the deer populations in some of these areas where we have the prescribed burns and water developments.

Larry Paul With the special funding, the emphasis that gives the Forest Service is massive. You cannot underestimate how important that becomes on a political or resource management basis. The program has the full weight of the forest supervisor behind it.

Jerry Monzingo I'm the forest fisheries biologist for the Gila National Forest. The Snow Lake project was a project I submitted. It didn't make the cut and we're still moving forward with some aspects of that project. In the next week ourselves and 1 of our partners, New Mexico State Highway and Transportation Department are going to start cleaning 1 of those sediment structures out. That project was the only fisheries project that was submitted for this funding.

Dale Hall Yes, that's correct. That was Lake Roberts, not Snow Lake.

Jerry Monzingo Lake Roberts brings a lot of folks to Grant County. There aren't many fishing opportunities especially lake-wise, in southwest New Mexico, and we've worked with the Department. We've met with Mr. Sloane and folks from his Department about trying to do some things out at that lake and we appreciate the opportunity we had to apply for these monies even though it didn't work out, and maybe down the road if some of the burning doesn't happen, it is still on the list.

Public Comment:

Earl Montoya I'm pleased that the Game and Fish, and the Forest Service are working together. Haven't seen as much of that in the past as I would have liked. I'd like to point out to you that the presentation is great, however, there's a portion that's not said on the Forest Service's side that has bearing on your habitat program. This is the Forest Service's roadless plan. If that plan goes into effect, many of our hunters and fishermen for Grant and Catron Counties, we will close off many of the existing roads. Our Hispanic families will not be able to go to traditional hunting grounds. They will not be able to go piñon and acorn hunting. We will not be able to go and recover game if all that goes into effect.

Representative Manny Herrera I'm the State Representative from Grant and Hidalgo Counties, District 39. I was approached by a group from Grant and Catron Counties to introduce a bill in the roadless act. It didn't pass. I've called this group and we will meet and try and figure something out to get some recommendations to the Governor. As far as abandoned oil fields, you mentioned some matching funds. Is the oil and gas industry in any way helping with this particular project?

Dale Hall Yes, the oil and gas are contributing \$400,000 to this project to reclaim those oil pads, and the NRCS is contributing about \$800,000 to that project, so our \$200,000 would match \$1.2M that's already going towards that project.

Vice-Chairman Arvas The oil and gas industry has been more than generous in their offerings. Obviously the reason for their generosity is that we're giving them so much of a profit margin.

Ellen Soles I'm with the Gila Watershed Partnership, and my question has to do with burning and thinning projects. Having done research myself, I know how difficult it is to come up with long-term monitoring money and I wondered if there was some component to that in terms of the recovery. If there is any money or any plans to do long-term monitoring on those projects?

Dale Hall Virtually every one of these projects has some kind of monitoring component as part of the environmental assessment. They need to go in there and track some of the changes that took place to make sure they've met their objectives. Now, how intensive that monitoring is I do not know, or how long-term it is.

Commissioner Henderson In response to that, can any of the Sikes Act money be used for monitoring or is it for projects?

Dale Hall Yes, we do fund monitoring projects. As a rule, the citizens tend to rank those projects lower in priority because they prefer to see the money go into the ground.

Director Thompson Within the past month and a half, the Department and I have met with the Forest Service including assistant regional staff to begin addressing some of these very questions. We're going to be very seriously evaluating some of those projects that might present the greatest challenges for meeting objectives, but we're also entering into a long-term examination of the whole Sikes Act Program, so we're on that track and we appreciate that question.

Vice-Chairman Arvas Would you like to make any comments concerning the roadless plan that the Forest Service has presented?

Director Thompson I'd only add that the term "roadless" as used here, is actually referring to what the Forest Service calls the road management plan. There are separate things that are under way regarding roadless areas and the Department of Game and Fish is included in those efforts. We have met with the Forest Service recently to ensure that there is appropriate consideration of sportsmen's interests in the road management plan which has to do with which roads would remain open vs. which might be subject to closure over the next 4 years.

Vice-Chairman Arvas Mr. Montoya, it's of great concern to us because as you know, we are funded by the constituency out there and without you buying our licenses, we wouldn't exist. We're very concerned, and I can assure you that the Commission and the Department will work with the Forest Service to whatever length we have to be sure that the sportsmen is provided an opportunity to have the hunting and sports fishing that he wants.

Tom Wooten I represent T & E, Inc. I totally endorse the Sikes Act. I think it's a wonderful act for the way it provides money for habitat improvement. The biggest concern I've had all along, and I was delighted to hear some addressing of this today has been the monitoring after we go in and perform some kind of manipulation. I would like to see with any sizeable manipulation of habitat that there be a credible control area nearby where you can actually see the difference that your manipulation makes and this would need to be over a long-term. The use of fire for thinning brush is something that we've been way behind on and I'm delighted to see activities here. I have grave concerns about the use of Tebuthiuron on brush control when it's used to control creosote bush. I've done some studies myself both on the economics and the feasibility of doing this, and it isn't feasible economically, at least from a livestock operator's standpoint. If we can factor in some wildlife benefits that add to the value, especially if grazing isn't controlled. When we do a brush treatment using an herbicide through the use of fire, ordinarily or mechanical, we set aside a certain period of time certain where livestock will be restricted from using the area. The criteria for re-admitting livestock to that area has to be based on the weather pattern we've had, has the area been able to recover?

Brub Stone Does the Commission ever see 1 of these (Solar Bee)? That's what we're proposing to buy and put in Lake Roberts?

Vice-Chairman Arvas Have we seen those, Dale?

Dale Hall No, they're a fairly new device. Aerators as a rule are common, but this is solar powered and we got in this proposal as an alternate to buy 2. In our normal process, if it stays as an alternate, we'll try to buy 1 through the normal process.

Vice-Chairman Arvas The answer to that Brub is no, we haven't seen that.

Brub Stone Right now we've had the Department of Game and Fish come down, we've got the Forest Service here that has participated. It is a good project. It will increase the fishing, clean up the water, control the weeds, but we can't do anything about it if we keep putting it on the back burner.

Vice-Chairman Arvas I was on the original Commission in 1986 that proposed the Sikes Act and my heart is in the Sikes Act. I've had nothing but concerns over 3 years with the fact that the money wasn't being spent and Dale has been advised of the Commission's concern about monies that are being donated by the sportsmen for projects and not being used but we have to have a process to get the projects up to speed. We have to be sure we're spending the money wisely and judiciously. Your concerns will be addressed by Dale and Mike Sloane.

Brub Stone I'd like to see the Solar Bee ordered for Lake Roberts.

Vice-Chairman Arvas I can ask Dale to see that's a priority item and go before the Sikes Act Task Force.

Dale Hall Yes, we do have a proposal together to fund 1. We could spend all of the Gila allotment and buy 2 of them if that's desired by the citizens and the Commission.

Vice-Chairman Arvas We'll take that under consideration between now and the next Commission meeting.

Dale Hall The amendment to the suggested motion would be up to \$1.25M for these projects. That'll be based on how the budget comes down.

MOTION: Commissioner Salmon moved to approve the list of special landscape-scale projects and alternatives up to \$1.25M as recommended by the Department. **Commissioner Henderson** seconded the motion.

Commissioner Henderson I commend the Sikes Act Committee for the work it has been doing. To those in the audience, there's a committee for every area of the state and you should get to know the Sikes Act Committee in your area and provide them with your input. To those that have a special interest in the alternatives, you need to keep in touch with the Department because those projects are going to be funded because I don't think we're going to be able to do as many burns as liked. The reason we have as many resources available as we do is because we haven't been able to do landscape projects by burning.

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

AGENDA ITEM NO. 12. Update on the Rio Grande Cutthroat Trout Restoration Project in the Costilla Drainage.

Presented by Mike Sloane – The Department provided an update on the progress made on the Rio Costilla Restoration Project approved by the Commission at the August, 2005, meeting. The Department discussed the public outreach efforts, NEPA process, and the New Mexico Water Quality Control Commission process. **Discussion item only.**

Commissioner Salmon Are there different water quality control standards for the Valle Vidal streams as opposed to the streams that are outside the Valle Vidal?

Mike Sloane The Valle Vidal was recently designated as an outstanding national resource water, and with that designation it does change some of the standards. The primary 1 is a statement in the rules that says that there will be no degradation within an ONRW. The question that the Water Quality Control Commission will need to wrestle with is "does the application of a piscicide, constitute degradation and is that allowable within the waters of the Valle Vidal. That came up during the deliberations on the ONRW status and there was a mixture of feelings amongst the Water Quality Control commissioners. Some felt that it was degradation, some felt that it was a temporary degradation that would be allowed because it was in the furtherance of the purposes of the ONRW to restore the biological integrity of the stream.

Commissioner Salmon As far as any particular proposals regarding the streams in question as it relates to this Commission then you would bring that to us at a later time on a case-by-case basis?

Mike Sloane Our intent at the moment is to move through the Water Quality Control Commission and the EA processes and get to a point where we could implement the project, come to you with a project plan, get your approval, and if we get to the point of needing to use a piscicide, we would come to you again and request that final approval.

Commissioner Salmon It's a side issue, but could you give us a brief update of where we're at on the West Fork of the Gila? We voted last summer in Reserve to allow another application of a piscicide in the West Fork to prepare for the introduction of the Gila trout in that stream. What's happened since then?

Mike Sloane There was an application late last summer. It was largely successful although I think they feel they need to go back to 1-2 sections within the entire project area and retreat because they didn't feel they got a complete kill. I think there's an expectation that they will be stocking Gila trout in there late this summer after they retreat those smaller sections within the project area.

Vice-Chairman Arvas Mike, would you go back to what you just said and go through the chronological sequence of when you're going to be coming back to the Commission in terms of a request?

Mike Sloane We hope to have the NEPA and the Water Quality Control Commission processes complete sometime in June. Pending those decisions, we would come before the Commission around that time and lay out what we think we need to do and seek your approval. Potentially we may ask for the use of a chemical at that point although if you would prefer we could do the mechanical removals and salvages and those sorts of things and then come back to you later in the year.

Vice-Chairman Arvas I think that's what we had agreed on as a Commission. I want you to keep that in the back of your mind because it might be premature to come to us without having done that.

Commissioner Salmon The experience on the West Fork indicates to us that, even with the use of piscicides, when your goal is to remove every last fish prior to a reintroduction, it can be extremely difficult to get every last fish and it's a tough task before us.

Vice-Chairman Arvas Vermejo is now a player in this whole process, is that right?

Mike Sloane That's correct.

Vice-Chairman Arvas How much of their property is involved?

Mike Sloane It's everything in the Costilla drainage, so everything from The Wall west.

Vice-Chairman Arvas So it's quite a bit then?

Mike Sloane Right now they have 18 miles of stream that has been restored with Rio Grande cutthroat trout, so everything down through the reservoir.

Public Comment:

Earl Montoya Commissioner Salmon, I understand from looking at the budget in terms of the projects, money that came down was \$1,036,000 allocated for something to do with the Gila drainage. Is that related to your question?

Commissioner Salmon No, as I understand it, that money was to be given to the D.V. Stevens Hydrology firm to do a study of possible groundwater recharge if there ever is a water project on the Gila River which the Interstate Stream Commission is currently considering. The groundwater recharge is a possible use for some of that water and that as I understand was what that funding was for. I don't think it related to fisheries at all.

Rick Lopez I'm the State Executive Director of the Farm Service Agency for the U.S. Department of Agriculture, and I'd like to thank the Director and introduce myself and welcome with the development of the new Farm Bill and the challenges that the Farm Service Agency has with our CRP programs and conservation programs. It's time to come forward and try to develop with your cooperation some sort of partnerships on conservation and working out our programs. We have a major interest in the Lesser prairie chicken, bobwhite program we're looking at, and we think that your LIP Program might serve to assist us in our conservation programs. We're committed to conservation and we'll be meeting with the N.M. Department of Game and Fish in the next week, so I view that as a welcome opportunity to begin a dialog. Hopefully, in the near future we can attend 1 of your meetings and give you a presentation on our CRP challenges which will be a major challenge to us in our farm programs and I'd like to make sure that conservation stays as a major component of the new Farm Bill and we need your assistance.

Commissioner Montoya How did you fare in your budget for the Farm Bill nationwide, and of course New Mexico last year, and how does it look for the coming year?

Rick Lopez U.S.D.A. as a whole took a hit across the board. The Farm Service Agency itself doesn't have its total budget yet. Our budget is split between our county offices and our state federal office. We have not had our federal budget given to us so I'm not sure. Since March, 2003, our budget has been diminished quite a bit.

Vice-Chairman Arvas I'm very familiar with CRP projects in other states that have proven very beneficial to wildlife. Do we have very many CRP projects in New Mexico at this time?

Rick Lopez Yes, we do. We have quite a bit going on that we'd like to discuss with you to figure out how you can help us get them back online.

Vice-Chairman Arvas As a sideline to this, we have the P.L.E.A.S.E. Program which is an access program that we have put into place and I think the CRP Program might interface with that real well.

Rick Lopez Our CR Program has been a major hit nationally with U.S.D.A. They chose our story to be selected as 1 of the few items that will be published in a national publication and part of the reason was the work CRP has produced in that the Lesser Prairie Chicken has been able to survive longer and thrive more because of CRP.

AGENDA ITEM NO. 13. Update on Feasibility Study for River Otter Restoration.

Presented by Jim Stuart. - The Department presented an update of its efforts to evaluate the potential for river otter restoration in New Mexico. The Department is drafting a feasibility assessment to evaluate the potential for otters to exist within 4 of New Mexico's rivers. The feasibility study considers river flows, riparian vegetation, available prey, level of potential contaminants within predicted otter prey, adjacent land use, length of river segments, and other factors that may be important in determining the likelihood of success for otter restoration within each of these rivers. **Discussion item only.**

Vice-Chairman Arvas Are you the only 1 working on this feasibility study, or are there others?

Jim Stuart I'm the lead on it currently. Bill Dunn from Wildlife Management was involved, then he left the agency and it's shifted to Conservation Services although we are going to work with Wildlife Management.

Vice-Chairman Arvas What was the name of the professor from UNM that was very interested in this?

Jim Stuart Paul Polechla.

Vice-Chairman Arvas Is he the 1 that did the scat samples?

Jim Stuart That's correct.

Commissioner Henderson Is it typical in a project like this where we're going on 2 years to develop a feasibility study?

Jim Stuart I think it's varied a lot. Depending on the species and the issues involved, I could see that something like this could be done within a year. I think in this particular case it's taken longer because almost every issue that we've touched on has had such very different opinions including folks on our Science Advisory Group which has made it more complicated in terms of trying to assess where to go. If you have a handful of issues that we can all agree on, then we can focus on those that are not necessarily very easy to resolve, but this 1 seems to have a little of everything in it in terms of how we approach it. There are folks that say that we should proceed in terms of just getting it done. Arizona, Colorado, and Utah did it. Of course, they did it during a time when they didn't necessarily consider genetic issues as much and there seemed to be period where very active introduction was being done throughout the country, now we're at a phase where there seem to be more concerns about insuring that we do it correctly. We're probably not going to resolve some of the genetic issues. We don't have a source population anymore. If somebody says we should be reintroducing Southwest River Otter, we've got no place to go get them. It comes down to is it sufficient to go to any source in North America that has otters and bring them in like many other states have done and release them. Historically, that didn't seem to be as much of an issue.

Commissioner Henderson I certainly want the committee to be thoughtful but I'm also in the camp that is anxious to get it done. This is 1 that we have an opportunity for a real win in terms of reintroduction of a species that I think can benefit the ecosystem. If we were to complete the feasibility study and bring it before the Commission this summer or early fall would that provide an opportunity for reintroduction this year? Would the timing be appropriate?

Jim Stuart Realistically, I don't think it would happen in 2006. I think the feasibility study would basically result in us having to implement an actual plan to do it. In most cases we would have to have NEPA involvement because of the lands involved. I think we'd have to have public input before we did any introduction, whether it's on forest or BLM land. The focus would probably be on reaches that are adjacent to public land and I believe the earliest that would be possible would be 2007.

Commissioner Henderson I'm interested in this project, so please put me on your mailing list for attending working group meetings or technical meetings.

Commissioner Salmon To my knowledge all the trout fishing organizations in the state have acknowledged the good that could come from having the otter in the stream. I think they would prey on non-native versus native fish wherever non-native fish are present. We certainly have plenty of non-native fish in the Rio Grande and the Gila as well as crawfish which right now in the Gila are present in nuisance proportions. As far as the fishing issue in Missouri, as I understand it, that involved otters populating and raiding catfish farms where they had catfish confined in ponds. I read that the Verde River has got a 50-mile stretch of river where the otters were introduced about 20 years ago and they're doing well, but in that whole 50-mile stretch they've only got an estimated 50-75 otters, which is about 1 otter per mile, so under natural conditions they don't tend to overpopulate. As far as the genetics aspect, no one has captured 1 of these Sonoran subspecies to my knowledge. I don't see that there's any evidence that this subspecies still exists in the U.S. and the otters that they use in Arizona came from elsewhere but they adapted quite well to the southwestern environment in the Verde River. I reiterate what Mr. Henderson said that I'm in the camp that would like to get something done on this and I'm not in a position to say what exactly the schedule ought to be but I would like to move this forward. If it turns out that the feasibility study is negative, then we can back up at that point and reconnoiter and see what we need to do to make these habitats friendlier. At least we can get to the point where we can get through the feasibility study and see what evidence we have and that would give us a chance to make our decision.

Public Comment:

Ron Shortes On this issue I'm representing Catron County. We would like to be on the mailing list and continue to have input and involvement. We feel strongly that the introduction or re-introduction, depending on what your opinion is of the otter in Catron County, could ring the death knell for an already suffering economy. We obviously have enormous concerns about what the impact could be on the county, the impact on fishing which is 1 of the last big economic sources in the Glenwood area for supporting the economy.

Tom Wooten I represent T&E, Inc. (Threatened and Endangered). Our organization has been active in supporting surveys for habitat and looking at both potential habitat and sitings of otter. This is important for our state. It's important for our waters and we started our funding long enough ago where we would like to see a feasibility study finalized so we know whether or not we should continue with our urging or reconsider.

Donna Stevens I'm representing the Upper Gila Watershed Alliance which is a watershed protection group for the Gila River. I'd like to say that we're in support of the river otter re-introduction.

Steve McDonald I'm a resident of the Gila and I'm also a research associate with Alaska and UNM. I'm a mammologist. In appreciation to the Department of Game and Fish for their efforts in this program and, hopefully, to stimulate and to complete this feasibility study and wanting to hear your reasons for what has been taking so long, and encourage the completion of this in a timely fashion and encourage the Commission to encourage the Department of Game and Fish to do so. A lot of people would like to see this process moved forward and see what the results are with the completion of the feasibility study. As a person interested in systematics and evolutionary biology, what keeps coming back is the issue of an indigenous subspecies and to make people aware that tissues have been sampled from that 1 documented record. Preliminary results finding that the

taxonomic subspecific designation is probably invalid in part based on very few specimens, and mitochondrial DNA is not finding again preliminarily those distinctions so it may be less of an issue than people are making it out to be.

Caren Cowan I'm here on behalf of the New Mexico Cattle Growers Association. We appreciate the deliberate nature that the Department has taken in looking at this and the public processes they've included because that's going to be extremely important if the recommendation is to move forward from our membership. I have a few questions and things that I hope will be considered as the study is completed. First of all, we really like to hear that the social and economic impacts are being looked at but as this priority reaches and potential pilot projects are figured out, I hope that the Department and the Commission will work with the local areas that are likely to be impacted. What's happened with the reintroductions in these other states? Is the study going to include what's happened in other states, how successful the reintroduction has been, and what the economic consequences or benefits have been?

Jim Stuart Yes, we're looking at other states and their track record in terms of how these introductions panned out. Colorado's had very good success and we're seeing some of their success in northwestern New Mexico. The Verde River population is doing fairly well in Arizona but does not seem to be expanding beyond the estimated limits of that population. I'm less certain of the status in Utah.

Vice-Chairman Arvas Jim, you'll give us a complete report of activity on other states that have made the reintroduction and you'll also be able to give us a feeling as to what financial impacts we have to deal with.

Jeremy Vesbach I represent the New Mexico Wildlife Federation. I wanted to emphasize that fishing guides I've spoken with do see river otters as a potential economic benefit that do not impact the fishery but do benefit people who like to go out and fish and also have a chance to see otters. I'd like to add the New Mexico Wildlife Federation to the camp of wanting to see this move forward with all due speed.

AGENDA ITEM NO. 14. MOU for the Conservation of Lesser Prairie Chickens and Associated Species and their Habitats.

Presented by Tod Stevenson – The Department presented a Memorandum of Understanding for the Conservation and Management of Lesser Prairie Chickens and associated species and their habitats to the Commission for their input and requested approval for the Director to sign and implement the MOU.

Commissioner Salmon The Lesser Prairie Chicken has enormous potential as a sporting bird both for wing shooters and falconers. It's highly regarded and sought after if we could build their populations up sufficiently to have a hunting season. I'm in favor of this MOU and we should proceed.

Commissioner Henderson What's the status of the other 4-5 states signing onto this MOU?

Director Thompson All the states worked together and I think everyone recognizes this as being a forward-looking cooperative and cost-effective way to address this particular species across its entire range as well as all of those other associated species that populate the kind of habitat it does. They're all on board with it.

Tod Stevenson One comment I failed to make is there's been a huge amount of work and we've got outstanding cooperation from the livestock industry, private-land owners, and other folks who are interested in the conservation of this species. We're in the evaluation now to bring you additional information that our conservation efforts by all of the folks out there are paying off.

Commissioner Henderson I participated in the working group sessions on Lesser Prairie Chicken and a couple of things came out of it. One, it's a pretty good model for how organizations, agencies, and users can work together to develop a working solution to wildlife concerns. Another thing is that this is a unique opportunity for us because of the work we've been doing in the southeastern part of the state and because the Department has committed resources to Lesser Prairie Chickens. We actually are in the position of leading. We probably have more information than other states and it's a pleasure and unique position for us to be in.

Vice-Chairman Arvas Our April meeting is fairly close in conjunction with the Prairie Chicken Festival, is that correct?

Tod Stevenson Yes, that's correct.

Vice-Chairman Arvas I'd like for you to be sure that every Commissioner gets enough advance notice so that they can participate. I think it'd be advantageous for every Commissioner to do as much as they can at that festival in terms of meeting the people, and addressing some of the issues that might be presented by the constituency.

Public Comment:

Bud Starnes I'm with the U.S. Department of Agriculture. I've been a member of the working group from its inception and I'm now working with BLM to develop their revised plans dealing with prairie chickens. We're in full support of you being part of this MOU. I think you are in a leadership position and I think you need to push that leadership position and expand the funding and the personnel involved in this program. The opportunities have been laid out by the working group very precisely and as the BLM finishes their plan and puts it in gear, you will see an expanded opportunity for the Department to be part of the process.

Rick Lopez I wanted to ask for your support on this MOU.

MOTION: Commissioner Henderson moved to direct the Department to sign the MOU for the Conservation and Management of the Lesser Prairie Chicken and associated species and their habitat. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 17. Easements Requested by Department of Transportation for Highway 126.

Presented by Jim Karp – The Department recommended the Commission grant right-of-way, temporary construction, and construction maintenance easements to the Department of Transportation to facilitate relocation and improvement of Highway 126 at Fenton Lake.

Alvin Garcia I'd like the Commission's permission to assist Mr. Karp in this review and creation of the document. I'd like to discuss the release of the current easement. The legal term should be an abandonment/vacation of the other easement since it's designated as a public road. I'd like to explore that issue with you and the Department about an appropriate vacation and abandonment in addition to a release, but it depends on the conditions originally granting that easement.

Jim Karp Mr. Garcia, they have to abandon it but that is *vis-à-vis* the public in general. With respect to the Commission, the Commission has specifically granted them an easement which easement rights would have to be released. An abandonment of the highway would not affect to release any easements that are of record.

Alvin Garcia It may affect the reversionary rights that the Commission may hold from the original granting of the easement over to the Highway Department.

Jim Karp What it does is vest in the Commission both the reversionary rights and the rights that had been granted, which would terminate the easement.

Alvin Garcia So, in addition to any motions approving the granting of easement and acceptance of the release I'd like the motion modified to make the specific request that that easement is abandoned and vacated, and that the Transportation Commission take that official action on their record as well because that's how they get rid of public roads. That's the statutory structure which they have to use to get rid of designated public roads which is what this is if it has the Highway Department number on it.

Jim Karp We can request that they abandon the highway.

Vice-Chairman Arvas Why don't we just say in the motion that the Attorney General's office will be working with the Department's counsel to work out the language?

Alvin Garcia I personally prefer that we have a specific request for abandonment/vacation of that easement that they're releasing anyway from us.

Jim Karp Not abandonment of the easement, you're saying abandonment of the highway?

Alvin Garcia Yes, abandonment of the highway, the easement that they're releasing. What I would not want to happen is for any member of the public to want to begin using that road again and have an argument that the road was never abandoned/vacated properly under the statutes.

Jim Karp As a matter of law, if they move the highway to a new location, they have as a matter of fact abandoned the old right of way. It's not longer a highway if the new highway is designated NM 126.

Alvin Garcia I'd rather not make that assumption.

Director Thompson I believe the suggested motion is still valid and if in fact the point that Mr. Garcia has raised remains to be dealt with, we can bring that back to the Commission as a necessary course of action at a later time, but it appears that there are still some questions. Those questions need not affect what's placed before you today.

Vice-Chairman Arvas Is that satisfactory, Mr. Garcia?

Alvin Garcia Ok. At some point I'd like to have a formal motion saying that we're requesting abandonment and vacation of the released easement.

Jim Karp Would it suffice to have the written commitment of the Department of Transportation to affect an abandonment within a specified period of time. I say that only because the project is out for bid and it's ready to go. They're anticipating being in a position to start construction almost immediately.

Alvin Garcia I think it's a simple ministerial thing but I also personally think it's required by the statutes. It's the statutory structure for abandonment of public roads.

Vice-Chairman Arvas You'd be satisfied if we put something in the way of abandonment?

Alvin Garcia I'd be satisfied if you just added language saying "request the Highway and Transportation Department issue an abandonment and vacation of the released easement", in the motion. That would satisfy me for now. It would keep the Highway Commission going on things.

Jim Karp Again, I'm asking, would it be okay with you if the language be "that they commit within a specified period of time to affect abandonment"?

Alvin Garcia That's fine with me. It's for whatever management purposes they need because they might want to have it open while they continue the construction.

Jim Karp That's right. It's going to take over a year to construct the highway, so they need the existing Highway 126.

Alvin Garcia Exactly, so at a timeframe appropriate to them.

Vice-Chairman Arvas What we'll do is go ahead with the recommended motion as stated?

Jim Karp I believe you can go forward with the motion as suggested and add to that "subject to the commitment of the Department of Transportation to affect an abandonment of the existing right of way."

Director Thompson Realizing that your attorney who sits to my right may caution against this, I seriously encourage you to consider the original motion and then we will come back to the Commission taking care of this action when we fully understand what needs to be done. To make the motion that was suggested right now could conceivably put us into a difficult situation. My suggestion is that you not change the suggested motion, take care of that which can move things forward knowing full well we have time to deal with this matter.

Commissioner Henderson Our next Commission meeting is 6 weeks away. Is there any reason that we couldn't go with this motion and bring that back at that meeting? It's not that time sensitive. Rather than modify this motion, I'd feel more comfortable going ahead with what we have and then let the attorneys figure it out and bring it back in April.

MOTION: Commission Montoya moved to approve the execution and delivery of right-of-way, temporary construction, and construction maintenance easements to the New Mexico Department of Transportation to facilitate the relocation and improvement of New Mexico Highway 126 in the form of documents provided to and reviewed by the Commission, subject only to payment to the Department for the benefit of the Commission of easement and timber fees in the total amount of \$32,484.00.

Commissioner Salmon seconded the motion.

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

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

Public Comment:

Jim Carter I'd like to bring attention to the method of computer draw for special hunts. Someone changed the method and the method used now is unfair especially to the first-choice applicants. Of 25,112 available permits last year, the Department had 62,168 first-choice applicants. That's a 40.3% ratio. First, second, and third choice you had a total of 155,526 applicants for 25,112 permits, that's 16% for the permits. What I'd like to see happen is that New Mexico return to getting a draw for your first choice applicant and then if the hunts are not filled, you go to the second and third choices which is consistent with all the other western states (Arizona, Colorado, Utah, Wyoming). I did provide the Commission with an article and a signed petition of over 150 people that would like to see a first-chance draw. The majority of applicants are going to be unsuccessful. That can't be changed. We want the majority of the hunts to go to first-choice applicants. The way the Department is doing it now they bring up an applicant and they fill that application whether it's first, second, or third choice. That's not fair to the first-choice applicants later in the sequence of the draw.

Director Thompson We currently have a license opportunity review team that has been put in place at the request of the Commission to examine a variety of questions surrounding how the draws are done. I actually have the first report for the Commission today and we will have more coming from that team to the Commission at a later meeting. The other thing is, I don't think it will be fruitful for anyone to get into a debate of what is fair because we've found that there are many views about what constitutes fairness. I think it's advisable for this review team that the Commission has requested to do its work and we can ask that they take the point of view that you've indicated into consideration. The co-chair of that review team is actually sitting to your left, Jeremy Vesbach.

Vice-Chairman Arvas I would suggest that you get together with Jeremy and give him some input and from that point on, if your schedule allows, participate at those review meetings. It would help a lot if you were brought up to speed on what they're doing and we're going to have to implement something different if there is something different that needs to be done. Your timing is right on this, but I think you need to work with that review team.

Jim Carter As long as there's some work being done and this is not shoved down the hunter's throat.

Vice-Chairman Arvas You know my name and you talk to Jeremy. If it doesn't work out to your satisfaction, you be sure and give me a call.

Jim Carter We're fortunate in southwest New Mexico to have a representative on the Commission that lives in Silver City and he makes himself very available.

Vice-Chairman Arvas You get with Dutch and you get that done.

Director Thompson One item I should have added is that I've asked of the review team to first and foremost focus their efforts on articulating specific problems that they believe exist that are, if you will, cross-cutting in hunter interest. That is the objective that they are working with, and I'll even say perhaps even struggling with, is to specifically articulate problems. I'm sure their discussion can be benefited from this point of view.

Vice-Chairman Arvas Jeremy, when is the next meeting or where it's going to be?

Jeremy Vesbach It'll be March 13 in Albuquerque and I can get full information on that to the Department area office in Albuquerque. We've had 1 meeting and we did define at that first meeting that 1 basic problem is that there's not enough available information. People didn't quite understand uniformly how the draw system works so we did make a recommendation at that first meeting to get more information out about how the draw system works. For instance, the change this gentleman

brought up should be more widely made so people understand how the draw works and how they can best play the system whether or not they agree with it.

Vice-Chairman Arvas I think it's a worthwhile team to be in place and once your work is done, the Commission will be more than happy to consider what your findings are.

Brub Stone The Solar Bee for Lake Roberts, the manufacturer that makes these says 2 Solar Bees will control and do a good job. Also, the folks in this part of the state like catfish. When we surveyed Snow Lake, the lake is a dead lake. We were there for 3 days and caught about 18 carp. It's a waste of time to drive to Snow Lake and try and catch a fish. Do you know how many years we've been nitpicking about the Gila trout? The State of New Mexico has about 5-6 Rainbow trout hatcheries and due to the fact that they're a protected species, the federal government has 1 raceway. We'd like you to consider the 23-24 trappers the Department had. Now we have none to control predators.

AGENDA ITEM NO. 18. Adjourn.

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

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

Meeting adjourned at 12:49 p.m.

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

April 6, 2006
Date

s/Leo V. Sims, II
Leo V. Sims, II, Chairman
New Mexico State Game Commission
Minutes Transcribed by: Katie Gonzales
MyDocs\Minutes\Minutes 2005\Minutes 2-24-05 (Silver City)(Detailed)

April 6, 2006
Date