

MINUTES  
 NEW MEXICO STATE GAME COMMISSION  
 Best Western-Mesilla Valley Inn & Columbus Conference Center (Santa Maria Room)  
 901 Avenida de Mesilla  
 Las Cruces, NM 88005  
 March 28, 2007  
 9:00 a.m. – 5:00 p.m.

CONTENTS:

AGENDA ITEM NO. 1:	Meeting Called to Order .....	1
AGENDA ITEM NO. 2:	Roll Call .....	1
AGENDA ITEM NO. 3:	Introduction of Guests .....	2
AGENDA ITEM NO. 4:	Approval of Minutes (January 10, 2007-Ruidoso, NM) .....	2
AGENDA ITEM NO. 5:	Approval of Agenda .....	2
AGENDA ITEM NO. 6:	Fiscal Year 2007, 2 <sup>nd</sup> Quarter Depredation Report. ....	2
AGENDA ITEM NO. 7:	Presentation of Fiscal Year 2006 Financial Statements and Audit Report. ....	2
AGENDA ITEM NO. 8:	Commission Approval to Dispose of Fixed Assets .....	3
AGENDA ITEM NO. 9:	Mexican Wolf Public Comment/Discussion Forum. ....	3
AGENDA ITEM NO. 10:	Proposed Changes to Angling Regulation (19.31.4, NMAC), Removal of Closure from Selected Gila Trout Streams and Associated Season and Regulations for 2007-2008 License Year. ....	17
AGENDA ITEM NO. 11:	Update on the New Mexico Hunter Harvest Reporting Program .....	18
AGENDA ITEM NO. 12:	Amend a Portion of the Elk Rule, 19.31.14.15, Paragraph F, Section 6, NMAC, to Ensure Consistent Season Dates in GMU's 34 and 36 for 2007-2008 and 2008-2009 Hunting Seasons. ....	19
AGENDA ITEM NO. 13:	Hunting Regulation and Associated Rules Development for the 2007-2008 Upland Game Rule, 19.31.5, NMAC, and Waterfowl Rule, 19.31.6, NMAC. ....	20
AGENDA ITEM NO. 14:	Update on Rio Costilla Restoration Project. ....	20
AGENDA ITEM NO. 15:	General Public Comments (Comments Limited to 3 Minutes). ....	22
AGENDA ITEM NO. 16:	Closed Executive Session. ....	23
AGENDA ITEM NO. 17:	Land Conservation Appropriation Update and Action as Needed. ....	23
AGENDA ITEM NO. 18:	2007 Legislative Session Summary .....	23
AGENDA ITEM NO. 19:	Summary of the Open Gate Access Program. ....	23
AGENDA ITEM NO. 20:	Management of Lesser Prairie-Chicken Habitat on Lands Owned by the Commission .....	24
AGENDA ITEM NO. 21:	Development of Guidelines for Energy Development to Protect Fish and Wildlife. ....	<b>Error!</b>
	<b>Bookmark not defined.</b>	
AGENDA ITEM NO. 22:	Financial Liability – License Vendor .....	25
AGENDA ITEM NO. 23:	Designation of Authorized Representative of Commission in Mediation .....	25
AGENDA ITEM NO. 24:	Adjourn. ....	26

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: present

AGENDA ITEM NO. 3: Introduction of Guests.

Introductions were made by approximately 200 members of the audience. Among the guests were Francis E. (Edward) Wehrheim, Alan Lambert, and Hugh B. McKeen, Jr., Catron County Commissioners.

AGENDA ITEM NO. 4: Approval of Minutes (January 10, 2007-Ruidoso, NM)

MOTION: Commissioner Arvas moved to approve the Minutes of the January 10, 2007 Game Commission meeting in Ruidoso, NM, 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 March 28, 2007 State Game Commission Meeting. Commissioner Salmon seconded the motion.

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

NEW BUSINESS:

AGENDA ITEM NO. 6: Fiscal Year 2007, 2<sup>nd</sup> Quarter Depredation Report.

Presented by Joshua Rector – This agenda item reported the total number of depredation complaints filed with the Department in accordance with 19.30.2.11, NMAC, for the 2<sup>nd</sup> Quarter of Fiscal Year 2007. Information was provided about rate of resolution for complaints for which 1 year elapsed during this timeframe.

Commissioner Buffett: This is the Resolution Rate Chart for FY '07?

Joshua Rector: The chart you see in your packet is for the complaints received during the 2<sup>nd</sup> Quarter of FY '06. Those are complaints on which 1 full year has allowed to expire and those are the complaints that have been resolved.

MOTION: Commissioner Arvas moved to accept the Fiscal Year 2007 2<sup>nd</sup> Quarter Depredation Report as submitted by the Department. Commissioner Salmon seconded the motion.

Commissioner Riley With respect to the chart provided, it says FY '07 2<sup>nd</sup> Quarter and the chart says 2006.

Joshua Rector: The chart which you see is for the 2<sup>nd</sup> Quarter of FY '06 which is exactly 1 year and the reports you have following that chart are for the complaints that we've received during the 2<sup>nd</sup> Quarter of FY '07 and the resolution rates involved in resolving those.

Chairman Montoya: So this is ending December 31, 2006?

Joshua Rector: Yes.

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

AGENDA ITEM NO. 7: Presentation of Fiscal Year 2006 Financial Statements and Audit Report.

Presented by Carlos Valdez - The State Audit rule requires that agencies governed by a board or commission present the annual financial statements and audit report to their governing body in a public meeting. According to Section 2.2.2.10.K(3)(d) of the New Mexico Administrative Code, "Once the finalized version of the audit report is officially released to the agency by the state auditor (by an authorizing letter) and the required 10-day waiting period has passed, the audit report shall be presented to a quorum of the governing authority of the agency for approval at a public meeting." This agenda item fulfilled this requirement

MOTION: Commissioner Riley moved to approve the Department Audit Report for Fiscal Year 2006.

Commissioner Arvas seconded the motion.

Commissioner Arvas: For the benefit of the public go through the yearlong process the Department goes through to establish this type of record?

Carlos Valdez: Actually quite a bit of work goes into this. The Department accomplished this without the benefit of a lead financial auditor, but thanks to our Budget Director, Marcos Tapia, he was able to accomplish this and he kept track of the financial position of the Department. The Department is made up of 90% of generated revenues. We don't receive much support from the General Fund so it's a time-consuming process. To give you a cyclical view, on May 1 we put together an Operating Budget and the numbers that will begin the FY on July 1, and then in June and July we'll begin preparing a budget request for the following fiscal year. That budget request will go through scrutiny

between August and December. When we get ready for the legislative process, an Executive budget recommendation is introduced in a House bill, which gets incorporated into HB 2 and provides our Operating Budget. The Directorate defends that Executive budget before the legislature.

Patrick Block: You'll find 2 reports there and the best way to describe them is some of them are a snapshot. They tell you where you are at a moment in time and other reports are more middle and end that describe the fiscal year. At the beginning of the book is a section called Management Discussion and Allowances which is a layman's version, if you don't have time to read through the whole document.

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

#### AGENDA ITEM NO. 8: Commission Approval to Dispose of Fixed Assets.

Presented by Carlos Valdez – The Department requested State Game Commission approval to dispose of fixed assets that are worn out, obsolete, or have reached the end of their service life. State statute, NMSA, 1978, §13-6-1, Sale of Public Property, requires that an agency's governing body approve the disposal of personal property prior to disposing of the items. These items will either be auctioned or disposed of in accordance with state law at the annual Department of Public Safety Auction.

Commissioner Riley: On the second page, under Capital Equipment, the last item says it's a 1979-16 ft. bass boat but also says it's a truck?

Luke Shelby: It's a bass tracker boat.

Commissioner Sims: On page 4, we have a 2004, 4 x 4 Chevy, half-ton extended cab truck. Can you explain why a 2004 is being surplused?

Pat Block: If it's in reasonable condition, which would be a vehicle that would likely be held back temporarily and not sent to auction so it could be used for rookie training prior to subsequent surplus. That would be the only reason that we'd send a vehicle at 90,000.

MOTION: Commissioner Riley moved to approve the Department's request to dispose of the fixed assets covered in this agenda item with the understanding that the number of vehicles may be reduced for new hire purposes.

Commissioner Buffett seconded the motion.

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

#### AGENDA ITEM NO. 9: Mexican Wolf Public Comment/Discussion Forum.

Presented by Lisa Kirkpatrick – The Commission heard public perspective on specific topics related to the Blue Range Mexican Wolf Reintroduction Project. Emphasis was given to perspectives from people living in the Recovery Zone. Organizations and individuals were asked to designate a speaker to represent specific topics. Discussion item only.

Chairman Montoya: I'd like to welcome everyone that came specifically for the purpose of observing or as someone who wishes to provide comments. We as Commissioners are extremely interested in gaining a better understanding of what your perspectives are and this serves as an important step in our continuing efforts to insure that while the re-introduction of the Mexican gray wolf takes place, we're able to balance that with the sportsmen's and agricultural interests. Certainly we're concerned with public safety issues and adhere to our conservation values. I'd like to read a statement Governor Richardson has sent. "I am reaffirming my support for the effective recovery of Mexican wolves in the southwest, done in a responsible and sensitive way. Toward that end, I have directed the State Game Commission and the Department of Game and Fish to redouble their efforts to work with all interests to promote healthy wolf populations living in reasonable compatibility with our communities and land stewards in New Mexico. This will take understanding, creativity, tolerance, and mutual respect among all involved. We need your cooperation to find ways for indigenous wildlife species and our ranching communities to coexist. Please work together today to advance those principles and to consider productive next steps." I believe this statement reflects what the Commission is interested in doing. I'm hoping that as a result of today's input you will make our work more productive. There are over 100 Speakers Cards so we will allow 2 hours for comments. I apologize if we don't get to all speakers but we're interested in listening and getting feedback and input on the issues. If you're a spokesperson for someone else and your issue has been expressed, I ask that you don't take the time to repeat it until everything else has been covered. You will be on record and we appreciate receiving feedback understanding that human and safety concerns are of the utmost importance. We'd like to hear your concerns regarding the public agencies that are

partners in this effort and if we've been responsive. We'd like to hear from sportsmen regarding concerns with wildlife-associated recreation opportunities and how this impacts on that. We're allowing spokespersons up to 9 minutes and a lot of ground can be covered in that time. I'd also like that as a result of your comments, you have a recommendation that you'd like to share we'd appreciate hearing how we can address your concern. If along with your oral comments you have a document that you'd like to deposit with us, there's a bin to my right where you may leave your comments. They'll be made available to all of us for our review. We'll respond in a timely manner to your comments.

Todd Jones: I'm representing Dr. Benjamin Tuggle and I'm Deputy Regional Director with U.S. Fish and Wildlife Service. The purpose for being here is to listen and express to the Commission our commitment to continue to work aggressively to address the wide range of concerns that people have with the re-introduction program. There are a wide range of interests that people have and the diversity of the positions that are held on each side of the issue creates the opportunity to find common ground. Whether there's shared common ground or not, without question is the regard for safety and concern for our children and that without question the debate about the re-introduction program is of the highest priority. There needs to be clarity around the position of the Service that it is reasonable and with the publication of our Mexican Encounter Safety Tips card. It reads, "If in eminent danger, do what is necessary to protect yourself, your family, or the lives of others.", that in doing that you took an action against a wolf to secure your safety we're asking that you call the Fish and Wildlife Service. There's been a lack of clarity along the position of the Service that that is a pre-eminent concern and that's important to make clear to the Commission. Secondly, I'll say that Dr. Tuggle in working with congressional members on the hill I will leave with the Commission the tenants of a new interdiction policy that would be oriented to being pro-active to address the concerns that are raised from constituents that each of us share a public trust responsibility to address the concerns that we're going to hear. Lastly, we do have a good cooperating relationship with the partners that are involved in the re-introduction program and that with Dr. Tuggle as the Regional Director and I'm now the Deputy Regional Director, we're going to be responsive to the Commission and to the constituents of the Commission and we're looking for pro-active solutions to accomplish what Governor Richardson has laid out as the intention to look for compatibility in a manner that achieves the re-introduction effort in a reasonable and responsible manner.

Don De Lorenzo: I'm Director of Wildlife and Fisheries Programs for the Southwestern region of the U.S. Forest Service. The southwestern region encompasses almost 22M acres and within that is the Apache Sitgreaves and Gila National Forest which comprises a significant portion of the Blue Range Recovery area. This habitat nexus is 1 of the reasons why the U.S. Forest Service is a cooperator but it is not the only reason. We believe that we have an affirmative obligation under the Endangered Species Act and also under the National Forest Management Act to care for and sustain the biological diversity of this nation. I believe the national forest system lands have played a critical role in this restoration effort and will continue to do so and we do support this recovery effort. Having said that, we're very aware of the concerns expressed by the public related to livestock depredations, harassment or loss of pets and working animals and incidents where humans have felt that their safety or the safety of others was at issue. We need to recover the wolf in such a way as to insure that the affected stakeholders' interests and associated risks are minimized. The national forest system lands are also very important for permittees, and livestock producers. We do not believe that producers should be disproportionately bearing society's commitment to restore this species. We are very supportive of efforts to improve the efficacy of programs that would equitably compensate livestock producers and other stakeholders who have been affected.

Ed Wehrheim: I'm the Chairman of the Catron County Commission. I have requests which I will submit in writing. I have depredation reports that were done by our county depredation officer. We're asking that you review these requests and provide assistance. On February 16, 2006, Catron County Commissioners, after analyzing the affects of the re-introduction of the wolf was having and was going to have on the ranching industry declared that a state of economic and agricultural emergency did exist. Now, 1 year later these fears are a reality. The magnitude of the traumatic impact of wolves on Catron County is now evidence in multiple directions of change. Change No. 1, to date, ranchers in the recovery area have lost over 1,000 head of cattle either directly or indirectly due to the wolf. This represents a \$500,000 non-recoverable loss to our ranchers which translates to the destruction of our county's tax base and local economy. No. 2, impact on the Catron County's ranching future--ranchers in the recovery area forced out of business due to the wolf represents over 700,000 acres of private land that will be subdivided. You might be thinking what's the matter with change? What you may not understand is that Catron County ranchers have

prevailed under mighty obstacles. Their ranches may have been handed down through 3-4 generations. There's no price tag on family heritage where blood, sweat, and tears for generations have poured into the land they love. Previous generations protected their ranch with their lives so selling a ranch and losing their livelihoods is a deeply personal and a failure to the generations gone by. It's not about the money. Being forced to sell the land, ranchers are experiencing mental fatigue and outright despair at the loss of their livelihood. If 700,000 acres of private land are subdivided, how will the subdivisions help wolf, so the choices between having ranchers are an overwhelming influx of people. It's hard to understand since ranching is the most environmentally friendly industry. There is with most of the work done in our area being done on horseback in unison with natural wildlife. Change No. 3, impact on Catron County's deer and elk, Catron County is known for its trophy elk size; however, the introduction of the wolf, the game situation is much the same as the rancher's. Depredation is occurring now. When the cattle are gone, deer and elk will be depleted even more dramatically. This will translate into an economic hardship on our hunting and outfitting small businesses and a loss to the county's revenue and tax base. With the serious reduction of deer and elk populations, other predators such as bears and lions and coyotes will become desperate. This is happening now in other parts of our country where the prey base is too small to support the predators. Predators become desperate and we can expect an increase in predator-human encounters. Change No. 4, Families and children who have encountered wolf killings especially close to home have experienced trauma ranging from moderate to severe. Children who witnessed a wolf ripping their beloved family pet to shreds have then experienced chronic nightmares, bed wetting, and require constant parental watch. Adults witnessing the same or worse have experienced clinical depression, post traumatic stress disorder and hopelessness regarding safety. There can also be severe family social impacts. The county engaged a certified psychologist to assess the psychological affects on families and children who have encountered wolf killings. The most alarming news of the assessment is that witnessing vicious attacks can cause lasting psychological damage and even be permanent. The assessment findings were peer reviewed by Dr. Julie Martin who then completed the next step of the assessment interviewing affected families and children. With the impact of the re-introduction of the Mexican grey wolf being this dramatic at this stage of the program, what will it be like when the program is complete? Protecting species such as the Spotted owl which caused devastation in our county is 1 thing, but to re-introduce a vicious predator that will slaughter and deplete our beautiful elk and deer herds is quite another. We have always been under the impression that the game of this state belonged to the people not to the federal government. It's hard for me personally to understand how groups who claim to champion wildlife can protect a vicious species at the expense of wild and beautiful animals, the ruination of an environmentally friendly livelihood and the risk of traumatic impact to innocent victims. On February 7, 2007, at a meeting in the Catron County Courthouse with 200 people in attendance, numerous testimonies were given by county citizens of close wolf-human encounters. We recorded this meeting on DVD and in addition, interviews have been taken of a number of affected parties and a tape of these interviews has been sent to individual commissioners; therefore, I will not at this time cite any specific cases. In closing, Catron County is 1 of the last sections of our country that has not changed much in the last century. This is not due to environmental groups, the Endangered Species Act, the Forest Service, or the U.S. Fish and Wildlife Service, but rather to the generations of families that have lived and worked in Catron County. We are now losing that heritage and it will be gone forever. What a loss this is to our citizens, country, and the environmental groups. For the last year, the Catron County Commission has carefully documented mismanagement, neglect, and outright fabrications committed by the wolf recovery team and we can now authenticate our claims. We expect the wolf recovery team to do their job and we will give them every chance to do so; however, if they don't, we will because we as county commissioners have taken a sworn oath to protect the health and safety of our citizens. Our requests from the commissioners today are basically 2: that you habituate wolves that threaten children and families be removed from the program and that no problem wolf should be translocated into our area.

Alan Lambert: I want to remind you of a few things today and I want you to know that I think we took a toll of how many game/fish people are here today and there's something around 40. I just want to have you pay close attention to who pays your bill. I want you to listen to these sportsmen/outfitters/hunters today because they pay for all the blue shirts out here and this wolf program is a negative impact to every critter that's out in the forest, and as Ed said, we know what the human impact is now. I remind you that the next meeting you have, the more these wolves spread out you're going to need a bigger room.

Hugh McKeen: We have a picture display and several people have told us that it's too graphic but you have to know that we live with that every day.

Julia Martin, M.D.: I'm here representing Catron County. I'm a certified child psychiatrist which means a real medical doctor. The Commissioners requested I evaluate what was happening with families and children in the area in relation to the re-introduction of the wolf. I was at the meeting on February 7 and it gave me a real lead as to what I wanted to look at. The families that got up and spoke at that meeting were extremely upset and concerned about what was going on with their families and children and what the children were going through. What I did in my study was look at changes in the mental health of children who have been exposed intimately to wolves. The children were interviewed by me at local schools and in the children's homes and the parents were also interviewed and also completed questionnaires related to their children's reactions to the wolves. These questionnaires were designed by me after hearing reports of the families that were at the meeting on February 7. The timeframe we're looking at is actually from the re-introduction of the wolf in the Blue Range recovery area in 1998 through this year. Basic interviews were all done in person on a 1-to-1 basis or sometimes if there were several children I'd see them together. There was 1 young lady that I interviewed by phone because she was too far away to get to at this time. The interviews were conducted between the 7<sup>th</sup> and 17<sup>th</sup> of March and I personally interviewed 20 children in the area and at least 1 of the parents of each of the children. The results from the questionnaires that the parents turned in were extremely interesting and actually led to some of the conclusions that I have. One hundred percent of the children I interviewed expressed concerns about what might happen to themselves, their relatives, their friends, and their pets as a result of the wolf being in the neighborhood—92% of the children reportedly startle much more easily than prior to the introduction of the wolf, in other words, they're antsy and on edge all the time. Frequently the wolves were in the fenced yards that surrounded their homes or in the barns on their property which were areas where these children normally do daily chores—83% of the children consider themselves to be in danger and were concerned about the danger to the rest of their families—83% of the children frequently wake up in the middle of the night with vivid frightening nightmares since the wolf were re-introduced—83% of the parents questioned believe that exposure to the wolves has been very traumatic for their children—75% of the parents believe their children feel helpless to control events which may come about involving the wolves in close proximity to their homes. Interviewing specific details on the wolves and encounters with wolves, the wolves with the pets and farm animals in the neighborhood certainly was evident to me that I'd be pretty antsy if I had little children about letting them outside the door without going with them—75% of the parents report that their children have exhibited changes in behavior for the worse. Their children are more unsettled, they're less focused, and they don't seem to enjoy the games and things they used to enjoy prior to the wolf re-introduction. The parents report that their young children had become clingier since the wolves have been killing their dogs, cats, chickens, ducks, calves, horses—67% of the younger children now wake up at night and want to get in bed with their parents. These are children who normally stayed in their own beds all night before the re-introduction of the wolves, and 67% of these children have a great deal of trouble staying focused on the activities which they normally enjoyed and were able to stick with at age-appropriate levels prior to the re-introduction of the wolf. The changes in behaviors noted include approximately 75% of the major symptoms of post-traumatic stress disorder. The post-traumatic stress disorder does occur in children and it has the same deleterious affects in terms of socializing and figuring out who you are, who other people are, and growing up. Adjustments in family routines which have occurred secondary to the presence of the wolves include in the schools, the rural-area children way out on the farm and they have to walk perhaps up to a ¼-½ mile to catch the school bus in the morning and the same ¼-½ mile to get off the bus and come back to their house. Since the problems with the wolves, most of the parents now take their children to the bus in the morning, wait with the children until they get on the bus, and then mother starts watching the clock about noon and dashes out to beat the bus back with the children in the afternoon so she can accompany them home. At home, children are no longer allowed to play outside unsupervised and 1 of the big advantageous to being a rural child, is that you go out, play in the streams, build houses and forts in the woods and you just enjoy being out there. These children expressed to me, particularly the 10-14 year olds, how destructive it is for them not to be able to go play in the woods of the national forests which adjoin their homes. Now they must do all their chores in broad daylight which is easy in the summer but difficult in winter because the parents are afraid to have them outside alone at dawn or dusk and they're told to always stay in a group and never let 1 child wander off by themselves. To city people it may be a crazy thing to worry about but if you grew up in the country part of the heritage of growing up in the country was to be able to explore the environment around you and that's no

longer possible in areas where the wolf has been re-introduced. Mothers are reporting that, without any questioning from me, they're shy and ashamed of the fact that they spend a great deal of their time, if their children are out, going from window to window keeping track of the children so they get a lot less housework and house chores done. Risk and long-term consequences of post-traumatic stress disorder certainly include difficulty modulating your affecter mood, increased impulsive behavior, feeling ineffective feelings of shame and despair and that sounds maybe way out to people that weren't there and didn't see these children, but if you observed them and talked to them, they're really quite concerned about who they are and what they're able to do and what they should be able to do and very upset by this situation. They feel continually threatened and there seems to be an increased risk statistically of developing borderline personality disorder which is a lifelong disorder. Probably most people that have that disorder now are returning soldiers from WWI, Iraq, Vietnam, and Korea and they are constantly like these children have been described now—they're jumpy, clingy, they can't get out and do things on their own and it's a great disservice both to them and to society in general. In conclusion, this study strongly suggests that there may be significant, bigger implications to what I saw in terms of the child psychiatrist and the health of the children that have been involved and exposed to the wolf.

Ms. Cordell: I'm a native New Mexican and I've been teaching many years. I teach Third Grade and I have 10 students and I always have them learn the Preamble to the Constitution. The other day they asked me is this fair, the wolves? Most children in my class know everyone in the community. We know the kids who have had traumatic experiences, they haven't personally most of them, but they know everybody else and they're worried too. They're worried about going to/from the bus stop and they knew I was coming today and they were worried about their rights as Americans, as citizens because the wolves are so close to our community and to our children and they are frightened. They're frightened for their families, pets, for everyone because it's a small community, a small school.

Loren Cushman: I'm here in 3 different roles today, as a parent to 4 children, I'm Superintendent of the Reserve School District which is the most spread out school district in the state with 1 of the smallest populations, and as a preacher. I think this issue has to do with all 3 positions and I want to reverse that. I firmly believe God gave us animals for our pleasure and enjoyment and support of people, people to be valued over any animal. As a parent, we've been impacted. We live bordering the national forest and 1 of our cats was killed and eaten by a wolf and witnessed by our children. We've had at least 6 different wolves and more encounters than that on our property, only 1 of those is a collared wolf. I have concerns with personnel or issues along that line, we called the NM Department of Game and Fish and an individual was sent out to the property and the first comment was that these are not wolf tracks, this is not a wolf, even though we had Mr. Carey out and he confirmed what he thought to be wolf tracks, so my response on the phone to my wife with this individual on our property was "good". I told her to say that to this individual and the response was "what do you mean good?" I said if it's coyotes or dogs, I know how to deal with that problem with our stock, animals, and children. The Department's employee immediately changed his tune and they became wolf incidents. I think the implication there is obvious. I could spend time talking about the history. Teddy Roosevelt set up the public lands for our pleasure and use. Others have talked about that. We all know the history there. The economic impact of the ranches is important in the community. I believe this has an adverse affect not only in Catron County but the southwest in general. I'm mostly concerned for the safety of my own children first, but all the children in our school district are my children. By law I'm responsible for about 200 students 24/7, 365 days a year. We had an incident totally unrelated to the wolf earlier this year that reminded all of our staff even outside school that as school employees we're responsible for the safety and well-being of all children in our district whether in/out of school. As to incidents on my property, my wife stood 30 feet from a wolf staring at her in broad daylight. We know when the wolves are around because 1 of our dogs, a Labrador retriever, barks like crazy with coyotes or other dogs. When the wolves are around her tail is between her legs and she doesn't make a sound. The dog went quiet 1 of the days that my wife was out in the yard and turned around to see what the dog was looking at and 30 feet from her was a wolf standing staring at her, not afraid, didn't move for quite some time and just brazenly stared at her. I got to thinking about this issue and we live 1 mile from the bus stop, but my kids are fortunate enough because 2 of my kids are home schooled and 2 are in the public school and those 2 walk about 1 mile to/from the bus stop when I'm not there to give them a ride. They're fortunate to have a ride to school but many of our kids are not that fortunate and we're 1 of the closer families to the bus stops so these children are in danger I believe in walking to/from the bus stop, especially our younger children. It occurred to me just driving down the highway to the school district 1 morning that spotting and waving to all the kids out at the bus stops how many of our children wait by

themselves because their parents have to be at work before the kids get to school. I'm also concerned about the mental health of our children. I'm not a big advocate of a lot of homework and kids need a lot of playtime. Our teachers support that our kids need the time after school to unwind and get away from the school day. They need to be kids and our children aren't able to experience that now. We keep hearing about physical activity—kids sitting in front of video games. In Reserve many of our kids are already outdoorsmen and they're not able to experience that life to the degree that they did 10-20 years ago. That impacts their school work. We're 1 of the highest performing school districts in the state and we have seen a slip in the last few years. We can go back and look at the data at our test scores. I believe it has a lot to do with extra curricular activities and part of that can't be measured with the impact of the wolf. I wonder how long we'll remain as 1 of the top school districts. Rather than being teachers of academics, they're mental health counselors. Contrary to what 1 of the presidential candidates believes about it taking a village to raise a child, we in Catron County believe it takes families to raise children and that the schools, government agencies are there to support families in their effort to raise their own children and to give them the quality of life they deserve. We need to address the safety issues. One impacted child is too many and right now we're looking at 200 children in our district that are adversely affected by this issue.

Craig Miller: I'm the southwest representative for Defenders of Wildlife in Tucson. I've been with Defenders since 1992. I helped get the compensation program established in the southwest to accompany the Mexican wolf recovery. I can tell you much of the funding for the trust has been raised in New Mexico and Arizona. It comes from citizens who support wolf recovery and a balanced approach at re-establishing populations of wolves, people who are sensitive to the economic impacts of individual ranchers. The spirit of that program is to shift the economic responsibility of wolf recovery away from individual ranchers and towards literally hundreds of thousands of people who support the idea of wolf restoration. To date, since 1998 when wolves were released, we've paid out a little over \$78,000 in verified livestock losses. That includes both confirmed and probable losses. Over the span of the wolf program, that's about 15.5 confirmed livestock incidents per year. I'll not go into too much detail on compensation program, but I'll answer questions. I'll provide information on the payouts after the meeting and a snapshot on how it operates. If a producer suspects that he's lost livestock, it's not his responsibility to perform the necropsy. He calls Wildlife Services so that a depredation specialist can get to the field, perform a field necropsy for a crime scene investigation. He determines the cause of death, fills out a report, provides that to the livestock owner and it's up to the livestock owner to decide whether or not he/she would like to submit that information to us for compensation. In the beginning of the program, we agreed to pay full-market value for all confirmed losses based on feedback from producers. We set up different categories including confirmed losses, probable losses, and possible losses. Those determinations are made by Wildlife Services' specialists. We pay 100% market value for confirmed losses, 50% market value for probable losses, and normally we don't pay for possible losses although in instances where they've been in conjunction with other probable losses or involving a wolf group that had other confirmed instances, we've paid on those possibles as well. In terms of flexibility of the program, I honestly don't know how you perceive the program. I know how it's been characterized through the media and I can tell you there's a lot of misinformation about it. I'm in a pickle in administering this program in that we attempt to respect the anonymity of those who receive compensation even though some claim we use this as a media stunt. I really don't actively seek media on payments that we made for compensation because I try to build cooperation—the goal of the program is to build tolerance, trust, and relationships with people on the ground and with occupied areas. So, we don't intentionally exploit people who are involved in compensation, but we've made some modifications based on input from ranchers and 1 of those is the probable category. Another 1 is that we recently formed a Livestock Advisory Council which is made up of livestock producers from wolf-occupied areas around the U.S., and they have oversight over how the trust is managed. They've recently issued some guidelines. One of those guidelines is that payments must be made or reports must be filed within 180 days or 6 months of an incident which has created some problems because I recently received a packet of depredation forms that were 10 months old. I have to figure out how to deal with those. Compensation in and of itself is not a silver bullet. It's not the answer to this program. It can certainly help alleviate pressure on individual ranchers but from my perspective it's not resulting in the level of tolerance that we were hopeful that such a compensation program would develop, and it's not minimizing or voiding conflicts which I think we can do something about. I think it's a blatant problem with the current Mexican wolf program. Compensation is a form of mitigation but there's not much emphasis placed on prevention or avoidance, so to address that we established another trust called the Pro-Active Carnivore Conservation Fund. It's intended to support ideas that

come from people on the ground—ranchers, hunters, sportsmen, agency folks, and conservationists. If they have an idea about how to potentially avoid or minimize conflicts between wolves and livestock, we'll cost-share on the project. Usually it's 50% of the materials or labor. Normally, if someone can't provide 50% of the funding for the equipment, we'll pay for all the equipment in exchange for their agreement to contribute the labor or vehicles to help make a program successful. Some examples that we have going in New Mexico and Arizona include hiring extra riders during calving season to help a livestock owner more closely monitor his livestock during calving season and hopefully also to work closely with the interagency field team to communicate wolf locations in relation to livestock locations to be able to intervene non-injurious through things like pyro-techniques, rubber buckshot, or moving livestock away from occupied den sites. We've used the Trust to purchase several tons of hay to help move livestock away from active den sites, in 1 case, to bring livestock on to private land where they could more easily be monitored and kept out of harm's way. We've used the Trust in New Mexico on a couple of different fencing projects--to help fence off private property and to construct a kennel to help protect pounds from interactions with wolves. All of these ideas have come from people on the ground. I don't have all the answers but we do have some resources available to help try things that might relieve some pressure. On that note, I can't manage this as effectively as it needs to be managed from Tucson, so I'm announcing today a job description opening and we're calling the position a Wolf Conflict Specialist. This will be for a person on the ground to oversee both livestock compensation so that we can improve our response time and hopefully develop the types of relationships needed to make the compensation program more effective and also to oversee the pro-active program--to drive around and walk around in a pasture and figure out with the landowner things that might work in probable incident areas or scenarios and also help provide information on different resources that may be available. If someone doesn't work with Defenders of Wildlife because of our name or policy on the Endangered Species Act, there are other pockets of funds available that can help put these types of pro-active programs on the ground. We have the knowledge and expertise to help make that happen. From my perspective, the ideal candidate would be the son/daughter or someone who lives in the Gila or Apache, someone who knows the country, someone who doesn't mind hard work, but at the same time someone who is open minded enough and willing to work with us and try something different. I wanted to talk more about compensation but to be honest, I'm re-coiling from the presentations on the impacts on kids because more important to me than my job with Defenders or overseeing compensation pro-activeness is my role as a father. I'll leave 3 things—statistics on payments and I can provide more detailed information, the position announcement, and brochures on the Pro-active carnivore Conservation Fund in case any of you have ideas about projects that might be successful.

Kevin Bixby: I'm the Executive Director of the Southwestern Environmental Center in Las Cruces. We have about 1,500 members most from Las Cruces and they enjoy outdoor recreation in the Gila National Forest. We are a supporter of the Wolf Recovery Program.

Karen Wilbank: I'm a rancher, business owner, and a mother. I live in the heart of wolf country and I'm here in favor the Mexican Wolf Recovery Program. My husband and I have owned a guest ranch for 15 years, 14 miles from Alpine, Arizona, and 7 miles from the New Mexico border right in the middle of the wolf introduction area. My husband's family has been cattle ranching on that mountain for over 60 years at Beaver Creek. We are responsible for a 100 head of cattle from July to November. Since the wolves were released in 1998, we have lost 1 newborn calf to wolf kills. Our chickens are always enclosed, we keep our dogs in at night, and we keep a much closer eye on our cattle and horse herds. None of these efforts to protect our animals were done originally because of the wolf. They were already done for the coyote, bear, and mountain lion. I have lived with predators all these years and the wolf has posed no threats that the other predators didn't already. Even though it's more work, and depredations do occur, we feel that the wolf is very beneficial to our business and our environment. At the ranch, we present the wolves in a positive manner. As a business owner, I know the wolf has helped our guest ranch. Our guests have never had a negative experience and are not afraid of wolves because we help them to understand that the knowledge and respect of the wilderness is what it takes to not be afraid of the wolf. I think the wolf needs to be better advertised, possibly internationally and that would be a huge, beneficial tourist impact for all of us.

Bob Atwood: I'm President of the New Mexico Council of Outfitters/Guides. In 1995 wolves were re-introduced at the Northern Rocky Mountain Wolf Recovery Area which consists of Idaho, Montana, and Wyoming. The goal was to reach a population of 300 wolves. To date, there are 1,300 wolves and no way to control the population increase. I've spoken with several outfitters in the northern Rocky Mountain area, and they've all said the same thing, their

businesses are suffering badly due to the decline in elk numbers from wolf predation. The outfitting industry in New Mexico is vital to many New Mexicans as well as the state's economy and we do not want to find ourselves in the same predicament as Montana, Wyoming, or Idaho. What the council is asking for can be done and that's to put together and implement a clear, concise, and effective wolf management plan that will prevent the depletion of our elk and deer herds and allow the outfitting industry to remain a viable part of New Mexico's economy.

Oscar Simpson: I represent the New Mexico Wildlife Federation. We represent about 6,000 sportsmen across New Mexico, some are pro and some are con on wolf re-introduction, but mainly we have supported the re-introduction making sure that predators are a viable and economic wildlife resource for New Mexico but they also play a viable role in the biology of the ecosystem. You take out that predator-prey relationship and you begin to destroy the ecosystem that existed before. So, since we've supported the re-introduction, and there are numerous people being affected, we think the minds need to come together and figure out how you live with wolves, other endangered species and other predators. There are a lot of options there. There are some good options in other states and so we support the re-introduction of the wolf and we want to work with the community and figure out viable solutions to some problems. Education and understanding are the main things that eliminate a lot of confusion and we're willing to work with the Commission and the local community in developing those scenarios and having a win-win scenario.

Michael Robinson: I'm a conservation advocate with the Center for Biological Diversity which is a non-profit conservation organization with over 35,000 members. We were founded in rural southwestern New Mexico and we're now an international organization. We support wolf recovery. We believe this program is being seriously mismanaged by all the agencies involved—U.S. Fish and Wildlife Service, and NM Department of Game and Fish we believe they have been too acquiescent to the removal of wolves. The Forest Service, despite what we heard earlier is proposing to increase grazing in a number of allotments where conflicts have occurred or are close to where conflicts have occurred. We don't believe that is consistent with recovery of the species. Regarding a wolf that was killed on February 20, 2007, this is about 1 of the 3 incidents in which this animal killed livestock. The written criteria for penalizing a wolf is that they've killed 3 or more lawfully present livestock. A calf was killed on inactive allotment. Unfortunately, the U.S. Fish and Wildlife Service, with the acquiescence of the NM Department of Game and Fish, considered a calf that was on an inactive allotment to actually be a lawfully present calf. I don't believe that is actually following the rules that are supposed to be governing the program. The next sheet I provided, an e-mail from Colleen Buchanan, formerly a biologist with the U.S. Fish and Wildlife Service, dated April 6, 2004. This pertains to Wolf No. 574, who was the alpha male of the Saddle Pack. It was shot by the government in July, 2004, a punitive shooting I might point out because this was 3 months after his last depredation and in the meantime he had been spotted feeding on an elk. In other words he may never have turned to livestock again or maybe he would have. There's no way whatsoever to know. The biologist of U.S. Fish and Wildlife Service who wrote this e-mail memo wrote, "in the case of 574, he is of significant value to the recovery program as a whole and is the most genetically valuable wolf in the wild, but more significantly, he is ranked number 6 genetically overall in the Mexican wolf recovery program, which includes the wild and captive wolves throughout the United States and Mexico. In hindsight, it is questionable that he was ever released to the wild because he is so high ranking, i.e., he is not considered surplus or genetically redundant. Because of this, all attempts should be made to capture him alive." I want to explain that the Mexican wolf was reduced to 7 founding animals because of a previous U.S. Fish and Wildlife Service extermination program. So, the genetic imbalance was already narrowed considerably and he was shot 3 months later by the government despite that he was irreplaceable genetically. These conflicts are avoidable but conflicts in some cases have been precipitated by very poor husbandry practices and it's very distressing that the NM Department of Game and Fish along with the other agencies have now come up with a template for the future that pledges not to address through any kind of regulation requirements the random disposal of dead livestock on public lands, I will point out that such practices that are forbidden in the federal rule, that are successfully brought 1,300 to the wild in the Northern Rocky Mountains, why don't we have such a rule here today? That's 1 example of mismanagement and frankly biased towards a small segment of the public that has been vociferously opposed to wolves. I think the public needs to be served better by the Department you supervise and advocating strongly with the federal agency.

Howard Hutchinson: I'm the Executive Director with the Coalition of Arizona/New Mexico Counties. These are 16 primarily rural, agricultural based counties in Arizona and New Mexico. The majority of our membership is actually in the wolf recovery area. We've been engaged in the wolf program since 1994. You say, well, they weren't introduced

until the late 1990's. The discussions on the introduction of the wolf have been going on for quite some time and we engaged pro-actively in that conversation early on. The proposals that have been brought forward by Catron County and other counties that have been plagued by wolf problems are not new. We brought those proposals forward, advanced them, did analysis on them, and they were firmly rejected by the Fish and Wildlife Service. Humans have lived with predators from the beginning and the Coalition statement on the issue has not changed from day 1. The wolf is not the problem. It is the agencies managing the wolves. The Coalition has member counties that are directly and cumulatively impacted by the wolf introduction. There was earlier mention of \$78,000 that have been paid out and that is dwarfed by the fact that in Catron County alone, 8 out of 20 ranchers who have experienced losses, have experienced losses greater than \$500,000. So, the \$78,000 is a pittance to what is really going on in the economic impacts. The original NEPA document failed to recognize or analyze these impacts even though we brought these concerns forward and provided the information for the Fish and Wildlife Service in the original analysis. At the February Board of Directors meeting, the Coalition by majority vote agreed to support the efforts of Catron County to address their management concerns and that is the position I'm bringing to you today.

David Parsons: I'm representing 2 organizations—the Rewilding Institute and I'm a wildlife biologist with New Mexico Wilderness Alliance. Thank you for the opportunity to provide information that's relevant to the Commission's and the Department's responsibility for recovery of the state and federally listed endangered species of the Mexican wolf. The Rewilding Institute is a science based conservation organization that promotes the conservation of planning and implementation that scales that conserve biological diversity, ecological health, and natural processes. The New Mexico Wilderness Alliance is a membership organization in New Mexico with over 5,000 members that support the preservation of wildness-quality lands for the ecological, aesthetic, and sociological values to New Mexico residents. Many of those residents pursue recreation in those wilderness areas and other wild lands. The Commission and the Department have a legal responsibility for accomplishing the conservation of the Mexican wolf under the Endangered Species Act and related state statutes. Additionally, the NM Department of Game and Fish is a signatory agency and a full-cooperating partner in the Memorandum of Understanding that established the Mexican wolf adaptive Management Oversight Committee. This Memorandum charges the Oversight Committee to use a science-based adaptive management process to achieve recovery and eventual de-listing of the Mexican wolf. I won't go into the ecological value of wolves very deeply, but there have been peer-reviewed scientific research studies and documents that support the important role of top carnivores in maintaining healthy prey populations and health biologically diverse ecosystems. This notice was originally grasped by Aldo Leopold probably as long as 75 years ago following his forestry assignments in the Blue Range Wolf Recovery Area. The Mexican wolf re-introduction began in 1998 under the provisions of the Endangered Species Act that authorized the release of experimental populations. Contrary to popular understanding, this section of the Act, Section 10-J, to be precise, requires that such releases lead to the conservation of the species which is defined specifically in the Act as making progress toward recovering eventual de-listing of the species from the endangered species list. Once de-listed, the management of that species then returns to the state where it resides, so back to the Department of Game and Fish for management. A modest interim goal in the re-establishment of at least 100 wolves was set forth in the 1982 Recovery Plan for the Mexican wolf. The recovery team that wrote the plan was led by a NM Department of Game and Fish biologist, Ms. Norma Ames. This goal was reiterated in the Final Environmental Impact Statement and other related project documents and also in the final federal rule for establishing experimental population in the Blue Range Recovery Area. The Environmental Impact Statement had an objective of obtaining at least 100 wolves in that area 9 years following the initial release, in other words, from 1998 to the end of 2006. We also predicted in the Environmental Impact Statement that it would take the release of about 66 wolves from 1998 through 2002 as the seed population and to grow the wild population. At the end of 2006, the prediction was that we would have 100 wolves and about 18 breeding pairs in the Blue Range Recovery Area which is 7,000 square miles including the entire Gila and Apache National Forest. Factual monitoring results as of the end of 2006 documented a wild population of 59 wolves with only 6 breeding pairs despite the release of nearly 100 wolves now continuously from 1998 through 2006 with the exception of 2005 when the wolves were released. So far this year, agency control actions have killed 2 wolves, 1 of which is the alpha male of 1 of those breeding pairs, so now we're down to 57 wolves and 5 breeding pairs in the population. Of particular note is that the official population count at the end of 2003 was 55 wolves and 4 breeding pairs. The population declined in both 2004 and 2005 and is only now returning to the 2003 levels or slightly above those. The standard operating procedure for number 13, which I think most have

heard about, addresses both human conflicts and it contains specific procedures for removing wolves preying on livestock, i.e., the 3 strikes rule for once a wolf has killed 3 livestock it gets pulled out, but this procedure has no safeguards for insuring population growth toward the recovery objectives and no requirements for addressing conflicts through pro-active livestock management practices. One recommendation that I have for the Commission and the Department is to re-visit Standard Operating Procedure Number 13 to make sure that there are thresholds in there that change the reaction to these conflicts such that we're maintaining an upward slope on the progress for recovery. Additionally, the path to recovery of the Mexican wolf has been blocked by the U.S. Fish and Wildlife Service by their suppression of the formal recovery planning process now for something on the order of 2 years. The Commission and the Department could expedite recovery and return management authority to the state by encouraging the U.S. Fish and Wildlife Service to reactivate the Mexican Wolf Recovery Team and the recovery planning process that is required by the Endangered Species Act. The challenge to achieving sustainable wolf populations in the southwest rests with the cooperating agencies applying sound science through formal adaptive management process to derive innovated solutions to the seemingly intractable clash of values over the use of New Mexico's public lands as has been demonstrated fairly clearly here today. The New Mexico Department of Game and Fish is in a unique position to advocate for scientifically sound and simple solutions through its professional staff who serve on the Mexican Wolf Adaptive Management Committee.

S.D. Schemnitz: I'm with the Southwest Consolidated Sportsmen and our main focus and purpose is to enhance wildlife habitat and provide an information clearinghouse for our members. We're also supportive of state and federal wildlife programs. What about wolves v. elk and deer? Information I received from the NM Department of Game and Fish recently with regard to the elk herd in the Gila suggested a very healthy population with 40-50 calves per 100 cows and 35-40 bulls per 100 cows. This was based on aerial surveys. Sportsmen in general want to have available increased elk populations. In order to accommodate that, the Department has reduced cow licenses in some areas as much as half, slight reductions in other units, and leaving the elk permit situation stable. Likewise, the deer population in the Gila seems to be improving, with 35-66 fawns per 100 does and a buck/doe ratio of 25-45 bucks per 100 does. This suggests a health recoupment in both elk and deer. As mentioned earlier, less crop damage complaints from elk. The food studies of elk in the Gila and elsewhere in the southwest suggests that 88% of their diet is elk. We've been very supportive of the wolf program from its inception and are very favorably supportive of restoration of endangered species, including the Aplomado falcon, spotted owl, flatfooted ferrets, Gila trout, bald eagles, and Peregrine falcons. We believe that wolf predation is a minor factor and other important limiting factors on elk populations as well as deer include drought, fire, and decline in timber harvest. We like the idea of compensation for livestock losses supported by the Defenders of Wildlife, and as to wolves that become habituated to people and kids, we would encourage non-lethal control efforts such as the mentioned rubber bullets. In conclusion, we'd like to see the wolves managed scientifically rather than by sentiment, emotion, and politics.

Nancy Kaminski: I'm the Conservation Chair for the Southwest Chapter of the Audubon Society in Grant County. Recently Grant and Catron Counties passed a resolution to provide more support for the depredations and although I thank the Defenders for providing the depredation funding that they have, it may fall short of what the ranchers actually need. So far they're paying full-market value for a cow that may have several calf-producing years left. You can understand the shortfall there. What I really wanted to speak about today are the human safety concerns. I was born and raised in Wisconsin where I shared my 33 acres with the Morrison Creek Wolf Pack. They were often close to my home. Wolves use trails and roads, they rarely bushwhack. The wolves always ran. I did have some occasions where they lingered, they seemed curious about me, and then they left. Never did I have a bad encounter with a wild wolf anywhere. In an effort to meet some of the informational needs in New Mexico, I've taught the Wolf Trunk since 2004. New Mexico Department of Game and Fish Project Wild helped us fill this trunk to meet the current science standards kindergarten through high school. I've taught 100's of students every year since 2004. I've yet to run into a child who naturally had a fear of wolves. I had 1 fifth grader who hated them, but other than that I teach the children the reality of wolves. I don't teach them that they're sweet little fluff balls. I teach the children that they need to respect predators and how to react when they encounter them. I want my children and everyone else's to be safe out there. I also teach them how and what the wolves eat. I don't make anybody the good guy or the bad guy in this obvious disagreement. I try to make them understand that there are a few wolves out there without a clear picture of which ungulate they should eat. Currently there are only 6 wolves involved in the last 5 depredations in recent history, maybe 1 year, 6 months which means that 51 wolves out of the 57 wolves left have

never touched a cow or any other domestic ungulate. The psychological concerns such as fears and anxieties that are out there now any therapist would probably not dwell on whether it was nature or nurture although most agree that core beliefs come from our parents, teachers, peers, and society around us. We would be greatly concerned with the what if thinking that anticipates the worst and leads to assumption of self-destructive patterns and anxieties. Therapists are concerned with the maintaining causes of this avoidance of the phobic situation and anxious self-talk and conditioning. Since there are 7 different levels of contributing causes for anxiety the cure is long and costly. The Game Commission actually has the power to address 1 of those and that is behavior. Fears persist because of single behavior avoidance. You cannot remove all of these wolves and expect the fear and the anxieties that persist here to disappear also. The treatment is actually real life desensitization and it's a single, most effective available treatment which is, of course, education and that's not just chatting amongst ourselves about what might be happening out there, but real wolf education. I and several other educators have offered wolf education opportunities to all residents in any wolf country. I've been teaching Grant County for many years and no one in Catron County has ever taken my offer. Productive next step would be wolf education in the recovery area and we're still willing to do that. The recommendation for the Game Commission would be your full support for the restoration of all indigenous wildlife in New Mexico.

Randy Laek: I'm the spokesman for the Mesilla Valley Sportsmen's Alliance. It's an organization of concerned sportsmen and hunters. We've heard a whole lot today from ranchers and people who live in these areas where this wolf was introduced, but what we haven't heard is from the sportsmen. We've heard from wolf activists and people that are for this. It's a great thing for the wolf to eat elk is what I've heard today. We're a concerned group about our elk numbers and our herds. With the introduction of the Mexican gray wolf, we have great concerns in the safety issues for hunters, campers, hikers, ranchers, fishermen, birdwatchers, and recreational youth groups. We'd like to go through the numbers of the elk population and by documentation from the people with the elk programs. There are now 26 collared wolves from the study that was done December, 2006 through February 28, 2007 and these are the elk/deer numbers that concern us. In the Gila from their wolf recovery documentation and where the packs are—in Unit 51 we have 1 pack of wolves and they're estimating 2 elk per week. This may not sound like a whole lot but you take your 2 elk per week that's 104 elk a year. This will fluctuate when calving season starts and you can't compare it to now. It's going to go up. We have 2 documented packs in Unit 16-A and 2 elk per year is 208; in Unit 16-B, 1 pack and that's 104 elk a year; Unit 16-C, 1 pack that's 104 per year--that's 3 lone wolves not impacts and they're around Unit 16-D. We're saying 1 elk per week that's 52. Where we're going with this is 572 elk a year at this time of year and that's with 29 wolves. That's with their study. Where are we going to go when we get to 100, 2,000 a year? Are we going to be known as the great national Gila elk herd that was consumed by the Mexican wolf? It's a great concern of ours and what I haven't heard today is a solution. I've heard of lots of problems and maybe problems create solutions. What we think about as an organization and I've heard 2 private landowners today that have said that the wolf did not bother them and they like it. Why don't you do some of your studies on their private ranches so that the neighbors don't have to put up with this. I've hunted the Gila for 40 years but I can remember when there were no elk but there were a lot of deer. Hunting is a family deal and it's very good recreation. Our concerns are that we can't take our families. You're not going to take a string of stock that you need out there and ride 1-2 of your animals in and leave the rest unattended in your camp. We're asking for your help. Why don't you take the White Sands Missile Range and do your study there. Most of the problems you're having today with the wolf program would be eliminated by 90%. You'd not have cattle or ranchers. You're not going to have your hikers. You have a place that's more suitable where that wolf was raised. We ask you as Commissioners to come to a common ground. Anytime that you have a policy in effect, we need to think of the grass root people's concerns. You did the lion study in the missile range, why can't you do the wolf study there? The Gila elk herd is know worldwide and you're doing a great job to get it where it's at and I'd hate for our Gila elk herd to be known 5 years from now as the great elk herd that was consumed by the Mexican wolf.

Brenda McCarty: I do live about 2 miles north of Reserve and my children do ride the bus. My children are neighbors with these children that have encountered wolves. We have had the wolves right at the bus stop. A friend of mine with Ron Shortes went out and did the DVD that you received in the mail. I suggest that you go out there and start visiting these people. You're not hearing half the stuff that we heard.

Mary Miller: We sitting here feel like you have been watching Jurassic Park and everyone's cheering for the T-rex. We like the wolf, it's a beautiful animal, but you have to remember he's a top predator. We do live in the middle of

wolf territory. Our place is on Diamond Creek and 16-B and unlike some of the other ladies unfortunately they didn't give the appropriate criteria to the wolves that we have to deal with because they aren't acting like everyone else says they should act. I have physically watched wolves look in my daughter's bedroom window, I have seen tracks on a daily basis through our property, and our horses have been chased on numerous occasions both out in pasture and into our corrals which are right by our house. Some of you may have seen the pictures of our horse kill in our corral. We have the Aspen Pack that was moved from Arizona after they had some depredations to New Mexico and part of the problem that New Mexico is having is the fact that we're getting the problem wolves and the ones that have had problems either with livestock or harassing school kids. I want to say and go on record as being very, very pleased with the organizations that have come and responded to our calls for help. The NM Department of Game and Fish, US Fish and Wildlife, Defenders of Wildlife—everyone has been very responsive. The problem is you're dealing with a top predator and these are not going to work. We have put bells on our horses and the very day we put the bells on they were run about 5 miles from our private property on to the forest and met us on the way to another piece of property. We have put up remote activated rag boxes so that when the collared wolves come by our property or house these loud noises go off—guns shooting, firecrackers, etc. I hate to tell you but my daughter Stacey was out in our yard and the dog was attacked. I was out there throwing things at the wolf, we were shooting at them and they just look at you. These are habituated wolves. They are not your normal wolves that are loose up in Wyoming and Wisconsin. These are wolves that we as citizens of New Mexico are having to deal with. It's a unique situation and I'd love to hear the statistics about what's normal in another part of the country, what happened in Minnesota, but that's all well and fine but that's not happening in New Mexico. You Commissioners are entrusted with the wildlife for future generations. Mark, my husband, will address what's happening out there. We live there. We're out there on a daily basis and the reason that we purchased that property on Diamond Creek was because of the wildlife that exists and we wanted to start a youth camp. How am I going to get kids to come up and appreciate the wildlife when they can't go out the front door if the Aspen Pack is there? To live with a wolf pack, I want you to get an idea of what it's like. Every morning we get up and we have to look at our monitor and find out where the pack is. If they're below the house we can't go down there. If they're above the house, we can't go up in that area. If we have visitors we have to change our whole itinerary for what you're going to do for the day. We don't have wolves that when you bang and clap your hands and bang pans and say shoo go away. They just look at you and they come in physically and attack dogs that are with people, so if any of you want to walk along in the forest and enjoy a walk with your dog at your side and your dog starts barking at something, these habituated wolves come in blind to dogs and they take them down. I want Stacey to tell you about the encounter she had. Remember, she's walked outside of our front door, she's walking to the corral with 1 of her dogs and let her tell you what happened.

Stacey Miller: I was walking out to the barn to wrangle the horses and 1 of our older dogs, Kirby, followed behind about 20 yards behind me. I heard the screaming noise like a dog was in the trap. I turned around and there was a wolf on top of my dog ripping him to shreds and I ran back to the house screaming "wolf, wolf" and my Mom and Dad came running out and the wolves are not scared of people, they are just not. He took his own sweet time to leave and it was very scary.

Mary Miller: We have put all the different things that Defenders of Wildlife and U.S. Fish and Wildlife have suggested that we do to minimize the encounters. I'm not going to say Defenders of Wildlife reimbursed us for our horse, they didn't give us fair market value. That horse was a Scarborough horse and it was not your ordinary ranch horse, they did give us partial reimbursement for it, they did help us with pens for our dogs, but we have to keep everything penned up and a lot of people will say well, you live out in the forest and you're in wolf country. Well, you know what, that piece of property was homesteaded long before a lot of these cities were founded and I have as much right to be there as anybody and it's nice to sit back and think about how great a T-rex is, but when it's let loose in your back or front yard and you have to work with it and you have to deal with it on a daily basis, it's something else. We specifically asked, are our forests safe with these wolves here? Mark said no, he didn't think so at all. They said no, a wolf will not attack a horse. They have all these elk here in this little valley and they're going to work on elk. Well, you can see what's left of our horse. A wolf is a predator and it's going to eat anything that they can.

Mark Miller: I've been an outfitter for about 30 years in the Gila and I've seen the cycle of the deer and the predation over the years and like Mr. Laek, I feel that it's going to be a crying shame that if something isn't done about the wolves eating our elk, and I've seen it at our home, and I've called Mr. McBride who was the person who trapped the wolves in Mexico to begin with for the U.S. Fish and Wildlife Service and I've talked to him at length because I

wanted to be more informed on what the wolf really was. A 30-year trapper in Mexico of these wolves I thought he was probably the best man to do that and I got a very good picture of what I had seen and through what he had told me just what a formidable predator they really are and I don't want you to be fooled by what they're going to tell you that a wolf is going to kill 10 grown elk per year. It ain't going to happen that way. It's laughable for them to even say that. Their formula is he can eat 6-8 pounds of meat a day. An elk weighs 600 pounds so he's going to average 10 grown elk per wolf per year. You're not counting calves, coyotes, birds, heat, all of that and according to Mr. McBride who I have a lot of faith in, he says that in most instances they never even came back and at least of the calves were left alive the next day and 2 days later they would find them with just their bottoms eaten out. So you guys have a real problem here and please don't let the Governor's political agenda determine the future of New Mexico's wildlife. Jess Carey: I'm the Catron County interaction wolf investigator. As of April 20, 2006, I've been investigating wolf interactions, animal and wolf handling interactions, sitings, and as to date—the 23<sup>rd</sup>, I received 66 complaints. I investigate these incidents along with Wildlife Services. Out of the 66, there are only 5 incidents that I did not concur with the findings of Wildlife Services. Of the 66 incidents, 15 were confirmed, 1 probable, 10 possible. Injuries, 1 confirmed 1 probable, 4 possible. Harassments, 1 confirmed, 0 probable, 2 possible—that's a total of 35. With wolf-pet incidents, 3 confirmed, 3 injuries—that's 41 wolf-related incidents out of 65—24 were non-wolf related, 11 of those were unknown, 4 were motor vehicle, 2 were bear, 3 were coyote, 1 was dog, 3 were natural, 1 case remains open, and wolf-human interactions were 6 that were documented with psychological trauma. Of these, 5 were on private property and 1 was on the national forest. Of the wolf sitings, and a lot of those were close encounters, and 16 were on private property of 32. Of the wolf-animal incidents, 23 out of the 66 were on private property. The photo display is what our children and families have to live with constantly. People that don't know what's going on in Catron County can look at those pictures and close their eyes and walk away. We can't, we live there and we see it constantly and the wolves that we're talking about are habituated wolves. They're habituated towards humans and human-use areas. These wolves lack wild characteristics. These wolves are bold and they're fearless. You cannot run them away with gunshots. People have shot and the wolf will just stand there and look at you. These types of wolves are the ones that are causing the problems with being around homes and human-use areas. The wolves that are staying in the wilderness are not causing these problems for our children, and so my recommendation is that documented, habituated wolves need to be removed from the Wolf Recovery Program to protect our children from physical and psychological trauma.

Chairman Montoya: Mr. Carey, do you have your statistics—a report that you could share with us?

Mr. Carey: Yes, I've put it in the bin.

Cathilia Flores: I'm the Regional Organizer with Southwest Environmental Center. I am not a member of the Doña Ana County Associated Sportsmen, Inc., however, President Tony Popp forwarded me an official statement by that organization. He wanted to be sure that it was entered into the record today and I'd like to read it. The members of the Doña Ana County Associated Sportsmen, Inc., support the re-introduction of endangered species into their native habitat wherever viable and practical including the Mexican wolf. We particularly support these programs that are based on scientific management realizing that there may be some political and socio-economic constraints. Modifications of the existing programs should first and foremost be based on the best science available, then procedures to minimize the political and socio-economic constraints should be put in place. Only then will a re-introduction program be successful.

Cody Goss: We represent a lot of or at least some high school kids in the Silver City/Grant County area. I've lived there my entire life. I've spent nearly every summer vacation, every 3-day weekend, every 2-day weekend in the Gila National Forest and surrounding area. I've also had an opportunity to go to different national forests in Colorado, Wyoming, and Arizona and the difference, uniqueness, and purity of the Gila National Forest to me is that it is still wild. You can go on a trip and not see anyone. You can go on a trip and you can see tracks, you can see bears, and if you're really lucky, you can see a mountain lion and to me that is the proverbial goldmine of the area we live in. This is something that cannot be replaced and is real and hopefully some day I'll be raising my children here and this is what I'm bringing them back for is this purity and real wildness. I think the Mexican gray wolf is part of that wildness that we live in, that we're blessed to be living with.

Avery Brown: I'm from Aldo Leopold High School and we recently have been debating the wolf issue in our school. We take a lot from our namesake and we have people in our school who are on both sides of the issue; however, when we asked them, none of them were concerned that they would be harmed by a wolf. However, we don't have

anyone who lives in both areas so I don't know if that's out. People have used the area it's just that they haven't been as close in proximity so, they might not have that fear. I have lived in the middle of the woods in a log cabin on what used to be a ranch is now an apple orchard. I've haven't had the same stress issues as other people have had. I still go outside, I explore area around my house, and I've explored it enough so pretty much now I hang out in that area. It's not an issue to me and my brother. We're not scared of the bears and it seems they can kill you as easily as a wolf can. A bear can usually outrun a human. I also would like to address how everyone is saying that with more wolves there will be less elk. I think that a basic biological lesson that most people should know is that if you take out a top predator initially what it preys upon will increase because there won't be as many things eating it, but once it reaches a high enough point then they eat out all the grass, there's not enough food for them to eat on, and their populations then plummet because they all start starving and so if we keep the wolf, that keeps the balance and it makes it so that we don't have populations of elk going up and down.

Ron Shortes: I'm representing not only Catron County, but our family ranches. One thing that has been raised but I'm not sure that all the connections have been made is that you have a serious private property issue here. For instance, our ranches are not public property ranches for the most part. One is a totally deeded ranch. I would be glad to give all of my wolves to somebody that likes them. I have a right on my private property to not have what I consider a vicious and dangerous predator and obviously, the Millers and a lot of people have raised the issue that most of these problems, especially with the habituated wolves, are not occurring on public property, but regardless of what you think about what public property should be used for, the Millers' private property and all these other peoples' private property should be honored and what they want done on their private property. One of the many problems with all of this is that there is no provision that I'm aware of that adequately deals with protecting private property and the owners of private property in these instances.

Chairman Montoya: At this time I'd like to take the opportunity on behalf of the Game Commission and the Department to thank all of you for the courteous and well-conducted meeting in terms of your comments. They're all well-taken. They're very informative. You've provided a huge amount of insight on the viewpoints that you've all offered. I apologize to those of you that didn't have the opportunity to speak but we really made a conscious effort to get as many viewpoints as we possibly could in the time allotted. We wanted to hear about the mental and psychological concerns with children and families, and other safety concerns, economic issues, the impact that it has on deer and elk. We wanted to hear from sportsmen. We wanted to get information on compensation and the compensation program and how that works. Obviously, there are huge discrepancies in the data that we've received and we need to look into that further as well. We also wanted to self-evaluate ourselves and look along with the other cooperators. I thank all of you for being here. We need to hear where we have shortcomings. We need to hear from all of you on how we can improve this project and I think we've heard a lot of good information that certainly enhances our ability to be able to be responsive. We also are very encouraged by your ability to offer suggestions and recommendations on how we can improve and how we respond to many of the things you've brought up. For us, it's essential that we continue our efforts that have been identified in the 5-year review of the program. I can assure you that the Game Commission will strive and how the NM Department of Game and Fish and enhance our responsiveness to request assistance. In addition, the Game Commission will proceed with some of the following actions I'll identify. We will improve, enhance, and re-double our efforts in communicating with U.S. Fish and Wildlife Service, and express our strong interest in seeing the final review completed, and the EIS process completed in the least amount of time possible. We don't want to see it protracted over many years. It's important that we complete that process so the information that comes out of that is extremely important for us to be able to proceed with the project. We also commit to providing assistance to ensure that anyone that has behavioral health concerns that they're effectively directed to professional care providers. I was glad to see someone from Value Options and thank you for being here. There is a handout that's available to all of you with regard to some of the services that are provided. There are a couple of upcoming events that we strongly encourage all of you to attend. We will certainly have Commissioners and Department administrators present at the upcoming Gila Rod and Gun Club in Silver City on April 18. There'll be an opportunity to hear further views and comments from New Mexico sportsmen and women. There's also an upcoming Adaptive Management Working Group public meeting. It's a 3-day meeting but on the last day there will be an opportunity to hear additional citizen comments such as we've heard here, but again if you need to express those and any others that we might not have been able to hear today, we encourage you to attend those 2 meetings and we're going to have Commissioners there. Some have committed

already and Director Thompson has indicated that there will be Department staff there as well. We also encourage representatives of the MOU and other signatories, especially U.S. Fish and Wildlife Service since they're the lead agency, to routinely attend our Game Commission meetings. We strongly encourage you to do that year round to hear comments related to the wolf program. We've found that it doesn't matter what part of the state we're meeting in, wolf concerns come up. We strongly encourage you to have representation at our meetings and it'll certainly help us to strengthen our relationship and our communication. We'll also do our best to help individuals who live and who recreate in the recovery zone to assist you in having an accurate understanding of what may be done legally during any of your encounters with wolves. I think that might not have been as well communicated as we had hoped. The last thing I want to say is that all of the documents and all of the questions that were raised and you submitted and didn't submit, we're going to make a sincere effort at getting back to you with the best possible answer in a reasonable amount of time. We promise to do that and I want to tell you that as a result of your comments, there's a strong possibility that additional courses of action will be identified by this Commission. There's a lot of information for us to absorb. I think that just the handouts to us will be a lot of things that will certainly help us to be able to direct ourselves and the Department to be responsive to many of the comments expressed here.

Director Thompson: Please see the handout we are distributing that provides information for anyone who feels they have need for some type of behavioral health assistance through Value Options for the State of New Mexico. The leaflet provides contact information on the back for anyone interested in identifying just what this service might represent. I ask Liz LaCouteure to stand up and identify herself. I'm sure she'd be happy to speak with any of you. Sufficient copies of the leaflet are at the desk at the back of the room and outside the door.

Chairman Montoya: I want to thank everyone that won't be back and we won't get an opportunity to thank you for your comments. We appreciate all of them and we learned a lot from what you had to share with us.

AGENDA ITEM NO. 10: Proposed Changes to Angling Regulation (19.31.4, NMAC), Removal of Closure from Selected Gila Trout Streams and Associated Season and Regulations for 2007-2008 License Year.

Presented by David Propst – In 2006, Gila trout (*Oncorhynchus gilae*) was federally downlisted from endangered to threatened. The formal rule (published in the Federal Register) included an ESA 4-d rule that allows limited take of a protected species to improve its management and conservation. The Department proposed angling regulation changes for 3 streams currently closed to angling in the Gila.

Commissioner Salmon: Is it not the case that in Black Canyon there's a split in the stream as to which portion carries the Gila trout and then below a certain point other species of trout. How does that work?

David Propst: There's a Gabion waterfall barrier that we constructed about 10 years ago downstream, maybe 100 meters from the road crossing and downstream from that is a mixed assemblage of native suckers, desert sucker, speckled dace and long-fin dace and various trout in there. Based on our sampling over the years, there are very few trout. At that point it's transitioning toward a warm water fishery.

Commissioner Salmon: Now that the Gila trout has been downlisted, what's the projected plan for stocking rainbow trout in the Gila forest? Is that going to end and we would switch to stocking Gila trout in the Gila forest or are we still going to be mixing these strains up?

David Propst: Currently the Department stocks rainbow trout in Willow Creek, Lake Roberts, Snow Lake, in the forest area during the winter season. With the Mora National Fish Hatchery and Technology Center following protocols for hatchery propagation of fish, we have what are termed surplus fish to recovery needs and it is our intention that these fish will over time replace the rainbow trout that are currently stocked within the Gila area, but that's coming.

Commissioner Salmon: I would highly approve of such a switchover or changeover from stocking rainbow trout. It just makes sense and what happened to the Gila trout over the years is they essentially got swamped out of existence by continual stocking rainbow trout. I don't see any reason why we couldn't do the reverse and essentially swamp the rainbow trout out of existence so that when we go fish the forks or some other area like that we would end up within a matter of time catching Gila trout instead of rainbow trout.

David Propst: That's our intention also.

Commissioner Riley: This has to do with an enforcement issue but can fisherman continue to fish after they get their 2-fish limit?

David Propst: I'm not a law enforcement official so that probably has to be posed to an individual in law enforcement. My understanding is that no, they have to cease after they have 2 in the bag.

Commissioner Riley: So if you go to a catch-and-release stream you can fish for as long as you want as long as you turn them loose but if you go to a stream where you can bag 2 fish, you can't fish any longer after you limit out?

David Propst: That's correct.

Chairman Montoya: Do you concur, Dan?

Dan Brooks: Yes.

William Schudlich: We fully support limited angling for Gila trout. We feel it's unique to our state and there are economic benefits. However, I hope the Department does not view this as an end to a long journey but the beginning of a new journey. This is still a precarious position and we are close to losing Whiskey Creek. There are still no populations of Whiskey or Spruce Creek in the hatchery. The Department needs to stay committed to the recovery and the recovery plan was not met when the fish was downlisted. Trout Unlimited will continue to contribute.

Currently we have a very large grant down there, \$360,000 from the Collaborative Forest Restoration Program to do a controlled burn in the Diamond Drainage with the purpose of trying to eliminate the possibility of these wildfires that still hampered this fish 10 years ago and led to a second wave of decline. I think the state needs to consider looking at a hatchery of its own for Gila trout as opposed to depending on the federal government. As we get closer to de-listing the federal government is going to try and get out of this game and we're going to need to step up our efforts in the state to make sure that we have sufficient Gila trout for recreational populations and we keep giving people a good fishing experience for Gila trout.

Ron Henderson: The Department now has the flexibility to manage the species and for the better recovery of the species. In the past we've had many disagreements but this is a job well done. We'd like to make a recommendation—we'd like for the Department to dust off their plans for Glenwood Fish Hatchery so that will become an exclusive Gila trout hatchery. The hatchery needs to be renovated and I'd recommend that it be converted.

Oscar Simpson: I'm the President to the NM Wildlife Federation. We support this effort and thank you for opening some of those streams up.

MOTION: Commissioner Arvas moved to accept changes to proposed changes to fishing regulations to allow (1) limited angling for Gila trout in Black Canyon Creek from July through September as a Special Trout Water, catch and release only, artificial fly or lure, single barbless hook; (2) to add Iron Creek as Special Trout Water, 2-fish limit, artificial fly or lure, single barbless hook; (3) open bag and possession limit on McKenna Creek; (4) remove Black Canyon, Iron, McKenna and Sacaton Creeks from the "closed to fishing list"; and (5) to facilitate accurate monitoring of interest and participation in Gila trout angling. A no fee "Gila Trout Authorization" will be required for anglers fishing in Black Canyon and Iron Creek. To obtain this "Gila Trout Authorization", angler must have a valid New Mexico fishing license as proposed by the Department. Commissioner McClintic seconded the motion.

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

#### AGENDA ITEM NO. 11: Update on the New Mexico Hunter Harvest Reporting Program.

Presented by R.J. Kirkpatrick – The Department provided the Commission with a comprehensive update on the implementation and current status of the New Mexico Hunter Harvest Reporting Program. The update included the number of harvest reports received to date, the most common questions or challenges faced, and an overview of how the information is being used. Discussion item only.

Commissioner Riley: With respect to doing all this online, I keep wondering whether there is enough information online for people to know all these questions coming up. Is there someplace for them when they get online to have frequently asked questions or something like that? I've had people ask me what'll I do if this or that happens and this isn't necessarily related to this issue, but if someone gets their credit card cancelled, is there a way to get online and get these kinds of things resolved as opposed to trying to call someone in an office in Santa Fe? Obviously we've learned some things through this process.

R.J. Kirkpatrick: A FAQ sheet was 1 of the first and most important ideas that you're suggesting. It helped a lot of people having to make a call to us but they can go read it. I think your suggestion is great and maybe prior to going to the reporting website, we may want to go to a section where the nuts-and-bolts are answered. Anything that will

streamline things will help. Like you say, the first year had some bumps in it but I think the Department/contractor/hunters will be better prepared for next year.

Commissioner Riley: If someone did enter multiple names over the years or variations of their own names, how does 1 clean up that mess?

R.J. Kirkpatrick: The Department's IT Division is actually working on that. If any of you have applied electronically for any special entry hunts for next year, you recognize the requirements to submit a user name and password, that's a huge step in that direction and if the Department knows your user name and password and you interact with the Department via applying for authorizations/permits/licensing, we don't care if you change your name you're still the same person to us. We're moving in that direction.

Commissioner Riley: What if a person forgets their user name and password from 1 year to the next?

R.J. Kirkpatrick: Technical ability only goes so far. They can come back and get it from us if they forget it just like hunter education numbers.

Pat Block: If you can remember your name, date of birth, and the last 4 numbers of your social security number, you can go on to the website and get back to the user name that you created and then we'll also e-mail you the password so that it's not provided over the website.

Commissioner Salmon: R.J., when is that deadline for the furbearer report?

R.J. Kirkpatrick: March 31.

Commissioner Arvas: R.J., I think it'd be appropriate for you to comment that the Department is using part of this information as an additional evaluating tool after the fact.

R.J. Kirkpatrick: The Department has spent the last 3-4 years developing the elk rule, NM Hunter Harvest Reporting Rule, in such a way that annually there's flexibility in the number of hunting opportunities for elk and deer, or actually for any species in New Mexico, pursuant to information the Department provides to the Director with concurrence of the Chairman. This harvest information that we just received is exactly what we did. We looked at the harvest that we realized in 2006, bounced that against what was sustainable removal in a lot of our GMU's based on population estimates, and the management directions we'd like these populations to go, and we made those recommendations and subsequent adjustments. That will occur annually, every spring we'll evaluate our harvest against our populations and our desired management direction and make those recommendations annually to the Director and Chairman. That will occur with both elk and deer. We've talked to a variety of sportsmen interests and community associations that we've already included in the evaluation of the harvest in that they wanted to see what the results were annually so we're establishing scheduled meetings around New Mexico.

Chairman Montoya: It's interesting how we got along all these years without all this information. This will help us not to be guessing.

R.J. Kirkpatrick: When we asked the contractor for the elk data at a certain date, my staff and I were bombarded with a lot of information that we've never had and it's extremely valuable.

Ron Shortes: Speaking both for myself and Catron County we've always believed that the more information the Department has, the better. Certainly it's reasonable to get hunters and everyone else to provide their information about harvest and we support this.

AGENDA ITEM NO. 12: Amend a Portion of the Elk Rule, 19.31.14.15, Paragraph F, Section 6, NMAC, to Ensure Consistent Season Dates in GMU's 34 and 36 for 2007-2008 and 2008-2009 Hunting Seasons.

Presented by R.J. Kirkpatrick – The Department asked the Commission to amend a portion of the Elk Rule, 19.31.14.15, Paragraph F, Section 6, NMAC, to correct an error in the season dates for private land "Ranch only" ranches in GMU's 34 and 36. The start for each season date and weapon type should coincide with public draw hunt dates and weapon types in these GMU's, but due to an oversight, they currently do not.

MOTION: Commissioner McClintic moved to amend a portion of the Elk Rule, 19.31.14.15, Paragraph F, Section 6, NMAC, to ensure that season dates for each weapon type for "Ranch Only" ranches coincide with the public draw hunt dates and weapon types in GMU's 34 and 36 for the 2007-2008 and 2008-2009 hunting seasons, 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. 13: Hunting Regulation and Associated Rules Development for the 2007-2008 Upland Game Rule, 19.31.5, NMAC, and Waterfowl Rule, 19.31.6, NMAC.

Presented by Tim Mitchusson – The Department asked that the Commission open the above rules for the specific purpose of accepting public input or testimony and management adjustment recommendations to be used for the development of regulations for the 2007-2008 license year.

Commissioner Arvas: I had a couple of constituents that wondered about the description of the Morning dove and the confusion lies in the proclamation. It says there's no limit on the Gray dove, but right below that it states that Morning dove and Whitewing dove hunting is over each day once you harvest 15. The conclusion you draw from that concurs that there is a limit on the Eurasian. The wording needs to be made clear.

R.J. Kirkpatrick: I believe Tim and the Director talked about that and we're aware of that.

Commissioner Riley: R.J., when you had the Big Game Rule, you interacted well with the public particularly with respect to the number of points on each antler that were required for deer harvest. I'm wondering if it wouldn't be wise to try and create some sort of interactive approach through the internet with bird and waterfowl hunters specifically to make it more interactive rather than having public meetings. I think you'll reach a wider audience and potentially get better comments.

R.J. Kirkpatrick: We'll do that.

MOTION: Commissioner McClintic moved to open the Upland Game Rule, 19.31.5, NMAC, and Waterfowl Rule, 19.31.6, NMAC, for the specific purpose of accepting public input or testimony and management adjustment recommendations to be used for the development of regulations for the 2007-2008 license year. Commissioner Buffett seconded the motion. Chairman Montoya appointed a Committee consisting of Commissioners Riley, Buffet, and Salmon to work with Mike Sloane, Chief, Fisheries Division, to accomplish Commission review.

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

AGENDA ITEM NO. 14: Update on Rio Costilla Restoration Project.

Presented by Mike Sloane – The Department provided the Commission with an update on progress of the Rio Costilla restoration project. The update included a brief discussion of the project, current environmental compliance status, and a proposed plan for the upcoming field season. The plan is a stepwise approach to remove undesired species pursuant to Commission direction. The Department sought Commission approval of the plan.

Commissioner Salmon: I'm wondering what stream or streams in particular are we talking about for this presentation and approximately how many miles of stream is it?

Mike Sloane: It's approximately 20 miles of stream and it's Comanche Creek from the Forest Service road crossing upstream and it includes tributaries the largest of which is Vidal Creek.

Commissioner Salmon: One concern I have is that this project is in northern New Mexico and we're in Las Cruces and I don't know that geography of the area particularly well and it occurs to me that there would be a number of people in northern New Mexico who might want to weigh in on this and they're not here. I'm wondering about the possibility of tabling this agenda item until the Española meeting which is in May if that would be feasible.

Mike Sloane: Certainly it's at the Commission's discretion, but at this point we really need to lock down some dates both for the Forest Service to complete the work that they need to do to coordinate activities on the Valle Vidal and as well as to allow Kirk Patten to line out the rest of this field season. Our preference is for the Commission to make a decision today. We've had quite a bit of public input, we have the adjoining private landowners that have signed up on the project and are participating. WQCC hearing was in Costilla and there's been significant opportunity for the public to have their input.

Commissioner Buffett: Can you go back to the slide with your proposed timeline? The next Commission meeting is May 3. Which piscicides are you proposing to use?

Mike Sloane: The intent for this segment is to use a product called CFT Legumine which is a Rotenone-based product.

Sandy Buffet: Has the Department used Rotenone in New Mexico's other areas?

Mike Sloane: We have in the distant past but not in recent years. Traditionally over the past 10-15 years we've used a product called Fintrol which includes Antimycin as its active ingredient. We are not proposing that because of the terrain involved in this particular stream as well as the fact that it's currently having some quality control issues in its production.

Commissioner Buffett: Are there any organic farms downstream from this area?

Mike Sloane: Not that I'm aware of. We have a letter from the Organic Commodities Commission dated in 1999-2000 stating that Rotenone/Fintrol is an acceptable product to use in water above an organic farm and we believe the same would apply to CFT Legumine but we don't actually have that in writing.

Commissioner Buffett: Has there been any concern expressed in public hearings that application would threaten or reduce the ability for them to market organic products?

Mike Sloane: That issue has been raised by Dr. Ann McCampbell with no basis that we've been able to determine. We have met with the Costilla Creek Compact which are the 2 state engineers at their annual meeting, gave a brief overview of the project. Most of the farmers in that group were at that meeting and we received positive feedback from that group.

Commissioner Buffett: Can you describe how these piscicides don't affect the food web?

Kirk Patten: No affect on the food, no. The idea is that you apply a piscicide and it kills fish as well as it does kill some macro-invertebrates. Not all macro-invertebrates are killed and they replenish within 6-12 months. They are still available as food for birds, fish that do survive, or fish that we put back in. Just in general it doesn't seem to have an effect.

Mike Sloane: At the terminus of the project segment of stream, potassium permanganate is put into the water which neutralizes/oxidizes the product and breaks down so that the water is clean once you pass that point, and we are required to do testing by the Water Quality Control Commission for a variety of things below the treatment area to ensure that the water is safe.

Commissioner Buffett: So just to clarify the meaning of stepwise fashion is a request to approve this Comanche Creek 20 miles section and not wholesale approval of the whole project? What does that mean?

Mike Sloane: I would be happy with the wholesale approval but certainly I think the intent is for just the 20-mile section and then we would come back and report on our success on that project and ask for the next segment in the coming year.

Commissioner Buffett: Will there be continued stocking of the other Rainbow and Brown in the area?

Mike Sloane: We have a lease with the Rio Costilla Cooperative Livestock Association for a segment of stream on their property and that requires us to stock so we would continue to do that. A barrier will be installed at the road crossing and we'll continue to do that until such a time as we got to that section, cleaned that section out, and then we would begin stocking with Rio Grande cutthroat trout.

Chairman Montoya: Mr. Sloane, can you tell us a little bit about your suggestion earlier that you'd like a couple of Commissioners to be able to work with you on this project.

Mike Sloane: I know that the Commission has a great interest in the project and how it proceeds. One of my thoughts was that if we could have a couple of Commissioners that could be available either to come on site, or we could come to them and provide them with the information that we gather as we do these electro-shocking removals, how many fish we've removed, what's going on with angling, those kinds of things that if the Commission was comfortable with those 2 Commissioners making that final decision about proceeding with piscicide application or not. We'd like you to see more angling or more electro-shocking that might facilitate the project moving forward within this compressed timeframe. The limit on the Valle Vidal currently is catch-and-release; the Forest Service is adamantly advancing their position that it should stay that way and I concur with that. On the RCCLA and on Vermejo Park, the statewide limit of 2 fish would stand. I don't think that's an accurate representation. One of the reasons we selected this area in particular was because it currently has a well-received catch-and-release regulation and so we're not proposing to change that regulation. There would be a change on private land where the fishing is currently controlled. They are more restrictive than our current regulation on their private land. On Vermejo Park Ranch they do not allow any take within their stream systems and they have very limited take on their lakes. RCCLA also is aware that their limit would drop to 2. They have Class A lakes if they choose to continue with this project, which we believe they will, they understand that they would have a 2-fish limit, there would be no tackle restriction limits on the RCCLA. In a more general sense, there is no plan to remove large chunks of stream from places where people currently fish their limit with salmon eggs or whatever a variety of means they might choose. We're certainly looking at some areas that would fit the ethic of those folks who would either want to do catch-and-release or want to specifically catch Rio Grande cutthroat trout and are willing to accept a lesser limit, i.e., the uppermost portion of the Pecos watershed but not down where the heavy use is. This stretch of Rio Costilla is a special trout water with I

believe a 2-fish limit and we would continue to stock that and then we would replace eventually when the project moves from the uppermost portions all the way down to this last lower section and we move those fish. We would put cutthroat in and remain a 2-fish limit.

Chairman Montoya: Are there at least 2 volunteers to represent the Commission on a committee of 2 to work with Mr. Sloane on this project? Okay, Commissioners Riley, Buffett, and Salmon, will you accept 3?

Commissioner Buffett I wasn't sure if we were entertaining an earlier motion when Commissioner Salmon made a suggestion about a temporary tabling?

Commissioner Salmon: I didn't put that in the form of a motion.

Chairman Montoya: It was just discussion but then you asked to look at the timeframe and it appears that it places a strain on some agencies that are on a timeline. Working as a committee with Mr. Sloane you'd keep the rest of us informed. I was concerned about that too because I represent part of the same area that you do, in regard to how much opportunity we had given for folks to comment, but I was satisfied with the hearings that they've had. The public has had opportunities for comment and my concerns have been satisfied. I'd like to appoint a committee of 3 that will be working with Mr. Sloane—Commissioners Salmon, Buffett, and Riley—and they have the obligation to keep the rest of us informed.

William Schudlich: The New Mexico Council of Trout Unlimited fully supports the Department in moving forward with this project. This has probably has been 1 of the most heavily-scrutinized projects.

Chairman Montoya: This particular project was given the green light to use the treatment methods that are being discussed. After extensive participation by the public and several meetings later we got to the point of giving Commission approval.

Commissioner Salmon: I'd be satisfied voting for the project with the 3-Commissioner review as previously stated with a word of caution. In order for this project to succeed, the fish will have to be restored in each segment to a status of 100% purity by DNA analysis and history has shown that that's an extremely hard standard to maintain and 1 reason I want to vote for it is that I want to see if it can be done and maintained. It's not going to be easy because it's so easy for a few fish of the wrong kind to slip through a barrier or get back into a stream and bugger up the whole works because the 100% purity standard can slip with a few fish. I'd like to see the Rio Grande cutthroat restored to the Rio Costilla and since, from my point of view, have strung by the 100% purity standard for the time being at least we're going to have to live with it.

MOTION: Commissioner Salmon moved to allow the Department to proceed with the project in a stepwise fashion as outlined in the project timeline presented today which includes the 3-Commissioner review committee.

Commissioner McClintic seconded the motion.

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

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

Oscar Simpson: Requested that the Department work harder to maximize Commission meeting material being posted to the website.

Director Thompson: The last 2 years we've been posting the entire contents of the book that is before you at least 12-15 days prior to the Commission meeting. The other material he may be referring to is some of the material that's presented on the screen and sometimes that material is not prepared until just prior to the meeting. But we've worked, produced, and posted the entire materials in your books, and we'll continue to work with these interests and to the extent that we can to provide additional supplementary information.

Howard Hutchinson: We are in the process of re-doing all of our Forest Service travel management. Right now big game retrieval is not a piece of the equation so the public input, Commission's input, and the Department's input will be extremely valuable.

Director Thompson: The Forest Service is dealing with that entire management challenge. Use of ATV's by sportsmen is a component of that much larger endeavor.

Commissioner Arvas: What I'm hearing is will this ruling come before Congressional action?

Don DeLorenzo: No, sir. There's a final rule that was in the Federal Register that identified a need that we're going back to designated roads and trails. The only exception here and a regional forester has very little authority in what an exception can be. So the process is ongoing right now. I think there'll be a lot of public involvement. That's where sportsmen's and other's voices need to be heard very clearly as to what they would like to see open and why.

Director Thompson: We will provide a briefing to you at the May Commission meeting to include key considerations that arise for sportsmen opportunity and acceptable use of ATV's.

AGENDA ITEM NO. 16: Closed Executive Session.

The State Game Commission adjourned into Closed Executive Session, pursuant to Section 10-15-1(H) (1), NMSA, 1978, to discuss litigation, acquisition or disposal of real property or water rights.

MOTION: Commissioner Arvas moved to enter into Closed Executive Session pursuant to Section 10-15-1 (H)(2)(7) and (8), NMSA, 1978, of the Open Meetings Act in order to discuss litigation, acquisition of property, and some issues with licensed vendors at the recommendation of our Director as per Section 10-15-1, NMSA, 1978. Commissioner McClintic seconded the motion.

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 requested that the record reflect that the Closed Executive Session was limited to discussion on litigation, acquisition of property, and license vendor issues. No action was taken during the Closed Executive Session, but several items were discussed by Legal Counsel and the Director.

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

Presented by Lisa Kirkpatrick – The Department presented an update of the status of projects proposed for funding under the Land Conservation Appropriation. Depending on the readiness of some of the projects, the Commission may be asked to take action. Discussion item only.

AGENDA ITEM NO. 18: 2007 Legislative Session Summary.

Presented by Luke Shelby and Pat Block – A preliminary summary of the legislative initiatives for the 2007, 60-day session was presented to the Commission. Information regarding the Department of Game and Fish Appropriation Act (FY 08 annual budget) was also presented. Discussion item only.

Commissioner Arvas: Personally and on behalf of the Commission, Director Thompson and his staff, I certainly encourage the Department to look into the session and start working on those issues at this time and on behalf of the Commission, I want to thank everyone.

Director Thompson: We had 7 initiatives from the Commission beginning last July with the process to develop the Department initiatives. The 7 initiatives formed 10 bills and we were successful in getting passage on 5 bills that represented 4 of our 7 initiatives. Earlier, Luke and Pat did a nice job in summarizing those.

AGENDA ITEM NO. 19: Summary of the Open Gate Access Program.

Presented by Kerry Guisepppe – The Department presented the Commission with a summary of the Open Gate Program (19.34.7, NMAC) for Fiscal Year 2007. Presentation included discussion of goals and target areas for hunting, angling, and other wildlife-associated recreation access during 2007-2008. Discussion item only.

Commissioner Arvas: Would you go through the initial process in planning for this program?

Kerry Guisepppe: The initial funding was \$250,000 and that's now doubled. We're hoping that will help us create and gain our access to public land because we feel that with those we may be looking at more of a permanent easement which will be a lump sum payment.

Commissioner Riley: Did you have a chance to look at the cost per acre as far as the actual lease costs at this point in time about how much it's costing?

Kerry Guisepppe: What we're currently paying is \$1 per acre, or \$500 per water source. Some places are simply leasing us a tank or pond and those usually have an access road that we don't pay for to those tanks or ponds, with a \$1,500 limit.

Luke Shelby: The rule allows us to exceed those amounts with Director's approval; so, in areas of higher value we have the ability to do that.

Commissioner Riley: Have you had a chance to talk to any of the coordinators in some of the other states where they have a million acres or more enrolled?

Kerry Guisepppe: So far the only group I've easily found access to is in Montana and they've just had a student complete a Master's study on their program and their sending me a copy of that so I hope to learn about them because they do have a very successful program.

Commissioner Riley: I've got a list of 22 state coordinators that have access programs so if you want that I'll give it to you.

Commissioner Buffett: Have you thought of any innovative approaches to getting the word out? Something that comes to mind is isn't that Wild New Mexico TV show something the Department puts on? Maybe having a piece on that segment on that, meeting with local newspaper editors, trying to get some of the local rural papers to do a write-up on the program?

Kerry Guisepppe: We're actually hoping, especially once we get properties that are more well-known and beneficial, to have more press interaction. At this point, most of the properties we do have have been dove or quail because that was the original agreement. It was just for dove and quail and now I know more groups are interested in expanding to turkey and deer. I just had a meeting on Friday with prospective permanent easement to the Sabinosa Wilderness. When we do have as big publicity as something like that I think it will benefit because more people will learn of the program. Since I've been here, I've been helping with the E-Plus program and I've been using landowner contacts through there and trying to utilize what the Department already has access to.

Commissioner Riley: Yesterday I had a message that 1 person did sign up his ranch in the program, but has never received any money or no one has ever come out to deliver any signs so he's wondering what's taking so long? That shows you the enthusiasm for the program. Hopefully, we'll be able to meet that.

Kerry Guisepppe: We just very recently received the signs. But at this point, all of the leases we have for the year are over. The officers didn't want to go ahead and post because we weren't sure that they were going to re-enroll. Now, as far as payment, again there has been some misunderstandings between the landowners and that's 1 of the things I hope to reinforce is that at this point they're responsible for billing us and we don't always get a bill so we try to send the district officers out there to remind them or to contact them but that is something we're going to have to do. Out of the 11 properties, we've gotten 7 bills.

Commissioner Riley: I'll provide you with this person's name and hopefully you'll get out and resolve that.

#### AGENDA ITEM NO. 20: Management of Lesser Prairie-Chicken Habitat on Lands Owned by the Commission.

Presented by Jim Hirsch – The Department presented a summary of past, ongoing, and planned habitat management activities on Commission-owned properties in southeastern New Mexico to benefit lesser prairie-chicken. Discussion item only.

Commissioner Riley: I'm concerned about the oil and gas development issues. Obviously we've worked hard in southeast New Mexico to get a conservation strategy put together for as much of that land as we can including for the lesser prairie chicken and the oil and gas issue obviously is something that was major in that conservation strategy. Do we have any discretion on that as far as saying yes or no?

Jim Hirsch: As you may be aware, we had to provide reasonable access for the mineral rights and by way of more information, they've come at us with the request and then we outline the necessary seasonal restrictions to protect lesser prairie chickens. We request the mitigation, but also we outline the necessary clearances that have to be done, i.e., cultural resource surveys, NEPA compliance and things like that and then we don't hear from them for quite a while and then they may come back after a while so that's the way it is with those particular companies.

Commissioner Riley: Hopefully, if there are many more requests, we'll see if they can't put more than 1 multiple well at 1 site.

Jim Hirsch: Yes, directional drilling.

need that are associated to those habitat types. So that's the approach. For the most part it will not be a species-by-species evaluation.

Commissioner Buffett: Will it be a first step to a land-use plan in terms of deciding that certain areas we value as no-go zones for oil/gas even if it's long-term recommendation?

Jan Ward: I believe that the CWCS is actually that first step plan and the Department is in the process of trying to widely distribute and promote that strategy to other state agencies and to the federal agencies. I know in April the Department will be making some presentations to the Forest Service with regard to that plan.

Commissioner Buffett: I'd go with Commissioner Riley's suggestion that you look at the other Rocky Mountain States guidelines that exist and I understand you'll be working in collaboration with OCD from EMNRD, is that right?

Jan Ward: We plan on doing that.

Chairman Montoya: We'd like to have a Commission representative working with you. Commissioner Riley has expressed an interest in working on this subject and I'd like to appoint a committee of 1 from the Commission to work with you and periodically report to the Commission. Will you agree Commissioner Riley?

Commissioner Riley: Yes, that's fine.

William Schudlich: I'd like to echo some of the concerns mentioned by Commissioner Riley. I believe some of the Commissioners are aware of this with the Valle Vidal and everything we have to do. We need to be pro-active about this and I think it's in our best interests as a state and in the best interests of our continued hunting and fishing resources to not only set guidelines but try and find a way to set some regulations by statute.

#### AGENDA ITEM NO. 22: Financial Liability – License Vendor.

Presented by Dan Brooks - The Department presented a hearing officer's recommendation for the amount of financial liability for a license vendor that lost Department licenses. Under Section 17-3-12, NMSA, (1978), and Commission rule, 19.30.9, NMAC, the Commission determines the amount of money owed to the Department for lost or stolen licenses.

MOTION: Commissioner Buffett moved to accept the Hearing Officer's recommendation to assess Pecos Canyon Station, Inc., License Vendor No. 2412, to pay the Department \$2,046.00 for the missing licenses. Commissioner Arvas seconded the motion.

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

#### AGENDA ITEM NO. 23: Designation of Authorized Representative of Commission in Mediation.

Presented by Jim Karp – The Department requested the Commission to appoint a Commission representative to attend and participate in a mediation to be held on March 29, 2007 concerning the Rock Lake Trout Rearing Station renovation. The representative will have the authority to enter into a settlement resolution on behalf of the Commission.

MOTION: Commissioner Arvas moved to have Tod Stevenson, Deputy Director, appointed to represent the Department at the Settlement Conference on March 29, 2007 in Santa Rosa. Commissioner McClintic seconded the motion.

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

Chairman Montoya: Director Thompson, that bin sitting next to you has a lot of information. We've made commitments today to be a part of looking at that data. I know it's a lot and we don't expect for you to do it by tomorrow but at some point in the near future, once you've compiled/analyzed it and put it all together, then share it with the Commission. Make sure we're aware of everything that's in there. We're very interested in looking at those documents and studies and we made commitments on the part of the Commission to do certain things and that data and those documents will be very helpful as we proceed. The second thing is that I know that last week you and Commissioner Riley were out at some meetings and I think we would like to start a practice of whenever any of us are out at meetings where information that can be shared with the rest of the Commission, we'd appreciate that. Did you learn anything of importance to the rest of us, Director Thompson? Will you do it via e-mail or would you highlight for us now?

Director Thompson: The meeting last week was a combination of the North American Wildlife and Natural Resources Conference but also included the Central Flyway Council which I attended, the National Cooperators

