

MINUTES
NEW MEXICO STATE GAME COMMISSION
New Mexico Military Institute (Daniels Leadership Center)
101 W. College Boulevard
Roswell, NM 88201
Wednesday, December 12, 2007

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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 Montoya– present

Vice Chairman Arvas – present

Commissioner Buffett – present

Commissioner McClintic – present

Commissioner Riley– present

Commissioner Salmon – present

Commissioner Sims – present

QUORUM: Quorum with all 7 Commissioners 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 (November 1, 2007--Raton, NM)

MOTION: Commissioner Riley moved to approve the Minutes of the August 23, 2007 State Game Commission Meeting in Raton as presented. Commissioner Arvas seconded the motion.

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

NOTE: Chairman Montoya subsequently noted the date was in error in this motion. Commissioners voted unanimously (moved by Commissioner Riley, second by Commissioner Arvas, to approve Minutes of the November 1, 2007 Game Commission Meeting in Raton.

AGENDA ITEM NO. 5: Approval of Agenda.

MOTION: Commissioner Arvas moved to consider Agenda Item No. 19 after Agenda Item No. 15 and approve the agenda, as amended, for the December 12, 2007 State Game Commission Meeting. Commissioner Buffett seconded the motion.

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

NEW BUSINESS:

AGENDA ITEM NO. 6: Revocations.

Presented by Dan Brooks – The Department presented a list of individuals that the Commission considered for revocation that met established revocation criteria from 19.31.2, NMAC. The Department provided proper notice and an opportunity to have a hearing as required by 19.31.2, NMAC, to 2 individuals, Leah Jones, and Jeremy Walker, who failed to provide proof of commercial liability insurance. The Department recommended suspension of their outfitting license privileges. The Department provided proper notice and an opportunity for a hearing as required by 19.31.2, NMAC, to 1 individual, Justin Birch, who has accrued a minimum of 20 violation points. The Department recommended revocation of hunting, fishing, and/or trapping license privileges for the maximum period of 3 years. The Department also provided proper notice and an opportunity to having a hearing as required by 19.31.2, NMAC, to 366 individuals recommended for revocation of license privileges and who are not in compliance with the Parental Responsibility Act. The Act requires that privileges of non-compliant individuals remain revoked until compliance is achieved.

Commissioner Arvas: It seems that this liability insurance issue happens every meeting. Is there any way you can think of so that this won't become the problem that it seemingly is?

Dan Brooks: Currently I'm planning on meeting with outfitters in January and we're going to discuss this issue. I hope to get back with the Commission after that meeting and give you a formal report.

MOTION: Commissioner Arvas moved to adopt the Department's and Hearing Officer's recommendations on reinstatement, revocation and point assessment for the list of 369 individuals for the period of time specified. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 7: Draft Recovery Plan for the Narrow-headed Garter Snake listed as Threatened under the Wildlife Conservation Act (Section 17-2-40.14, NMSA 1978).

Presented by Leland J. S. Pierce – The draft Recovery Plan for the Narrow-headed Garter snake (*Thamnophis ruffipunctatus*) was presented to the Commission for review and approval. The Recovery Plan was developed under the authority of the New Mexico Wildlife Conservation Act. The Department is directed under the WCA to develop recovery plans for species listed as threatened or endangered by Section 17-2-40.1, NMSA, 1978. The Narrow-headed Garter snake is found in and along streams in the San Francisco River Drainage in southwestern New Mexico. Surveys have shown marked declines in the species in recent years, potentially from alteration of habitat and the presence of invasive species. The Plan, as directed by the WCA, describes status and conservation needs of the species and identifies actions that will protect and enhance native populations, allowing eventual downlisting of this species.

Commissioner Arvas: Would you go through the process on how we come up with recovery plans, is there a budgeting process, how is the idea formed?

Leland Pierce: We actually have a schedule of recovery plan that is based upon several factors. First we consult with our specialists, in my case the herpetologist, Charlie Painter, and he provides input on amphibians/reptiles, our ornithologist provides input on birds, and our mammalogist on mammals. They assess the need for having a recovery plan. This is based upon how imperiled the species might be. If there is a strong management concern, which was the case with the Gray Vireo because there was such interest in managing for juniper, or they look at some other recovery plan in place such as with the Southwest Willow Flycatcher where the federal folks are already working on it and therefore, there's no need for us to do a state plan. I gather the recommendations and we determine which species we can do the most for. Then we develop a schedule of plans. I did the Gray Vireo, now the Narrow-headed Garter snake, next up is a plan for 2 riparian rodents. If something new comes up and we realize another species is more imperiled than others, then we will move it up. In terms of budgeting, we do not really develop a budget until after approval by the Commission. If approved, we then start working with Matt Wunder/Renae Held and see where we can make our best effort based upon recommendations of the recovery plan. I had mentioned that it was important to coordinate with other agencies—U.S. Fish and Wildlife Services is working to get sediment out of some streams to improve habitat for spike dace a federally listed species of fish and Charlie Painter and I were very interested in working with them to see if that might be a spot to bring the Narrow-headed Garter snake. In terms of invasive species, 1 thing we have to bear in mind is just because they're all invasive is not always important to wipe out all the invasive species. I would like to make a correlation to

a talk to begin soon by Randy Floyd because climate change can very much impact flooding events in that region. That's a concern to this species and other species in the area.

MOTION: Commissioner Buffett moved to accept the Department's recommendation for the Narrow-headed Garter snake Recovery Plan, as presented, subject only to final formatting for publication. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 8: Warm Water Hatchery Construction Status Briefing.

Presented by Mike Sloane – The Department provided an update on the construction of the warm water hatchery. The Department also discussed expected future operation. The Department's provision of statewide system for fishing activities and self-sustaining and hatchery-supported fisheries satisfies participation of expectations of the state's residents and takes into consideration hunter safety, quality hunts, high-demand areas, guides and outfitters, quotas, local and financial interests, and operate, maintain, and continue development of a warm water fish hatchery.

Commissioner Arvas: I assume you went through the usual state bidding process? Had this person ever built 1 of these before?

Mike Sloane: No. There is only 1 contractor that I'm aware of in the state that has ever done a fish hatchery—they've done 2 that I'm aware of—1 of ours and 1 for the City of Albuquerque and they did bid on the project and they were nearly \$2M over the low bid. They were the highest bidder. We did use the standard state bidding process and we did have requirements for having experienced building similar systems like water/sewage treatment systems.

Commissioner Arvas: Do you have any flexibility in picking the contractor in terms of past experience?

Mike Sloane: Very little. We've tried building into the specification as much experience as we can require and still get companies that will bid it, but when it comes down to it, it comes down to low bid. Hopefully you develop specifications so that companies that don't have experience won't bid. It really comes down to dollars/cents.

Commissioner Arvas: So in your mind this was an unsatisfactory experience building wise?

Mike Sloane: I guess I would say that the experience has been more arduous than we wanted it to be. I think the end result will be fine, but it's been difficult to get there.

Discussion item only.

AGENDA ITEM NO. 9: Implications of Climate Change Effects on Wildlife and Habitat in New Mexico.

Presented by Randy Floyd – The Commission was briefed on predictions of the effects of global climate change on wildlife and habitat in New Mexico. Focus was on how fish and wildlife agencies in the U.S. are adapting and preparing for global warming that included increased stream temperatures, decreased snowpack, decreased water availability, altered seasons, changing migratory habits, and other ecological and phenological effects. Discussion was provided on what the Department of Game and Fish is doing now and what needs to be done to adequately integrate global warming into our species management and habitat protection.

Commissioner Riley: It's hard not to draw conclusions or assumptions from these kinds of data but 1 of the problems we face is we need to be more specific on what we hope to achieve. I know it's easy to speculate and obviously there's a lot of speculation in this presentation to be made. I hope that the Department looks at what specific things might happen to some of these species as far as shifting their ranges—how do we move north or addressing how we begin to move with habitat improvements. Have you gotten that far with any of those species or are you still at the speculation stage?

Randy Floyd: I wish we had more specific information. There are many researchers who are trying to answer that very question. I mentioned the Nature Conservancy Modeling Study—Carolyn Enquist is trying to make predictions as local and as taxa specific as possible so that land managers and wildlife agencies like the Department will have information of sufficient precision that we could then make good decisions about how to respond, so there are a lot of people working on it. I read as much of the literature as I can and 20 years ago you could find lists of bird species that people were claiming would advance north or they would range south, but today no one is willing to make those kinds of predictions.

Commissioner Riley: With respect to legislation moving through Congress, I assume you're aware of how it would impact the states with additional funding if they modified their CWCS to better address global warming. Do you think the state/Department are ready with the existing CWCS plan to be able to compete for those dollars since if they modified their CWCS to deal with climate change?

Randy Floyd: I would defer that question to the Director.

Commissioner Riley: Are you aware of the legislation?

Randy Floyd: Yes, I can answer tangentially, the Association of Fish and Wildlife Agencies represents all of the wildlife departments talked to congressman and senators regularly and they've been successful in getting specific language calling for research into the effects of climate change to wildlife.

Commissioner Buffett: I asked for this presentation after we came back from the Louisville annual AFWA Conference where we heard various specific presentations from wildlife agencies around the country that are tackling this issue and looking at how

it's going to affect the management of game and non-game/aquatic species. I felt today's presentation is just the beginning and we need to begin integrating these factors into our policy and decisions. For example, if we know that the temperatures of high altitude streams are going to rise, then is that being integrated into recovery plans for native fish species and how does that affect our long-term plan for those projects? What does this mean for herds if they're coming down off the mountains sooner or moving in ways than they have in the past, then how do we recalculate sustainable harvest levels given climate change? This is going to infuse every decision the Department makes in the coming years.

Randy Floyd: I agree. With that, Leland volunteered to make a statement about the recovery plans and how that's central.

Leland Pierce: I wanted to follow up on comments on how my partners and I integrate climate change in our recovery planning. Recovery plans are more than written documents. It's about the implementation so that they are written by design that say here's the basic idea but then what do we do with those basic ideas when they come to us. So, our tact has been that we may not be able to solve the issue of climate change but we can position ourselves to deal with the issues that come up in terms of the recovery of these species; i.e., there was great concern on how climate change would affect juniper regarding the Gray Vireo which impacts where the bird is and is not found. Therefore, 1 strategy was that we would look at the dynamics of climate and the Gray Vireo. We don't have answers on how the temperature is going to absolutely impact this particular species, but we can get it on the radar for people that are studying this; i.e., we had a scientist that was working on the hydrology of the Gila drainage in terms of flooding. They had no clue that we have a snake down there that is having issues. Now they know and so if the researchers are out there and they have the recovery plans, they know that this is something to address. Often we can get them to pay for it because they're doing their work and we all come together. We don't have the answers on how exactly this is going to impact our species, but we can put ourselves in position to learn it and adapt it as we go along instead of waiting for the answers.

Commissioner Salmon: Is there any evidence to suggest that these fish species might have some ability to adapt and survive?

Randy Floyd: What I've been reading this year about adaptation is that the range of adaption varies over species and there are behavioral adaptations and there are genetic adaptations. I've seen several reports this year that indicate that the rate of change is so fast that there is a fear that the changes that are going to take place are going to be disruptive in ways that species are not going to be able to adapt to. Probably generalist species such as invasive species may do well in terms of adaptation whereas other species that don't appear to be very adaptable are probably not going to do well and if I recall correctly, I think the reports I read this year indicate that they think many species will not do well in terms of adaptation.

Director Thompson: I'm delighted. I thank all the Commissioners for providing this opportunity for the Department to open up discussion on this important topic. I'll address Commissioner Riley's question about whether we are prepared with respect to federal legislation or comprehensive wildlife strategy for New Mexico. I'd say an emphatic yes based upon the fact that 23 of the comprehensive strategies prepared around the country initially covered climate change in some way and I'm pleased to say that New Mexico was 1 of those 23. We also indicated in our strategy that we would engage in a 5-year review process rather than the congressionally mandated 10, so we will be entering into that within the next 2-2 ½ years so we anticipate being prepared in numerous ways to address this topic. On a broader front as Commissioner Salmon recognized, there are positive effects in certain people's minds with certain species as well as there being negative affects associated with climate change. Our nearer term focuses primarily on those where there would be negative affects so that we can be more sensitive to the more sensitive species and communities. I'll end by saying there are 2 other areas that are quite important in all this: 1 is that is not, of course, limited to New Mexico so it's important that we're also engaging and integrating with those around us regionally and nationally. We do that through a variety of means including our engagement with the Western Association of Fish and Wildlife Agencies, the Association of Fish and Wildlife Agencies, The Wildlife Society, Wildlife Federation, and others. The other is that there was a mention in the presentation about staff capability. As we move forward in identifying those individuals that will fill new vacancies within the Department as well as identifying new positions that are created, it will be important for us to bear in mind providing the capabilities to recognize, estimate, and plan around the kind of effects that climate change will have and that has all been initiated as underway. I think that we're quite ready to do that, but that doesn't mean that right this day we have all those capabilities.

Oscar Simpson: The key thing is that riparian areas are the most critical thing that can be impacted in those sensitive areas that need to be identified especially the cold water fisheries. I would like to see them identify those cold water fisheries/streams/riparian areas that could need to improve the habitat and some sort of protection, and I'm going to be quite frank, overgrazing is 1 of the major impacts. I think we should prioritize those areas and figure out what we can do to start protecting those and getting some cover in those areas so at least we protect the cold water fisheries. **Discussion item only.**

AGENDA ITEM NO. 10: Mexican Wolf Reintroduction Program Update.

Presented by Matt Wunder – The Department presented an update regarding Mexican wolf-related actions from 2007. 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.

Commissioner McClintic: Are you trying to set signs up for area residents that have wolves on their property to access their property to receive wolves? Explain exactly how you determined the success of the program when you said it was a very successful program.

Matt Wunder: When I said the GAIN opportunity was very successful, there were a limited number of openings or days on which this activity was conducted and we had considerably more applicants from the general public be they residents anywhere throughout the State of New Mexico, landowners, public interested individuals that applied for this. There was a greater interest than there were opportunities we did have 80+ applicants for 12 slots which basically means 12 people have the opportunity to go out on 3 different trips to go with the field biologist to participate in this and regarding the landowners, yes, they were free to apply for this activity as well. I believe that most of the activities that associated with GAIN were conducted on Forest Service land.

Commissioner McClintic: What was the number of confirmed strikes against the Durango pack wolves?

Matt Wunder: With the Durango pack the issue was the habituation. They were coming in and around residences and they did not have 3 strikes. There may have been, and I can get this information for you but I don't have it at the top of my head, but it wasn't an issue of strikes on these wolves. They were around the residence which was the problem we were dealing with. There was a depredation issue with the female in the pack that was removed in July and subsequent to the removal of the adult Alpha female, there was 1 adult male that was feeding the pups and the supplemental feeding effort was provided to help that male raise those pups because they weren't removed as part of the removal order against the female. Regarding the 2 wolves they're preparing the translocation for, my understanding is that this translocation was for Arizona for the 2 wolves. They conducted several public meetings in Arizona to discuss the potential translocation sites for these animals. Because they are in Arizona, my understanding is that they are eligible for translocation and they are exploring sites in Arizona. Livestock are and have been killed by wolves. They have preyed on livestock. The recognition is that wolves are predators and they prey on ungulates. There are livestock on the landscape and there have been livestock depredations on cattle/sheep, and I believe at least on 1 horse as well. Pets have been killed and my understanding is that when wolves attack dogs especially, it is a territorial defense issue. I don't know whether they necessarily eat the dogs as much as they kill them as competitors that they see as coming into their territory.

Commissioner Arvas: Have we ever had a similar scenario in Arizona as we do with the Durango pack missing?

Matt Wunder: I'm not sure. I know that there have been cases with habituated wolves in Arizona and I don't know in terms of the specific causes of disappearance of wolves in Arizona. I can get that information for you.

Commissioner Arvas: Are we talking about 2 or 3 animals that are missing?

Matt Wunder: We had located the Durango pack that consisted of an adult male, a yearling female, and a pup; 2 of those wolves had radio collars on them which were what we were using to keep track of them. Those 2 radio collars we no longer have a signal from. So the assumption is that those 2 wolves are no longer on the landscape. We do not know about the pup that was associated with that pack.

Commissioner Arvas: Have we ever had an instance of collars going wrong or afoul?

Matt Wunder: I'm sure that at some point in the course of this recovery effort and other radio telemetry studies of wildlife there area cases where collars will stop functioning. I think the issue here is that there were 2 functioning collars and both of them stopped sending signals at essentially the same time.

Commissioner Arvas: So the odds of that are slim to none?

Matt Wunder: Yes.

Commissioner Buffett: The efforts to locate the pack continued throughout November and what else moving forward will be done to find the pack?

Matt Wunder: We do weekly telemetry flights to locate all the wolves in the reintroduction area. They will still scan for the signals of those 2 wolves and if anybody reports those signals, those efforts will be followed up on, but at this point my understanding is that there will be no additional efforts over and above that to specifically continue the search for those 2 wolves.

Commissioner Buffett: Isn't there the possibility that a crime has been committed?

Matt Wunder: I know that at our most recent Adaptive Management Oversight Committee meeting conference call the U.S. Fish and Wildlife Service indicated that they are investigating the matter and that's all they would tell us.

Commissioner Buffett: U.S. Fish and Wildlife Service is investigating?

Matt Wunder: Yes, because this is a federal endangered species reintroduction program and they are ultimately responsible.

Commissioner Buffett: So will we be able to find out the results of their investigation?

Matt Wunder: I'm not well-versed in the law enforcement and investigative process but at the conference call discussions, U.S. Fish and Wildlife Service specifically limited their comments to the point that it is under investigation. I assume that if they are able to collect enough information and/or evidence to make a charge at that point then it would become public information. We have had fairly extensive discussions about the less than lethal program that U.S. Fish and Wildlife Service has implemented and there is recognition that the rubber buckshot and other rubber projectiles probably do have the potential to be more aversive in their conditioning with the wolves. My understanding is that initially the concerns about the possible lethal effects of these

projectiles, and they are based on experience with other wildlife and I understand that there are cases with humans where some of these less than lethal munitions have proven lethal. So the U.S. Fish and Wildlife Service at this point has taken a fairly firm stand that for at least a year they want to limit this program to the paintballs and see how that project works, assess it and as part of the research component in it. Whether or not we are able to provide additional pressure to the U.S. Fish and Wildlife Service to get them to modify their stance, I am not sure about that, but my understanding based on our meetings is that they are fairly firm on that determination. I think most of the people in the reintroduction program are hopeful that we will be able to move to an effective means of preventing habituation.

Commissioner Arvas: I don't know whether Director Thompson has had a chance to visit with you since our last meeting that I and Commissioner McClintic had with U.S. Fish and Wildlife Service, but there was concern on my part and I think other members of the Commission regarding the communication network that we have with U.S. Fish and Wildlife Service. When U.S. Fish and Wildlife Service does a news release, it would be nice if we were mentioned and I encourage you to visit with whomever writes their releases and our PIO Division in terms of trying to work out a joint release because the public perception is that U.S. Fish and Wildlife Service is doing everything and the Department isn't doing anything. That's unfortunate because it puts us in a difficult position, so in the future if you can visit with them and try and come up with a participating effort on our part whenever there is an article that goes into the media.

Matt Wunder: I will certainly follow up on that.

Director Thompson: We know this continues to be a challenging program with outcomes that many people are interested in. We're trying as much as possible to shift attention to provide options to people that live within the areas where wolves occur and make it so that there is ultimately greater tolerance and acceptance of wolves on the land.

Muriel de Gamahl: I'm here to represent our family and family ranch and I just want to remind you that although all sorts of well-meaning people are here creating recovery programs and reintroduction programs for wildlife in the state, every time that they do that it has an impact on a real family trying to do their best to ranch in New Mexico, which is by the way 1 of the last places in the U.S. where you can still ranch. So keep in mind especially with the wolf reintroduction program, it's not going all that well in so many ways and before it gets expanded we'd like to see that you have some way to react to these habituated wolves which I'd use another word, but if they're in my backyard and my grandchildren are out there or my calves are out there, I don't want to be handed a paintball. I'm surprised no one laughed but me when he said that but maybe I'm out of the loop. Paintballs aren't going to work in my backyard.

Oscar Simpson: R.J. Kirkpatrick had an eloquent presentation at the Commission meeting in Raton. He presented data/modeling about effects of wolves on elk/deer, and I want to know what his conclusions/recommendations are and if there are any changes in what R.J. had to say. Are there impacts, or is the Department changing its mind, are we still on the 1 consensus of what R.J., said, illustrated in that presentation?

Director Thompson: As I understood the question, has that work produced a change in the Department's thinking? I'd simply offer that there wasn't a specific thinking to start with other than that effort is intended to help people to better understand the interaction between wolf and elk populations and it's a work in progress. R.J. has focused on presenting that to a wide array of audiences and interests and that is still underway. It is primarily focused on helping people to ask questions and identify the prospective outcomes of elk and wolves with respect to those beliefs or thoughts and that's where things are at this point. I'm not sure that fully answers the question that was raised but that's the purpose of that effort and that's the status of that work. It's not a matter at this point of particular minds being changed unless it's the minds of those who had views that aren't consistent with what elk/wolf populations do.

Chairman Montoya: The Commission has asked that we continuously monitor that activity and how they inter-relate. We monitor the population of elk and we do that with every unit. We're looking at what impacts there are so this is baseline information that we'd like to be able to compare.

Director Thompson: We were recently asked to examine that modeling effort in further detail with some academic researchers and we're beginning that process as well. It remains an experimental endeavor and an exploration process.

Commissioner Arvas: Oscar, I also want to relate to you the fact that this is not just a single effort type approach on the part of the Department. We've asked for input from the Cattle Growers, outfitters/guides, and we want input from whomever we can get it because where I think the problem will be resolved is an understanding of all the players. We are monitoring the situation correctly, but we need your input and your organization is very helpful. Every bit of input is looked at and evaluated and I can assure you that the Commission as a whole is very much concerned about the issue.

Matt Wunder: I need to mention that the comment period for the wolf scoping processing ends on December 31. I had neglected to mention that.

Alisa Ogden: I'm the newly elected President of the New Mexico Cattle Growers Association and we appreciate the fact that the Commission is trying to address the concerns of our association in regard to the impact wolves have on ranchers in the recovery area, but you still have a long way to go. I have read the concept paper that Mr. Thompson has in regard to the wolf situation and I'm assuming you have received a copy of that concept and 1 of the things I do question is how a more trusted environment can be achieved. We have no evidence that this is occurring and the fact of no lethal loss. I'm also concerned about what kind

of financial and administrative incentives are being proposed would make residents accept and tolerate a wolf's presence. Is it something you have in mind or are you going to put up game fences around the ranches and say okay you leave your livestock in here and we'll throw the wolves in here and then we'll pay you for everyone that you get killed, so that's 1 of my concerns. Also, in any of the education materials that are going out are you disclosing the actual cost/benefits/risks to all including ranchers in the rural communities? You can have costs out there but do you have actual costs? How is the total space embracing the wolves to be achieved? I can't imagine that you're going to have something out there that would be good for all of them. Has the Department followed up on the issues that have been presented in your May meeting by the Ranch Improvement Task Force in New Mexico State University in regard to the research on the effectiveness of integrating wolf and livestock management? Also, when you were talking about feeding the wolves that have been taken in, it's my understanding that you're feeding them horsemeat so if they are accustomed to eating horses, doesn't that mean that's what they are going to try and eat? I have friends that ranch in that area and they said that if they have mares out there foaling, they have to have them foal at the corrals at their homes if they want to keep those foals. I also have friends in that area that just this year when they branded in 1 pasture, after they branded and brought in their cattle 20 calves were missing, well you know a wolf and a coyote eat everything. They don't leave any evidence so how are you going to compensate them for these animals that are being destroyed. We have great concern over this wolf reintroduction. We think this is the biggest mess that has happened to us. The wolves were eliminated from the area for a reason. These wolves are not afraid of anything. We still express our great concern in this area.

Director Thompson: I think that the most I can do right now is to say that with respect to the May 2007 meeting with the Range Improvement Task Force, yes there has been some follow up although probably not as much as Ms. Ogden and others might be looking for. We remain in communication with them. I'll stress what's very important is that for us to be successful in any regard we're going to need the participation of the operators because this isn't based on a view that we're going to somehow produce the way to do things. It's based on the idea that we will work effectively with operators to identify what their views or their approaches might be and which of those that we can make workable.

Commissioner McClintic: I can only speak for myself but as far as I'm concerned we will never have a successful wolf reintroduction program until all sides of this issue have reached some common ground.

Commissioner Arvas: We need input desperately to make the right decisions. I can tell you that your organization and most especially your executive director and other members of your group have been very helpful in terms of input. I can tell you as far as I'm concerned and hopefully the Commission will support this that since last April we had a meeting in Santa Fe there's been a very concerted effort on the part of this Commission and this Department in trying to at least solve some of the problems. If not solve, address the issues that you brought up today. There is a program that we're working on with USFW Service, Dr. Tuggle's program. In the interim we have another program hopefully that we'll be able to put into place that'll give temporary relief until his program can become effective. It's not as if we're sitting here not listening to you. We're just trying to make things happen but as you're probably aware things don't happen over night. In my case we live and breathe this thing every day so it's not as if we're not hearing you, it's just that at times we don't have the resources to do what you'd like for us to do. Remember we're a player and we're not the main player. If it hadn't been for the foresight of the Commission in terms of entering into an MOU with the USFW, we wouldn't even be a player. I can hear you and I feel for you and we're going to try and help you, but it isn't going to happen overnight and it's not going to happen without our joint efforts.

Discussion item only.

AGENDA ITEM NO. 11: General Public Comments (Comments Limited to 3 Minutes).

Public Comment:

Oscar Simpson: Earlier this week I sent Director Bruce Thompson, the Commission, and the Bureau of Land Management a sign-on letter addressed from a biodiversity group, sportsmen and conservation community, business, and individuals. This is in relation to data that was given to me and I looked at very hard before I got people to sign on, but basically Forest Guardians concerning wildlife exceptions both at Carlsbad/Farmington BLM Field Offices. What I would like for you to address is President's Executive Order No. 13443 and the BLM's response which was attached to that. It basically says that BLM needs to work with the state agencies, sportsmen, and non-profit organizations especially when it comes to hunting, fishing, and habitat. In the past you've had past guidelines but this is a perfect example of Forest Guardians reports that says that BLM, especially the Farmington Field Office is operating as usual, never consulting or asking the Department of Game and Fish's advice, drilling in special protection areas, especially to my knowledge in the San Juan Basin, there are a lot of problem areas. I'd like to see the Department create a system and really work on this executive order that we have some operation and MOU's between the BLM on oil and gas issues that they ask for your advice and they actually go out and ask the public. Based on our joint suit against the Carlsbad office we got some result when they were drilling in the prairie chicken areas. I want to see some concerted effort and honest discussion about where we're going to go, and that means funding and staff, and even if you have to re-allocate your habitat specialists that deal with minerals and oil and gas issues. I think this is high-priority area and the Department needs to pull it's head out of the sand and address these issues because sportsmen say enough is enough. Status quo is no longer good and we want to see some action and planning on a state level and cooperating with the BLM.

Commissioner Riley: Mr. Simpson, what we hope to do is attempt to pull together an organized effort on this. I know other states are struggling with the same problem and in some states and some areas, a lot of the oil/gas development impacts on fish and wildlife have snuck up on them and we're probably in the same boat. We're trying to get additional staff to beef up some of that process so that we can interface with the agency and I'd recommend that we try and put together a more defined process with the Department so that we can actually begin to be an active cooperater with BLM. I've talked to a couple of BLM offices in New Mexico and they've offered to try and provide office space in their specific offices for Department staff so that they can better interact with the energy industry and with BLM staff so that they can be a cooperater in the process. As we get additional staff on board or make changes in what we're doing now, I think that may be an option. There is even a possibility that BLM will be able to come up with half the salary for an individual perhaps in Farmington/Carlsbad at the 2 pilot offices in the state. That would probably help this process because it's very easy not to get on the phone every time something happens and call someone within the Department and that's the problem BLM has now. They don't call the Department at all unless there's something big coming up. Having someone in the offices with BLM to become part of their daily working schedule would be valuable to us. It's an alarming statistic that 90%-100% exceptions are requested from the lessees. Unfortunately, it's difficult to track down every one of them to see what was going on but if we had someone in the offices with BLM, it would be easier to deal with than trying to call someone every time there's a request.

Commissioner Buffett: I urge you all to read this report. I found it very alarming and eye opening as to what we're not being kept apprised of. I believe the Commission and the Department need to assert our right to review these exceptions. I fully agree that we need an FTE to get a grasp on the impacts of energy development on wildlife/habitat. I want to better understand why we're not being kept apprised of these exemptions. We get a bi-weekly report about what fish we're stocking in which lake but we're not being informed of possible major impacts on wildlife from energy development. It's important that the Department report to us during the next meeting via memo/report what it is our relationship allows us to do in terms of the process for reviewing these exemptions and why we have not been kept apprised or where we are falling down on that. It may be the case that some of these 1,000 exemptions were minor but we have to consider the cumulative impacts of those exemptions. In addition to a report to the Commission next February about our relationship with BLM and what process we're going to use moving forward, I'd also like the Department and Commission to convey to BLM that we need to be kept in the loop in these exemptions.

Commissioner Arvas: Oscar, I just want to reconfirm the fact that the Department has been aware and I asked the Director specifically that question of the problem in the past and presently. I can assure you that in very short order you're going to see a fairly systematic approach to trying to solve this problem. I'm not going to guarantee we're going to solve the problem with 1 letter/effort, but I can assure you the Department and Commission are going to address this right on the front burner. Rest assured that if you have any concerns, contact the Director and he'll let you know exactly where we're at in the process and from that point on hopefully we'll see some addressing of the problem and try and come up with a solution.

Representative Candy Ezell: Farmers and ranchers are the best conservationists that there are. I serve on the Natural Resources Committee and some of the concerns that have come up before the Committee are the elk population in the Sacramento Mountains, the wolf re-introduction program and the impacts that it is having as far as impacting peoples' lives that are trying to make a living off the land. We were recently at the Joint Stockmen's Convention in Albuquerque, and concerns were brought up 1 more time about the wolf problems we're having in the western side of the state. I also serve on the NM Finance Authority Committee and a couple of weeks ago I was at a meeting and there's evidently a big development west of Albuquerque to the tune of 6,500 acres, so my question to the gentleman that's doing the development because they were talking about how "green" the area was going to be and yes they were allowing for the green spaces through there and I said, so, we're not impacting the wildlife in that area. He said oh, no, we'll have rabbits and deer, and he went on to tell the Committee what was going to be there, so I said, so, you won't mind if we have some wolf re-introduction in that area either will you? They wanted no part of it. So, if we're having to deal with this in our backyard, why is it not going to be good for the rest of the state? Last weekend at the Joint Stockmen's Convention we were informed, Director Thompson, correct me if I'm wrong here, about the horse meat that's coming in from Mexico where the horses can be slaughtered, and that's what's being used to feed the wolves whenever they're being recaptured if they're being moved. I'm concerned about the impact to the deer population or lack of in the Gila area due to the wolves. What a lot of people don't seem to realize, 1 woman was at the Energy and Natural Resources Committee meeting during the session last year and she had a group of I believe 20 fourth graders and they all wanted to see these wolves and they wanted to be able to get on a natural trail in that particular area and take pictures of the wolves. Well are these people not smart enough to realize that there is a real threat? These wolves aren't going to stop and pose while their picture is being taken. That's what the people in that area have to deal with every day. They not only have to protect their way of life, they have to protect an honest way to be able to make a living. When their cattle herds are being impacted, and the amount of time I'm hearing if there is any compensation coming back to that particular rancher it's after the fact. There's an inherent right for these people to be able to make a living off the land. What I would like to challenge the Commission with and I have visited with Director Thompson about this repeatedly is you need to take into consideration the landowner because what may work in 1 area of the state will not work for the state as a whole. There are different issues that face each region and the

person that's out there everyday is the rancher. As you're aware, our Conservation Officers have their hands full trying to be in different places at once. We're fortunate enough to have a good staff in the Roswell area, but they literally cannot be every place at once. Take into consideration the landowner—the person that is out there on the ground day after day and listen to their comments. As far as Commissioner Buffett's statement about environmental impact studies that are done before drilling does take place and if you would like for me to get hold of the appropriate people to get paperwork sent to you, I'll be glad to do that because there are environmental impact studies done before drilling does happen.

AGENDA ITEM NO. 12: Current Status of Wild Turkey Populations in New Mexico.

Presented by Larry K. Kamees – The current status and future goals for the Wild Turkey Program in New Mexico was presented to the Commission. For each subspecies, details regarding current distribution, meta- and sub-population status, and proposed projects to include transplants was addressed. Wild turkeys are managed using the "*Long Range Plan for the Management of Wild Turkey in New Mexico, 2007-2011*" which has been updated.

Larry Kamees: I currently coordinate the Resident Small Game and Turkey Program for the Department. Most of you probably know that New Mexico has 3 of 5 subspecies of wild turkey in North America—Rio Grande, Merriam's, and Gould's Turkey. The main way to distinguish them is geographic distribution, but there are characteristics that distinguish each bird, but they are subspecies so they will overlap and that makes it difficult for some. Something to emphasize is the distribution between the 3 subspecies. The Rio Grande/Merriam's come together naturally in the northeast along the Canadian River. Hunters come to New Mexico looking to bag a Rio Grande and Merriam's in the same season and soon they'll be able to bag possibly 3. There is a grand slam in the turkey world so that's 3 birds in 1 trip. We do look at that when we transplant, where the birds are going to go and what's the potential of them moving up into another subspecies geographic range. They roost in people's yards and defecate on cars. They overrun a yard because we do get large flocks. They do feed in the fields. They take a little winter wheat but they're mainly in there for the insects and they rarely take any crop unless it was planted specifically for some sort of turkey food. A problem is that there has been some interbreeding with domestic/feral flocks and in partnering with the NWTF we'd like to address the interbreeding.

Commissioner Arvas: Are you going to recommend at the next big game setting any changes in tag numbers/dates?

Larry Kamees: Yes, there will be some. I want to look at areas specifically in reducing some of the bag limits and having additional hunts because the whole state cannot support a 2-bird bag limit and that's some of the input I've gotten from some of the area offices, and also implementing more hunts for other people in some areas that were overrun with birds.

Commissioner Riley: With respect to the Gould's, there appears to be a fair amount of reasonably good habitat and there are landowners that would be interested in having birds stocked on their properties, is that something the Department is considering or are you going to try and maintain a distance or do you believe that's not suitable habitat?

Larry Kamees: I was approached by Scott Lerich of the NWTF to go look at that land and I will do so, but I'm still researching whether there were Gould's in that mountain range or not. I think it would be fine to have Gould's in there and it is something I'm entertaining and I'd appreciate any comments.

Commissioner Riley: As soon as you do a survey I'd like to hear what you think.

Discussion item only.

AGENDA ITEM NO. 13: Presentation for Approval of the Final Draft – Quail Habitat Guidelines and the Long-Range Plan for the Management of Wild Turkey in New Mexico 2007-2011.

Presented by Larry K. Kamees – The Department sought approval from the Commission for 2 draft documents provisionally entitled "*Habitat Improvement Guidelines for Quail in New Mexico*" and "*Long-Range Plan for Management of Wild Turkey in New Mexico 2007-2011*". Currently, a strategic plan does not exist for quail although a comprehensive quail plan has been written for the western states and should be completed by the end of 2007. The Department thought an "on the ground" approach would be more useful to landowners and managers. As a result, the Department and members of a quail planning group comprised of landowners, federal and state agency representatives, and sportsmen groups collaborated on an effort to identify contents of a document that will be most useful for those making decisions regarding habitat restoration and enhancement projects. The Department presented to the Commission for approval an updated management plan for wild turkeys.

Commissioner Arvas: Can we go back to how all this started? I guess there was some confusion or difference of opinion when this proposal was made to do this study by the 2 groups involved.

Larry Kamees: What was hoped to be done at 1 point was we were approached by Quail Unlimited and they'd like to see a management plan for quail. We talked and met with them about it and honestly the majority believed that habitat guidelines would have been useful. I think they'd still like to see a management plan but this is a great start and there is a management plan being put together on the southwest or the western region. In an effort not to duplicate a lot of that I thought more specific guidelines for habitat projects and enhancement projects would be more useful, so I met with them and we put an outline

together as best we could and came to an agreement on what we'd like to see in the document, whether it be a management plan or habitat guide.

Commissioner Arvas: There were a couple of other things that I remember—how closely do you think that this strategic plan going to be related to the comprehensive plan that's going to come out at the end of the year or is there any correlation between the 2?

Larry Kamees: I'm not sure which?

Commissioner Arvas: It says here that currently a strategic plan for quail does not exist although a comprehensive plan has been written for the western states and should be completed by the end of 2007.

Larry Kamees: The comprehensive plan is about done. In the strategic plan there is no management plan I guess is the way that should have been worded. There is no correlation between the 2.

Commissioner Arvas: I thought the emphasis at that meeting that we were trying to get the Department to accept was the fact that we needed more of a cooperative effort with some of the other agencies like BLM.

Larry Kamees: Yes, and it was decided at the meeting that basically I would write the plan and work with the agencies and get their input. We put together an outline and came back with this and then I sent this to them several times for more comments and basically input on not just editorial comments but what they would want to see in this document. What's useful to the land managers when they develop their management plans—forest/BLM plans—whether they would need to be able to implement these kinds of recommendations into their plans.

Commissioner Arvas: This is what we've done in the past but it ends up in a similar result where we do all this effort and yet we don't have an end product that we're shooting for or goal, what do you intend to do from now on as far as this project?

Larry Kamees: Distribute this to all the land management agencies and then begin working with them on pilot/habitat projects trying to get some of this implemented on the ground projects. We do have a habitat specialist in our Division now that I've approached and he wants to implement this into some larger scale projects, so I want to start implementing these on the ground and see what we can do, and begin monitoring and see if it's actually what's going to help our quail.

Commissioner Arvas: So when do you predict we'll have this ready to go?

Larry Kamees: I think that's where we're asking for Commission approval since it was a direction by the Commission a year or so ago whether to adopt this as a guiding document for the Department's management of quail.

Commissioner Arvas: Did you want that today?

Larry Kamees: If possible.

Commissioner Riley: The presentation title is Quail Management Guidelines and I don't see the word guideline anywhere in the document itself, and to me it seems you're lacking clear guidelines. You talk about habitat management considerations but you don't clearly identify what can be done on the landscape in clearer words. Before I could give my stamp of approval on something like this, I'd want to have a document that somebody can pick up and says habitat management guidelines and you open it up and you find a clear statement of what the guidelines are. Instead of saying you got to have better grazing, you need to identify even if you have to take a shot in the dark, what kinds of things we know probably work and the group talks a little about grazing at 25%-35%. People may or may not know what that means and secondly, it's hard to manage for 20%-35%. The only things that work out there on the landscape are probably like deferred grazing or where you set up a system. Maybe if the land is in fairly good condition you recommend deferring grazing for 1 growing season out of 3 or something of this nature in the pastures you're trying to work with. Right now the way these are structured there is so much wiggle room that no one would know how to use these as guidelines to manage quail. If you present them to all the land management agencies or organizations that manage the land, I don't believe from these "guidelines" that they can walk away with some definitive things they can go out and do. I believe we need to come up with some very specific guidelines and if you make a very good case that the amount of grass, height of grass, visual structure of the grass, is all important to quail, you have to have some kind of recommendation in here as far as the guideline to manage for that and I don't think the strategies you've defined are clear enough for anyone to walk away and do that, whether it's BLM or anybody else. Even if we just said we need to encourage ranchers to incorporate more rest in their grazing system so that you can have each pasture have a year or 2 that provides that kind of grass cover we hope for. That's what this document is missing. They are not clear cut guidelines in my opinion. Secondly, you've probably seen what they've done with the Bobwhite Quail Management Plan or Northern Bobwhite Quail Conservation Strategy or whatever it is. Obviously they've gone into great detail about what they should do within each bird conservation region as far as habitat management goals. Do you hope to get into that level at some point and time with the next step?

Larry Kamees: Yes, I do. That's probably going to be the next step, like you say focusing down smaller scale. These were general guidelines hoping to get people to be able to do something. I know it's vague in some areas but it was hard to put so much information into this kind of document so we need to start focusing on species in each area. As you know, New Mexico is not the same in each area so you can't say you need this much brush in the southeast when you need less brush in the southwest so you've got to tailor it to each region. So, yes, there will be more focus.

Commissioner Riley: Again, when I read through this you have some of the information kind of hidden in dialog rather than put those bits of information that might be used as a guideline in long sentences and paragraphs. It would be much more effective if you put these out as specific guidelines of what a land manager could do on the land they work with specifically to do something like improving nesting cover and use the term vegetation height as a thing that might improve habitat. It isn't necessarily height, it's the visual obstruction that vegetation provides for the species and unfortunately people see the word height they go out and measure height and then they say well gee this is high enough but unfortunately if you only have 1 sprig of grass every 2 meters, you don't have the visual obstruction you need that 1 sprig of grass every 2 inches would provide, so I think the problem is that again the guidelines aren't clear enough to really lead somebody, especially somebody that doesn't really know what all this means. You've got to give them something, a rancher even—if a rancher wanted to work with this it would be relatively difficult in my opinion for them to be able to go out there and grab these guidelines and start doing something. Maybe some of the BLM folks would have trouble with it as well.

MOTION: **Commissioner Arvas** moved to approve the draft version of the quail habitat guidelines presented by the Department and have the Department return to the Commission in February, 2008, with specific guidelines related to what Commissioner Riley is requesting. **Commissioner Riley** seconded the motion.

Commissioner Arvas: One more comment is that if possible I'd like to have Larry get a little more input from BLM and the other agencies along with your guidelines because I think it's necessary that they participate in this. I'm looking forward to that and hopefully you'll have a project to present to us at that time also.

Oscar Simpson: I've attended a few of these meetings and looked at these drafts. I wasn't too pro-active in commenting. The primary purpose that the sportsmen are concerned about is the rubber has got to hit the road. The Department has been ignoring habitat and these resource management plans with these BLM referral service we want in concrete stuff that makes sure that quail and habitat are adequate to improve or expand the quail populations. Without habitat you aren't going to have any birds so I echo what Commissioner Riley is saying. We want the Department to specifically work with the federal land management agencies in making sure that in their resource management plans you have something concrete besides hot air to make something and give a high level of credence that the quail will have some place to live and propagate. We have 4 species of quail in New Mexico and weather conditions are also depending on if we don't graze it to death or whatever, we at least have habitat and we've got to make sure that we stand up and say these are our animals that we're managing and we want to make sure that there is adequate habitat and federal agencies do something instead of us letting them do whatever they want to. We want something explaining for the common man/layman/rancher/private landowner saying here's what you can do but the key thing is we want something concrete and we want the Department to stand up for habitat and manage quail.

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

Larry Kamees: We've updated everything in the Turkey Plan. We kept what was in the original plan as far as life history and I took all the long-range goals/issues and I updated them with more obtainable goals--made them simpler/smaller. Again, it's a guiding document. It will change and hopefully put us in the right direction. Both of these are guiding documents because you can't live by a document. Not everything works by a document but it will at least give you some guidance and that's what these are.

Commissioner Riley: What proportion of a healthy turkey population is made of mature gobblers?

Larry Kamees: It's about 1/3—roughly ¼ to 1/3 is what you want in a population that's sustainable at that point. It has been said that anytime after breeding season those mature gobblers are extraneous. Basically, we're using resources that the hens can use to raise their young for next year. The life span of a wild bird is about 3 years.

Commissioner Riley: Do you have any idea what proportion of those male adult gobblers we're taking?

Larry Kamees: No, because we don't require that in a harvest survey so it's hard to say.

Commissioner Riley: You could do that couldn't you without too much effort?

Larry Kamees: Yes.

Commissioner Riley: Do you think we're probably overharvesting? I guess we're harvesting a lot of them during the breeding season?

Larry Kamees: Yes we are. All the research I've read and talked to others about—spring hunts are not the ones that are going to be affecting your population, it's the fall hunts because typically those are either sex and you're taking the hens out and it would be difficult by researchers' standards on their projects to affect the population with a spring hunt. You'd have to hit it very hard and it'd have to be a very localized population.

Commissioner Riley: So you think most of the hens are being bred in the spring?

Larry Kamees: I believe so. The only concern I have is that we're taking a lot of mature gobblers and we're not leaving too many matures, so we're only having young jakes and young adults left over so we may be hitting it hard enough to affect the age structure but not the population, and that's 1 reason why we would back off on some of those areas that can't handle it unlike the Sacramento mountains who probably can handle a 2-bird bag limit.

MOTION: Commissioner Riley moved to adopt the document entitled "*Long Range Plan for the Management of Wild Turkey in New Mexico, 2007-2011*", as presented by the Department, subject to final formatting for publication. Commissioner Buffett seconded the motion.

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

AGENDA ITEM NO. 14: Review of Golden Algae Distribution and Affected Fisheries.

Presented by Shawn Denny – The Department provided an update on the status and effects of Golden Algae in the Lower Pecos River with respect to past, recent, and prospective future fish kills along the Pecos River. The topics included a brief biology and history of organisms, how they kill fish, fish kill impacts in New Mexico, what we're doing in the state, and ongoing research and management in Texas and Arizona.

Commissioner Buffett: Do blooms have a life span themselves, or once they've bloomed they're in the water shed?

Shawn Denny: Once we've seen this established in a water body it doesn't seem to go away. An actual bloom or toxic event typically in the spring and fall when temperatures are warm are fairly short lived. The water in McAllister has been toxic for about 2 ½ months. It varies in that there are varying levels of toxicity within that 2 ½ months due to environmental conditions, it could work itself out of the system. With a lot of water we start having a lot of flow and the water freshens up; has a lower salt content, it may work itself out but our experience is showing us that it is here to stay and they may be short events but they reoccur fairly often.

Commissioner Buffett: Are the treatments 1-time or do those have to re-occur too?

Shawn Denny: They have to re-occur. No treatments that I know of have worked to completely eliminate the organism. In Arizona they hired consultants that monitor their pond and apply those treatments when the golden algae starts to show up. I spoke with Arizona 3 weeks ago and the longest they've gone is from 1 year to the next with a treatment, the shortest they've gone is 3 weeks.

Commissioner Buffett: The treatments kill the fish just like the algae does?

Shawn Denny: They certainly can. In Texas where they're using the copper treatments or the ammonia treatments, they're doing that with fish in their ponds. The difference is that they're in a 1-acre pond where they know exactly how much water they have in a controlled treatment. It's different in the wild system.

Commissioner Buffett: You mention the potassium chloride that was hard to manage. Can you explain why?

Shawn Denny: The issue is that it's the same thing. It can be toxic to fish if over used and it doesn't do as much to eliminate the organism and it does detoxify the water. So, you reduce the toxins but if the organism is still there your toxins can evaporate quickly. **Discussion item only.**

AGENDA ITEM NO. 15: Closed Executive Session.

MOTION: Commissioner Arvas moved to enter into Closed Executive Session pursuant to Section 10-15-1, NMSA, 1978, of the Open Meetings Act in order to discuss litigation, personnel matters, and acquisition or disposal of real property or water rights.

Roll Call Vote:

Chairman Montoya – yes

Commissioner Arvas – yes

Commissioner Buffett – yes

Commissioner McClintic – yes

Commissioner Riley – yes

Commissioner Salmon – yes

Commissioner Sims - yes

Motion carried unanimously.

Chairman Montoya 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. 19: Request to Amend Easement by San Ignacio Joint Venture.

Presented by Matt Wunder – The Commission previously granted a limited access and utility easement to San Ignacio Joint Venture on a parcel in the Pecos area for which the joint venture seeks an increase in width and term. A portion of the easement roadway is presently used by a limited number of residents in areas under the terms of access agreements. The length of easement is requested to increase to approximately 2,500 feet from approximately 1,400 feet due to an error in platting by the Joint Venture's surveyor. Fees per the easement agreement will be payable upon installation and maintenance of utilities. As the easement limits use by the Joint Venture to not more than 45 single family lots, there will not be a significant increase in

impact to the limited wildlife resources in the area. The change that has been discussed and brought to the Department is for a widening of the easements and the current lease is a 35-year lease with 2, 5-year extensions. The request is to extend that for a term to be determined by the Commission with a recommendation being a 99-year lease, to be extended to 30 feet and the length of the road is 155 rods and there's also a provision for the inclusion of utility lines along the easements subject to a fee schedule developed by the Department.

Ray Vargas: I'm 1 of the holders and have an interest in the San Ignacio Joint Venture. If you will look at the handout it indicates that the Commission has previously authorized a 99-year term. That is a correct statement. What we're requesting is a 99-year extension of the 99-year that has previously been authorized. In addition to the 25 average foot of the width of the easement to 30 feet, the reason for the 30 feet is that we have vehicles/fire engines going up there for whatever the case might be, it's difficult for them to make a turn on an 18-foot easement so we would like to have 30 feet throughout. There has been an authorization of 99 years already plus what we're requesting is 99 years or perpetual lease. What we've included in your packets is: the first tab is for informational purposes only—it's located in San Miguel County, in the upper left-hand quadrant and the easement that we're talking about. The second tab relates to an easement that we have that this easement connects to that was granted to us by the Forest Service. It provides a 30-foot width in essence a perpetual as we read it the perpetual existence of the easement as long as we meet the terms that are in the granted easement the easement will continue. That's what we're requesting but in lieu of that, if you see fit to reduce that, we would request that you give us an extension to the 99 years previously granted to another 99 years.

MOTION: Commissioner Sims moved to direct the Department to prepare a substitute 30-foot wide easement between the Commission and San Ignacio Joint Venture in a form as attached to the Department's Briefing Memorandum, for a term not to exceed 99 years and using the same fee structure. Upon acceptance of the terms of the substitute easement by San Ignacio Joint Venture, the Chairman is authorized to execute the document and to terminate the presently existing recorded easement between the Commission and San Ignacio Joint Venture.

Director Thompson: I believe it's in the Commission's best interests to insure that there is specific mention that Commission fee structure will be applied and that the width of the easement is specifically mentioned.

Commissioner Arvas seconded the motion.

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

AGENDA ITEM NO. 16: Review and Approval of Game Commission Lands for Disposal.

Presented by Matt Wunder – The Department presented to the Commission an updated potential property disposal list, developments since last presentation in August 2006, and discussion for approval to seek disposal of specific parcels. Identified selection criteria and justification was presented in reference to each identified property. No wildlife species will be affected.

Commissioner Buffett: Are all of these properties surface rights only or do any of them include surface and mineral rights?

Matt Wunder: Some of the properties do include mineral rights and in those cases where there is a vested interest in mineral rights or other rights associated with the properties, they would be examined from a legal perspective to see whether or not those can be released and in cases where it is possible to retain either mineral or water rights that would be pursued as well.

Commissioner Buffett: Can you identify which ones specifically have mineral rights?

Matt Wunder: Some of the Marquez town lots do include rights and at this point we need a legal opinion on the possibility of retaining those rights related to those properties; the Navajo Project lands in San Juan do have mineral royalties associated with those properties and with that property the issue is that it's various blocks that we would seek to see about consolidating possibly to facilitate management of that; in the Clark Lake property which was originally purchased as fishing and recreational opportunity but because there's no longer any water in the lake it no longer meets that need and that would be a property where we would seek legal opinion to determine whether it's possible to retain the minerals and/or water associated with that property. I think those are the only ones we've looked at that may have surface or mineral water rights.

Commissioner Buffett: The Navajo property is 4,100 acres and you're determining it has no wildlife value anymore?

Matt Wunder: My understanding with that property is that because the parcels are so dispersed it is not fenced and so it is essentially impossible to manage those specific properties for wildlife values because they're interspersed amongst BLM properties and that's 1 of the difficulties associated with that dispersed property pattern.

Pat Block: There may be some opportunity for the properties that appraise at lower values to take them through a different process than the legislative approval. We'll likely try to get legislative approval on all but there may be a chance to work through the State Budget Division on a lower valued disposal so I might suggest that the motion be amended to include other appropriate means besides the legislative process.

MOTION: Commissioner Riley moved to direct the Department staff to execute necessary actions to obtain legislative approval or other appropriate approval to dispose of Game Commission properties identified as no longer meeting objectives for habitat restoration and management, wildlife populations, or wildlife-associated recreation.

Commissioner Arvas seconded the motion.

Oscar Simpson: I'm representing the New Mexico Wildlife Federation and the National Wildlife Federation. I would like to see the motion expanded because we might be able to do some land trades with other federal/state entities.

Chairman Montoya: Mr. Simpson, I believe if we get the approval to dispose of these properties that is always an option to sell/trade/transfer, all those are options so that's covered.

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

AGENDA ITEM NO. 17: Land Conservation Appropriation Update and Action as Needed.

Presented by Director Bruce Thompson – The Department presented an update of the status of projects proposed for funding under the Land Conservation Appropriation.

Director Thompson: I'm pleased to report that in the past the Game Commission has approved a number of projects using the special land conservation appropriation and that we have completed purchase agreements sufficient to commit all of that appropriation and we are now in the process of addressing the contingencies associated with those agreements and anticipate executing all of these projects to completion within the next few months and there are no actions for the Commission today.

MOTION: Commissioner Arvas moved to remove for consideration from the Chairman's Table Item No. 18 regarding appointment of Citizen Advisors to the Habitat Stamp Program. **Commissioner Riley** seconded the motion.

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

AGENDA ITEM NO. 18: State Game Commission Appointment of Citizen Advisors to the Habitat Stamp Program.

Presented by Dale Hall – Habitat improvement projects are designed each year for funding by the Habitat Stamp Program. Funds for these projects are accumulated from a fee assessed on sportsmen. These projects are reviewed and prioritized by 5 regional Citizen Advisory Committees. The committees, through the Department, present a recommended project list to the State Game Commission each summer. Appointed by the Commission per Section 17-2-1, NMSA, 1978, advisors serve 3-year staggered terms. The Department sought appointment of 21 advisors throughout the State, 4 for the Central Region, 3 for the Northeast, 6 for the Northwest, 4 for the Southeast, and 4 for the Southwest. Habitat work and the Habitat Stamp Program are applicable to the Department's FY 2008 through FY 2012 Strategic Plan to conserve, enhance, or positively affect an additional 500,000 acres of wildlife habitat statewide by 2012, apply the Habitat Stamp Program as a means of implementing habitat prescriptions articulated in the CWCS/NM and other Department management plans. Hunters/anglers/trappers active on USFS/BLM lands are mandated to purchase 1 Habitat Stamp per year. The Habitat Stamp Program is pro-active to improving the State's capacity to support wildlife for recreation and food. In 2008, approximately \$1.2M is available for distribution throughout the state to conduct habitat improvement work. Often local contractors are hired to conduct actual work, thus benefitting rural economies. A fundamental principle of the Habitat Stamp Program is to involve citizens with diverse interests early in the decision-making process. The strategy has been so successful that while fulfilling its mission, the program is enjoying extensive support.

MOTION: Commissioner Riley moved to accept the recommended list of 21 Citizen Advisors to Habitat Stamp Program and appoint them to a term that expires on December 31, 2010 as presented by Department staff. **Commissioner Sims** seconded the motion.

Commissioner Salmon: From the list of 42, 21 were selected?

Dale Hall: From those applicants we met with Commissioners and habitat specialists and we prepared this selection and recommendation of these 21.

Commissioner Buffett: Is it the case that in the southeast/southwest you weren't able to identify an environmental nominee?

Dale Hall: The terms of those do not expire until next year. On the terms with the Central Committee we'll have 2 sportsmen and 1 permittee expiring; on the Northeast Committee we'll have 3 sportsmen and 1 permittee expiring; on the Northwest Committee we'll have 1 sportsman and that's an unusual occurrence but that's because people moved from that area and therefore resigned for 1 reason or another so that's why we appointed so many this time. On the Southeast Committee next year we'll be asking you to appoint 2 sportsmen and 1 environmentalist and it will be the same with the Southwest Committee next year.

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

AGENDA ITEM NO. 20: General Public Comments (Comments Limited to 3 Minutes).

Chairman Montoya: Previously we discussed the appointment of an Oil and Gas Sub-committee to be named to look into some of the concerns that came up during the meeting, and correspondence that we've received. I will appoint Commissioner Buffett, Commissioner Riley, and Commissioner Sims as our committee of 3 to make recommendations hopefully at our meeting in February on what this Commission's next steps should be.

Commissioner Riley: Could we request the Director to coordinate this with staff?

Director Thompson: Absolutely.

Commissioner Buffett: May we have an e-mail or set a meeting before the holidays and 1 before the legislature, because otherwise once the legislature starts we won't get to this?

Chairman Montoya: Committee Buffett, would you chair the committee?

Commissioner Buffett: Yes.

AGENDA ITEM NO. 21: Adjourn.

MOTION: Commissioner Riley moved to adjourn. Commissioner Arvas seconded the motion.

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

Meeting adjourned at 4:22 p.m.

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

February 21, 2008
Date

s/Alfredo Montoya
Alfredo Montoya, Chairman
New Mexico State Game Commission
MyDocs\Minutes\Minutes 2007\Minutes 12-12-07 (Roswell)(Detailed)

February 21, 2008
Date