

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
**San Juan Community College – Rm. 9008**  
**4601 College Blvd.**  
**Farmington, NM 87402**  
**November 16, 2006**

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

Meeting called to Order at 9:00 a.m.

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

**Chairman Sims – present**  
**Vice Chairman Arvas – present**  
**Commissioner Henderson – absent**  
**Commissioner Montoya – present**  
**Commissioner Pino – present**  
**Commissioner Riley– present**  
**Commissioner Salmon – present**

**QUORUM: present**

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

Introductions were made by approximately 40 members of the audience.

**AGENDA ITEM NO. 4: Approval of Minutes (September 28 and 29, 2006—Tucumcari, NM)**

**MOTION:** Commissioner Arvas moved to approve the Minutes of the September 28 and 29, 2006 State Game Commission Meeting in Tucumcari as presented. Commissioner Riley 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 accept the agenda for the November 16, 2006 State Game Commission Meeting. Commissioner Riley seconded the motion.

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

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

- **Committee Reports – None given**
- **1<sup>st</sup> Quarter Depredation Report - 2007**

**Chairman Sims:** For bear, is that generally a specific area?

**Josh Rector:** During the early portion of the first quarter a lot of the bears were in the northeast area particularly in the towns of Raton and Red River, but as we started to get more moisture most of the complaints were coming from the northwest area.

**Chairman Sims:** You dealt with most of these complaints by trapping, removal and relocation?

**Josh Rector:** Yes, most of the bears were deterred or we used scare tactics. Many were trapped and released in other appropriate areas throughout the state and a total of 5 were killed.

**Chairman Sims:** Are we using rubber bullets?

**Josh Rector:** The Department's district officers provide rubber buckshot to landowners and in certain situations we use the ammunition ourselves.

**Commissioner Arvas:** On elk complaints, what type of complaints did you get?

**Josh Rector:** Most of those occurred when the state was not receiving any moisture. When there's nothing to eat at the top of the mountain, they go to the bottom lands and that's when we received the complaints.

**Chairman Arvas:** To your knowledge, is anyone doing what we were doing a few years ago—shooting elk as a result of depredation complaints?

**Josh Rector:** Yes, in the northwest area there are a handful of landowners, primarily in Unit 10, and we've been working with them to provide intervention and for 1 reason or another they're not satisfied and some have been shooting elk.

**Commissioner Arvas:** Could you give us an overview of what makes it legal and how they do this in a legal way?

**Brian Gleadle:** The statute (Jennings Rule) allows the landowner to kill protected wildlife for the protection of his immediate property. Once the landowner kills he is required by statute to contact the Department within 24 hours. We go out and investigate.

**Commissioner Arvas:** In the case of Mr. Smith, is he doing that?

**Brian Gleadle:** Yes.

**Chairman Sims:** Does that go for any species?

**Brian Gleadle:** Yes, if it's a depredating species they are required to contact the Department.

**Josh Rector:** We do not use any of our depredation money in the control of coyotes. Wildlife Services does control coyote populations or attempts to for private landowners but that is not covered by depredation.

**MOTION:** Commissioner Arvas moved to accept the Fiscal Year 2007 1st Quarter Depredation Report as submitted by the Department. Commissioner Salmon seconded the motion.

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

## **NEW BUSINESS:**

### **AGENDA ITEM NO. 7: Listing Recommendation for Headwater Chub (19.33.6.8, NMAC).**

**Presented by Stephanie Carman** – The Department presented the result of the investigation of headwater chub for prospective listing under the New Mexico Wildlife Conservation Act (Section 17-2-37 through 17-2-46, NMSA, 1978). All public involvement processes and steps for a listing investigation under the WCA have been completed. The Director previously presented a recommendation for listing as endangered. Commission action was requested to finalize the listing investigation process.

**Commissioner Riley:** With respect to survival and reproduction, what can you tell us about what's causing the problems with the declining population, and are you going to recommend some research to pinpoint what the problems might be?

**Stephanie Carman:** Our data on headwater chub in the Gila River in general from long-term monitoring indicates the primary reason we're seeing decline is competition predation from non-native species.

**Chairman Sims:** What non-native species?

**Stephanie Carman:** Primarily bass and catfish.

**Commissioner Riley:** Do you know if they're actually producing eggs and going through the process of reproducing?

**Stephanie Carman:** We're seeing young coming into the populations every year as well as ripe spawning adults in the West Fork. In the East Fork and Middle Fork we're not seeing recruitment and we're not exactly sure what's causing that.

**Chairman Sims:** The non-native fish, how'd they get there, did we introduce them or were they privately done?

**Stephanie Carman:** From what I understand, the introduction of the non-natives in the Gila Basin was a combination of the Department introducing them for sport opportunities as well as private individuals moving them. The Department no longer stocks bass and catfish, and non-native fish in the main stem tributaries of the Gila River, but they're still there.

**MOTION: Commissioner Riley** moved that the State Game Commission list headwater chub *Gila nigra* as Endangered under the New Mexico Wildlife Conservation Act. **Commissioner Salmon** seconded the motion.

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

### **AGENDA ITEM NO. 8: Colorado Basin Chubs Recovery Plan.**

**Presented by Stephanie Carman** – The Department presented a final draft of the state recovery plan for 3 species of chubs native to the Gila/San Francisco/San Juan River basins of New Mexico. The recovery plan was written and reviewed with the assistance of an advisory committee following the procedures for recovery plan development under the Wildlife Conservation Act (§17-2-40.1, NMSA, 1978). The Department sought approval of the recovery plan from the Commission so that implementation of the strategies and actions within the plan may begin.

**Commissioner Riley:** Do you have more plans for getting an ending date or have any idea how long it will take for recovery time on this species?

**Stephanie Carman:** Our goal is to have the 3 species secure enough that they can be downlisted by 2015, which is pretty ambitious since we don't have some of them currently, but in the recovery plan we laid out the specific activities we need to do, looked at our schedule, and we're pretty confident with 2015 if we can keep on schedule. We should be able to downlist to threatened some of the species and then I believe the recovery plan says 2025 for complete delisting.

**Commissioner Riley:** Do you have any idea what cost might be beyond the partnership?

**Stephanie Carman:** I have not estimated costs. The recovery plan is to be written for what needs to be done to recover this species without time or financial limitations. It's pretty lofty. We are currently seeking additional funding through the CAP Program to work on the chubs in the Gila River. The San Juan Program also has Bureau of Reclamation funds available to help us in the San Juan River.

**Commissioner Riley:** Those are very important things for the Commission to have to make a decision. It's nice to write a plan and a long-term test date, but we need to understand how much we're talking about. It would be important to have an estimate of costs whether it's research or habitat projects so we'd have an understanding of the timeline we're shooting for and also where those sources of funding might come from.

**Stephanie Carman:** The next step in the recovery process is to write the action plan and sit down with budgets and figure out how much. We'll be using state wildlife grant money to do implementation of these recovery plans as well.

**Commissioner Arvas:** Do we have an actual listing of all of our plans in terms of recovery and are they coordinated with federal monies? How does that work? How do we just make up our mind that we want to go into a recovery plan in terms of financing?

**Stephanie Carman:** I can speak to how we determine which recovery plan we're going to do and a lot of what determines our order for doing recovery plans are what opportunities are available for the chub species because there's a push federally for the chub species. There's a range-wide push for the chub species. We thought the time was right to do the chub species, funding is available, and partnership opportunities that will assist in funding are available.

**Commissioner Arvas:** What I'm saying is that you've got a budget in Conservation Services and the Chief of Conservation Services knows there is a need to live within those budgetary constraints.

**Chuck Hayes:** I wanted to point out that we actually do have a specific grant that is dedicated to recovery of state-listed species. That grant covers basically everything Ms. Carman and Mr. Pierce do, so we do have funding in place and that's a multi-year thing we've got laid out. We have at least their time and efforts funded and already built into our budget. Obviously, as plans are developed we can't necessarily support planning and implementation of more and more plans. That's all built into that grant right now that's going to take some additional resources, but certainly that source already exists. The other thing to consider is that some things within the recovery plan may not be things we're doing right now but obviously we have a baseline level of work we've done on these chub species. There's a level of attention and effort we're already dedicating to chubs and a whole bunch of other species we're trying to recover, so some of those now we can apply in a little more focused manner. They can follow the activities in the recovery plan and we can do that under the existing grants, so some of it may be there, some of it is going to have to be working with other agencies, getting them to use some of their resources, some are going to be finding new resources, but at least some of it is in place.

**Commissioner Arvas:** Once again, in reference to Commissioner Riley's comment, do you have a feeling when you go into a plan like this what it's going to cost?

**Chuck Hayes:** I don't think we do have a feeling in terms of an actual final dollar amount. I guess the other way to look at it is as something that can be developed but comes out of an action plan, and it's also something we consider incorporating into our budget request every year. A lot of these things can be done, need to be done for recovery. If they don't get done on the schedule that's laid out, perhaps they can still be done, it just pushes that end recovery date back, so perhaps there's a little flexibility there and the actual dollar amount slides or is variable a little depending on the speed with which we're going to reach that recovery objective. If we have less money I think we can still make progress, we can still implement what's in the recovery plan, we just may not get to it by 2015.

**Commissioner Salmon:** Bass is not a native fish but a significant and important sport fish in southwest New Mexico. I'm wondering if you see a way in which we can recover without having to disarray sport fishery by getting into a conflict with the public.

**Stephanie Carman:** That's a good question and an important part of this recovery plan. Angling opportunities in the Gila are important to New Mexico. We can't and don't seek to remove all the non-native species that may compete with the chubs in the Gila River Basin. We don't have those kinds of resources and the ability to do that doesn't exist. Beyond that it's not necessary. What we'll need to do is identify areas that are most appropriate for chub recovery in the Gila River Basin. If there's a hot spot for fishing that has great bass, catfish, that's obviously not the area we're going to focus on for chub recovery. We'll look for areas where non-native species are less prevalent where there are natural barriers that prevent small mouth from moving up the stream, focus on areas where we've already done non-native removal such as areas for Gila trout that are already being restored to focus the chub recovery.

**MOTION:** **Commissioner Arvas** moved that the Commission accept the Department's Colorado River Basin Chubs Recovery Plan as presented today, subject to final formatting and layout for printing. **Commissioner Salmon** seconded the motion.

**Commissioner Arvas:** Chuck, will you give us at the end of this year or beginning of next year a listing of all the ongoing projects in Conservation Services?

**Chuck Hayes:** We don't have anything systematic like that. Probably the best source of that is annually and it's tied to our fiscal year. We basically summarize those for grant reports.

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

**AGENDA ITEM NO. 9: Commission's Decision Regarding the Lesser Prairie-Chicken Investigation.**

**Presented by Dawn Davis** – The Department presented the results of the public hearing conducted based on evidence collected by the Department and the Director's recommendation under the Wildlife Conservation Act (Section 17-2-37 through 17-2-46, NMSA, 1978).

**Commissioner Riley:** Did you not include any of the data from Fish and Wildlife Service?

**Dawn Davis:** I did include private lands information that was collected in part by a private contractor in collaboration with the Fish and Wildlife Service. Those data were primarily on private lands, primarily in northern Curry County.

**Commissioner Riley:** You think the population is expanding in that area?

**Dawn Davis:** We've expanded our survey efforts in that area and some of the population expansion that we've seen is probably in part due to our expanded survey efforts, but it does appear that prairie chickens are responding to lands enrolled in the Conservation Reserve Program within that area. It would probably be beneficial if we did expand surveys not only within that area in northern Curry County but in other areas within the range of lesser prairie chickens where CRP is occurring.

**Commissioner Arvas:** Would it be safe to say that New Mexico is the lead in the prairie chicken program in the whole area—New Mexico, Oklahoma?

**Dawn Davis:** New Mexico is the only state that has a lesser prairie chicken biologist that's full-time and committed strictly to lesser prairie chickens. We have been leading the effort primarily in terms of population. Kansas does have a significantly bigger population and the population response has been attributed to CRP within that state, but we have been 1 of the leaders in putting together management plans and also with working with NRCS in developing habitat conservation programs through the Farm Bill.

**Chairman Sims:** Where's Oklahoma in their recovery plan for the lesser prairie chicken?

**Dawn Davis:** Oklahoma at this time does not have a recovery or management plan in place.

**Chairman Sims:** What are their populations like?

**Dawn Davis:** Right now their populations are declining and the biggest threat for Oklahoma at this time is that where most of their remaining leks are occurring, they are also being targeted for wind energy development. It happens where the remaining leks is prime wind energy development areas.

**Chairman Sims:** Is that in that panhandle part of Oklahoma?

**Dawn Davis:** Yes. Most of Oklahoma's CRP is planted to a non-native monoculture.

**Commissioner Arvas:** Where are we in the CRP Program here?

**Dawn Davis:** Unfortunately most of our CRP acres in eastern New Mexico have reached their cap so we are not able to enroll more acres at this time. I think most of the acres that are seeded into CRP are also in monocultures of weeping love grass. If we can find the resources to go back in and reseed some of those into some native grasses and include some forb species, I think that would be extremely beneficial to lesser prairie chickens and other grass species.

**Chairman Sims:** In Lea County what do you see in the growth or decline of lesser prairie chickens?

**Dawn Davis:** We are seeing birds in the northern part of Lea County primarily adjacent to what we consider our core management area. The Carlsbad field office of BLM is finding more birds. They're putting decoys and calling birds into lek sites and so they are finding some incidental birds in that area and have been expanding their survey efforts so I think if they continue that effort, we will begin to see more birds within that southeastern portion.

**Chairman Sims:** What about in the Hobbs/Eunice area?

**Dawn Davis:** There's only 1 lek within the Eunice area but that is the area where they are calling in birds using the playback recorders, so we know that the birds are occupying that area. We just haven't been able to identify any other lek sites aside from that 1 lek outside of Eunice.

**Commissioner Riley:** Do you know if the Department is going to prepare comments on the BLM's species of special status for their amendment of the Resource Management Plan for that area of southeast New Mexico?

**Dawn Davis:** I was involved as the Department representative in helping them put together that resource management plan amendment. I'm not aware whether or not anyone within the Department will be making

comments on that.

**MOTION: Commissioner Riley** moved to accept the Final Listing Investigation Report and the Director's recommendation that the Lesser Prairie-Chicken not be listed under the Wildlife Conservation Act (Section 17-2-37 through 17-2-46, NMSA, 1978). **Commissioner Pino** seconded the motion.

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

**AGENDA ITEM NO. 10: Boreal Toad Recovery Plan.**

**Presented by Leland Pierce** – The Department presented a final draft of the state recovery plan for the boreal toad, a high-elevation toad whose historic range includes north-central New Mexico. The recovery plan has been written and reviewed with the assistance of an advisory committee, following the procedures for recovery plan development under the Wildlife Conservation Act (§ 17-2-40.1, NMSA, 1978). The Department sought approval of the recovery plan from the Commission so that it may begin implementation of the strategies and actions within the plan.

**Chairman Sims:** Are there enough avenues to get toads for the recovery plan from other states?

**Leland Pierce:** Yes, we've already had significant discussions, particularly our herpetologist who's a member of the Boreal Toad Recovery Team, that indicate there are populations near the border that we could take tadpoles from and bring them here if need be. Certainly, the best thing we could have is to find a population existing here in New Mexico because it's a lot easier to take care of a population that's on the ground than it is to try to restart one, but yes, we've had extensive discussions about that already.

**Commissioner Riley:** Do you have any idea about whether they are able to detect the fungus and secondly, is there a way to treat it?

**Leland Pierce:** At present they do not have a treatment for the chytrid fungus but, yes, they can detect it and we can as well. This is done by capturing amphibians and you swab the skin, take the samples, and send it to a company in Colorado that can then detect whether or not the fungus is present. There is a lot of research going on this fungus so it may be that we will get to a point where we can have a cure. There's also research going on about breeding toads that are resistant to the fungus because they are finding that not all toads or other amphibians in certain cases are wiped out. They seem to resist it. There are a couple of ways of attacking the issue.

**MOTION: Commissioner Pino** moved that the Commission accept the Department's Boreal Road Recovery Plan as presented here today, subject to final formatting and layout for printing. **Commissioner Montoya** seconded the motion.

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

**AGENDA ITEM NO. 12: Amend the Private Land Elk License Allocation Rule (19.30.5, NMAC) to Provide for Suspension of Properties Falsely Represented by E-PLUS.**

**Presented by R. J. Kirkpatrick** – The Department presented proposed amendments to the Private Land Elk License Allocation Rule, 19.30.5, NMAC. These amendments provided for the suspension of a property from participation in E-PLUS resulting from the landowner or the landowner-designated contact person breaching the terms of any agreement entered into with the Department or representing or permitting the false representation of a property's deeded acreage, rightful ownership, or legal representation of a property.

**Chairman Sims:** I want to make sure that we're careful in distinguishing someone that is feeding us a line or someone that's making a mistake that we can correct without putting them out of the system for 3 years.

**R.J. Kirkpatrick:** What this new amendment says is that if it comes to our attention that there's been a breach in the agreement, they failed to let Game and Fish personnel on their property as the agreement states they should, they don't let unit-wide hunters on if they've chosen the unit-wide option, they've lied about how many acres they own, we'll do a thorough investigation and make sure that did happen, we'll send a notice saying we're going to suspend the property for 3 years. If they have a counter to that they'll be afforded a hearing, so they'll get due process to try to explain those circumstances to a hearing officer.

**Commissioner Montoya:** Do we have a sense of how much this is occurring?

**R.J. Kirkpatrick:** It's more than isolated cases, but it's not prevalent. When the new amended landowner system rule went into place and the notification and information that we provided the landowner community with packets, many of them who had been in violation corrected that. That's what we wanted so that worked well. What we do

continue to find in most GMU's is a handful of people that continue to provide false acreage information. The occurrence of violations of the terms of the agreement less than that, that doesn't happen as often. Questions of ownership even less than that, so maybe it is isolated cases but it's broadly across New Mexico.

**Commissioner Montoya:** Do you recall the process for establishing this program? There were going to be some audits done where we took 1/6 of the properties 1 year and maybe over a 6-year period until we went through all the properties to ensure that all the proper documentation was submitted with the annual application and either randomly select landowners to audit or we would take 1/5 of the population 1 year, is that still in the works?

**R.J. Kirkpatrick:** Yes I do recall that and that's what the Department did last spring and during the course of this summer to a much lesser extent than you elaborated on. We had hoped that we would have enough financial ability to bring contract people on board to do that. There's a lot of work involved in auditing a property but we did a combination as you suggest, we did a random selection of ranches in the system and asked for complete ownership documents and then we did a strategic selection of properties that we had questioned over time due to a significant amount of property sales. Ruth, Cal, and I are working on how we can increase the numbers of properties that we annually audit or investigate both randomly and strategically as we move forward through budget cycles. We hope we get to a point where we can afford to do it on big a scale as we originally had hoped, but to date we're not doing a fifth of the participating properties.

**Commissioner Arvas:** When a member or landowner comes into play, he has to have a deed and survey. What other bits of information does he have to present to you before he can get into the program?

**R.J. Kirkpatrick:** You're correct that prior to the amendments to the landowner system rule, when you apply to participate in the program, there was a packet of information requested. It was a map, deed, tax receipts, and notarized statements from every person that had an inherited interest in that property. A foundational component of the new landowner system is that we're now allocating hunting opportunities to all of the private land that exists within that COER and so we weren't as concerned about the ownership issue. What we're currently doing is requesting they submit a map and fill out an application form. We're not requesting that they provide us with deeds, tax receipts, or notarized statements from other owners for a couple of reasons. One is when we were requiring that, it took up an extremely large amount of staff time confirming questions that arose from deeds not matching tax receipts having to go to county offices so we're currently operating kind of under an honor system. When you enroll a property, you give us a map of where it is, we're assuming that you are the rightful owner or legal representative of that property and you've told us how many acres there are. If we find out you're not the rightful owner or the legal representative, this amendment that's before you today, we suspend the property from participating until the correct owner is on it. If we find out the acreage is incorrect we toss the property from the system for 3 years. So the ownership component is kind of a civil issue between who the rightful owner is and who the illegal representative is. We're not concerned about getting in the middle of those civil issues at this point and time. The acreage is what we're concerned about. We've had discussions as a result of several incidents that have occurred over the course of this year whether or not we need to go back to requiring complete ownership documents for every participating property. Our hesitation is financial and staff people to deal with the workload involved in doing that.

**Commissioner Arvas:** I can understand you're concerned about staff time confirming things, but I think if you put the burden of responsibility on that landowner to provide that information, that doesn't cost you staff time. At least you've got a document of record as to what he's given you and then if from that point on you need to audit, you have at least more evidence of misrepresentation.

**R.J. Kirkpatrick:** We'll look at that as well and there's a new provision in the private land system that allows for the Department to request complete ownership documents at any point in time and the landowners must provide them. So as things come to our attention, we do request complete ownership documents and whether we audit those upon submission.

**Commissioner Arvas:** I can see where your concern is for the audit upon submission but if you've got the packet in front of you and if it turns out that his magic number turns up for audit, then you've got even more comprehensive proof of either misrepresentation or illegality.

**Chairman Sims:** I've been contacted by some of the people that have been requested to produce other information this year and they were questioning why, and that's the safeguard we have in effect.

**Commissioner Montoya:** To avoid the issue of manpower, we would consider the audit of every single application that came in to be on record and I think the mere fact that an individual has to submit all those documents weeds out those that are questionable.

**R.J. Kirkpatrick:** The biggest problem that we experience historically with that is we would receive an application packet by the deadline Feb. 1, but as Ruth looked at those we would be missing a deed, tax receipt, or notarized statement and we would go back to that individual and ask for the missing documents. The time crunch and workload begins having to re-contact them for missing items from the application packet. I would request from the Commission that if we were to require complete ownership documents upon application that the deadline would be a firm deadline and any application packets received Feb. 1 we would consider but if they were missing pieces we would not consider them for that year. We just don't have the time or the ability to keep going back and trying to get the missing pieces.

**Commissioner Arvas:** As you probably know, everything in this world has a timeframe and I assure you that if you make it evident to that landowner that if you don't bring us all these documents you're not going to get anything this year. He's going to be motivated.

**A.R. Garcia:** R.J., if you're going to have full documentation for the appeal process, is that part of the problem with having to re-evaluate the documents that are resubmitted? It says in the rule, 19.30.5.13, NMAC, that the Department may take the necessary amount of time needed to properly consider any appeal but no longer than 12 months. If you want a firmer deadline maybe you need to work on that language and firm that language up so that it gives a definite strong statement as to firm deadlines and what's going to happen, that there's not going to be 12 months of appeal for the Department to continue looking at documents because landowners are probably expecting that.

**R.J. Kirkpatrick:** Yes, we significantly changed the basis of appeal in the current rule. An individual can only appeal a few things: number of acres that we have considered as occupied elk range within a COER; given that appeal issue the ball is in the landowner's court if they have additional acres that we're not considering. The contribution rating which is the issue that the Department has in rule allowed for us to have up to 12 months to decide whether an adjustment to a contribution rating is necessary. The reason for 12 months is we don't try to use 12 months. The rule also allows that the landowner can provide photographic, video, or documentation that confirms their claim. We'll look at that so if they videoed elk on them last summer, we don't have to wait 6 months to deal with that. Third basis for appeal is we've made a statement that there actually is no meaningful contribution to elk going on with that property. That's more of a biological/habitat issue so the appeal process doesn't have a lot to do with ownership or proof of legal representation.

**A.R. Garcia:** As long as you're comfortable that you think your deadlines are firm enough and you don't need to modify that provision.

**Ron Shortes:** I'm representing Catron County. As a landowner we don't mind providing reasonable documentation, but for some people you're talking about deeds that may be 20-30 pages long. I ask that we not have to resubmit documentation every year and that the Department retain the information. The way I understand the system now is that ownership and so forth are not included in the 3 points just described under which a landowner can appeal.

**R.J. Kirkpatrick:** For landownership/rightful/legal representation of a property, what the Department will do is not necessarily that a landowner or contact person needs to appeal. The amendment basically says that if it comes to our attention that there is a question about rightful ownership or legal representation for a property we're going to suspend that property from participation. Any authorizations the property currently has that are unconverted are still valid but the property will not be able to continue participation until the entities disputing the ownership resolve it and so there's not an appeal to the Department.

**MOTION: Commissioner Arvas** moved to adopt the amendments to the Private Land Elk License Allocation Rule, 19.30.5, NMAC, that provide for the suspension of a property from participating in E-PLUS resulting from the landowner or the landowner-designated contact person breaching the terms of any agreement entered into with the Department or representing or permitting the false representation of a property's deeded acreage, rightful ownership, or legal representation, as presented by the Department. **Commissioner Riley** seconded the motion.

**Commissioner Montoya:** One last comment, on the idea of requiring deeds, I recommend that we don't do that for this coming year. I don't think we have enough time between now and February 1 to make sure everyone is aware

if that's what we decide to move forward with. I think what would work well and not increase the administrative burden is if we do a good job in informing the landowners of what will be required.

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

**AGENDA ITEM NO. 13: Amending Hunting and Fishing License Revocation (19.31.2, NMAC) to Assess 20 Revocation Points to Individuals who Provide False or Fraudulent Information Regarding the Results of Hunting or Trapping Activities.**

**Presented by R. J. Kirkpatrick** – The Department presented language that amended the Hunting and Fishing License Revocation Rule (19.31.2, NMAC) to assess points to individuals who provide false or fraudulent information regarding the results of hunting or trapping activities. The amended language established a 20-point violation for hunters or trappers that report false or fraudulent harvest information. Twenty (20) point violations will result in a loss of license privileges for up to 3 years.

**MOTION: Commissioner Montoya** moved to adopt amendments to the Hunting and Fishing License Revocation Rule, 19.31.2, NMAC, that will increase the assessment of revocation points from 5 points to 20 points, per violation, for individuals who submit false or fraudulent harvest information pursuant to 19.30.10.11, NMAC, and removes all language pertaining to the assessment of points pursuant to violations or breaches of agreements between the Department and individuals or properties participating in the Elk Private Land Use System (E-PLUS), as presented by the Department. **Commissioner Arvas** seconded the motion.

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

**AGENDA ITEM NO. 14: Mexican Wolf Update.**

**Presented by Saleen Richter** – The Department presented an update regarding Mexican wolf-related actions from 2006. This included updated information regarding the current status of wolves in New Mexico, field and administrative actions conducted over the past year, and upcoming activities of interest. **Discussion item only.**

**Commissioner Riley:** I'm sure you know what's going on around Yellowstone, but do they also have the 3-strikes you're out rule? I know they do move those packs out pretty quickly after they've been documented killing livestock. If you do have that, do they get moved to another state or 3-strikes you're out even after they've been moved?

**Saleen Richter:** There are 3 distinct population segments of wolves in North America and so we're the southwestern population segment. The rules in management that we have are different than other areas. I don't know if it's 3 strikes you're out, I'm not sure what their exact management plan is but because their population is doing much better than what we're looking at here and recovering much faster. They do have different regulations and may at times issue permits for removals if animals are involved.

**Commissioner Riley:** Is there any behavior modification between the time you move them from Arizona to New Mexico or relocate them because they have been creating problems with killing livestock? What makes you assume they are not going to continue doing it after you move them from Arizona to New Mexico?

**Saleen Richter:** Part of the reason for translocating these animals and moving them is to get them away from an area where they were causing a problem, so removal from that area to get them into another area where prey densities are higher and their chance of success will improve. The other thing that we do is intensively monitor these animals and if there are problems, haze those animals through cracker shells or rubber bullets to try and deter some of those behaviors. While they're in captivity, there's not a whole lot we can do to try and alter those behaviors in a captive setting. They have to be out in the wild being exposed to those situations so that we can actually do some hazing on the ground where we can be effective at changing and modifying those behaviors.

**Commissioner Arvas:** Are you concerned about the high elk kill?

**Saleen Richter:** We've been talking and keeping in touch with the Department's elk biologist, and the surveys that have been completed on elk in this state have not shown a significant decline due to the wolves.

**Commissioner Arvas:** You had 91% of elk in the sample.

**Saleen Richter:** Of native ungulate carcasses that were investigated? Correct.

**Commissioner Arvas:** Does that bother you at all?

**Saleen Richter:** It hasn't made a significant cut in the elk population and so the presence of the wolves doesn't seem to be causing a decline to the prey population at this time.

**Commissioner Arvas:** What I'm getting at is that throughout the years we've been told that the wolves are more liable to impair mortality rates on deer more so than elk. Your numbers don't reflect that.

**Saleen Richter:** That's correct. Initially, but prior to release of wolves it was thought that their main prey source would be deer. However, there are more elk on the landscape so what we're seeing is that they are going after elk and successfully preying on elk.

**Chairman Sims:** What about sheep kills by wolves?

**Saleen Richter:** That's correct and that's throughout the blue range recovery area so that includes Arizona and New Mexico.

**Chairman Sims:** Were those sheep kills in New Mexico or in Arizona?

**Saleen Richter:** I don't know. Both of those kills occurred before I was working for the Department.

**Chairman Sims:** Do you know if those were desert sheep or Rocky Mountain?

**Saleen Richter:** I don't know.

**Director Thompson:** I don't know with certainty, but I believe that they were probably Rockies given what's in the area where the wolves occur.

**Commissioner Arvas:** The 37 recommendations, do we have those available to us?

**Saleen Richter:** They certainly can be made available to you. It's a public document.

**Commissioner Arvas:** The 1 thing I suggest is from what you describe there's going to be a meeting of the AMOC to review the 37 recommendations and then there will be something brought forth from that meeting I would guess before implementation. Do you think there'd be a possibility of us having an opportunity to review what the outcome of that meeting is before implementation takes place?

**Saleen Richter:** There will be several meetings that occur before implementation.

**Commissioner Arvas:** --and the recommendations. I think that's important.

**Chairman Sims:** Recommendations that are in effect now I think would be pertinent for us to view.

**Commissioner Arvas:** I think it's important from a public relations standpoint to highlight the 37 recommendations in reference to the old recommendations. What the public is looking for is something better than what they had and hopefully the 37 recommendations will make that quite clear to them. So when will that happen?

**Saleen Richter:** There will be several meetings to discuss and each recommendation is going to have its own timeline so we're working on completion timeline dates for each recommendation and they will not be consistent for all 37 recommendations.

**Chairman Sims:** Could the Commission have the draft of those recommendations?

**Director Thompson:** We can get those to you. The 37 recommendations emerged from the 5-year review and they were identified, prepared, reviewed, and ultimately accepted by the U.S. Fish and Wildlife Service, so they are 37 recommendations that currently stand for various aspects of implementation.

**Commissioner Pino:** In your presentation, you indicated that there are quarterly meetings around the recovery area. I recall this year when we had the meeting in the south, the public that's actually impacted by the re-introduction of the wolves, made comments that there was some sense of uncomfortable feelings from the people and it's been over a year since that meeting. Can you give an indication to the Commission as to the attitudes and feelings of the people living around the recovery area?

**Saleen Richter:** The attitudes of the folks that live in the recovery area--some of those folks are pro-wolf and obviously ranchers and others that are impacted in a different way who have negative attitudes towards wolf recovery and wolf introduction, and so there are 2 sides and it's very polar. Some folks are very pro-wolf or very anti-wolf within the recovery area.

**Commissioner Pino:** Are there any improvements from the general public or the people that are directly impacted favoring the recovery of wolves?

**Saleen Richter:** Within the recovery area our goal is to try and build tolerance within the public for the wolf program. To change attitudes and feelings about this is a difficult thing to do and so our goal is primarily to build tolerance with the public and work closely with them to be involved on the ground when there are incidents occurring. As far as a major change in the attitudes within the recovery area we're not seeing any but we can build tolerance through working with these individuals.

**Commissioner Salmon:** The past several years, the total wolf population decreased about 20%. I think these 37 recommendations are going to be implemented to reverse that trend or are they going to augment the incidents?

**Saleen Richter:** My thought on that is the primary recommendation is to expand the recovery area so what that will potentially do for the wolf population is allow it to be more dispersed than it is currently. That approach could reduce some of the management issues that we're dealing with now, and therefore reduce the amount of heavy handed management from the field team to remove animals, so that could potentially lead to an increase in the population over years.

**Commissioner Salmon:** The main difference I notice in the wolf recovery is the difference between the northern population and down here. They now have over 1,000 wolves in the wild in 3-4 states and we have between 50-60 over almost the same period of time. Do you have any opinion as to what the main difference is as to why their recovery expanded so rapidly and ours has not?

**Saleen Richter:** First of all, we have compared our population recovery estimates to 4 other programs and when we compare it to the greater Yellowstone area and central Idaho they have recovered much faster when compared to Wisconsin or northwestern Montana, those populations are in sync with where we're at. When you're talking about the greater Yellowstone area, you're talking about primarily a national park where there are no livestock issues and there is no need to be removing wolves for the types of management issues that we see down here.

**Commissioner Salmon:** One main difference that I noticed is when they started the wolf recovery they used wild wolves that they brought down from I think Alberta, where we used captive bred wolves. I'm thinking that the response of these captive bred wolves is a complicating factor in the recovery. Would you agree?

**Saleen Richter:** I agree. There are certain issues that come about that we have to deal with having captive animals. There's a learning curve for these animals when they get out in the wild learning how to hunt successfully and reproduce in the wild.

**Commissioner Salmon:** Are you shooting buck shot or other techniques so the general public can help to put fear into these animals?

**Saleen Richter:** Currently, what we can issue to landowners are cracker shells and there are several things that they can do to haze animals and 1 of those is to shoot a firearm, not at a wolf, but just make a noise to scare it if they don't have cracker shells. As far as using rubber buckshot, that is only an interagency field team technique because of the potential of injury to these animals with rubber buckshot it has to be issued only to those that are on the U.S. Fish and Wildlife permit to haze wolves in that particular method.

**Commissioner Salmon:** I was wondering about the compensation program.

**Saleen Richter:** There have been a variety of options that have come up as far as the compensation program. Some of those are to give incentives for ranchers that allow wolves on to their lands to compensate not based on confirmation of kills but to compensate based on an overall loss of livestock production at the end of the year based on what the natural loss was prior to wolf recovery. It's 1 of the 37 recommendations and work is being done on that but it's going to be a while before anything is changed or implemented. Currently, Defenders of Wildlife provides the only compensation program. There has been discussion of changing to rather than having Defenders of Wildlife compensation being the only compensation available to have the Fish and Wildlife Service and states also have a compensation program or try to deal with that on their own rather than relying on a non-profit organization outside of the recovery program.

**Larry Caudill:** I'm a sports hunter and elk hunter and I don't object to some loss of wildlife to wolves. I don't think it appropriate to talk about the mortality from wolves unless we talk about total mortality of elk and deer, including from hunting.

**Saleen Richter:** The current procedure when livestock is found dead and it's thought to be a wolf kill is to have Wildlife Services investigators investigate that carcass. They look for hemorrhaging that would show that the livestock was being bit or attacked by wolves while it was still alive, so by skinning out the hide on a livestock carcass they can look for that hemorrhaging, measuring canine bite marks, the distance between those to see if those are comparable to wolf canine punctures, looking for tracks, signs of a chase, a blood trail. Any of these things are indications of whether wolves were involved in the actual death or if they were simply scavenging.

**Larry Caudill:** That being the case, I'm wondering if there's a difference from their point of view as to whether that animal was actively killed by a wolf or died from some other reason and I'm wondering to what extent and how legitimate the claims of wolf predation are because in some cases there may be someone trying to recover money for an animal that wasn't killed by a wolf at all.

**Chairman Sims:** Being in the ranch industry for quite a long time, it's not that difficult to find where livestock has been chased and then trail it down forensically to where it's been bitten to get down and it's not that difficult to process.

**Larry Caudill:** I just wanted to have it fully defined and why is there a problem with alleged lack of compensation for an alleged wolf kill that may not have been a wolf kill at all.

**Commissioner Salmon:** I don't think it's always that obvious. In some cases it may be very obvious and other cases not as obvious. My point was to mediate the conflicts and to alleviate the conflict and any doubt as to whether it may have been a wolf kill and on the side of compensation to try to alleviate the conflict and thereby the wolf recovery program. I wouldn't begrudge the rancher a questionable kill if it would prevent the removal from the wild of a certain number of wolves.

**Larry Caudill:** Considering that watching wildlife is such a huge business in millions in terms of bird watching and in other places people pay to go out and see wildlife. Does anyone either on the Commission or in the audience have any sense of whether or not any of the local people have figured out that they could do a bed and breakfast in wolf howl, wolf watch scenario thereby deriving revenue from the presence of the wolves instead of considering them such a huge negative? There's economic potential here that's not being utilized.

**Ron Shortes:** This is a perfect example that the U.S. Fish and Wildlife Service is lying to everyone. I'm upset that there apparently has not been a report to you that within the last 2 weeks 2 children have been, in my mind, attacked in Catron County by wolves (Note from Secretary to the Commission: There were no actual attacks of children by wolves in Catron County.) Some of these habituated wolf problems in Catron County are growing larger in financial growth not just 1 more problem every year or 2. Merchants have considered bed and breakfast to watch wolves. There has not been a single stated interest to any merchant in our county about anybody being interested in coming to watch wolves and it wouldn't be hard to do because you can go into the middle of downtown Luna and see the alpha male in the Aspen pack half the time walking around in the streets. The county was forced to hire its own wolf investigator because of the bad faith of the U.S. Fish and Wildlife Service. Strangely enough, after we finally have investigation into these problems the number of confirmed kills is double. The Wildlife Service representatives in the field have pointed out that Fish and Wildlife was never bothering to notify them about a lot of things that were going on so they couldn't investigate and they have welcomed the services of our investigator because they weren't getting cooperation from Fish and Wildlife Services. As to the 96 elk killed, by Fish and Wildlife's own admissions, John Oakley with their agency says 8 cows are killed for every 1 that is found and confirmed (Note from Secretary to the Commission: These numbers were for a specific area with wolves not in Arizona or New Mexico). I think that's low but if you use their own numbers on livestock I think the ratio would be much higher on elk. If you get 96, what you really have according to their own admission is almost 800. I'm guessing that that's probably closer to 2,000-3,000. We're not talking about a minor impact on wildlife and if Fish and Wildlife Services has ever bothered to talk to the people on the ground they would discover that every single outfitter working the area feels that the wolf impact on the herds has been significant in Catron County in terms of elk. In trying to address some of your other comments I think there have been many more than 96 elk killed by the wolves and also I'm glad that you want to review the matter after these meetings. As to the issue of people on both sides, I don't think there are people on both sides of this issue in Catron County.

**Chairman Sims:** Saleen, can you address this attack?

**Saleen Richter:** The first incident Mr. Shortes referred to was during the hunting season. A 14-year old boy was out hunting with his father, and he was separated from his father. My understanding of the situation, and I talked to the father, was that while the boy was hiking through the woods there were 3 wolves associated with the Luna pack, 1 collared 2 uncollared, that were walking toward him. It was an encounter in the woods. He was upset and frightened by the situation and he backed himself up against a tree. One of the wolves stood about 30 feet in front of him and the other 2 circled on either side of him. The wolves left the area and there wasn't any aggressive baring of teeth, any hackles or aggressive behavior from these animals, they were simply there watching him. When the wolves moved out of the area, he went back to the road and truck and waited for his father to arrive.

**Chairman Sims:** Is that a concern?

**Saleen Richter:** Definitely.

**Ron Shortes:** I don't agree that that's what happened.

**Saleen Richter:** We did not receive information about this occurrence until over a week later. There was nothing we could do to go out and investigate the site where it occurred. The wolves had obviously moved on.

**Chairman Sims:** What would have been there to investigate?

**Saleen Richter:** As far as just the area where this occurred to understand better which particular wolves were involved because there was 1 radio-collared animal there. We don't know which particular animal in that pack had the radio collar. If we were able to go out there and use the telemeter to determine which specific animal was there, and which other 2 animals might have been there. With the lateness of the investigation any hazing that we would do would be after the incident. We did track those animals and attempts were made to haze those animals. To actually have field team members get out in the field and be in a position where they could haze those animals if they were to see them to look and see what the response to those animals would be to someone else being out there. Currently Bruce Thompson has received from the Governor's office a request to investigate further and we have plans to have someone else aside from myself go and talk to this 14-year old.

**Chairman Sims:** I think that's paramount. It's described that this 14-year old boy was doing something wrong being in the field by himself. If we don't get together as to how we're going to utilize this re-introduction program at some point this is going to happen and that's a big concern.

**Saleen Richter:** No, there's nothing wrong with his presence there. I'm not implying that at all. I believe the second incident that Mr. Shortes is referring to was an incident that occurred with hunting dogs. There's a family that lives on Diamond Creek and they were out and had an encounter with wolf and their hunting dog. A few days later they had a single wolf at their house. Their daughter was going out to get horses ready and they were going to take the dogs out. As she was walking out to get the horses, 1 of her dogs was following her and a wolf attacked their dog. The dog was being held down by the neck by the wolf. The father ran out and made a lot of noise and scared the wolf away. They took the dog in for veterinary care and the daughter happened to be very close to the dog when the wolf came in. I believe this is the second incident he's referring to. This family has moved to another house. They don't plan on being back to the house until after Thanksgiving. At that time we have made arrangements with them to go out and discuss mitigation options. Putting up turboflagery at their house to discourage wolves from coming into the area, talking with Defenders of Wildlife about the possibility of getting fencing for their dogs, other mitigation options that are available to them.

**Director Thompson:** These are both things that we're aware of. Saleen didn't include them in her briefing I think because both circumstances are still something that we're working with either in getting additional information or actually responding to all the individuals that are involved. Hopefully everyone can see that we do take these seriously and quite important, but we also think it's important to have reliable information and identify a realistic course of action and that in fact is still under way.

**Commissioner Salmon:** I think this all points to the basic problem that some of these wolves are not behaving in the way normal wolves in the wild behave. We need to re-educate and cause them to become wild wolves again.

#### **AGENDA ITEM NO. 11: Discussion of Topics of Mutual Interest with Colorado Wildlife Commission Members.**

**Presented by Colorado Wildlife Commission** – A member (Dick Ray) of the Colorado Wildlife Commission and the Director of the Colorado Division of Wildlife (Bruce McCloskey) were present to discuss mutual interests. Discussion topics included:

- Experiences with laws/rules regarding shooting from vehicles and roads
- Managing interstate wildlife populations
- Implementation of Comprehensive Wildlife Conservation Strategy
- Cutthroat trout restoration efforts
- Mutual wildlife law enforcement challenges
- Discussion of off-road vehicle regulations
- Regulation of connected antlers v. shed antlers in possession
- Wildlife translocations, including Rocky Mountain bighorn sheep to northeastern New Mexico
- Effects of oil and gas development on wildlife

- Effectiveness of use of decoy animals in wildlife enforcement
- Cooperation in managing wildlife on adjoining lands (e.g., Unit 4)
- Special Hunt drawing process and role of preference point system
- Mandatory harvest reporting in New Mexico

Discussion clarified interests of Colorado representatives regarding prospective legislation and regulations there to deter poaching. Desirability was voiced for increased cooperation between the 2 agencies and commissions regarding agreements for managing interstate big game populations and for implementation of respective Comprehensive Wildlife Conservation Strategies.

**AGENDA ITEM NO. 15: Update Briefing on Warm Water Fish Hatchery Construction.**

**Presented by Mike Sloane** – The Department provided the Commission with an update on the construction activities for the warm water fish hatchery. **Discussion item only.**

**Commissioner Arvas:** Is that \$4.5M additional funding needed more or less than we had anticipated?

**Mike Sloane:** We had originally anticipated the entire construction would be about \$6,000,000 but that was the number we started with back in 2001 or so and by the time we got it designed and out to bid the cost escalated.

**Commissioner Arvas:** This will go into the capital expenditure request or how are we going to do that?

**Director Thompson:** This \$4.5M is already included in our capital budget request.

**Commissioner Montoya:** As a follow-up for operations, Director Thompson, what's involved with staffing patterns and obviously we have to plan how to staff this facility. Is that part of what we're going to get in funding or is that something that has to come from within?

**Director Thompson:** There are 2 FTE's that have been approved and provided for staffing of this facility and Mike can give us any other specifics on those. Those have not yet been hired.

**Mike Sloane:** We have a staff of 5 currently running the cold water fishery. We have 2 additional positions we'll fill when the facility is operational and last year we were given General Fund money to assist with operations and we are requesting that money again so between those positions and the extra funding, I think we'll be fine.

**Commissioner Montoya:** So we're going to put this as recurring on our budget from now on?

**Director Thompson:** Yes.

**Commissioner Salmon:** What species will you be raising?

**Mike Sloane:** I think the expectation is that we'll cycle through several species. We'll start out with walleye early in the season, move to largemouth bass in the middle of the season, and finish off with catfish either through the summer and into the fall or for an entire production year before walleye starts again.

**Commissioner Salmon:** Will you also use it for special applications like roundtail chub?

**Mike Sloane:** We have had discussions about the potential for raising other native species or raising forage fish for a variety of other lakes that might need those, so yes the warm water facility is significantly more flexible than a cold water facility in terms of the species you can raise.

**AGENDA ITEM NO. 16: General Public Comments (Comments Limited to 3 Minutes).**

**Public Comment:**

**Ron Shortes:** I wanted to let you know that NMSU and Western New Mexico University have both done semi-independent studies on the wolf impact in Catron County. NMSU more of the dollars and cents economic impact and WNMU the socio-economic impacts like they have psychological profile study by psychologist indicating that a lot of the children that have been affected by these wolf/human encounters are exhibiting symptoms of post-traumatic stress syndrome or at least those types of symptoms. I don't know that there's been a diagnosis of that specifically but they're presenting all of this at the New Mexico Cattle Growers meeting in Albuquerque on February 1. I don't have the details but I'll send them to you if anyone would be able to attend. The Reserve Independent School District board and superintendent are meeting about the wolf problems connected with the school children getting off and on their buses, their concerns, and what they feel is totally inadequate response from Fish and Wildlife about the problem.

**Doug Auckland:** I'm a concerned sportsman from the Farmington area. During the segment on the wolf there was a statement made that possibly 1 of the greatest threats or problems for the elk herds were the hunters and the people. I want to reiterate that the sportsmen are the greatest benefactors and supporters of wildlife and protectors of deer, antelope and turkey and all of our species that there has ever been. In Unit 52, 2 years ago the unit archery hunt period was split up into 2 hunt periods--the 1<sup>st</sup> through the 15<sup>th</sup> and the 16<sup>th</sup> through the 22<sup>nd</sup>. That sounds well and good except that elk don't go into the beginning of the rut until the 12<sup>th</sup> or 13<sup>th</sup> of September. So we have a day or 2 in which the elk will start responding to our calls and coming out. Otherwise they're hiding out in the dark timber until dark. This year I harvested my elk on the 5<sup>th</sup> of September not through calling but by still hunting. The last 2 days of the hunt the elk started responding but a second group of hunters came into the woods and they were out scouting, calling, and looking which would then interfere with the last 2 days of our hunt. Normally you have a rifle or muzzle loader hunt that ends on a Wednesday and the next hunt period starts on a Saturday so there are 2 days in which to interface but not so with that hunt. I would recommend that there be a period between the 2 hunts. I understand that next year's seasons have been set so this is for subsequent years, that the hunt either go back to a solid hunt period or a break between the 2 hunts. Also, Units 51 and 52 are in the northeast quadrant of game management of the state. A lot of hunters especially archers hunt those 2 units. We have very little or no communication as to what is happening in 51 and 52. It's so far to Raton from here that we probably wouldn't put our input. So I would recommend that in the future that Units 51 and 52 be included in the northwest part of the state game management area. Anything west of U.S. 285 would be in the northwest, anything east would be in the northeast. That would be more logical and make more sense. For archery, due to the fact that in September we are hunting a resident herd in 51 and 52 and subsequent hunts a migratory herd that comes down through Colorado and other places, but in September I think if it was combined for archery Unit 51 and 52 give out 600 permits therefore you could have 1 solid hunt period from the 1<sup>st</sup> to the 22<sup>nd</sup> or whatever it may be. Likewise, this year I saw over 200 head of wild turkey during my little encounter in September, but there's no fall turkey hunt. I would recommend having an archery draw for turkey during that period of time in that area.

**AGENDA ITEM NO. 17: Closed Executive Session.**

The State Game Commission adjourned into Closed Executive Session to discuss litigation, personnel, and acquisition or disposal of real property or water rights, and pursuant to Section 10-15-1(H) (1), NMSA, 1978, to discuss matters related to the determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated their professional Code of Conduct as per 19.30.8, and 19.31.2, NMAC. If in the Commission's determination an individual shall be served notice, he or she will be afforded an administrative hearing following 19.31.2, NMAC.

**MOTION: Commissioner Pino** moved to enter into Closed Executive Session pursuant to Section NMSA 10-15-1(H)(2)(7) and (8) of the Open Meetings Act in order to discuss several land interests at the recommendation of our Director as per 10-15-1, NMSA. **Commissioner Riley** seconded the motion.

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

**Roll Call Vote:**

**Commissioner Sims – absent**

**Commissioner Arvas – yes**

**Commissioner Henderson – absent**

**Commissioner Montoya – yes**

**Commissioner Pino – yes**

**Commissioner Riley – yes**

**Commissioner Salmon – yes**

**Motion carried unanimously.**

**Vice-Chairman Arvas** entered into Open Session and stated that the record reflect that no action was taken during the Closed Executive Session, but several items were discussed by Legal Counsel and the Director.

**AGENDA ITEM NO. 18: Land Conservation Appropriation Update and Action as Needed.**

There was no update or action needed regarding land conservation, thus this item was not discussed.

**AGENDA ITEM NO. 19: Adjourn.**

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

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

**Meeting adjourned at 4:10 p.m.**

**s/Bruce C. Thompson**

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

**December 12, 2006**

\_\_\_\_\_  
Date

**s/Leo Sims**

\_\_\_\_\_  
Leo V. Sims, II, Chairman  
New Mexico State Game Commission  
Minutes Transcribed by: Katie Gonzales

**December 12, 2006**

\_\_\_\_\_  
Date

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