

MINUTES
NEW MEXICO STATE GAME COMMISSION
Northern New Mexico Community College
921 Paseo de Oñate (Española Campus – Rm. # AD101-102)
Española, NM 87532
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AGENDA ITEM NO. 1: Meeting Called to Order.

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

AGENDA ITEM NO. 2: Roll Call.

Chairman Montoya– present
Vice Chairman Arvas – present
Commissioner Buffett – present
Commissioner McClintic – present
Commissioner Riley– present
Commissioner Salmon – present
Commissioner Sims – present

QUORUM: present

Felipe Martinez: Welcome, the issues that we’re facing are similar to those facing other parts of the country and the state. The issues require more analysis, more public scoping and people are increasingly becoming more assertive in their beliefs on issues related to the environment; however, there are clear parallels between the have’s and have not’s. In 1992, the Environmental Protection Agency concluded that racial minorities and low-income populations experience higher than average exposure to environmental injustices as air pollution, hazardous waste facilities near

their communities and their voices were often ignored over the more-aggressive and affluent. In recent years, the area ranchers from our traditional communities have come into direct conflict with the elk population on their private properties and on their grazing allotments. Elk and cattle are competing for the same resources. Cattle grazers are experiencing the brunt of this inequity and environmental injustice. The key to a sustainable future lies not in making us more competitive, but rather making us more perceptive, more able to realize what we have, what we need, and what the long-term consequences are of the short-term decisions we are making. The good news is that not all is conflict. Rio Arriba County has embarked on the most ambitious water rights acquisition in the history of this county. There is nothing we should like to do more than to invite this Commission to help us identify common solutions to common problems.

AGENDA ITEM NO. 3: Introduction of Guests.

Introductions were made by approximately 50 members of the audience. Ex-Game Commissioners Peter Pino and David Henderson were in the audience and were recognized for their 4-year service as Game Commissioners.

Chairman Montoya: I'd like to recognize 2 former Commissioners, Peter Pino and David Henderson, that served with most of us. Each of them served 4 years. They were big contributors to our discussions and formulation of ideas and took the time to research and study the issues. It was an honor and a pleasure to have served on the Commission 2003-2007 with you. As the first Native American to have been appointed to the NM Game Commission, Peter Pino not only represented Native Americans but the whole state very admirably. You dealt with issues through your experience as a sportsman, farmer/rancher, conservationist, and your background and upbringing as a Pueblo member. With all those experiences we learned from you. On behalf of the Commission, I thank you for your service to the State of New Mexico.

Commissioner Arvas: Commissioner Pino contributed a whole lot and brought a different view which at times was refreshing.

Commissioner Sims: I enjoyed serving with you.

Commissioner Salmon: I always enjoyed my discussions with Commissioner Pino. We had many long talks about the Tribal traditions and hunting/fishing on Tribal lands.

Peter Pino: This bear head is appropriate. In my lifetime I've harvested 2 bear. The bear is the closest 1 gets to killing a human. The bear has a lot of power. The bear is a symbol of traditional religion and culture. I'll cherish this throughout my lifetime. I thank the Commission for allowing me the opportunity to serve with you. I want to thank the Directorate and staff, and the Governor of the State of New Mexico for having a position for a Native American on this Commission.

Chairman Montoya: I also take this opportunity to recognize David Henderson who served at the same time as Commissioner Pino. It was a pleasure serving with you. Your humor and quick wit and your understanding of the many complex issues that we faced assisted the rest of us make difficult decisions that we're called upon to make from time to time. Your expertise, objectivity, and willingness to consider all options and alternatives helped us make good decisions and we appreciate your years of service to the State of New Mexico.

Commissioner Arvas: I can honestly say that I learned more from David than he learned from me. He always garnered respect from this Commission because he always spoke with honesty and credibility.

Commissioner Sims: I was a pleasure to serve with you on this Commission. It was always a positive learning experience to serve with you.

Commissioner Salmon: I appreciate Dave's work. Here in New Mexico, unlike some states, the environmental community and the hook and bullet people like me have not always gotten along, but here in New Mexico we've managed to work together quite well and it's people like Dave Henderson who could see the sporting point of view and at the same time represent the environmental community.

Commissioner Buffett: I'd like to recognize the dedication and service of David Henderson and thank him for bringing another perspective to the Commission.

David Henderson: I had some apprehension in joining the Commission. I wondered whether or not a concerned out-of-the-closet conservationist could make a difference. What I've learned is that this Commission has more in common than differences. I became a better sportsman, though not in the field, and I think this Commission became a better conservationist. It's important for all of us to understand what that change means and work toward that change. It's been a great experience moving wildlife conservation forward and I'm going I'll be back.

Director Thompson: This is also the last Commission meeting for Deputy Director Tod Stevenson who is retiring at the end of May. This is a fitting time to recognize nearly 30 years of service to New Mexico and New Mexico's wildlife.

Chairman Montoya: We're also appreciative of Tod's service. We know him more as a behind-the-scenes, getting-things-done. At the Department he's known more as up-front, leading-the-effort type of person. We appreciate your service. I don't think you'll be able to stay home for a long time and I'll bet we'll see you working on big issues with a federal agency or organization.

Commissioner Arvas: I can remember Tod as a district officer and I can honestly tell you that he's 1 of the few people that I've met that has gone through a course of maturation and changes but he's still Tod. Certainly he grew in knowledge, experience, and talents but he was always Tod.

Commissioner McClintic: I've had several issues and Tod has always been exceptionally responsive. Any conversation where his name has been brought up with any of his peers he is regarded extremely highly and that's the best compliment any one can ever get in any position in life. Though I've only been here a short period of time, I personally appreciate everything you've done and I know people who've worked for you and with you feel the same.

AGENDA ITEM NO. 4: Approval of Minutes (March 28, 2007—Las Cruces, NM).

MOTION: Commissioner Riley moved to approve the Minutes of the March 28, 2007 State Game Commission Meeting in Las Cruces as presented. Commissioner Arvas 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 that Agenda Item No. 20 be considered after Agenda Item No. 7 and the remaining items be considered in sequential order. Commissioner McClintic seconded the motion.

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

NEW BUSINESS:

AGENDA ITEM NO. 6: Consideration of Revocations.

Presented by Pat Snyder – The Department is presenting a list of individuals for the Commission to consider for revocation that meets established revocation criteria. Included in this list are hearing officer recommendations for the assessment of points against registered outfitters and financial liability for a license vendor. Basically there are 6 types of revocations, the primary ones being violations of wildlife laws, failure to pay penalty assessments, and the Parental Responsibility Act. Hunting is a privilege not a right. Revocation is an administrative act by the State Game Commission under statute and it's a due process consideration. In a violation of the law ample notice is given, the right to examine the evidence is given, and a no-contest plea can be made or request a hearing with the hearing officer, then those recommendations are brought before the State Game Commission, and the State Game Commission has the final authority. People have the ability to appeal that decision to the District Court and what the District Court looks at is whether that decision was arbitrary or capricious. To our knowledge no revocation decision has been taken to District Court. New Mexico wildlife violators are issued a citation and if they're found guilty, they're assessed a certain number of points and once you reach 20 points, we start to process. It's unique in that we had this person and her brother were given a citation for criminal trespass. The brother went to court and was found guilty. We started the process on him, he requested a hearing and went before a hearing officer. The hearing officer recommended a 1-year revocation and that went before the Commission and he was revoked for 1 year. During that time, the sister went to court and was found guilty. We started the revocation process against her and when we sent her the Notice of Contemplated Action she was not there so she didn't get that. That was returned to us and we continued with the process and last July we brought her before the Commission and she was revoked for 3 years. We sent her that notice, which she received, and she called us and explained situation between her brother and herself. She went before the hearing officer and the hearing officer recommended a match with her brother which was a 1-year revocation. Under the Parental Responsibility Act, when someone gets behind on their child support, that's a statutory requirement which mandates that any state boards or commissions revoke any licenses/permits until they come into compliance. There's no time limit on this revocation.

Typically the longest the Commission can revoke but under this, they are revoked until they comply. Under guide/outfitter, we have 3 we're looking at—Michael and Jamie De La O. We started the process on them and they requested a hearing. The hearing officer recommended an assessment of 5 points toward their revocation so they only have 5 points on their licenses right now. The other we have is Robbie Parker, and when we started the process on him he requested a hearing. The hearing officer recommended “an assessment of 25 points against Mr. Parker’s Outfitting Registration No. 2157 and revocation and suspension of outfitter license privileges for a period of 2 years.” Under the revocation rule, they do have the ability to file an exception for the Commission’s consideration. The exception must be read into the record: “April 13, 2007; To: the State Game Commission; Re: Exceptions to Hearing Officer’s Report; Case No: 20070306.7.1; I would like to protest the decision of the Hearing Officer in my case. I believe probation or a fine would have been sufficient instead of a 2 year suspension. 1) My trial was not a speedy hearing to which I was entitled. I had a witness who knew I mailed the contracts who is no longer available; 2) I think the maximum penalty, if any, should only be one (1) year suspension in 2008 not 2007; 3) Joe Arigo, Sr., stated that his neighbor at his Santa Fe, NM home is a high official with the State Department of Game and Fish and he “would get me”. Was he involved in the case? I believe that this is a conflict of interest; 4) Two (2) of the contracts were with the Rocky Mountain Elk Foundation. Why were they not returned? This was not our fault, it was the Rocky Mountain Elk Foundation’s. They made the money off the hunts, my share didn’t cover the Landowner Permits. This should only be one (1) violation not two (2), if you find that it is even a violation. We’ve donated over \$150,000 to the RMEF; 5) One (1) person did all the contacts with us and this was not ‘til the end of August. All contracts were sent to him. This was one (1) contract violation not three (3). He didn’t return anything to me. We had no addresses for the other people. 6) One (1) hunter, Aaron Stringer, won a free hunt the same year in Arizona from a RMEF raffle. He killed a 370 bull but sued the guide because he said that the guide should have found a bigger one for him; 7) These were late bookings and they paid \$3,750.00 for a hunt that costs \$6,000.00; 8) The two (2) witnesses, Joe Arigo, Jr., and Merle Manweller, who were called to the stand lied. Check their statements from the complaints they sent to you and what was said at the hearing; 9) I was owed \$7,500 in 1996 by outfitter Rick Sears and the state did nothing when I tried to get the money collected. He is still guiding, he still owes three (3) other guides money also. We have bad checks from hunters and the state will not try to collect because they were for hunts. Thank you for your consideration. Sincerely, Robbie Parker”. This is our total revocation. You can see what we’ve done in 2002 and 2005 and the total are numbers that we have totaled now.

MOTION: Commissioner Sims moved to adopt the Department’s and Hearing Officer’s recommendations on revocation and point assessment for the attached list of 211 individuals for the period of time specified.

Commissioner Riley seconded the motion.

Commissioner Arvas: You said Robbie Parker got 25 points?

Pat Snyder: He was assessed a total of 25 points.

Commissioner Arvas: How does that work? I thought 20 was the maximum.

Pat Snyder: At 20 points is when we start the revocation process so they can incur more than 20 points.

Commissioner Arvas: If we increment over 20 points it does what?

Pat Snyder: The most they can be revoked would be for a 3-year period. In this situation, I think there 5 things and that’s where the hearing officer is recommending assessment of 25 points.

Commissioner Arvas: If he wants to come back after 2 years, he has to go through the whole process again?

Pat Snyder: Yes.

Chairman Montoya: On this same individual’s letter protesting the hearing officer’s decision, under 9, that particular individual that he’s making these allegations against has come before this Commission on a number of instances with allegations and it’s well-known in the field that this occurs. Is that individual still in business in this state?

Pat Snyder: I believe he is but he’s not a registered outfitter. He’d not be required to be a registered outfitter because he’s under the exemption for landowner agent.

Chairman Montoya: How does that work? He can go on to private land without a license?

Pat Snyder: He becomes an agent of that landowner and those are the requirements that they have to be a registered outfitter to go into the 12% pool to guide on private land. If they become an agent of the landowner then they are exempt from becoming registered. As far as getting money back the state is limited. If there’s a violation we can look at it and prosecute.

Chairman Montoya: How do we monitor infractions of the law other than lack of non-payment by individuals that are not required to be licensed that go on to private land? Especially in the unit that this individual works. He has a lot of business there and there have been many complaints.

Pat Snyder: If we get a complaint we have to corroborate that information and if there's enough information for probable cause, we can start the criminal process. If they go to court we have to be able to prove beyond a reasonable doubt that they are guilty. It has to be a violation of the Chapter 17 laws for us to be able to do something.

Chairman Montoya: How do we police, especially in Unit 4, where this business is done? It's all private land for the most part. There are 3 Commission-owned properties in that unit but how do we police activity that's inappropriate? Do people have to come before us with legitimate complaints? How do we investigate?

Pat Snyder: The district officers patrol because part of the agreement with them is to allow access on to the property for law enforcement or biological personnel so they're going to look at that. We're dealing with violations of Chapter 17. These contract violations are for outfitter violations. Since they're not a registered outfitter we don't necessarily have jurisdiction. For wildlife violations we do and we investigate them.

Commissioner Arvas: The point the Chairman is trying to make is that if it's all private lands the outfitter regulation is binding or not binding?

Pat Snyder: It's not binding if they're an agent of the landowner.

Commissioner Arvas: If they're an outfitter and not an agent of the landowner, then it's binding so then this individual if he wanted to could become an agent of the landowner and still pursue the activities of outfitting as being an agent of the landowner and we don't have any control over that?

Pat Snyder: Yes.

Commissioner McClintic: Is he still allowed to use his name and contract when he contracts with these people to guide them on private land?

Pat Snyder: If the guy is an agent then however he sets that up.

Commissioner McClintic: I understand that but what I'm asking is does he personally have the right to solicit a hunt on this man's private land under his name, company, and everything else and then all he has to tell us is that he's an agent for a particular landowner and here's the proof, but he can solicit people around the country that he doesn't tell them he's an agent. He tells them he's still outfitting under his company and his name. He can do that?

Pat Snyder: Yes, sir.

Commissioner McClintic: Do you think we ought to try and change something there?

Pat Snyder: When that was looked at it is a complicated issue and it could be something the Commission could definitely consider, but I know that when they implemented this those things were discussed and this was an exception that was put in, and whether or not the Commission or the legislature can modify that would be up to them.

Commissioner Arvas: I would recommend that at a different meeting you could come back with Dan Brooks and come up with a recommendation because the way things look now we haven't done anything to this individual. For all practical purposes he's doing exactly what he always did before and he hasn't suffered much of a consequence as a result of his actions.

Pat Snyder: With the wildlife violation we can definitely do something if we're able to prove everything with the contracts and outfitting. Outfitting is a buyer-beware market.

Commissioner Arvas: Let's make it simple. If Mr. Parker does business as Pine Ridge Outfitters and he has ads in magazines and solicits business, what's going to change in his life as a result of these consequences?

Pat Snyder: If you assess 25 points and the 2-year suspension, he cannot put in for the pool, he could not guide on public land, and he could not guide on private land unless he becomes an agent of that landowner.

Commissioner Arvas: That's it though? The odds are that he wouldn't be able to guide on private land if he weren't an agent as a rule.

Pat Snyder: Well, the private landowners are recognizing that because when they accept an individual as an agent, we do tell them that they're accepting some degree of liability for the activities this individual conducts and some are accepting that and some are not.

Commissioner Arvas: That would be what I'd like you and Dan to look at. To me that's a loophole.

Commissioner Sims: When you went over the states that we cooperate with on the penalty assessment, I didn't see Oklahoma in there. Is that a state we do not cooperate with on penalty assessments?

Pat Snyder: No, Oklahoma and Texas are not part of the compact.

Commissioner Sims: Down the road are they ones that we would cooperate with because after all we do border those states?

Pat Snyder: Each state has to pass their legislative mandate to get on this. I know there are several states in the process that have mandates in their legislative process and they're doing that and I don't think Texas is and Oklahoma might be considering it.

Commissioner Sims: Especially the ones that border us.

Pat Snyder: It is a deterrent.

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

AGENDA ITEM NO. 7: Fiscal Year 2007, 3rd Quarter Depredation Report.

Presented by R.J. Kirkpatrick – The Department reported on depredation complaints filed with the Department in accordance with 19.30.2.11, NMAC, for the 3rd Quarter of Fiscal Year 2007, and on resolution of complaints that reached 1 year duration during that quarter. The timeframe we're discussing is 3rd Quarter Depredation Report for FY 2007, January 1 through end of March. During this 3rd Quarter we've received 31 complaints. The most troublesome species during this quarter were foxes and raccoons. Both of those species totaled about 40% of all our complaints. This 3rd Quarter is typically a slow time for depredation complaints by all species. We've provided information in comparison with last year's 3rd Quarter which total complaints were 46, to date we've resolved 40 for an 87% resolution rate. Of those we've not resolved we continue to work on. On complaints during this 1st Quarter we've resolved 1/3 of them and we're actively pursuing resolution to the balance.

Commissioner Arvas: Would you go through the process of how a complaint is processed?

R.J. Kirkpatrick: An individual landowner has a complaint or an issue of property damage or circumstance where there's conflict with wildlife of some kind, they notify the Department and within 24 hours someone from the Department is required to respond to that complaint, document it photographically and within 3 days provide 3 resolutions (temporary, intermediary and long-term) to the problem. This 3rd Quarter is indicative of more nuisance complaints. Upon provision of interventions, the how-do-we-solve-this-particular-problem can be accepted or rejected by landowners for good cause. We resolve a lot of these nuisance complaints quickly by provision of information.

Chairman Montoya: Do we track bear in a separate category?

R.J. Kirkpatrick: We track bear along with all species and there were no bear complaints this 3rd Quarter. Typically during this quarter most bear are still sleeping so we have few issues.

MOTION: Commissioner Buffett moved to accept the Fiscal Year 2007 3rd Quarter Depredation Report as submitted by the Department. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 20: Rio Chama Restoration Project.

Presented by Lorenzo Valdez, Rio Arriba County Manager – The Rio Arriba County Manager presented Rio Arriba County's plans to invest County water rights into several water storage facilities in the San Juan and Jemez Mountain ranges that store water for irrigation use in several small Rio Arriba villages and serve to contribute to the well-being of various wildlife species found in those areas. The County engaged the Commission and the Department as partners along with USFWS. **Discussion item only.**

Chairman Montoya: Mr. Valdez, Rio Arriba County Manager, is making a presentation regarding efforts on behalf of the County to do some work with habitat and water purchases.

Lorenzo Valdez: Today we have more intense conflicts with grazers, elk, and other issues with the Commission. The project we're bringing forth today attempts to deal with some of those conflicts in some way but also to be able to make this ecosystem more sustainable and friendly to all inhabitants. Attached is a similar initiative from Santa Clara Pueblo that the County supported and it's attached because it has some relationship to the initiative we're trying to initiate in the high country utilizing water rights. We're actively involved in trying to acquire as the County somewhere around 1,340 acre feet of water that is part of a Settlement Agreement with Acequias Norteñas. They have in fact agreed to enter into serious contract negotiations for the acquisition of those rights. The County's plan is to work with Acequias federal land agencies like the Forest Service, BLM, and the State Land Office to start slowing down some

of the water that runs off in the spring. We have severe problems with maintaining stream flows and that affects wildlife, livestock, and agriculture. It also has created a situation where we have excessively eroded stream beds. Ritoncino is the main stream that comes into Youngsville and when I was a child my grandfather shared oral history extensively with me and he told me that Ritoncino used to run on the surface of the valley. Now it's about 30 feet deep. We'd like to be able to utilize these water rights and work with acequias to go upstream and create ponding. Livestock producers already do that in collaboration with the forest service but we don't have enough water sources especially in drought times. We've just come through 5 very tough years where we've been cut back. One of the 5 years we were asked to leave the forest in June after having been there for only 6 weeks. All the ponds were empty or nearly so. On the Valdez at the top of the mountain by Encino Lookout there were only 2 ponds that had water left in them and wildlife was having a hard time so they all migrated down to Coyote Creek and down to Cañones Creek where live streams and live springs managed to survive. Palo Duro Spring that's on the slope coming off the mountain I'd never seen go dry in my lifetime and 2 years ago it was a trickle. It would fill the water improvement we have. It would take 12 hours to get that 300-gallon trough filled so if you had a large elk herd go through there and drink up the 300 gallons, it would take 12 hours before the cattle could come up and drink. We're looking at seeing if we can utilize these water rights to enhance that situation. In addition, as the streams get down to the fertile valleys where irrigation and orchards for hay and production of agricultural products occurs, we're seeing diminished stream flow by July where irrigators can't utilize their systems and that's a big problem for us in that agriculture becomes less sustainable and as that happens landowners think about selling and developing and as that happens wildlife finds less places to cross and utilize feed and the ecosystem. We're hoping that we can develop some irrigation structures of various sizes. We like what the Department has done with the Eagle Nest acquisition and working with downstream irrigators and affording sportsmen the opportunity to fish and have access on private land. Maybe we can do some of that here in the north, create irrigation structures that are suitable for fisheries. I know there are barriers and questions that need to be addressed with the State Engineer's Office, impoundment of waters is complicated and involves interstate compacts, and a number of things. We will be approaching the State Engineer in discussion with these questions so that we can move forward. We think it would enhance the economies of small communities like Youngsville, Canjilon, and Coyote. If you drive through there now you'll see gas stations that are closed, small stores, and Mom-and-Pop businesses are gone. If we had something to attract folks back into the natural environment to fish and take advantage of enhancements perhaps we could bring back some of those small enterprises and some folks would be able to make a living. I would like to bring to your attention an item in the Santa Clara Proposal that is very relevant to you because we'd like to use some of the strategy and I've discussed it with Santa Clara and we'd like to implement some of it in the area of Juan Bautista Valdez which is just over the ridge from the Valles Caldera. The proposal for Santa Clara is on the headwaters of Rillito Lindo and Santa Clara Creek and 1 of the dynamics that they emphasize is the elk impact on upper headwaters of creeks and the destruction of the beavers food sources and the impact on the ability of beavers to block streams and create ponding which slows the water allowed for percolation and enhances underwater resources and keeps those springs running and improves water quality, reduces turbidity. They're actually talking about doing exclosures for beaver habitat areas and encouraging them to come back and slowing that water down. If you drive up La Vita Pass on that private land on Trinchera is 1 of the places where I've seen most beaver activity on a stream in a long time. I remember it on our streams. Those natural structures we could work with human hands to create them and we're going to have to work with the Department because it impacts wildlife. I'd like to formally propose that we develop a relationship with the County and the Department and engage designated staff to start to think about where we can work this out. We'd like to start in the Coyote area but not restrict it there as we develop financial resources and we work out some of the barriers and I'd like to work with acequias because they're developing water banks where they hold water rights due to legislation created a couple of years ago. They're able to hold water rights that aren't actually being used on the land and so they're available to do something else to make these impoundments more viable long-term and not subject them to calls as junior water rights. These that we're buying are fairly junior, 1,907-1,910 water rights. We'd like to be able to release that water to farmers/irrigators early on and let them use it while holding back senior water rights for impoundments and make them more stable as fisheries and for the purposes of recreation and economic development. We have discussed this with some of the acequias and they're interested in pursuing. I've discussed with Tribal governments and they like it because it's something they've already done in the Santa Clara drainage. As you know, they have 4-5 fish ponds that work pretty well, Nambe Pueblo has 1 large structure. I don't know if we'd

go as large as Nambé, but at least as large as what Santa Clara has maybe larger in some cases depending on the needs of the irrigators downstream and it has to have enough water to hold a pool for fish to survive but also enough water to be able to release in times of shortage for irrigators downstream and when they really need it to keep alfalfa/hay/gardens/orchards alive. We're going to become very pro-active in Rio Arriba County. We're now becoming environmentalists. We've always been conservationists and I make the point because the word to environ is an action verb that involves political decisions. When you create an environment the word environment means to encircle and once you encircle it's subject to management and policy decisions and that's what creates the environment. Environment is not the natural world, it is what humans do to the ecology through decision making. We create environments, we decide. This project is another step forward in trying to meet the needs of humans and the maybe the needs of wildlife while we've been doing that with acequias for a long time. We created large corridors and very arid valleys, expanded the green belt to the Emerald Valleys, made them wider and made them more hospitable to many species. I emphasize that to do this project we do need the Department of Game and Fish. This will enhance water flow beyond Rio Arriba County. If we can get this water to slow down and percolate more and to remove some of its turbidity to prevent erosion that you may have less trouble with the Silvery Minnow in Socorro. It's not a lot of water but every acre foot counts and if we can work with the water banks that may become much more than that or maybe we can approach 2,000 acre feet and make a few impoundments with 150-200 acre feet of water, that would enhance the ecology of the area.

Chairman Montoya: As you're aware, in this County as well as other counties in the state, there are a lot of conflicts between wildlife particularly elk and those that run cattle. What our County Manager and the County are trying to do is be pro-active with the understanding that as you improve habitat you improve the likelihood that a lot of those conflicts can be resolved amicably. As we move forward, the County would like to be pro-active in assisting with all other partners particularly the Forest Service and BLM, and the manager is making an attempt to engage us as well as partners. We don't own the land but we manage the wildlife and so we're huge partners in any effort that we might undertake in terms of improving the landscape and its habitat. We can resolve a lot of those conflicts we believe by doing a lot of work. The Department has access to a lot of in particular federal resources to make such improvements and I'd like, under our Director's direction, to allow staff such as R.J. Kirkpatrick to meet directly with our manager and identify those people that can work along these mountains—San Juans, Jemez, and Sangre de Cristo and develop these kinds of projects where there's a lot of work needed where meadows are being overrun by trees. We'd like to engage and I'm glad there are representatives from Valles Caldera here because if we plan in isolation, we plan to fail so we need to insure that all the partners are engaged in working on these projects. Director Thompson, I'm asking you to allow individuals like R.J. who's familiar with this area and understands the conflicts that are out there, if you could coordinate something or allow the County Manager and R.J. to coordinate with other individuals that need to be important players in these efforts. All we're asking is to set up some meetings where we have those people present at meetings so that something can get started.

Director Thompson: Many of Department staff are in the audience today and have heard this; much of this falls within regular program-type activities that are ongoing.

Commissioner Arvas: An area we could explore instantly is the Sikes Act funds. I can assure you that under the Director's direction that will be 1 of the areas that we can look into in terms of use. Of course, we have representatives from the Forest Service and BLM here and they're great partners in the Sikes Act.

Lorenzo Valdez: We've been discussing this with the Coyote Ranger District staff. I didn't get into thinning and some of the other enhancements that we can do to habitat. When you're talking about the availability of carbon materials for animals to survive, there are certain acts that you can take on the ground to enhance that. What happens is that cattlemen are asked to herd off because that's the easiest solution. We have control of that animal. It's more complicated with wildlife. There are some decisions particularly on the Valles Caldera and how it affects the Jemez that are not being taken into consideration by that board and involves the Department. What we've seen since that ranch was sold was a tremendous change in the patterns of use because of decisions being made by the board, such as limitations of cattle numbers on the property.

Kent Salazar: These are the types of things you're going to be seeing more and more as the climate changes. You're going to see conflicts with wildlife, ranchers/farmers, developers and it's all about a shared resource. Water is key in New Mexico. Sportsmen also have issue in this too as well as conserving. We look at ourselves as conservationists too so we need to have input as well on these issues. We had a lot of conflicts with wildlife but we

handled them in such a way that wildlife thrived and we thrived. That's the way our folks did it in those days. I think we can share these resources with wildlife and do it in such a way that we all thrive. The New Mexico Wildlife Federation would like to be involved in these discussions.

Harv Forsgren: There's so much we have in common in terms of objectives. He spoke of restoring water tables and raising the streams back into the stream channels and getting this landscape back so that it works like a sponge and is able to absorb that water and slowly release it over time. Those are common objectives that we have and we recognize that this healthy landscape can produce more benefits for a broader spectrum of people and we look forward to working with the County on an activity such as this.

Chairman Montoya: Could I encourage you to correspond with your regional personnel and when invited participate with plans and discussions along these lines.

Tony Herrell: I'm with the Bureau of Land Management and I'm not sure whether you're working with BLM or if there's BLM land there. In general I'd like to reiterate some of his remarks and the Forest Service remarks. The BLM New Mexico is putting a humongous emphasis into restoring the land with the right tools in the right area and it can be from trying to recharge the ground to establishing vegetation and trying to get the land back to the time of our ancestors before the land had really changed. It's not just a fixed state of any particular vegetation so on many of these things we continue to look for partnerships whether it be counties, ranchers, private landowners, or oil and gas.

Chairman Montoya: There are opportunities in almost every county to work with BLM. In our county we have Unit 2, 5-B, and 50 where BLM has a huge presence.

Tony Herrell: We want to pursue that aggressively. We want to get back to the natural functions of the land and when we get back to that it benefits everyone whether it be rancher or oil and gas company. You have healthy wildlife you have healthy vegetation you have less conflicts. It takes a light touch and it has to be done with wisdom.

Lorenzo Valdez: I don't dispute that nature has a way of doing things but nature is quite chaotic and before our time nature did a lot of damage to the land. Light touches work in some cases but it doesn't work so well in others. Those are items for discussion and sharing of information and knowledge as we move along. Nature left to itself doesn't always come up with the results that are in our heads.

Jeff Cross: I'm Executive Director of the Valles Caldera Trust. I don't speak for the Board but I will speak for the staff and I'd like to be notified and included in those discussions with the Department because some of the issues you've raised obviously extend onto to us. I'd also point out that that project on Santa Clara we're partnering on and we're looking at innovative ways to restore riparian habitats and bring back beaver. We have little or no recruitment of aspen on the Caldera because of elk. On the livestock/elk issue, the Caldera has been managing the grazing program under an interim environmental assessment since 2002. The 2006 program will be the last year that we have a grazing program under that EA. We're about to announce a public process to develop a new livestock management plan. The Board is in transition right now. I'd encourage Mr. Valdez to come to our next Board meeting and speak to that issue. The livestock program will be on our next meeting agenda.

Chairman Montoya: R.J., make sure you and Mr. Valdez exchange numbers before we leave.

Commissioner Buffett: Mr. Valdez, can you describe what the impoundments look like in terms of size and a general description of the infrastructure required?

Lorenzo Valdez: This is all in a concept/investigatory stage and we have a lot of work to do with hydrologists and engineers and folks that will provide technical assistance up front and a lot of discussion with federal land managers and, of course, the resources. The only thing that I can say right now is that our vision is that it should have enough water to provide water to irrigators if we're using their water and it should be deep and in cool enough places. We need to go the higher the better to limit water loss to transpiration and we don't mind if it goes into the ground but if it goes up into the air it's pretty much lost so we want to limit the surface and we want to create depth, want to look for places that have a lot of shade, places that will freeze over. We know that hydrologically the higher you locate these impoundments the better the water will be held with minimum loss.

Commissioner Buffett: In your opinion, is there potential or role for beaver restoration as part of this project such as they're doing at Santa Clara.

Lorenzo Valdez: There's room for beaver restoration and there's also room to have the Youth Conservation Corp come up and do some work on stream banks. We have a very active Youth Conservation Corp in Rio Arriba County and if we don't want to wait for the beavers to populate the whole stream system, we can go up and do some work. There's room for a lot of acts with good planning. There's also room for wildlife and livestock tanks that are not

directly connected to a stream system meaning a perennial flow but in the uplands we're already creating stock ponds under the State Engineer's rule where I think you can impound up to 10-acre feet or something and there's criteria for bank size and so we want to create more of those in more strategic places so that livestock and wildlife isn't that far away from water.

Commissioner Buffett: I'd like to also echo that I hope stakeholders including sportsmen, representative from the trust, and others are included as this goes forward.

AGENDA ITEM NO. 8: Hunting, Fishing and Trapping Agreement for State Trust Lands.

Presented by Tod Stevenson – A quick overview of what our state land lease is. Under our state trust properties throughout the State of New Mexico they're indentured by Constitution to raise funding for educational facilities throughout the state. The Commissioner of State Lands has the responsibility to raise dollars through various types of lease agreements and other kinds of agreements on those properties to meet that Constitutional responsibility. From that end, the Department of Game and Fish for numerous years has had the opportunity to lease state lands, all of them essentially throughout the state, with exception of some that are tied up and either business or commercial leases, for the purpose of hunting, fishing, and trapping. We were before the Commission 2 years ago and brought that previous lease that we're currently working under. That expires at the end of June, 2007. We were hoping to be able to bring a finalized agreement to you today. We have not gotten to that point with the State Land Office so what we have right now is an agreement for them to extend our current agreement up until a point of the July Commission meeting and we're hoping to bring a finalized agreement for you to consider. Essentially it will be much like what we have today. Most of the components that are in that current lease the way that we calculate the fees on that lease will remain the same. That's worked out pretty well for us. We actually went back 2 years ago and started looking at what these pieces of state land provide for opportunities for sportsmen and we looked at how much of that percentage of land can people go fish on, how much of it can they hunt elk on, and then we looked at the number of licenses that we typically generate off of that and that's what makes the fee as far as the percentage of land and the licenses that we have that go into that fee. What we're anticipating based on that fee agreement is probably over \$200,000. Right now we've got about \$235,000 in our budget that was just appropriated by the legislature and signed by the Governor. There are several things that have been raised either by the State Land Commission, their staff, or ourselves that we're trying to modify in this current agreement. One is adding an opportunity to hunt non-game species or unprotected species during the time that our license hunters are out there on the ground. Also, looking at extending right now the State Land Commissioner has excluded all of the business lease lands and those are extensive at some different places. Looking at some of the opportunities if there are safe avenues for hunters to be out there on part of those properties is potentially releasing some of those properties to also be viable places that would be covered by our lease agreement. We're trying to get this lease agreement extended to 3-4 year period of time so that we don't have to come back every 1-2 years to try to re-negotiate this lease. We're trying to put into the agreement for the most part is try to resolve part of the access issues and other issues that come up on the ground to the lowest level so they're regional components rather than issues that get elevated. Trying to increase some of the data sharing responsibilities so if there are game surveys and other types of things that we do that that information gets moved to them very quick or vice versa or if there are things they're doing on those properties and other things where we're sharing information much better than what we're doing today. We're trying to designate access points as 1 of the things that the State Land Commissioner is interested in where there's multiple access points is looking at assuring that at least all of our sportsmen know where 1 of those is to where our public has a better idea of where they can get on to those state land leases. One of the concerns that the land commissioner and his staff have raised with us over this last year is a concern of resource damages caused by retrieval of game on part of those areas where people are currently in the lease. Right now what is being considered is there would no off-road travel for any kind of purposes on that state land as far as our hunting participants. The 1 exception to that is being discussed is handicapped hunters and we're trying to figure out how to do that. If we do it without mobility impaired definition where we issue that certificate based on a doctor's certificate that they get or some other mechanism that we would have where that would be controlled. Also, sitting down and working annually on some places where we're having problems trying to get those resolved. We've got historic places where almost annually and sometimes more we'll get gates that are locked and other things that prevent access by our sportsmen on to that lease where they should be allowed to go do that under our lease agreement. At this point those are the

primary things that would be somewhat different with the agreement that we will be bringing to you. State trust land just by the nature of the way it's set up is not public land as we consider public lands more like Forest Service or BLM properties. These properties are restricted and that's why we have to go into the lease agreement for our constituents.

Chairman Montoya: This is to approve continuing the same agreement at least through July until a new agreement is formulated and then presented?

Tod Stevenson: Really it's more informational at this point just to let you know where we are in this negotiation since we had actually intended to have that finalized agreement before you. The State Land Commissioner already has extended that agreement for that first 2 weeks of July per his capability to do that under their agreement so we don't need your approval of that.

Commissioner McClintic: I've received letters from Mr. Postor and other people in the Gila and their concern is that they've hunted all their lives, they're not physically capable of walking the mountains like they used to, they still want to buy a license from the state, they still want their opportunity to hunt if they draw, and I don't know how this applies to the state lands, and they do not have the ability to go retrieve that animal. Their suggestion is not taking the vehicle off-road until the animal is properly tagged, and then on a 1-time basis do that, so we're talking about handicapped people having the ability to do it. I think it's an issue that has to be addressed because if we decide that these people are not physically capable of retrieving their animal then we ought to do something. If they can't legally retrieve their animal in a manner that they're physically capable of doing we should have something to the point where they shouldn't be hunting in that area or we shouldn't be accepting their money unless they properly explain to us how the only way they can hunt what's legal under our system. I've received 17 letters from people basically with the same concern and we don't seem to be addressing it.

Tod Stevenson: I think what you've pointed out is 1 of the tougher decisions that you as Commissioners and us as resource managers are faced with. The folks clearly have a valid concern but how we end up balancing that with the resource protection side of that issue is where we continue to struggle. One of the concerns that I've had as a resource manager through most of my career is a lot of the off-road driving causes huge habitat concerns. We're now getting enhancement dollars to be able to go do that, but if you don't have to use those dollars to fix part of those properties where you can do better prevention first, I think that's what you're going to have to try to consider. I understand the concern of those sportsmen although I know that in Valle Vidal, Unit 2, 52 and other places that have been under no off-road travel restrictions, those are some of our better areas and people have been able to participate in the hunting there and retrieved game, they just have to be able to figure a different way to do that.

Commissioner McClintic: I agree with that but when we make a decision as a Commission/Department we need to educate people, but the resource is more important than them being able to drive a truck to retrieve game and we have to make sure that people understand that before they apply for that license in that area. We need to better educate the general public on what they can and can't do.

Tod Stevenson: We'll definitely do that and as an outcome of a couple of these things we'll need to increase that effort. If some of these things change significantly from what they are now, they're going to require a significant outreach effort to make sure that our public is aware of what those things are, aware of why those changes are put in effect, and hopefully what some of the benefits are.

Commissioner Riley: One of the issues that springs up in New Mexico and other states as well who have these programs that either provide access to land that maybe doesn't fall under "public land" as cleanly as others do, is the problem of trespass. Obviously the best way to deal with trespass is to have clear signage, clear access points, and I know we're talking about a lot of land. A lot of the land out there is not marked very well, much of it isn't fenced so it leads to the problem of sportspeople running into conflict with the private land owner or the lease holder. We want to minimize those as much as we can, so from a long-term standpoint as we move through years of this relationship we have with the State Land Office, I think it's important for us to look for long-term solutions in coming up with better signage. I think what we have with the Open Gate Program is extremely important that we move toward with that because if we don't we're going to run into more problems, conflicts, and legal issues. I recommend that you try and build something in there either in the short-term and definitely in long-term for coming up with a solution to that and maybe better signage would be good. Some states have gotten an atlas put together where they have a map of every county and a legal description of every spot and you can flip it open and look at it and have a better idea of where these lands are. That's something we've got to work on because this is a great program, it's got a lot of

opportunity for sportspeople and I want to keep the relationship between the private landowners and the hunters and anglers as good as we can.

Tod Stevenson: We'll definitely have that discussion with the State Land Office. As you say, with some of the things such as advances of GIS mapping and some other things we're actually getting that capability to make people more aware.

Commissioner Buffett: I also think it must be a hard line to draw in terms of handicapped access or physically challenged access, but I want to share that I'd like to see Department err on the side of limiting off-road vehicle access as you move forward with this easement.

Commissioner Salmon: I had something to do with the proposed change to allow the hunting of non-game animals on state land. I initiated a conversation with Commissioner Lyons a couple of years ago and he seemed sympathetic. I followed it up with a letter and suggested some language and I'd hope that the Department would pursue that opportunity. It would greatly expand hunting opportunities for sportsmen on about 9,000,000 acres. It would also help simplify and clarify the process.

Tod Stevenson: Currently the Land Commissioner and his staff have been involved with this and seem to be very favorable to making that change for these unprotected species. One thing that we haven't talked to them about is under the Recreational Permit is if something like that would be allowed under their recreational permit for various other periods of the year.

Commissioner Salmon: One of the points I made to him in my letter was that I realized that he may not want people out on the land year round. He may very well want to control certain months of the year and I agreed with that restriction. That's why I suggested we limit it to licensed hunters who are on the land during a licensed period.

Chairman Montoya: I'd like to request that you please keep the Commission abreast as you're developing the contract that's coming up especially with some of the issues raised here.

Tod Stevenson: Yes, I'll make sure and do that.

Chairman Montoya: I'd like to ask Tony Herrell if you wouldn't mind switching items on the agenda and allow for your counterpart Harv Forsgren to present his item ahead of you? He's on a tight schedule and needs to be out of here.

AGENDA ITEM NO. 10: Review of USDA Forest Service Travel Management Planning.

Presented by Luke Shelby and R.J. Kirkpatrick – The Department, in conjunction with a Forest Service representative, provided an overview of travel management planning that is underway and how Department staff has contributed to and interacted with that federal process. The overview included information on how sportsmen interests have been included relative to the resource management goals met by the Forest Service. **Discussion item only.**

Harv Forsgren: I'd like to share information with you on where we're at on implementation of a national rule regarding the use of off-highway and all terrain vehicles on forest system lands. This is a rule that not only applies in New Mexico but is a national rule. First of all I want to make clear that national forest system lands are multiple-use lands and we view the use of off-highway vehicles as a legitimate use of those lands in the right place under the right circumstances. However, we have experienced a tremendous increase in the number of OHV's and how those OHV's are using public lands. The figures demonstrate quite clearly the explosive growth in this particular segment of recreation. As a result and as was previously alluded to by Tod, when those off-highway vehicles are used in inappropriate ways and inappropriate places, we see significant kinds of impacts to soils, vegetation, wildlife, introduction of invasive species, as well as damage to our archaeological and historic sites. Frankly, we're seeing growing conflicts between different users of the national forest system lands. In response to this, in December, 2005, the Forest Service adopted a final rule related to management of off-highway vehicles on national forest system lands. That rule cites 4 related purposes to protect national cultural resources to enhance public enjoyment of national forest system lands while promoting safety of all users and minimizing conflict among those users. That's the underlying purpose that we're trying to accomplish through this rule. That particular rule requires that each national forest and each district on each national forest designate a system of roads, trails, and areas that are open to motor vehicles by vehicle type and, if appropriate, limit it to particular times of the year. Those designated roads, trails, and areas will be identified on a map and once that map is published, cross-country travel on national forest system lands would be prohibited. That represents a significant change. Currently in New Mexico about 60% of

national forest system lands are open to cross-county travel. Once these maps are published, there will be no cross-country travel allowed. We'll be on a designated system with some exceptions I'll talk about in a moment, some that directly interface with interests of your customers. Until we complete this designation, the existing framework of rules will generally remain in place. This process by design was intended to be a local collaborative effort. It starts out by mapping the existing system of authorized roads and trails and areas that are open to off-highway vehicles working with the public to identify what is in that system that ought to be added and what ought to come off that system. That will lead to proposed action that will meet our National Environmental Policy Act requirement set forth and issue a decision, then publish that map, and then implement this rule. This is all to be done within the next 2½ years and I'll give you an idea of the various timeframes. The different national forests are completing implementation of this rule. On the Cibola there are multiple years beginning this year and that's because the Cibola is a collection of parcels of national forest system lands that are scattered from Oklahoma to Central New Mexico and those different mountain ranges have different constituencies associated with them so they're doing district by district planning to work with their local communities. The Gila and the Lincoln will be done in Fiscal Year '08 and the Carson and Santa Fe by the end of Fiscal Year '09, so this is all happening at a fairly rapid pace. One of the things I did in recognition of the value of local collaborative efforts still needs to be a certain level of consistency brought to this effort so that as 1 user goes from 1 forest to another, that they don't encounter widely divergent rules, and that they're able to be in a better position to understand and comply with those rules. We have issued some guidelines to help promote some consistency. In general, people are very supportive of this effort and that's from sportsmen to off-highway vehicle manufacturers, but this is 1 of those things where the devil's in the details and there are a couple of aspects of implementation in this rule that are of particular interest. The first of those has to do with providing motorized access for dispersed camping, a long-standing tradition on the national forest. The issue that was raised a while ago about motorized access for big game retrieval, the rule provides us a number of tools to provide for this motorized access for dispersed camping. First of all, you'll be able to disperse camp all you want. All this rule will affect is how you can use a vehicle to do that. The rule provides for roadside parking any place that it's safe so people can still park their vehicle and walk short distances and set up their camp. It will also provide an opportunity for us to designate spurs and camping sites for the public in a non-developed setting to be able to camp. Finally, it includes a provision for fixed distances or corridors from open roads that people could travel to reach a dispersed camping site. In regard to motorized big game retrieval the rule provides very limited tools. We are looking at the primary way of meeting the needs for big game retrieval is the actual designation of the road and trail system itself so that we limit retrieval distances and we have the opportunity to look at a greater network of certain roads and trails only being open during the hunting season so that we limit the distances involved in big game retrieval. The only other tool that we've got available to us under this rule is this fixed distance from open roads that may be designated. That last tool by the regulation and by our own directives is to be used sparingly if at all. As we've visited with our state game and fish management agencies, we've recognized that we have a unique relationship with these agencies. If there's a core management responsibility with the state having primacy in responsibility for the fish and game and we having responsibility for the habitat on national forest system lands so we believe that this particular tool is a valid tool that ought to be considered where there is a demonstrable need to meet game and fish management objectives. Whether those are related to herd management or avoiding wanton waste of harvested game or where those might be necessary to facilitate programs for physically challenged hunters to be able to retrieve their game. Most of our discussions thus far in New Mexico have pointed to a general belief that we can meet most of big game retrieval needs in this state by that first tool of engaging sportsmen and the designation of the system to minimize retrieval distances.

Commissioner Arvas: As more or less the designer of this system obviously the public meetings that you've had and the input from the game management agencies, is there going to be some sort of universality or some commonness to each state in your region or is it going to be different, i.e., Arizona?

Harv Forsgren: There will be differences based on the differences of those units, the topography, history of use, and the communities that they're associated with. You can imagine that implementation of this national rule presents some real challenges when you have a district like the Mesa district in the backyard of Phoenix and 7,000,000 people that are using that as compared to the situation we have on the Gila where we're relatively distant from large population centers. There's an opportunity under this rule to provide some flexibility in its implementation. However,

we're working hard to provide enough commonality so that it just doesn't result in mass confusion on the part of the user and put them in a situation where they might inadvertently be in conflict with the regulation.

Commissioner Arvas: Do you see any changes in game management units as a result of this?

Harv Forsgren: We haven't had that discussion.

Commissioner Arvas: I just saw last night in something I received from Arizona I guess they're implementing a new law under the legislature. Is that something you recommend that each state do in your region?

Harv Forsgren: There are some tremendous advantages to law like Arizona has just passed because it brings into better management this particular form of recreation. It generates revenues that enable better management, the construction of trailhead facilities, maintenance of trails and other things used by these recreationists. We're pleased with the legislation that was passed in Arizona and look forward to working with the other federal and state agencies in a cooperative way of implementing them.

Commissioner Arvas: So it's your opinion that this is a positive step if we could implement the same type of legislation?

Harv Forsgren: I think it was a very positive step but I also think that the step that New Mexico took last year in terms of issues around OHV safety was also a very positive step.

Commissioner Arvas: I think I'd recommend to the Director that we look at Arizona's new law and see how it more or less relates or interfaces with our needs.

Commissioner Salmon: I'm hoping that as this proceeds and as we look at these different areas that you'll take particular concern for our riparian areas. In some cases roads or what pass for roads were established in riparian areas because that's the only way through the mountains and yet riparian areas are our richest habitats and are most wildlife rich areas and are most sensitive to ORV abuse so if you're going to close an area to ORV use I think you'd start with riparian areas particularly those that have a flow of water in them. I'd rather see a sacrifice area in the uplands designated where ORV people could rip and snort and climb hills and have a good time and keep the riparian areas protected.

Harv Forsgren: I can assure you that in meeting 1 objective of this rule which was to protect natural resources that riparian areas are an area of principle focus. As we look at that existing system of roads and trails that's out there that's 1 of the things we're looking at with the public is the opportunity to relocate some of those roads and trails that are immediately within riparian areas to outside those riparian areas where it's possible to avoid the kinds of impacts you're talking about. Also a consideration in terms of if we were to consider a designation of corridors to facilitate dispersed camping or big game retrieval that we would do that in such a way as to take into account the sensitivity of riparian and other important resources.

Commissioner Riley: You had 2 options for big game retrieval. I understand the second which affects distance, but you had the first there, could you give me an example of a regulation around that might be?

Harv Forsgren: When this rule is fully implemented, motor vehicles will be limited to a designated system of roads and trails. We can specify what type of vehicles on particular segments of roads and trails and what seasons particular roads and trails may be open so we may have a base road system that is open pretty much year round or suitable periods of time. We have the opportunity to meet sportsmen's needs for big game retrieval to identify a more extensive network of roads and trails that would only be open during the designated hunting season if that were required to meet sportsmen's needs while meeting the other intents of the rule.

Commissioner Riley: You talk about a system to limit retrieval distances, what do you mean by that?

Harv Forsgren: What I'm saying is that the greater the density of road network that's open and available is 1 way that we can limit the distance that someone could down an animal and have to get it to a road. If you look at an area this big and you have 1 road up this side of it potentially you've got long retrieval distances. If you look at a network of roads within that area that's perhaps only open seasonally during the hunting season, then you can provide access for retrieval for a greater portion of that geographic area.

Commissioner Riley: How are you going to inform hunters or the general public about what is or isn't available or what options are available if they do change throughout the year?

Harv Forsgren: The principal way that we will inform you is this travel management map which will have these routes designated and any limitations on seasonal use or vehicle class clearly identified. But we've talked with Director Thompson and his counterparts in the other states that we work with about using our hunter regulations as a very important vehicle to help our sportsmen know what system of roads is available and under what conditions.

Commissioner Riley: Let's say you have a 4-wheeler out there that's hunting and a 4-wheeler that isn't hunting and you have fairly good information to the hunter that he/she could do certain things out there, but if the 4-wheeler that's not hunting sees someone driving off the road, these seem somewhat unenforceable or at least a lot of people could be in violation.

Harv Forsgren: That's a concern both the Forest Service and the Department share and that's why we've looked at using this second tool in only very limited circumstances where there's a demonstrable management need that's facilitated by a fixed distance. As Tod recognized in his presentation, when you establish a set of tracks out across the landscape it's easy for others that aren't authorized to do that to want to follow that set of tracks and see where it's going and why it went there and so we see that as a very limited tool. There will be obvious challenges in enforcement of this and those challenges will be greatest early on as we educate people as to the appropriate use of these vehicles on national forest system lands.

Commissioner Riley: With respect to a fixed distance, how do you enforce something like that? No one is carrying a tape measure to go out a quarter mile or a hundred yards or whatever it is so the hunter probably wouldn't know exactly where 100 yards is and probably neither would the law enforcement officer necessarily.

Harv Forsgren: It would be a challenge. What you'll end up with is those that are close to the limits would be very tough to enforce and only the more flagrant violations would be readily enforceable.

Commissioner Buffett: It's my understanding there's a Governor's OHV Task Force that flowed out of Senator Feldman's legislation, is that something you've been involved with?

Harv Forsgren: We have been involved in it from the standpoint of health and safety aspects of the use of vehicles and have had our folks that are working actively in this field in consultation.

Commissioner Buffett: I'm curious to know what the findings are of that task force before we take parallel efforts to what's happening now in other stakeholder concerns around OHV's that we try and get as much information as we can.

Director Thompson: The reason that we asked Mr. Forsgren to be a part of this agenda item is that as you may recall, there were some comments made by members of the public at the Las Cruces meeting. In September, 2006, we provided a briefing to this Commission on travel management. There have been changes to members of the Commission since then and the questions that were raised in Las Cruces indicated that we should re-visit the topic. The Department of Game and Fish has been working for quite a number of months I think stretching into almost a year now in communicating the kinds of interest that you and sportsmen have been expressing and you now know the timeframe over which this effort will be continued. We enjoy a very strong working relationship with the Forest Service coming right from the regional forester, and we're going to be diligent in continuing that. Any thoughts that any Commissioners have even at a moment's notice you can convey to me or 1 of the key Department staff and we'll ensure that those continue to be factored into our interaction with the Forest Service on this topic because it's a very important resource protection as well as sportsmen interest topic.

Ron Shortes: Catron County is obviously involved in this. We have an MOU from many years ago with the Forest Service. Mr. Forsgren has been very receptive in most situations not always to Catron County's concerns. Unfortunately, recently the County has been sued once on the road issue. We've spent a good many years trying to work with people and we come to the Commission and appreciate the Commission's willingness to listen to us without filing lawsuits. I would like to clarify a lawsuit that involves the Forest Service on these road issues. Basically the old road from Glenwood to Reserve went down the river. It was the old state highway. We believe it was 2477 road under the old Mining Act prior to the creation of the forest. We've found records some coming from the Forest Service offices indicating that this road has been a county road, state highway, and a Forest Service road or at least maintained by those entities at different times. A private landowner has sued the county, Forest Service, and New Mexico Department of Transportation to close this road. We feel that road systems at least in our own county but I think personally and all of New Mexico were quite important that obviously Catron County is interested in multiple-use sportsmen off-road vehicle people and everyone else having their interest included to use the national forest. This issue involves the Forest Service because this old road even though it goes through different areas of private property involves an access to the forest for sportsmen and any other people wanting to use these areas. A similar lawsuit came up several years ago when Patricia Madrid was the Attorney General and she filed citing the interest of hunters and sportsmen to access the public lands involving an old state highway like this and New Mexico has odd laws regarding roads and road closures. Basically this is an issue of roads that existed that were never abandoned

under New Mexico law. People may have quit maintaining them and the Forest Service no longer maintains this road. All this is intended to point out that these issues are complex. We hope that Mr. Forsgren and Forest Service fight for the rights of the public to use this road since we believe it still is a New Mexico State Highway belonging to the public of New Mexico having the right to use this road to access not only private landowner property up and down the river but to access the forest. We don't argue about the fact that some of these off-road vehicles can cause problems especially in riparian areas and we agree that all of the issues need to be looked at scientifically. The other point in all of this is that unfortunately the process that Harv has described I feel is being circumvented by unnecessary litigation that we didn't start. The other aspect to this is that unfortunately I believe probably there will be a lot of federal court litigation over this that will overlay what the Forest Service and the County and everyone else does. Even though I'm a lawyer, I think that's unfortunate because I think often judges don't spend an adequate amount of time figuring out what to do about stuff and it would be better if we could all work together outside of court to figure these things out.

Commissioner Arvas: Harv, do prescriptive easements interface with your new rule?

Harv Forsgren: The new rule wouldn't affect any existing rights, authorities, or agreements that are in place.

Commissioner Arvas: I was wondering if there would be a conflict in your rule in the development with the prescriptive easement. Will that necessitate a change in your thinking about a given rule?

Harv Forsgren: I think it would enter into the deliberation about the designation of that road and those past agreements would be honored.

AGENDA ITEM NO. 9: Briefing on Petroleum Leasing on BLM Lands Relative to Significant Wildlife Resources.

Presented by BLM Staff and Jan Ward – This briefing provided insight about BLM lands that are currently leased or are subject to further leasing for petroleum development in New Mexico, and how those areas relate geographically to key wildlife resource interests. Focus was on relationship to areas identified through the Comprehensive Wildlife Conservation Strategy for New Mexico, including big game and game bird habitat.

Discussion item only.

Tony Herrell: I was asked to talk about oil and gas leasing, how it relates to wildlife management, how we allocate what we do, and why we do what we do and a little bit of the business aspect of it. Oil and gas is going to be concentrated in the southeast and northwest of New Mexico. Basically, there are about 10,000 federal oil and gas leases in New Mexico. We have about 27,000 producing wells and we produce about 1.4 trillion cubic feet of gas. As far as gas goes, the San Juan Basin production accounts for 1/5 of the U.S. total of gas, the responsibilities that the BLM has is as leasing agent for federal minerals. It works with Forest Service, Bureau of Reclamations and of course, their own BLM lands. It also works and performs trust responsibilities with Indian and federal oil and gas. I want to emphasize the existing leases in New Mexico. These show existing areas where there is leased land in the southeast and northwest. Much of the oil field in the southeast of course was developed at the turn of the 20th Century and into the 1920's through WWII and is an extension of a west Texas oilfield. Since this is older we've inherited an oilfield that was developed in less environmentally friendly way of which we are addressing much of our efforts today. I also want to point out that there are CO2 leases and helium leases in the Bravo Dome and over in the Ridgeway area. If you want to look at how oil and gas is allocated, what areas are no-surface occupancy, what areas are withheld from leasing vs. what's open to leasing with standard steps vs. what's open to leasing with controlled steps. It all starts with the resource management planning process and in the resource management planning process you have different allocations that you make in regard to oil and gas. It's either closed leasing, open leasing with specified restrictions, or open leasing with standard stipulations. It depends on the resource that you have on the ground of what you need to manage and how you need to manage it. So much of preparing for this presentation I had to go back and read through plans and learn myself of what the issues were in these different areas. People that are familiar with federal land management planning which the guy from the Catron County was pointing out earlier, it's like a crossword puzzle and what I try to do is break it down so we can take specific areas and I can show you to the plan. When you're going through the plan they're very thick and cumbersome, they make legal defensible tests, but they're not user friendly. So, with this I'm trying to boil it down into something that will make it a little more useable. This is an overview of the special management areas in the Farmington field office. The areas with a slash indicated, those are areas that are closed to leasing for either wildlife reasons or cultural reasons and those areas

that are open to leasing with controlled surface use. What I want to do is go specifically into an area and go to the plan and show you the management prescriptions for that area.

Commissioner Sims: Do you have that same map for southeastern New Mexico and does it differ much?

Tony Herrell: Yes. It does differ more because much of the southeast, about 90%, is leased so there's more that's open. I'll show you the areas that are closed, and then I'll show you the management prescriptions that go with that and how we apply restrictions to existing leases. What I'm going to cover is primarily area that is closed to leasing and I want to show that even though it's closed to leasing, but prior to it being closed, this area was leased in the 1960's and early 1970's and there is some existing oil and gas that is taking place on these, so even though the area is closed, you will still have oil and gas that was developing prior to the area being closed to leasing. When you're looking at this it says management goal—the area should be managed to protect and enhance wildlife habitat and provide for semi-primitive non-motorized, motorized outdoor recreation opportunities which is what we were talking about earlier. When you're managing oil and gas or any of these other things, you don't manage it in a vacuum. They're all related so this area is removed from leasing that has existing leases but 1 of the management prescriptions says closed to new oil and gas leasing, closed to all other forms of mineral entry which means that other mining activities such as locatable minerals, i.e., gold, silver, or leasable coal is closed to those things too. It will tell you it's an acquisition area like acquired billing, holdings, and easements. Right-of-way is permitted on a case-by-case basis and that's because you have existing oil and gas in that area. This prescribes the allocations that are done to that area and it will also tell you that as winter and big game habitat, wildlife and elk are the main things that we're managing for. Right next to that area there's an area that was open to leasing with controlled surface use. So when an area is issued in this middle mesa area, there's a management prescription for it that basically ties into the lease and it tells us for new and current oil and gas leases seasonal timing limitation on drilling through construction from December 1 through March 31. Anything that goes out as far as oil and gas lease has that timing restriction for the migratory needs of the elk. When you have any of these areas that are coming up in the management plan you also have a specific lease and when a lease gets issued attached to that lease, will be a stipulation that says no surface use allowed during the following time period and it tracks to the plan and it will have the specific land description and it will talk about exception criteria in the stipulation.

Commissioner Riley: On those seasonal stipulations you have on leases, in Wyoming they have similar lease stipulations in the Jona field but now a lot of the workers are complaining that since those stipulations come on and they get laid off and it causes economic hardships. So now they're trying to push BLM to waive the stipulations so they can remain employed and there are some other issues associated with that but the Wyoming offices appear to be waiving stipulations quite frequently to deal with those kinds of issues and others, are you encountering that in New Mexico?

Tony Herrell: We do waive some stipulations occasionally and we do have criteria for the Farmington area that we go by that depends on snowfall and those types of things. The criteria for waiving those stipulations is based on road density, fragmentation, and it was developed in conjunction with the New Mexico Department of Game and Fish and that criteria was agreed upon. So some years there are exceptions granted but only under short duration periods and other years. Like this year there were very few exceptions granted because of the big snowfall that we had. It says that is key to develop those criteria and agree upon it or you might have a situation that develops like what you have in Wyoming. You need to have that down fast because if you don't have it, then when you get under pressure things can go either way. Switching to the Carlsbad area, these are the areas that are ranched by BLM and I wanted to talk about the different zones for managing oil and gas. Zone 4 is open to new leasing with a timing stipulation on it. Zone 3 is open to new leasing with a stipulation for timing and a plan of development before anything can come into place. Zone 2 is open to leasing with no surface occupancy put on the new leases, and Zone 1 is closed to leasing and this is the primary population areas for it. We are working under our interim guidance that allows us to do that until our management plan is completed. The other thing that I put on this particular map is the Sand dune lizard habitat. Sand dune lizard habitat is easier to manage in the sense you just avoid it and it's actual sand dunal structures and we just don't allow oil and gas to be developed. There may be a lease there but they have to develop off of the sand or do directional drilling. To give you an example of those zones and what we're talking about this is the actual document that we have that illustrates those zones and, i.e., Zone 2 contains lesser prairie chicken, Sand dune lizard occupied and suitable habitat that is mostly lazed with lighter amounts of development. The Zone 2 area at the Chavez-Eddy line contains unleased parcels. Zone 2 areas are also very significant in

maintaining the narrow band of occupied habitat for Sand dune lizards. During the period of March 15 through June 15 each year will not be allowed. During that period other activities that produce noise or involve human activity such as maintenance of oil and gas facilities, geophysical exploration will not be allowed between 3:00a.m.-9:00 a.m. the reason being that that's the mating season. The compressor noise from the drilling rigs is very limiting to how they can find each other and mate. The Aplomado falcon area in Carlsbad and the stipulation that goes on it and we have several areas developed in the Eagle Draw area and what we do in it is portion study area highly suitable based on suitability ranking criteria and the oil and gas lease. We also have a plan of development that's required for that and we have specific reclamation requirements that we put on it. It's very managed and restrictive as opposed to some of the areas that are open. They have to remove the caliche, they well pad size is reduced, they have to utilize existing well pads and they have to produce all yuccas greater than 5 feet in structure and that's because it's based upon habitat model of where Aplomado falcons had traditionally come into the area. After we put the restrictions and stipulations on a lease, we do the lease sale. It's an oral option. The lease terms are for 10 years. It's a yearly rental. It's usually a 12½% royalty. There are things that are put on a lease form and the lease form is the business end that allows us to apply bonds and to enforce regulations when new laws come in to manage it. When we get an APD we do an environmental assessment and we apply additional conditions of approval to the application that are very site specific so we honed in on large areas and now we're coming down to the individual site. Some of the highlights that covers are invasive weeds and sometimes we require them to spray for invasive weeds, sometimes they have to clean or wash their vehicles depending on how sensitive the weed problem is. We have reserve pit constructions standards depending on the depth to groundwater and in some cases if it's a fairly big depth we will allow lined earthen structures to be put in and they can have their circulation pits in it. Once it's over they have to remove the water, remove cuttings, or bury them in place depending on the area. If the geology is such like the Capitan Reef where we have bedrock exposed to surface and you got communication to the groundwater table like in minutes/hours. It's required to be closed circulation systems, still pits, nothing is dug into the ground, nothing is left behind, and then we have things that are what I call in betweeners where the cuttings and everything has to be disposed off-site so you may have a line pit but it has to be removed completely. We have on lease road requirements, surfacing materials and in some areas we require roads to be built to a certain standard because they're all-weather roads and the problem if we don't do that what we've observed when we say don't build a road just kind of keep it light is we start getting a braided road system with every rain and then we have 90 feet of road there when we could have built 1 in the middle. In other areas where we have a hard surface/caliche/bedrock sometimes we're not requiring the road to be built period because it's an all-weather surface already. It takes very site specific field judgment to do that. In some cases in the Aplomado falcon area we've actually had them haul in \$200,000-\$300,000 worth of gravel and put it on the surface of actual process gravel and what that did for us is it looks like a typical ranch road because the grass grows up through it but yet the trucks and go over it and it's not creating the braided road system. It's expensive but it seems to be working well and oil and gas companies are willing to do things as long as it does work and it's meeting an objective. We've been able to do some of those types of things too. One thing we have a lot of problems with is sometimes cattle guards get destroyed by these drilling trucks going in, very legitimate conflicts with ranchers, we're putting those specifics into these things. If they do that they've got to replace those cattle guards or they're going to be in violation and we do enforce that. Simple things but when you're working with sub-contractors in the oil field those little things create bad relationships. One of the things that we're requiring is looking at split estate lands. We're not required to do that but on private surface federal minerals we're actually at the time making sure that the private landowner agreements are all reached before we'll approve the well. We want to make those people talk and work together and reach that agreement before we proceed with this and we're requiring that notification. One of the things that I wanted to point out is we're taking the enforcement responsibilities very seriously and we have changed our philosophy on this. It used to be a lot on production verification making sure the royalties were paid, that the government was receiving its money and less on environmental issues. Well, you can see in 2001 the Environmental inspections that were done at 27 and you can see in 2006 1,327 which is for Farmington. In Pecos they were always doing a little more environmental because it's an old oil field and it's really where our emphasis needs to be so you'll see that we're doing 1,419 last year, 1,150 the year before. When you find violations, that's where the real work starts. So, sometimes the numbers may drop down because we are approaching the difficult problems. These are areas that we're cleaning up and working in conjunction with industry, meeting their responsibilities and the requirements for the current day stuff and even some

of the staff from the past. One of the things I mentioned earlier within our restore efforts in New Mexico is we've done 145,000 acres within New Mexico much of that being in the southeast and we realize that if you have healthy wildlife and vegetation it equates to less conflicts and less restrictions, but when we have a situation like this, as I'd mentioned when west Texas oil fields come into southeast New Mexico, the type of oil field we have there is a WWII-vintage type oilfield and no matter what we permit today or meet these high environmental standard, the reality is we've got to go back and manage this and this is what's threatened today. In the specific areas that we're reclaiming, and in these old oil fields as the wells become non-producing/plugged/abandoned many of those there's a responsible party for and a lot of these we're going out and getting partnerships with the oil and gas companies and the conservation community because creating enclaves of unused area within these massive areas is the only place that wildlife can go. These are specific roads that we've identified that we can abandon, we can plug the well sites. These are the areas that it affects as far as prairie chicken as far as noise distance, or distance that it may cross a road based upon wildlife study observations done by Harvard University. By coming in and reclaiming these roads and pads which we are in a massive effort in doing we will have created 4,158 acres of essentially wildlife enclave. You're not talking about the future oilfield development, you're talking about managing something that was done before I was born, but this is where we can really make a difference. Removing the caliche is key and we had a battle for a long time with the companies about the expanse, the ability to do it, and if it was going to do any good and every now and then you go out and see an oil pad that had grown grass and did look good but I can probably show you about 200 others in the same area that have been there for 30 years and nothing on them and they weren't growing anything. We worked through that slowly with experimentation and now's not even a question. We can come in, remove it, and we can get reclamation within less than a year without even seeding. We are treating a lot of things for creosote. We're talking about managing oil and gas but everything's connected. The ground is connected and in the southeast there were hundreds of thousands of cattle in the late 1800's or early 1900's that came through it, and as they did, it changed from maybe 15% creosote landscape mixed in with grass to 80% dominated landscape so we're going back in and treating these areas and as we're treating them in conjunction with reclaiming this oil and gas and bringing these grasslands back, which is actually happening very fast, we're starting to see over 200 prairie chickens move into some of these areas and that only benefits prairie chicken, it benefits other wildlife and it creates these enclaves and as long as you get that ecosystem functioning in its dynamic state and you've got fire back into it, then it's going to take care of itself, but as we work on these habitats, it's going to benefit all forms of wildlife species. The only way that I know of to have a balanced approach is so bring in differing perspectives from differing points of view. Bring them together and let them sort through the data and let the data lead us and I find many times that folks that thought they'd never compromise or see the other side, you'll find that people are willing to compromise. I also wanted to point out that as we're doing these things you'll see our violations are going way up as we're getting into the enforcement. That's what we need to do particularly now with the larger oil and gas companies, it's with independents that don't have financial resources to meet their obligations. In the Pecos District, we stopped inspecting the companies that were doing the best job and started with the ones that required a lot of work to fix.

Commissioner Riley: You realize what was done in the southeast with the lesser prairie chicken obviously a conservation strategy came from the stakeholder primarily because of some potential lawsuits and other issues related to declaration of an area as an ACEC. Just the issues related to the fact that so much land had already been leased that would affect the lesser prairie chicken that it was doubtful in a lot of minds that we could even turn the population around. The conservation strategy that was developed there by a large number of organizations and individuals is what led to the modification and revision of the resource management plan that is now closed for public comment but it's being revised/finalized. Would BLM consider doing such a conservation strategy for other parts of the state as well so that we can take a look at the large area before you continue to lease and try to come up with some strategies that protect a variety of things, not just wildlife but grazing, and other stakeholders in that area? I think that was a model that we've been trying to duplicate here and in other states because it was successful and got us away from lawsuits.

Tony Herrell: Absolutely. Right now the Farmington plan is done and we went through the allocation models but as any new species of concern comes up, I think the result will be driven by the relationships and inclusiveness that is formed. If you think about it, the opportunity that we had in the southeast came together because instead of going to our lawyers we started talking to each other. We have a plan that's working and requires lots of communication, but

we're able to move on to a higher level and we were able to come up together. That's the future and that's what we want in BLM.

Commissioner Riley: I encourage the agency to try to look at large landscapes and try and come up with a conservation strategy developed by stakeholders prior to the point that controversies occur. The other thing I wanted to ask you is as you move forward with additional lease sales how can we be assured that we have good communication between the Department and BLM on making sure that some of those lease sales don't land right on top of critical winter range and other important wildlife habitats? Is there a way to have better coordination or do you think you already have that before you announce a lease sale?

Tony Herrell: There is not 1 answer to that but the main answer that I have is that as we develop these products and we give you these things, anyone will be able to look in any area and see how that area is managed and see where that lease sale is at. Communication and technology will be part of it as well as relationships as we get more comfortable talking to each other and form groups. We'll have better networks to be able to discuss those by and then it's going to be by developing more groups and sub-groups to come in and look at specific areas. The main thing is that you should see fewer conflicts because they simply should not be leased. We should screen that out and we should come forward and be willing to talk to people to tell why we did what we did and be accountable. That's my commitment to you.

Commissioner Riley: Is the agency providing the potential lease sale areas with the coming leases to the Department prior to announcing those to the public?

Tony Herrell: I'll check if there's a specific copy to the Department but it actually goes out on the internet and it's available to the public also.

Commissioner Arvas: Are there funds available or could we come up with a joint project because I'm not sure the public is quite aware of the relationship that BLM and the Forest Service have with the Department. I'm wondering if it's possible to partner up on a project?

Tony Herrell: We actually have a number of projects we're partnering up through the Sikes Act.

Commissioner Arvas: Named as such and signs and that type of thing?

Tony Herrell: Yes, we have riparian projects, salt cedar control, and the creosote control project. We've been able to take and get several hundred thousand dollars from oil and gas companies and ranchers and the Sikes Act and partner them all together with BLM money and on the order of when you put it all together we've got about \$2,000,000.

Commissioner Arvas: Terry, are you familiar with that?

Commissioner Riley: Yes. I've taken a tour with Interior Secretary Kempthorne of a couple of those areas in the southeast part of the State and then a couple of weeks ago down by the Spaceport looking at creosote control. There is no signage right now but this is part of the healthy landscape initiative of the Secretary.

Tony Herrell: One of the things is we're talking about hundreds of miles when it's all added up so sometimes we put up signs on entry points or public points, but not necessarily signs everywhere. We have had articles illustrating the partnerships. In talking about why we're doing what we're doing in the Albuquerque Journal, the Carlsbad newspaper it also ran in the El Paso Times, and in the Las Cruces paper, but it didn't run in the Santa Fe paper and I don't know why.

Commissioner Buffett: How many staff do you have for monitoring?

Tony Herrell: The monitoring we're doing for these vegetation treatments with the different field offices what occurs within their area is incorporating the monitoring with our wildlife and our range staff. We have Texas Tech University out of Lubbock that's doing a study on the vegetation treatments and fire treatments when we do prescribed fire that's coming out with some scientific monitoring. For a lot of it we have photo point monitoring and as far as staff available, I know there are at least 4-5 in Carlsbad that are fairly well dedicated to this and I would say Farmington has at least that many. Roswell has about 3 and I'm not too sure about Las Cruces.

Commissioner Buffett: That doesn't seem like too many to cover all these leases.

Tony Herrell: As far as the vegetation treatment and as far as enforcement goes, we have about 22 petroleum engineering technicians in Carlsbad, about 27 in Farmington, and about 4 in Roswell with about a total of 50-60 dedicated to inspection and enforcement. In addition to that we are creating an environmental protection staff in each unit that is solely dedicated to working through these environmental issues and working with the ranchers and conservation groups and going in and cleaning up whole scale areas. Those fragmentation areas and creating those

enclaves in the middle of these historic oil fields for the wildlife, that's what that staff is dedicated to, and looking and seeking those opportunities and quite simply we're putting people into it and telling them to go out and create these things who rely on their enthusiasm and passion for this.

Commissioner Buffett: What are the consequences for violators?

Tony Herrell: Consequences for violators will depend on violation, but if there's a company that doesn't perform we have a system where we are going and looking at companies that are at risk. Those are the ones where you have the big, financially good that can meet any requirement. At some point in time there's a company that doesn't have enough money, whenever that lease is transferred, what we do is we try and increase their bonds. There are only \$150,000 requirement nationwide for a bond but on some of these companies we look at their liabilities and we'll increase that bond to \$1M-\$2M depending on what the risk is of that area. When they don't meet that and they have to forfeit their bond, of course, they get assessments and fines that can be \$50,000-\$60,000 or more. The problem is that they don't have any money and so sometimes you look at going into claims court and if they have a house or a car, they could lose all that.

Commissioner Buffett: What about banning them from bidding on future leases?

Tony Herrell: Once they fall into that arena, then they do not become a qualified operator.

Commissioner Buffett: What are the hurdles or how could we best overcome the current hurdles to working more closely together on these? The Department is currently developing habitat, wildlife guidelines for best practice for the oil and gas industry? How could we work with BLM on those together so that there's 1 gold standard for New Mexico?

Tony Herrell: There's no hurdle at all. It's just communication. We just need to get the right folks. We can get some of our biologists and some of our surface compliance folks that are knowledgeable about this and start talking. We have best management practices and goals book and those are a nationwide thing and we apply them, but I will tell you that's a problem. With the federal agency is that they do things nationwide and we need to get site specific in New Mexico.

Jan Ward: The purpose of this part of the presentation was to make a link between oil and gas development and CWCS—Comprehensive Wildlife Conservation Strategy for New Mexico. One of the first things I wanted to present was our existing development field for New Mexico along with the potential fields. As far as the potential basin development, the information is that we have a high potential for development in the Tularosa-Otero Mesa Basin as well as the Tucumcari Basin and there is significant exploration going on in both Tucumcari and Sin Nombre at this time. The other basins have a moderate development potential for the future. Chupadera Mesa has a low potential for oil and gas development but moderately high potential for helium development. Chama-Zuni and the Pedragosa Basins are apparently geologically complex which makes their development less in those areas because of the complexity of the geologic formations there. So the bottom line is that if the Department wants to be pro-active and start looking at areas of concern, then immediately we should be looking at the Tucumcari area, Sin Nombre, and probably the Tularosa-Otero Mesa as far as future leases, leasing sales in those areas. The Permian Basin, we have 2 key habitats that we've identified there in our comprehensive wildlife conservation strategy, the Western Great Plains Central Uplands and the Western Great Plains Prairie and between those 2 areas we have 29 species of greatest conservation need and 3 of those 29 are the mule deer, the sand dune lizard, and the lesser prairie chicken. The shinnery oak dunal country that makes up that Western Great Plains sandhill shrubland. The sandhill shrubland is basically immediately underneath that area that's defined of the range that the sand dune lizard and the rationale is that's also the extent of the sandhill sagebrush shrubland. A lizard is an obligate species for that habitat type and why we have a concern for that. The next habitat type is the short grass prairie which is very important to the lesser prairie chicken. The San Juan Basin and the big sagebrush shrublands but if we only have 1 key habitat type in the big sagebrush shrubland and that is the big sage country and the solid blocks are very small and the San Juan Basin is a very important mule deer migration wintering area and 1 of our big concerns there is the direct and indirect loss of habitat. Again, the October, 2006 information indicated that there are about 24,000 wells in that country and BLM was estimating that there will be about 30,000 by 2013. To remind you, our oil and gas development guideline is in process; the rough draft is scheduled for distribution on May 11 and final publication to the website in August, 2007.

Commissioner Riley: The mule deer issue in the San Juan area, do you believe we're on top of things well enough on what's left to be leased, do we have the capacity to slow things down and make sure that we somehow work with

BLM to not lease some of those areas that are left? Is the Department at the stage where they're prepared to deal with that kind of interaction with the BLM and the leasing process?

Jan Ward: We're certainly capable in dealing with them in that process but once again the majority of property is leased there. The Jicarilla has released their DEIS for oil and gas development on the Jicarilla and 1 of their preferred alternatives was no further leasing of their property. We submitted comments and I'm not quite sure when it's going to be finalized. The Department is prepared to deal with that. It just needs to be another area of focus for us.

Commissioner Riley: One of the things in looking at other states is this well spacing and it appears that once you get down below 1 well per 40 acres you begin to create such an industrial landscape that wildlife are severely impacted. The recreationists are severely impacted even to the point that a lot of people are wondering whether they can even go out there anymore because it looks as though it's owned by someone else and the roads are completely marked with signs as in New Mexico like someone else must own this now. I've heard that from many hunters/anglers that are going out there can we even drive on those roads anymore. There are some significant impacts and there seems to be a magic number for at least mule deer that once you drop below 1 well per 40-80 acres you start to have severe impacts. Wyoming has experienced with this latest field up there about a 40% drop in mule deer numbers over the last 5 years. Of course, some people in a naïve way say well they just moved somewhere else. It appears that the species is deteriorating in that population anyway so we've got to somehow begin to be the experts and interact. If we can't do anything on the areas that are already leased because of the fact that they are leased and there are contract laws involved that are extremely hard to stop once it has been leased, then we need to get ahead of the game because it will have severe impact to the state as this moves across the landscape. It's already having impacts in other parts of the country and it appears that in Colorado/Montana/Wyoming that there's a mad rush to lease about as much of the winter range for mule deer as they can. That's going to have severe impact on that species so we'd better be prepared for it because we've seen what happened with lesser prairie chicken and the mad rush to lease all that land over the last 50 years. It has had severe impacts and we could run the risk of a lot of species having severe problems.

Commissioner Salmon: What are the prospects for that Pedragosa area which is practically pristine grassland area and has not been impacted to date. What are the prospects of saving that?

Jan Ward: It's my understanding that the geologic formations there give a moderate indication that there would be product there if they wanted to go after it. I've been told the geologic formations there are very complex and difficult to extract from so there are 3 areas that are probably lower in probability and those are the Pedragosa/Zuni/Chama.

Commissioner Salmon: I might point out that Pedragosa area extends south of the border into Mexico where they have set aside through the Nature Conservancy and the Mexican government some considerable expanses of grassland for protection. It might be worth exploring some communication with those people to see how they did it and what kind of shape their grasslands are in and if we could replicate some of that maneuvering to protect some of our own grasslands north of the border. It's all part of the same system.

AGENDA ITEM NO. 11: Description of Federal Assistance Programs and Funding for Department of Game and Fish.

Presented by Alexa Sandoval –I'm the Federal Grant Manager for the Department. I'm here to explain to you about the federal grant programs that we currently participate in. It'll be a broad overview of each program. The Department currently receives about \$12M-\$13M a year from different federal funding sources. That consists of over 70 grant programs and it's a combination of payroll, expenditures, and indirect costs that make up the \$12M-\$13M we get per year. That \$12M-\$13M for our Department makes up about 1/3 of our revenue budget for the year so it's an important part of what we do and the business we conduct. We have a number of grantor agencies we work with. Our biggest grantor agency is the U.S. Fish and Wildlife Service Federal Assistance Division and then we work with Ecological Services. We also have grants through the Bureau of Reclamation, USDA APHIS, USDA Veterinary Services, NAWCA (North American Wetlands Conservation Act), and also through the U.S. Department of Justice. I'm starting off with our biggest grantor agency which is the Federal Assistance Division which we're fortunate is located in the Albuquerque area so I work closely with those folks and they support a number of programs that we have. The largest we have is the Wildlife Restoration Program which some of you may know as the Pittman-Robertson Act and the Sport Fish Restoration Fund which is the Dingell-Johnson and we also partake in the Wallop-

Breaux amendment to Dingell-Johnson. They also support the State Wildlife Grant Program, the Landowner Incentive Program and 1-time funded program known as the Wildlife Conservation and Restoration Program. Specifically, the Wildlife Restoration Program was established in 1937 and it's the biggest and longest lasting program from an appropriation that's for wildlife. The revenues derived from an excise tax that's assessed at the manufacturer level for sporting arms, ammunitions, archery equipment, and handguns, so the manufacturers are the supporters of that program. The funding can be used for wildlife management activities including habitat improvement and wildlife surveys. It's also used to support the Hunter Education Program in our state. Specifically for New Mexico, we use that funding to do elk and deer surveys, prairie chicken research, Hunter Education Program, and we have a number of very specific programs for each species. We generally get an appropriation every year of \$4M-\$5M. We maximize that appropriation every year with the grant programs we submit. All of the grants received from all of our agencies are what we call cost-reimbursement grants. We spend the money 100% up front and then we receive the funding on the back end with the Wildlife Restoration Program—it's a 75/25 split so we pay the costs up front and the feds give us the money on the back end. The Sport Fish Restoration Program, it's the Dingell-Johnson and Wallop-Breaux Act and it was based on the successful program the Pittman-Robertson so they began that in 1950 and it's a permanent federal appropriation and again it's an excise tax that's collected at the manufacturer level for fishing rods, lures, and motor boat fuel. The motor boat fuel comes into play with the Wallop-Breaux Act and that goes into what's called the Boating Access Funding. So there are actually 3 different programs that live underneath that and Wallop-Breaux allowed motor boat fuels to be used for boating access and we also have the Aquatic Education portion of sport fish. The funding can be used for fisheries management and conservation actions, our young of the year surveys, bass surveys. We also support our aquatic education program with this funding source. As stated earlier, we have boating access which is approximately 15% of that appropriation and we use that to develop facilities for lakes and areas that allow motor boat use. Our annual funding is approximately \$5M and we maximize that apportionment every year and again it's a 75/25 reimbursement program. Those are our 2 largest programs we receive funding from. A newer program that we receive money from is the State Wildlife Grant Program. The Department's taken about 2 years to develop what we call our Comprehensive Wildlife Conservation Strategy for New Mexico, and in order to receive continued funding through the State Wildlife Grant Program we had to have developed that Comprehensive Plan and have it approved by the Fish and Wildlife Service. We continue to get funding for SWG every year and that annual funding is approximately \$1M. We use that money to work both on public and private land, and institute conservation measures, habitat restoration surveys of species that are included in the CWCS. Another program that's funded through the Federal Assistance Division is the Landowner Incentive Program. It was established in 2001 and it is an annual Congressional appropriation. It was developed to help fund conservation programs on private land and it's specifically to be used for what are called species of concern. In our state we've decided to tie that closely to our CWCS so that when we work with our private landowners they're working specifically within that CWCS to support what we've developed. The current funding we receive is \$180,000 or what they call the Tier 1 funding and that funding is basically if we apply for it, we get the money and it's used to help support and implement the Tier 2 program and that program is a nationally competitive program. We've not been successful in competing for that the last 2 years, but we're hoping to submit a program or a project proposal this year that hopefully we will be funded on.

Commissioner Arvas: Why haven't we been successful?

Alexa Sandoval: I think for a number of reasons basically we haven't hit the benchmarks that they're looking for in the proposals. We're hoping to do a much better job this year in developing a project that's very specific. Last year we didn't hit the benchmarks at all. We needed to be more specific and more detailed in what we were going to go out and do and so this year we've taken that tact and listened to what their comments were last year and we hope to develop a very specific project.

Commissioner Arvas: Irrelevant of need, it's more the grant writing process that is causing the problem?

Alexa Sandoval: That's part of it but also identifying a project that meets very specific goals and needs within the Department.

Commissioner Riley: Since the President has recommended that this has zero budget for 2008 and the fact that he was the 1—it's an administrative program not a legislative program—why expend a lot of time on it at this point in time?

Alexa Sandoval: We fully recognize the issues surrounding future funding of LIP and this year's proposal is not a large project. It's a smaller project that we helped to institute on the Middle Rio Grande area knowing full well that we probably won't have funding next year. If we're awarded that money we hope to have that money spent in a 2-year timeframe so there will not be a long-term commitment based on the fact that there's not a long-term commitment from the federal government at this point for that program. One other program that we received funding for was a 1-time appropriation through the Federal Assistance Division was our Wildlife Conservation and Restoration Program and the funding was intended to be used to support conservation education efforts on the ground. We have Lance Cherry now as the project lead on this and we hope to have those funds completely expended by December, 2008. It's a program that we had proposed to do a number of traveling aquatic education billboards and our 1-acre pond at the headquarters as a part of this funding so we hope to use up that money soon. Again, it's a 75/25 cost share. Moving on to another division within U.S. Fish and Wildlife Service, is Ecological Services Division. Every year our biologist in Conservation Services Division develop project proposals that they submit to the ES Division for approval and either they're funded or not. We've always been funded. It supports efforts to study endangered species that we've identified that need research or help within the state. We receive additional Section 6 funding for our Mexican Wolf Program. It's a separate funding mechanism. Moving on to the Bureau of Reclamation, we have 2 different programs, the first being the San Juan River studies that's implemented out of our CSD and it's a 5-year program in the San Juan River with a number of projects looking at the fisheries on the San Juan. They're looking at young-of-the-year production, non-endemic species and their removals. The other is the Seven Rivers farm operations. It's part of a mitigation requirement for the removal of the McMillan Dam and turning it into Brantley Reservoir. It was part of the mitigation effort and this agreement is in place for another 7 years with BOR. We take care of 640 acres of farm property as a part of their mitigation and that's a cooperative agreement. It's a 50/50 reimbursement program. Another program that's funded through Ecological Services is the Central Arizona Project and while I'd like to say I'm totally familiar with the Central Arizona Project I'm not totally familiar but I know we've been given funding through our Conservation Services Division to study the impacts on our native fish species within the Gila Basin. We renewed that agreement and it's an ongoing program. Initially it was a 1-year program and now it's a 5-year. We receive approximately \$50,000 a year from USFW. Some of the smaller grants that we participate in is we received funding this year for avian flu detection in the state and it's specifically for the purpose of detecting the existence of avian flu in New Mexico on migratory birds and we currently have \$50,000. It's a 100%-funded program. Another we have is the Chronic Wasting Disease. This is the third year we've had this grant in place and it's to support the detection and the containment of Chronic Wasting Disease. We receive approximately \$175,000 a year and it's a 100%-funded program. Another 1-time project we have is through USFW but it's part of a much larger project through North American Wetlands Conservation Act for a Middle Rio Grande project and I'm sure most of you are familiar with what we call the Quagmire Unit of the Ladd S. Gordon Waterfowl Complex and it's a restoration of that unit within our waterfowl complex. It's part of a much larger program.

Commissioner Riley: On the last one, who put in for that? Was it U.S. Fish and Wildlife Service that applied for that?

Alexa Sandoval: The USFW applied for it as the umbrella grantee and we are a sub-grantee of that program. There are a number of different projects that are ongoing. I know they're moving into Phase II but we are not a part of that funding program. For the last 2 years we've been applying for the Bullet-Proof Vest Program. It's a program that allows us to reimburse our agency 50% of costs associated with the purchase of bullet-proof vests for our law enforcement officers and the funding on that has varied widely. Last year we had \$9,000 in funding and this year we only have \$2,000 and it's solely dependent on what the Department of Justice decides to give the states and then the Department of Public Safety then gives money depending on applications from various law enforcement agencies.

Commissioner Salmon: We used to hear a lot from each presidential candidate about full funding from revenues from off-shore oil drilling and gas drilling. The name CARA produced a tremendous amount of money but it often got plowed back into the General Fund instead of going to Conservation. What's the status of that?

Alexa Sandoval: At this point I'm not sure what the status of that whole program is. I can find the answer and get back to you.

Commissioner Riley: Well first off the State Wildlife Grant Program is what they call CARA Light. That was approved because Congress did not want to give a big chunk of that money, \$5B we get from oil and gas receipts, to state fish and wildlife agencies under a fund for 15 years. That was the biggest problem so they decided to start out

by giving us a little bit of money and also give us the requirement that we have to prepare these conservation strategies that the Department completed very well. Right now there are a couple of other bills in Congress that we've tried in a variety of different ways to get at that money; unfortunately, we've been unsuccessful but we are looking to get the same kind of money from a different source and this is the Climate Change Bill that's coming through Congress right now. We do have language in the both the House and Senate that would get money to the states from a credit for climate change, i.e., carbon storage and as of last week 60 senators signed on as co-sponsors of the bill. I doubt we'll get any money specifically at this point in time for states from the oil and gas royalties, but we still have legislation sitting out there waiting for the wildlife portion of CARA which was \$300M a year. CARA turned out to be \$2B a year by the time it was all done because everybody wanted to jump on the bandwagon and get their money too, so it's still working its way through but we're trying a variety of different bills to get that done.

Commissioner Salmon: So we might need a different political climate in Washington to make the full benefit from CARA?

Commissioner Riley: Correct.

Commissioner McClintic: On this Section 6 funding you say that traditionally the Department gets \$170,000 for endangered species and then you also say that the Department receives Section 6 funding, is that included in the \$170,000?

Alexa Sandoval: The \$170,000 is for those specific, smaller, and what we call E-Grants that is separate from the Mexican Wolf Program.

Commissioner McClintic: How much did we get under the Section 6 funding?

Alexa Sandoval: Approximately \$170,000 per year and it's a 75/25 reimbursement program. The Mexican Wolf Program is Section 6 money also but it's a MOU we have with ES.

Commissioner Riley: Region 6 which is north of us for the USFW and Region 3 which is the Great Lakes states basically, those 2 have been arguing back and forth whether you can use Pittman-Robertson money for hunter/fishing access programs. Region 6's federal aid office has decided that states can use PR money for access programs like our Open Gates Program here in New Mexico. However, Region 3 has decided that that's not an appropriate use of those PR dollars. Do you know what our region has decided on that or have they even addressed it?

Alexa Sandoval: I can fill you in on what we currently do with USFW. I talked about the state land lease and we actually picked the cost of that up under my Coordination Grant, so we are able to reimburse for the purposes of providing access for sportsmen into state land areas. I know there's been lots of debate whether you can specifically write a grant just for that purpose but I can find the answer for you and get back to you.

Commissioner Arvas: Why is the CARA issue so controversial?

Alexa Sandoval: I'd have to defer to the Director on that. I have not been involved at that level.

Director Thompson: CARA was a massive attempt to provide for essentially all other wildlife what Pittman-Robertson and Dingell-Johnson do primarily for sport fish and sport wildlife. It would have required a substantial amount of money and in effect would have earmarked a substantial amount of funding so that's where the primary difficulties arose that ultimately produced CARA Light which is an essentially annually funded approach and at a much smaller level. Just to give you a perspective, the CARA Light what is the state wildlife grants, for every \$60M that's appropriated, about \$1M of that comes to NM. As Commissioner Riley indicated, the larger design is more on the order of \$300M per year or greater which would be about \$5M for NM. The basic complications were amount of money, earmarking, and still not quite the right climate in the country to do that same thing for the broader array of wildlife. There is very strong support base and the support base, often described as Teaming with Wildlife, as a national effort with now over somewhere near 5,200 different cooperating entities nationwide.

AGENDA ITEM NO. 12: Approval of a Strategic Vision Statement for the Department's Television Programming.

Presented by Marty Frentzel – I'm the Chief of Public Information and Outreach Division for the Department. The Division produces publications that are significant. Our wildlife magazine is inserted in 31 newspapers around the state with circulation of about 350,000. The last time we did a survey we estimated we hit 66% of our licensed buyers with that publication. It's popular in the less populated areas of the state. We do

rules/information booklets/applications and we provide home page content for the website. We do about 150 news releases a year. We train and coordinate the Santa Fe phone team and we set up/record the Game Commission meetings. We do inspection of public records. We've been doing the WILDNew Mexico TV show. Publications also involved in promotions/agency reports/maps/brochures/collateral like the wrap on the poach coach. Hunter education is 1 of our main efforts. We train about 3,700 hunter ed students a year. This year we tried something new—we did a hunter ed weekend and it was extremely successful and the agency got behind it and supported it. We had 43 classes around the state, we certified 780 students out of 880. This is the first year that I've been chief but I don't remember getting a phone call. We also maintain a partly volunteer base of hunter ed instructors, 550 which is about half of what we had in the 1970's. That's 1 of those indicators that we have a growing population—fewer and fewer people participate in hunting/fishing. Youth hunter education challenge occurs at the NRA Whittington Center, both state and international. Mark Birkhauser, our hunter ed coordinator, is the current president of the International Hunter Education Association.

Commissioner Arvas: I was at a meeting last weekend with the present IHEA president and I was astounded when I found out that they have 750,000 kids go through the program every year and they have 70,000 instructors. \

Marty Frentzel: Again, hunter education is involved in our Outdoor Expo that'll be in Albuquerque this weekend. We do the Becoming an Outdoors Woman Program. This year we're adding an event at the Double H which is an Elk Foundation property. We do the Bob Gerding Show, the NM State Fair, Conservation Education Day at the Double H, and a forestry camp in the Jemez Mountains. In the near future, we hope to start working with the school systems to get a shooting program called Archery in the Schools. It's a national program that should help with academics and shooting skills. Conservation education is another section within our Division. We do Project Wild, teacher training and support. Pre-service teachers are teachers who are still in school, they have not gone into the classroom, and they don't have a job and that's why we concentrate on western/eastern New Mexico. We've tried to make contact mainly at Highlands New Mexico to try to set up classes. We've been unsuccessful so far. We also provide classroom wildlife trunks. Those have hides/skulls/coloring books/brochures/video tapes/track molds—all kinds of activities for teachers and their students. We train educational docents at various classroom presentations. We work the prairie chicken festival. A section within our Conservation Education is our aquatic resources education program and we organize annual free-fishing day events throughout the state. This year we have 11 that are scattered all over. The Forest Service had a conflict at Morphy Lake, but we had so many kids there that the fire marshal put a limit on the number of kids that can go there this year. I think it's 270-275 kids. There were 350 last year and it was a hassle. We manage our aquatic resource education contractors. A contractor goes to the classroom and teaches fishing skills and shows fish biology to a limited degree and then they take kids out into the field and they go fishing. Watershed watch takes high school students and they monitor water quality and then working with the Outreach Program in Santa Rosa at the warm water hatchery. This is 1 of the programs that utilizes the grant monies. We get \$16.38 credit from the USFW so if we get enough volunteers ultimately these programs don't cost the state any money. It is budgeted, we spend it, then we get reimbursed at 75% but our 25% can come from volunteer hours and we have been working very diligently to get those hours up. We work with State Parks at cast events and that's Catch a Special Thrill. It's for physically challenged kids. We can actually collect as much as \$4,500 in match—volunteer hours—on those weekends. We want to get the right message at the right time to the right customers. We want to maintain customer satisfaction while maintaining satisfaction of our current customers. We want to recruit the next generation of customers. Next is our WILDNew Mexico, our current television show. The major factors of concern are that the contract ends June 30. We must do an RFP because we're also at the end of the period of time covered by the contract. Back in January we were informed that the current time slot would no longer be available and then there are budgetary issues related to continuing this program and some additional issues that we'll get to in a while, and we need your guidance on what to do in the long term. We need some vision here and that's what the Director's directive has been. This is composition of our WILDNew Mexico audience. We obtained this from KRQE for the month of February, 2007. What concerns us is that zero represents our demographic 18-34. In February we had no one that age watching our show. That's a concern because how do we recruit new people if they're not going to watch the program. On an annual basis, it's better, 6% of our audience composition is that age group. Four percent is probably unsupervised children, teenagers mostly, watching television on Sunday night, a school night. I based that on something I found on the web that a lot of unsupervised kids watch TV on school nights. Also, the current viewership is sort of skewed toward older folks, 50-65+. This shows the

progress the show has made week-by-week since April, 2006. In February we're assuming that that's when Bob Gerding is advertising his TV show. Bob Gerding does a good job of bringing attention to this program. Something we need to consider in the future is showing advertising to show people that the show is there. There's also an indication of how we stack up against the Sunday night news. Most people who are up at 10:00 p.m. are going to watch the news. It's very hard for us to compete with that. We need to think of ratings vs. other shows and how much of the total viewership we are receiving. This is a 1-year average and WILDNew Mexico is at 2.8. Who's our target? Scarborough Reports help us determine who we should be targeting on a viewer behavior. They conduct this every 6 months and they target communities. Albuquerque was the target for this based on 432 respondents who admitted to hunting and fishing within the last year and I think that's 25% of their total group that they contacted. Of those, we find that they're mostly 35-49 years old, 64% are male, 56% are white collar and 71% own their homes, and what do they watch. This is an average index, 38% watch, they subscribe to cable TV., they have satellite, they like Aggie's football more than Lobo football, they like bull riding, and the Stanley playoffs, but something that we need to look at there are the kid shows at 169. Anything over 100 indicates that you're going to be efficient in reaching that market and according to the Scarborough Report we will hit 40% of our target market, those adults if we do kids programming or close to it. How do we reach them? These are some of the varying opportunities that we have or options to continue the program. Where do we want to go with this TV show, and then do what we can to get a vision and then we'll try and figure out what we're going to do in the short term. In the long term, we're hoping that you'd adopt these 7 elements of vision for television viewing and our effort in that area.

Chairman Montoya: Director Thompson, do you have guidance you'd want to provide in terms of visioning or the future of the program and consideration of the total public relations program?

Director Thompson: I think Marty's done an excellent job of laying out the full context of the situation that we think we're in partnership with the Commission. About 2 months ago, I met with various Department staff to discuss the television show and after listening for about 10-15 minutes I sat back and basically said what I'm seeing here is that there isn't a vision for the television show, and we're faced with the show ending as it's currently being conducted. We're facing the necessity for a new RFP, and yet there was uncertainty about what that RFP should contain in terms of insuring that we efficiently use our resources. Coming from a communications background, it's clearly very important that we have adequate development of message and that we have adequate audience targeting. That's why for this particular situation where the show is ending, we're looking to the future, and we'll soon be engaging in our next fiscal year budgeting. I asked that we bring a vision to the Commission and get the Commission's guidance, direction, and insight. Why is this important? I think for the context he showed and primarily for us to do the best job possible as we go into the future including the development of a new RFP and the resources that will be needed to adequately finance that process. One thing that wasn't mentioned during the presentation that appears very critical is that the Commission and Department staff stay very focused on the importance of how production of a show is done relative to how broadcasting of a show is done. In cases like we've been doing, they can be and have been together and in other cases they may be better done as separate processes. In a nutshell, that's why we're here and why you've heard what you've just heard from Marty, and why we think this is a very important partnership of the Commission and the Department to look to the television show in the future not as a should we or shouldn't we, but rather recognizing television as a important message carrier and how do we deliver it in the best way we can.

Commissioner Riley: Do we have an idea about what successful programs like this are in other states?

Marty Frentzel: Other states are moving away from television shows. They're finding other outlets for their video including their own websites. If you go to the State of Arizona you can find their shows on their website. We could do mpegs. We're buying our videographer a new computer.

Commissioner Riley: Are there states that have successful television shows?

Marty Frentzel: Yes. The State of Missouri spends about \$800,000 and they have multiple markets and they feel it's successful and you now have Paul's presentation and that's for the short term.

Pat Block: Before we move on to the next portion of the presentation, because we've talked about the need for an RFP, I wanted to make sure that there was an adequate understanding of what is behind the need to do an RFP and that is a state statutory requirement. By the Procurement Code, an agency cannot go into a contract for longer than 4 years and also in the original RFP for production of the television show, it specifically contemplated an end date of June 30, 2007. This is absolutely being done from a requirement standpoint and it's not a preference. We actually

don't have another option to continue the current agreement by law, so I wanted to make sure that was clearly understood and it's not just something we feel like doing.

Chairman Montoya: Why didn't we have this discussion in November/December when we wouldn't be meeting a deadline so quickly that we were risking interruptions of the show if the Commission and Department agreed and wished to have a show? Why are we in a position where the RFP is going to take longer? The RFP will not be processed in time and completed before the contract ends. Why didn't we do this 6 months ago?

Pat Block: That was our intent. We didn't get the RFP done and we didn't meet that assignment. There is not an operational reason for it. We didn't get our work done in a timely manner.

Director Thompson: I'll take responsibility as much as anything. We were simply remiss in not recognizing the full need that became apparent about 2 months ago with respect to long term. The other important aspect is that the prospect for the show continuing as it has been done for the past several years was disappearing so the show as it is currently composed and recognized and tied to a timeframe disappeared. This is a conversation that we probably should have had about 4 months ago but we did not have it. We were probably as much as anything caught up in the legislative session. Nonetheless it's very important now that we look to the long-term future which is what this presentation is primarily designed to do and we also can embrace prospects of near term measured in months. The long-term is years.

Paul Evans: I did want to state from your earlier question that Arizona has an extremely successful outdoors program that regularly wins regional Emmy awards and we are competing directly with them for the quality of that type of program, as well as the State of Utah in our regional and immediate area. I think Marty had a great presentation. It was nice to see the numbers and some of the stuff he's put together. In my packet there are also numbers and we are averaging between 12,000-13,000 watching the show each week and from the numbers and the information that I got about a little more than half of them are men, a little less than half are women, but the information I got did not actually break them down to kids/adults, but given the time the program is on I believe there are going to be fewer kids watching. I'd like to read a prepared statement I've got because I think there is important language in here I'd like to address. "Mr. Chairman and Members of the Commission: I'm Paul Evans, owner of WILDNew Mexico, LLC, a New Mexico small business specializing in the production and broadcasting of an outdoor television show currently under contract with the Department of Game and Fish. I thank you for the opportunity to speak today. The agenda briefing for Agenda Item No. 12 states in Paragraph 1 summary "there will be a temporary suspension of broadcasting as this vision is implemented, a new RFP, and contract are issued and the Department's programming is refined and that this action is necessary because current broadcast provisions will cease June 30, 2007, and suitable cost-effective alternatives have not been identified. It goes on to state in Paragraph 4, the administrative processes have allowed \$85,000 for this program for Fiscal Year 2008. The strategic vision may identify greater budgetary needs in later years. I would like to present some cost-effective alternatives. As described in Section 5, I've submitted a proposal to allow the show to continue airing while staff works with the Commission to develop the vision for the program as I too am interested in taking the program to the next level and taking the time to refine the program. Taking the time to refine the program would be a welcome process. Copies of my initial proposal are provided in the first page of your packet. Additionally, I'd like to take this opportunity to address 1 of the issues brought up.

Alvin Garcia: I think there's an issue with regard to the RFP process.

Paul Evans: This doesn't include an RFP.

Chairman Montoya: The information has been provided and my understanding is that it's for the interim, it's not for the RFP. If it goes in line with the handout that we have, it's a proposal for us to consider whether we'd like to do something in the short term interim within a contract, but my understanding is this isn't anything having to do with the RFP. Am I correct?

Pat Block: You are correct.

Chairman Montoya: Is there a problem with that?

Alvin Garcia: It is a problem in that it's on the agenda for approval or extension.

Chairman Montoya: We probably won't act on this.

Alvin Garcia: It doesn't matter.

Chairman Montoya: We're discussing the vision for the future of the program.

Paul Evans: This is an alternative and has nothing to do with an RFP, and it has nothing to do with extending the contract, if I could lay out the situation.

Alvin Garcia: Well, you could if it's in the proper venue once the contract is evaluated based on our agenda item. What we're discussing is approval of an interim type of contract.

Chairman Montoya: Not at this time. Not approving a contract. That's not on the agenda. We're looking for alternatives, different options. If there's a contract it would have to be done administratively at a later date. We're not entertaining contracts at this point.

Alvin Garcia: I'd just be very cautious about entertaining discussions with 1 potential contract bidder even though he's been our contractor.

Chairman Montoya: My understanding is that contracts up to a certain amount don't have to be put out to bid. The Department has discretion to offer a contract to an individual I believe under \$30,000 without having to put out to bid for professional services.

Alvin Garcia: Under \$30,000 without putting it out to bid, that's what we're talking about?

Chairman Montoya: We're not discussing contracts. All we're doing is listening to presentations regarding vision and alternatives. Alternatives to how we've been doing business and other options in light of the fact that this is expiring on June 30.

Director Thompson: This agenda item involves the Department is seeking direction and to the extent that this is a view point being presented that could affect your adoption of the direction, I'll suggest that that might be appropriate with respect to Mr. Garcia's question, and if so, we could proceed with this presentation with the understanding that there's not necessarily a request for funding something specific in front of the Commission, but rather to help you determine a direction to provide to the Department.

Alvin Garcia: Ok, direction for the Department—policy matter for the Department and the Department is contracting with our contractor. Ok, I'd just be very cautious about the context in what we're in right now so I don't want us getting in trouble.

Chairman Montoya: Paul, continue with your presentation but not in the form of a proposal for a contract. Just give us data and information and that kind of thing.

Paul Evans: What I'm here to talk about is that I'd like to say that there isn't a need to put out an RFP because due to the dollar amount because of the impending contract expiration date. Under a new proposal, I could describe how an RFP will not be necessary. Let me provide some background. WILDNew Mexico was created by myself in the spring of 2003 and submitted to the Department in the fall of 2003 to the Department's issuance of an RFP for the production and broadcast of a hunting and fishing television show which I received and we are currently in. WILDNew Mexico is a trademark owned by my company, WILDNew Mexico which is registered business with the State of New Mexico in the Secretary of State's office and is, therefore, a sole source for an outdoor television show utilizing the name and logo WILDNew Mexico. In my interim proposal and in the proposal I submit to you today, I propose that the Department become a program sponsor/advertiser for a specific allotment of time dedicated to game and fish programs on the television show along with advertising electronically on the web through WILDNewMexico.com. This is not far off from the original agreement I thought I was making with the Department when they approved my original RFP back in 2003. The State Procurement Code exemption, Section 13-1-98(B) of the state statutes clearly state that the purchasing of advertising and all media including radio, television, print, and electronic are exempt from standard procurement procedures. I would also like the Commission to note that it says nothing about the production of advertising which is a service regularly provided by all television stations and agencies doing advertising business in the state. In essence, if you're buying advertising from a television station, it includes production.

Commissioner Arvas: Paul, would you recite that rule.

Paul Evans: State Procurement Code exemption Section 13-1-98(B) clearly states that "purchases of advertising and all media including radio, television, print, and electronic are exempt from standard procurement procedures." It says nothing about production of air time, producing the commercials but regularly when any state agency, I can tell you because I just worked a deal with Bernalillo County and KRQE-13 where they're producing the commercial and providing the advertising time. So it is a service generally included with advertising his production. In the packets it was stated that the legal opinion in the first paragraph that it didn't include production, but generally it's a regular business practice that it does include production.

Alvin Garcia: Was it included to be issued in the RFP? There are going to be other bidders out there and they would have argument regardless of your exception right there. There may not be a need for an RFP.

Paul Evans: That's what I'm saying. I'm a sole-service provider.

Alvin Garcia: That's different than what the Department just told the Game Commission about the RFP process that we're about to get into. You're saying that you're sole source, and the Department just told you that we're going to be going through an RFP process out of their sense of the legal necessity for it. Now, if you're saying there's an exception there and there's a desire to go with a sole source procurement, that could be pursued and you need to get approval from the State Purchasing Division in order to have DFA's specific approval under their conditions, under their criteria and if they're saying that there's a statutory exemption that allows that, well then that's the process, but that is not the process that was just proposed to the Commission.

Chairman Montoya: What I would recommend is that we don't entertain any other discussion on proposals at this time, just gather all the facts that are provided to us. I'd like to form a committee of 3 Commissioners and use Department staff and then present to the full Commission a proposal on how we're going to go about this and if we need an opportunity to have some separate time so that the full Commission can be engaged in a visioning/mission statement and developing those ideas then the committee of the Commission would make a recommendation. I will name a committee of 3 to look into this matter in the interim. At our next meeting we can have this on the agenda and we can proceed, but I believe we'd be safer if we didn't entertain contracts of anything of that sort but simply received all the information that can be provided to us and then we'll determine if we want to proceed with the program or not. Of course, we'll have plenty of discussion at this point, but I think a committee would work much better. This item might take quite a while and it might be a tug-of-war between our attorney and others. At the risk of doing something that we shouldn't be doing at this meeting and the decisions that we're making, I'd rather postpone this but assign a committee to work with our Director and staff and make recommendations to the full Commission.

Commissioner McClintic: We believe this is a very difficult. We weren't talking RFP. We were talking about a visionary statement that Marty presented where he'd like to see the program go from here. There are several Commissioners/people that did not want to see an interruption in this show. Obviously, with Paul's contract ending the 30th of June, and you wanting to go to an RFP process, the show is going to be discontinued for a while unless there's something worked out to run re-runs for a period of time while we bring this up. Now, there's also an issue of who has the right to show what we've already produced. That's a legal issue that we're not getting involved in. We can act on Marty's recommendation. We understand your concern, Paul, and where we're at now. You're going to have every opportunity if something does come up to re-do the proposal, whatever is brought up. There are some of us on this Commission that would not like a break in this deal and without all the legal talk, we'd like to work out something legally so that we don't have an interruption in the show because some people enjoy the show.

Commissioner Arvas: It's appropriate that the Commission act on the suggested motion that the Department has in the vision statement. I don't see a thing wrong with that. I also don't see a thing wrong with the recommendation the Chairman just made of appointing a committee or sub-committee of 3 Commissioners to interact during this interim period to come up with a possible solution so that we don't have a lapse in the programming. This Commission needs to be aware of certain facts—or the committee does initially—then the Commission as a whole. Could we use the name WILDNew Mexico after June 30? Can we actually use that name?

Alvin Garcia: Depends on who has the trademark, who has the rights.

Chairman Montoya: You don't have to answer right now but just lay out the questions.

Commissioner Arvas: He has the trademark.

Chairman Montoya: Hold on—can we avoid all the questions now. He's just asking for future reference.

Commissioner Arvas: The second question, can we do what was proposed earlier? Is it possible for us to enter into a professional services contract without going through the RFP process?

Alvin Garcia: Depends. What type of contract? If it's a television contract, there's an exception and we'll need to evaluate that. That issue as well so the answer isn't simple.

Commissioner Arvas: I guess the third and final thing that I have to ask is can the Department use the existing programs in place, the ones that have already been broadcast, the ones that have already been produced, that we've already paid for? They are supposedly ours but until we can actually go through what the Department recommended as a new vision in programming.

Alvin Garcia: If we've paid for them I can't see why not. To go back to what your other comments were about the program right now, I agree with you completely without repeating it.

Commissioner Arvas: For all practical purposes, this matter is not necessarily closed and you'll appoint a committee for the interim period, we'll discuss the matter. There's the possibility that the Commission, and there should be some way we can do this between now and June 30 in order not to have a lapse in programming, come up with a recommendation from this committee to the whole Commission. Can we do that over a conference call at that point?

Alvin Garcia: No. It can be a short open meeting with a conference call.

Commissioner Arvas: So it's possible to do that?

Alvin Garcia: It is possible, like the meeting in January where you had some necessary business.

Commissioner Arvas: That would be my recommendation at this point to proceed with your appointment of the sub-committee, then have all these questions answered by our assistant attorney general, and then get back to the Commission in some form or fashion report before end of June 30 and come up with an answer.

Alvin Garcia: The contract is with the Commission or the Department?

Chairman Montoya: With the Department, but the Commission approves the budget. The Commission doesn't really have to meet on this if it's something that the Department can do contractually if we have the budget. At the recommendation of the committee, the Department, Director Thompson, you have full discretion to enter into contracts without Commission approval up to the amount specified, I believe it's \$30,000.

Director Thompson: What has been suggested by Vice-Chairman Arvas is completely possible and would not require Commission action depending upon what we learn. Entering into, if you will, a purchase arrangement that's within the spirit of what we're talking about is something that the Department can do if it's possible. Basically there were 2 things said—1 was to have the Commission proceed with addressing the vision, the long-term component of things today. The second was that Department staff and myself work with a sub-committee of the Commissioners. We'd be delighted to do that and I think it could be quite effective.

Chairman Montoya: What I'm going to recommend is that we proceed with the motion but before we do that, if we have a committee of 3 Commissioners that volunteer to serve on this committee, work with the Department staff on the mission and the vision and make recommendations for how we are going into the future, and in the interim, the committee has the authority to work with the Department and Director Thompson and work on some interim strategies and then at our next meeting in July, once there are recommendations from the committee and the Department, we can entertain long-term goals and decide whether we want to go with an RFP or what we want to do.

Director Thompson: Just a caution with that—if we wait until July for the Commission to deal with long-term which we can certainly do if you are uncomfortable with it today, that will basically set off the long-term 2 more months. So, it depends on whether you're comfortable with addressing the long-term vision today.

Chairman Montoya: I recommend we go ahead with approving the long-term vision here, but I don't believe you need Commission approval to put out an RFP. With the committee and the Department working together, you can make that determination if that's what you all agree on. If you want to put out an RFP you have every right to do so. Unless there's further discussion, I'd like to entertain a motion for the vision statement that was presented.

MOTION: Commissioner Arvas moved to adopt a Strategic Vision for the Game and Fish TV show production and broadcast that results in (1) public understanding of and support for the Department's approach to conserving and managing New Mexico's wildlife and its habitat; (2) enhancement of the public's use and enjoyment of wildlife resources in ways consistent with resource conservation; (3) public cooperation in safely and humanely managing situations involving conflicts with wildlife; (4) recognition of New Mexico as a desirable location for wildlife-associated recreation; (5) targeting an audience that consists primarily of adults ages 25 to 54; (6) production and broadcast of a weekly show at least 26 times a year with at least 12 new shows annually; and (7) annual and effective program budgeting accomplished in consultation with the Commission. **Commissioner Sims** seconded the motion.

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

Chairman Montoya: Before we go to the next item Commissioner Arvas, do I have 3 volunteers from the Commission that would like to serve on the committee to work on this. Choose among yourselves and Commissioner Salmon will work with Director Thompson and Department staff and inform us as to your progress. Director Thompson, you'll have a committee to work with to further this vision.

Commissioner Salmon: Who are the 3 committee members?

Chairman Montoya: You and 2 others, Jim and Tom.

AGENDA ITEM NO. 13: Update on Bighorn Sheep Trap and Transplant Activities Recently and Planned.

Presented by Eric Rominger – The Department presented the Commission with an update on planned Bighorn sheep trapping and transplant activities for 2007 and 2008, and a summary of accomplishments in 2006. I'd like to start with good news. We're looking at the highest Rocky Mountain bighorn sheep numbers in New Mexico since at least statehood, probably before. We've gone from 1997-2006 and we've nearly doubled the Rocky Mountain bighorn sheep estimate. The slight down is related to that die-off in the San Francisco River, but we feel that by the end of June, we'll be back at the highest numbers of Rocky Mountain bighorn sheep ever in New Mexico. We're also looking at the highest desert bighorn sheep populations in New Mexico this century. We started in 1997 with about 188 bighorn sheep, we released 183 bighorn sheep from our captive breeding facility, and in 2001 we end up with 14 years of reproduction, we've got 166 bighorn sheep in the wild, so we were going nowhere fast. With the Commission's approval, we initiated a lion control program in our desert bighorn sheep ranges in 2001. We've since released 178 bighorn sheep. We feel that with the current number of lambs on the ground, the population today is 425-475, and we hope to continue increasing that population statewide.

Commissioner Sims: That was just on desert?

Eric Rominger: Yes, that was just desert sheep.

Commissioner Sims: Is that the same trend we're looking at with Rocky Mountain?

Eric Rominger: We have not controlled lions in these high-elevation Rocky populations in Pecos/Wheeler Peak/Latirs and we show those populations running at carrying capacity. The high lion predation has been on desert bighorn sheep and to some extent in low-elevation Rocky bighorn populations. We've not started a new low-elevation population since the Manzano's 1978. So, we've got some concerns about predation in low-elevation Rocky Mountain bighorn sheep. As you may know, we had a new record second year in a row for the auction permits at the FNAWS Convention in Salt Lake City this year, \$210,000. Through the late '90's we were basically about a \$80,000 permit, since 2002 we've averaged \$160,000 for the last 6 sales at that auction. I've got this year's auction started because the auction prices were down in general and New Mexico's tag did stall and a friend of the Department who's actually bought our permit 3 times, Ron Shauer, out of Arizona and California bumped that permit to \$105,000, purchased it, decided to return the permit to the Department, and we sold it a second time for \$105,000 so that was the \$210,000. We were again for the second year in a row the highest priced permit at the convention which the highest priced sheep permit translates generally to the highest priced hunting license on the planet. For the second year in a row, we had a new state record desert bighorn sheep. Last year's auction hunt, Mr. Ross Young, shot a 188 2/8 desert sheep in the Peloncillos. This ram won the gold medal at the FNAWS Convention and also medal of merit. That broke the state record of 186 which was a ram taken the previous year. We also have a public hunter, who was a young lady from the T or C area, she was 1 of 2,682 first-choice applicants for that desert permit. I'd like to review the 2006 desert bighorn transplant. We captured and released from Red Rock 36 desert bighorn sheep into the Big Hatchet Mountains. It's interesting that those sheep went out in October; all but 3 lambs were radio collared, we haven't had a single lion mortality. We had a lion snareman working that country since September and only found the track of 1 lion. That's the longest we've gone on a desert transplant without lion mortality. We now have the most desert sheep in the Hatchet Mountains since 1950's. Big and Little Hatchet's combined have over 100 desert sheep. Rocky Mountain bighorn sheep trap on Wheeler Peak in 2006. We captured 25 bighorn sheep off the Gold Hill sub-population and augmented the Turkey Creek herd which now numbers over 80 bighorn sheep. In addition, in 2006 the Taos Pueblo translocated 25 bighorn into the Rio Grande Gorge. As you know, we share that habitat on Wheeler Peak with the Taos Pueblo. New Mexico Game and Fish placed sheep there in 1993, they moved onto the Taos Pueblo and that herd was big enough for both of us to take sheep off and the Taos Pueblo started a new herd on their portion on the Rio Grande Gorge. The proposed traps for 2007 include trapping the other 2 high-elevation herds, the Pecos, and Latir populations will be trapped in August and September respectively. The objectives of this capture will be to place the first 20 big horn sheep captured in the Pecos on to the BLM portion of the Rio Grande Gorge. We think with the reproduction on the Taos Pueblo sheep, they've not had mortalities either, 45 sheep plus reproduction should give that herd a good chance of taking off. Any additional sheep out of the Pecos and the complete capture out of the Latir trap would go to the Dry Cimarron and potentially to a research project at Washington State University. We have the potential to capture 60-80 bighorn. As you know

some traps go well and some years we've caught as many as 58 bighorn and some years we've caught as few as 5, so 60-80 would be the target with the first 20 to the Rio Grande Gorge. We would like to put 30-50 in the Dry Cimarron. If we were that successful, I'd like to discuss this proposal request from Washington State University. This pneumonia has precluded restoration of bighorn sheep in much of the west and for all the western states. It's a very high priority to try and understand why wild sheep are so susceptible to pneumonia. The endowed chair is Dr. Subramaniam Srikumaran. He and I have discussed the potential research project where they would look at a cohort of post-die off bighorn and the San Francisco River population has now experience pneumonia die offs in the last decade thought to probably to be caused by domestic sheep on the Arizona portion of the habitat and Dr. Srikumaran would be very interested in looking at why some of these sheep are living through these die offs. Genetically, there must be something unique to the immune systems of these sheep that are living through die offs. He was also interested in looking at a cohort of non-die off bighorn and we would probably take these from the Latir Wilderness where we've experienced no disease. The request would be for 6 ewes and/or young rams from each of those populations and we will be in contact with Washington State University before making a final decision. We think that the disease component in that San Francisco population is going to persist until that sheep operation desists in Arizona. I think the most important use for those San Francisco sheep would be as a research animal and why some of these animals are living through the die off. We felt that there was probably a 50% die off from 120 to about 65 sheep in the San Francisco River, so we had half live through this last die off. Historically, those die offs often run 90%-100% so another indication that perhaps our sheep there have got some resistance. To look into the future, a 2008 Rocky Mountain capture would be conducted in Wheeler Peak. We do the 2 traps 1 year, alternate year the single trap, back to Wheeler Peak, and it would depend on the success of the 2007 captures. If we were short on any of that, then we would go back to Dry Cimarron or Rio Grande Gorge or wherever it would need sheep; however, assuming the 2007 captures are successful, the Manzanos would be a possibility. If the train is mitigated, we've had more than 20 train strikes in that small population of sheep. That train track is on the verge of being double-tracked, this is through Abo Canyon between Mountainair and Belen. BNSF has agreed to pay for about \$500,000 of game-proof fencing tied to trestles to allow sheep to go underneath but to eliminate the train strike in the corridor. The long-range plan for Rocky Mountain bighorn sheep lists 3 alternate choices: high-elevation population in the Culebras which is 100% privately owned, the White Rock Canyon which is also a possibility although the myriad agencies involved from LANL to the City of Los Alamos/White Rock/Bandelier National Monument/Forest Service/2 pueblos has made that a quagmire and finally the last choice in the long-range plan of unoccupied habitat would be the Sandias. We've discussed the Sandias previously and feel that Forest Service habitat is probably in such poor condition from fire exclusion that the remaining bighorn sheep habitat in the Sandias would be on the Sandia Pueblo. It's a very small portion of habitat so those are also alternatives. Because we are running out of locations to transplant bighorn sheep within New Mexico, we need to consider the possibility of ewe harvest as several of the western states and Canadian provinces do and if none of those on the list were available in 2008, we may need to consider an out-of-state trade for those Rocky sheep in 2008. Finally, a desert bighorn sheep capture would be proposed for 2008. The census at Red Rock will be conducted Saturday, so I'm not positive we're going to have enough sheep for 2008 release. Top priorities for 2008 release are the southern Caballo Mountains or the northern San Andres Mountains. These release sites rank equally relative to de-listing desert bighorn sheep. The desert bighorn sheep recovery plan requires 500 desert sheep statewide and 3 metapopulations over 100. We've got a metapopulation over 100 in the Boot Heel now with the Peloncillos and Hatchets at about 180. The southern San Andres population is sitting right at 100 with reproduction. I think we'll be back over 100 so the third site would be either northern San Andres or the Fra Cristobal-Caballo component of desert sheep. So at 450-475 we're getting very close to the 500, we're also getting very close to the 3 metapopulations over 100. In summary, populations are increasing statewide, the lion control has been extremely effective and we would come back to the Commission with a presentation on that this summer. The trade with Arizona has been very critical to recovery. As you may know, we traded 60 Rocky Mountain bighorn sheep from New Mexico for 60 desert sheep in Arizona and that has kick-started our ability to recover these desert sheep. We're close to considering down-listing or de-listing desert bighorn sheep and we're close to filling Rocky Mountain bighorn sheep habitat in New Mexico.

Commissioner Sims: That's wonderful news and you've done a tremendous job on the bighorn sheep recovery program. On the Dry Cimarron, what timeline for release are we looking at literally and also in the other release?

Eric Rominger: The Pecos traditionally has been a very effective trap site for us and we would hope to get those 20 and then maybe another 20-30 and in the Pecos in August, 2007 capture. Those sheep would go straight to Dry Cimarron. A release site is yet to be specifically determined. I'm waiting on the state biologist to fly with me hopefully next week. We are going to assess a couple of places from the air that we've looked at from the ground and the extent of that fire in the Dry Cimarron so there would hopefully be bighorn sheep available this August 9-13 capture in the Pecos. The additional sheep to make up the 40-50 we would hope to capture in the Latir's in September 2007 and I believe that trap is scheduled for 4-12.

Commissioner Arvas: Is there any possibility for increasing the number of permits?

Eric Rominger: In 1997 we had 9 public licenses in the state. This fall the Department will be issuing 20 licenses, the Taos Pueblo sold 2 additional licenses on their side, so we've gone from 9 licenses to 22 licenses statewide. We were starting out conservatively in Latir with 2 licenses starting out conservative in Turkey Creek with a single license, but both of those herds will have the potential to increase licenses in the near future. The big jump in licenses statewide would ultimately with the de-listing of desert bighorn sheep to game animal status in which we would probably go from the 2 licenses currently available to something like 8-12 licenses.

Commissioner Salmon: How many sheep do you maintain monthly at the Red Rock Refuge?

Eric Rominger: Historically, that facility ran more sheep than it probably should have. When I came in 1996 there were probably about 150 bighorn sheep in there including about 60-70 rams. We've trapped way over 100 rams out of that facility in the last decade and now we're running about 15 adult rams, 20 adult ewes for 35 adults and the lamb crop. That's what we're expecting to find on Saturday. Last year's ram crop and this year's lamb crop so we left about 50, we trapped down from 85 to 50 and then we generally on a biannual process let that run back to 85-90 and hope to trap down to 50. The requirement is that we leave 20 ewes in the facility and with the minimal lion predation although we have removed quite a few lions at Red Rock, we have higher lamb-ewe ratio in Red Rock than in the wild.

AGENDA ITEM NO. 14: Draft Recovery Plan for the Gray Vireo Listed as Endangered Under the Wildlife Conservation Act (Section 17-2-40.14, NMSA 1978).

Presented by Leland J. S. Pierce – The draft Recovery Plan for the Gray Vireo (*Vireo vicinior*) was presented to the Commission for their review and approval. In New Mexico, the Gray Vireo is found in extremely scattered locations across the State west of the Great Plains, and is considered a species of concern in North American due to its limited range and small population. The Plan has been developed as directed by the WCA in conjunction with involved and interested individuals and agencies. The Plan describes status and conservation needs of the species and identifies actions that will protect and enhance native populations, allowing eventual downlisting of this species. I'm the Department coordinator of recovery plans for species listed as threatened or endangered under the New Mexico Wildlife Conservation Act, specifically terrestrial species, amphibians/reptiles/birds/mammals and it so happens to include little gray birds. A quote I'd like to read, "Few birds are as plain as the Gray Vireo, a drab summer resident of juniper woods and open brush in the great basin region." That single sentence provides 2 of the 3 challenges we face today concerning the recovery of this species--drab and juniper. The Bald Eagle is a big, good looking, son of a gun, lives in gorgeous country and few sights in nature are as inspiring as seeing our national symbol in flight. The Gray Vireo is about 5"-8" in length and is gray. It has a distinct wing bar and an almost imperceptible eye ring, but it does have the stoutest bill and longest tail of any vireo and you can fill 1 manila folder with papers written on this species. There have been very few systematic surveys for this species in New Mexico and the breeding bird surveys do not detect it very well and that lack of information is the first of the 3 challenges that we face in recovery of this species today. Normally we don't begin a recovery plan while lacking such information otherwise there's a strong management issue and that brings me to our second challenge. While in Carlsbad the species tends to nest in oak such as in the spring territory in Carlsbad Caverns National Park property. Throughout the rest of its range it tends to breed in territories similar to Santa Fe, namely, on juniper. There is a lot of interest in the state for thinning and removing juniper. The third challenge is that the Gray Vireo does not have a large geographic range when you compare it to something like the American Robin or Red-tail hawk and within that range it's populations are sparse and scattered and very often the populations are inconsistent. Throughout this process I have encountered passionate concern that this bird would spell the end of all habitat improvement in the state. Everyone would like to have information on how to manage this species either from the

desire to deduct habitat restoration efforts within the habitat where the bird is found or from the desire to conserve the birds of New Mexico, and we don't have that much of the information that they need to make this happen and the problem is that with so much passion and so few answers. Having worked on this plan for a while, I'm here to state that it does not have to be that way. Our former State Ornithologist, Sandy Williams, felt that by having a recovery plan now we can manage for the species in the short term and position ourselves to acquire the answers we need to preserve this species in the long term. Therefore, we held a process to gather individuals that would help to revise this recovery plan and the first thing they had to confront was the large range of the species in the state and what they felt we should do is break the range of the species up into smaller management units because the knowledge of the species varies across the state, it has different habitats from the southeast to other parts of the state, and they felt that their knowledge of the status varies and their hope was that we would develop good populations within each of these areas before we declare the species recovered. We then gathered groups from all 4 areas and we put together a management section for this recovery plan. The management sections provides a goal in a more specific objective to the plan and issues that may help or hinder the achievement of the objective and strategies for dealing with those issues. Here's the goal and here's the objective: the objective is set at 2022 and that's set down the line so that we can learn more about the biology and natural history of the bird and that happens to be the first strategy for your consideration. By learning the biology and natural history we can better answer a lot of the questions that people need in order to properly conserve this species. Secondly, there is a lot of interest in piñon juniper, and juniper in particular and some in oak woodlands and we can tap into a lot of that information as far as understanding the dynamics of the vegetation. This is up to and including global climate change which affects the vegetation communities quite conservatively and which the governor's office has shown to be quite interested in. The populations are small and scattered and therefore vulnerable so we will need to conduct surveys for them so we can maintain an idea of their status such that if a situation arises we know that we can respond to them. A serious threat to the Gray Vireo is cowbirds. Cowbirds are brood parasites. What they do is get other birds to tend their eggs and raise their young. They will seek out these other birds and then they will find the nest and they will lay their own eggs and depart. In some cases they actually throw the other eggs out. The problem for the Gray Vireo is that the cowbird eggs will hatch sooner than the vireo eggs and therefore, if they start feeding the hatchling cowbird, it will grow so fast that it will be much bigger than the hatchling vireos and the hatchling vireos end up starving to death because they can't get any food. In New Mexico in a few cases we've lost as many as 70 nests to cowbirds. Cowbirds are a difficult issue to deal with because they favor disturbed habitat to do their foraging and mating in and if you control for cowbirds without improving the habitat and then stop your control, the cowbirds will come right back. Lastly, we need to provide guidelines for management and to facilitate information sharing between stakeholders. Much of the issues with this species involved people not being aware of the Gray Vireo and worrying about their habitat restoration projects and would this be a problem and simple communication would solve a lot of those issues and unfortunately, we don't share information with each other, we don't get the point across on whatever everyone else is doing, and don't learn from what we're doing. It's going to be difficult to manage a species that's scattered across such a wide geographic range. This process has been very useful and we've begun that communication that is so important to accomplish and at this present time the Kirtland Air Force Base is going beyond simply surveying for the species, studying it, using bird banding so that they can site and movement, and BLM is beginning to formulate a survey plan and will also look into habitat modeling. We now have an all-bird conservation coordinator at the Audubon Society which presents a great opportunity to get information out about the species and both major universities have shown considerable interest in studying this species and start looking into the answers we need to help conserve it. Ultimately, the theme for this recovery plan is very much the theme that has been running through this Commission meeting all day and that's working across agencies and having good dialog between each other and working things out. I believe if we continue that kind of dialog and keep working forward to learn about the species we will have Gray Vireo for our grandchildren to enjoy.

Commissioner Salmon: Since there's no lack of juniper habitat in New Mexico it must be the case that only specific types of juniper habitat are conducive to helping this bird and providing the habitat, is that correct?

Leland Pierce: This is a maddening bird. We go to Kirtland Air Force Base and we find them nesting on a gigantic tree and then the next nest over is on a Charlie Brown Christmas tree, small and scraggly. At Kirtland Air Force Base you'll see a hill that has these birds and is in a specific density of a juniper and next to it is the similar type of hill, same density and no birds. We've been hoping to find a certain density of juniper and size. We just got photographs

from San Juan where the juniper is about as thick as what you see in the PJ near Los Alamos and the birds are there as well. My suspicion is it may not be the juniper as much as that it has a tree to provide it the structural support for its behavior and nesting and that it may be looking more towards the landscape such that it might pick out areas where there's a burst of rainfall and therefore a burst of insects and that may allow to produce that much better young and that makes much better impact upon the population, but at the present time it's tricky to try and figure out it's habitat relationships.

Commissioner Riley: Are there any data related to what the population looked like about 20-40 years?

Leland Pierce: We recently had a report completed by a former ornithologist and it looks like they might be declining slightly. This appeared in a few places in the eastern part of the state and near the Hatchets, but these are areas where you wouldn't think you'd find them now. My hunch is that based upon that report that it seemed to be holding the same. It's just that it's so small and scattered and it's so difficult to figure out why they appear where they do that trying to preserve it is difficult.

Commissioner Riley: So most of your recommendations appear to be just gathering more information on the biology of the bird?

Leland Pierce: Yes. Again, that's unusual because normally we like to come to you with a recovery plan where we have a better idea, but it is such a management issue that we felt we had to go that way. I think we can gather information. That's the nice thing about birds, people do get interested in birds and I think that's a great attribute of a recovery plan that we can get the word out about it.

Commissioner Riley: You heard BLM talking about controlling mesquite and creosote and the third shrub on their list is the piñon-juniper areas and I think once they get done with a large amount of the other stuff, they're going to go after that heavily and they typically are getting money for 40,000-acres chunks in a year. So we're talking big pieces. Do you think we'll have any recommendations on at least something tentative to make sure that we don't decimate the population before that starts?

Leland Pierce: Again, this was very fortunate. Vicky Herron, the new T&E coordinator at BLM, and this bird essentially caught them off guard. They weren't ready and this has gone several meetings with the heads of Restore New Mexico and this has given her the opportunity to make sure how important it is to survey for wildlife and therefore, we're making the most of it. The Gray Vireo is very much on their radar and to follow that up, we recently had a meeting with the head of the New Mexico Forest and Watershed Restoration Institute and Dr. Ken Smith who is working at the institute that was formulated thanks to the governor's Forest and Watershed Health Initiative and they'd like to work with us to coordinate getting information out about all these restoration efforts and to make sure wildlife is considered in these efforts and we had a meeting between myself, Jan Ward of our Technical Guidance Section, Bill Graves who is our point man for Comprehensive Wildlife Conservation Strategy for New Mexico, and also our new hire at WMD, Don Auer our habitat specialist for them, and so yes we are on the radar and we are trying to get a good attitude of working together and then frankly BLM is surveying for this bird so it's working out for the best.

MOTION: Commissioner Sims moved to approve the Gray Vireo Recovery Plan, as presented today.

Commissioner Salmon 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).

Public Comments:

Kent Salazar: I'd like to make a comment about that State Land contract and we had some issues about limited state access. I've spoken with staff about that and they're working with us but if they limit access to state lands technically one access or egress point you can limit hunting opportunities especially if you allow ranchers and other people using the property permittees to have the other access, geographically you effectively discriminate against the general public sportsmen. We wanted to make sure that was a point of issue. Also, we'd like to see Commissioner Salmon's issue about hunting of non-game species be allowed in that contract because we think that provides another excellent opportunity and again, eliminates confusion for hunters and puts them in a situation where they are not going to be violating the law by accident. Some of these land tracts are not marked and it's clearly a problem at times. I recommend that if you haven't gone rabbit hunting in a while you might go out there and try it. Another thing, on these off-road rules with the Forest Service and the publishing of these rules are critical for hunters. If we don't

get that information out, and I'll tie this into some of that state land as well, if we don't get the rules published ahead of time, if it's not in the Proclamation, we're putting all our sportsmen in danger of violating the law. Also, on depredation, I got a call yesterday about some landowner takings where we had to do some elk control or something like that and we'd like to have game species to have some input on that as well because your Director and I met with Representative Pearce in Washington and we're working on some funding on those wildlife grants and there are a lot of private landowners that are pushing for certain issues and we'd like to work with them on some of these issues, but if they're trying to exclude the public hunters and sportsmen of the state, I say that we also be allowed to have public input at those meetings and we'd like to be contacted.

Ron Shortes: I'm from Catron County and Lincoln County. The wolf situation has continued to deteriorate. We feel that against the request of Congressman Pearce's office that USFW deliberately released a dangerous wolf that was inappropriate to be in the program. I understood Las Cruces threatened to sue the Department if you didn't do what they told you to are now indicating that in 18 days they're going to sue us. Again, I want to point out that Catron County for years has tried to work with everyone involved in these issues and avoid lawsuits and this lawsuit which looks to me like it's going to involve the Department eventually was not our idea and we didn't bring it, but we will fight it. I'm very concerned that as I understand it when Ron Moore is back from the Congressman's office called the Wolf Team to ask them to not release this wolf. They immediately and intentionally released it at that point and time. It seems to me that we have a Wolf Team that is only concerned about the wolf at all cost and doesn't give a damn about the United States Congress or anyone else affected by these issues. We're also concerned that Department employees are involved with the Wolf Team and with AMOC and I understand there's a debate about how much you all can control the federal government and it's employees but we're concerned that some of your own employees have the attitude that the wolf comes first no matter what happens to anyone else. There is also an issue of whether AMOC members are telling USFW to refuse to talk to Congress and cooperate with Mr. Pearce's office as well as to cover up possible issues that wolves involved in this program but have been released have actually bitten and drawn blood on people which as I understand their own rules require that that wolf be immediately euthanized rather than released from the program. Again, all of this in stages of investigation now and I understand Mr. Pearce's office is involved in a Congressional inquiry. I'm not saying I have personal knowledge of these things but I'm concerned where there's too much smoke there's fire and some or all of these problems are occurring.

Jose Maestas: I represent ranch manger for Ranch No. 0420171. The problem we have there is elk.

Chairman Montoya: What unit is that?

Jose Maestas: Unit 4 in Tierra Amarilla and 5.5 miles east of the Town of Tierra Amarilla on Highway 64. It's a big problem with the herd. Last year I put in about 4.5 miles of fencing and I checked it 3 days ago and I've got to just about to re-do it all. We've gotten our permits decreased and that makes it even hard for us to continue the repairs. I know a lot of people with the same concerns on elk. Another problem we're having is with vultures—cutting fences and going in and not too many Department officers travel nor patrol that road. If you do see poachers, by the time the officers show up, the poachers are gone. So if we could have enforcement out there we'd appreciate it.

Chairman Montoya: Dan Brooks or Pat Snyder, you get together with Mr. Maestas and see if the officers are responding.

Jose Ortega: I'd like to ask if the small landowners are going to get the permits back? If we're not, I'm going to keep on killing or poison them.

Chairman Montoya: This is in Unit 50?

Jose Ortega: Units 50 and 51. They took the permits away and I've already killed a couple of them. In fact, I killed 1 behind the house the other day, there were 9 cows, but I think those cows came from the Reservation down the river and even bear are coming down. We're going to start killing them all and feeding them to the dogs. I don't think it's fair for a ranch owner to pay for the licenses that you give us and we don't get anything out of it. We've got to pay taxes for the elk to be there, they knock down fences. I don't think that's fair so let me know because I'm going to hire people to shoot them. Let me know if we're going to get those permits back without paying for the license and I'll stop the killing of them. It's easy to poison them. Mr. Montoya knows me because I've talked to him quite a few times. In fact, behind Mr. Montoya's house there are about 20 elk, right?

Chairman Montoya: More than that.

Jose Ortega: Behind his own house on Tribal land and now we've got almost all the Tribal land where we're plowing and fixing it to plant hay and grass. There are about 500 acres so half of those elk are going to go somewhere else.

On weekends it's the same thing and all the people are complaining about them. In Canjilon, Moises Morales, they took over his place down the canyon they're doing the same thing shooting the hell out of them. Small landowners are getting together and buying rifles for someone who wants to shoot them. What we'd like to know is if we are going to get some licenses so we can stop it. They called me from the Department that if 1 of the rangers could go get them out and give them to the people to get the meat and I stopped it and said no. No ranger is going to come in. The ones that fly a plane, they fly at night. They fly around the noon hour.

Representative Debbie Rodella: Welcome to my Legislative District. I concur with some of the comments that have been shared with you regarding small landowners. That's been a big point of contention with my constituency and I've met several times with Director Thompson regarding that issue, but in looking through your agenda I was hoping that there would be something to give the small landowners an opportunity, a forum if you will, because I know the Chairman has attended a couple of meetings that I've been at regarding small landowner issues. I think that's an important issue especially in this part of New Mexico. A lot of my constituents are small landowners and I share their frustration because I go out there and see all the hard work and all the devastation. I think what they want is to support the elk population, but at the same time they have issues that aren't necessarily addressed all the time. Depredation is 1 of the big concerns as well and I know with the E-Plus system we're trying to give that system an opportunity to see if it's going to work. I know some landowners that don't feel that it's a good system and I agree and I've met with Director Thompson and said let's give it an opportunity and see if it's going to work out. But if the landowners aren't happy we're going to have to look at revising that even if it's through the legislative process. I appreciate being able to share them with you and having a couple representatives that have small ranches here today to express some of their concerns. I hope that's a continuing effort and dialog. I know I sponsored a bill that created some controversy with regard to some of the hunters this past session, but I appreciate the Director meeting with me personally as well as with the attorney and I think that's an issue that the Land Grant Committee during the interim will continue to discuss. I don't know whether you've been briefed on that issue but it's something that is important with regard to the land grant community as well, so basically, the small landowner issue as well as the land grant issues, those are 2 of the issues that I'm concerned about. I recently submitted a letter to Director Thompson and he indicated he has that letter and he'll answer some of the questions that I've been getting from my constituents, but I do want to invite you back at some point and if at all possible, if you could schedule an opportunity or some sort of forum to have all of you here instead of just 1 Commissioner to be able to hear from the small landowners.

Chairman Montoya: Director Thompson, would you make sure you share that letter with us. Director Thompson, is there need to go into Executive Session?

Director Thompson: Yes, sir, there is.

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 limited purposes of personnel matters, litigation, and land acquisitions.

Alvin Garcia: We're going to be discussing disciplinary action of an employee.

Chairman Montoya: I see Director Thompson that there are continuing negotiations on those conservation properties. Is that to be discussed as well?

Director Thompson: Yes, we have matters of land acquisition, personnel, and litigation to discuss with the Commission.

MOTION: Commissioner Sims 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 limited purposes of personnel matters, litigation, and land acquisition as per Section 10-15-1, NMSA, 1978. **Commissioner Salmon** seconded the motion.

Roll Call Vote:

Chairman Montoya – yes

Commissioner Arvas – yes

Commissioner Buffett – absent

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 limited purposes of personnel matters, litigation, and land acquisitions. 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 – Since the last Commission meeting, we received backup information and appraisals for 2 of the properties that have been on the list before and both those properties were a result of the second round of proposals that we put out. One was the Shortes' ranch for a conservation easement that's in Catron County, and the other was for acquisition of the Lewis Ranch which is in Roosevelt County. Both Mr. Shortes and Mr. Lewis are here today and probably can answer any questions that the Commission has. In addition to that, for your information, in the last couple of days I've received information about a conservation easement on the Guerin Ranch and if you'll remember, the Guerin Ranch was a property that was proposed for acquisition in the second round. That ranch is located in Rio Arriba County, is adjacent to the Rio Chama Wildlife Area, and since that time the property has been sold and the new owner is interested in a conservation easement on the property. We don't have a lot of the specifics about that at this time, but if the Commission has any interest in it, we can certainly pursue gathering more information on that easement.

Commissioner Arvas: Just to get us up to speed, we're talking basically that up to this point in time we have committed most of our resources to the properties aforementioned?

Lisa Kirkpatrick: Of the \$5,000,000 appropriated, we actually have made some form of commitment slightly in excess and that's with the asking prices that were put forth by the proponents. That's without negotiating or going forward. The only 1 that has actually been completed is the Horse Springs Ranch and that price was \$903,000.

Commissioner Arvas: So then if we go down the established list, the next 1 in line would be the Lewis Ranch?

Lisa Kirkpatrick: That's correct.

MOTION: Commissioner Arvas moved to direct the Department in conjunction with Commissioner Sims to enter into negotiations to establish a purchase price for approximately 5,500 deeded acres in Roosevelt County known as the Lewis Ranch adjacent to Game Commission-owned prairie chicken habitat, such negotiated purchase price to be subject to approval by this Commission and further direction regarding terms and conditions of a purchase agreement. **Commissioner McClintic** seconded the motion.

Chairman Montoya: I'd like to mention that to keep Mr. Shortes' property on the list and also the Guerin, pursue that further, and I know there are others that are pending, keep those options open in case there's an opportunity that there are other resources if 1 of the other properties falls through.

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

AGENDA ITEM NO. 18: Importation of Live Non-Domestic Animals, Birds and Fish (19.35.7, NMAC) and Game and Fish Licenses/Permits (19.30.9, NMAC).

Presented by Pat Snyder – This will be on the opening up the rule on the importation of live non-domestic animals, birds, and fish and the game and fish license and permits, so it will be Rules 19.35.7 and 19.30.9, NMAC. Basically, the Department does have the authority to protect the state's wildlife from undesirable species and make it a misdemeanor to import any live animals without first obtaining a permit, Section 17-3-32, NMSA, 1978. Section 17-12-6, NMSA, 1978, allows the Commission to set up whatever rules it deems necessary for the protection of that. The Importation Rule, 19.35, NMAC, basically the scope is to any person desiring to bring into the state wildlife species and the objective is to provide consistent criteria for the importation of wildlife. The things we're looking at now is more of the non-game animals, i.e., the wild by nature pets, and Section 19.35.7.13, NMAC, says that any applicant bringing in a live, non-game wildlife, they have to submit a confinement plan, a certificate from a veterinarian showing that that animal is disease free, proof of the pertinent county/city that possession of that critter is allowed, and copies of any federal permits that are required, and if it is a venomous reptile, that it be de-venomized.

Upon receipt of that application we will allow the import only if it doesn't compete with native wildlife, does not hybridize with other New Mexico native species, conflict with management, does not pose a threat to human health or livestock, all federal permits have been obtained, adequate public comment, and it doesn't pose a threat of immediate disease. Some of the problems we've had with some of the others, this is a newspaper article from Las Cruces where a pet shop owner had brought in some Egyptian cobras, they weren't imported, they weren't de-venomized in Florida. This is another example where someone had an alligator as a baby, it grew too big and he couldn't afford to feed it anymore so he let it loose and it came in contact with the public and someone else came across it and I believe there was another situation like this in Texas along the Rio Grande where an alligator was found. Some of the other concerns we have are diseases, Chronic Wasting Disease, Monkey Pox, Avian flu, and the other thing we're looking at is the cost. We're going to charge 2 people for bringing in non-game animals we're looking at \$25 per animal and what we're looking for is there are a lot of people who don't know these regulations exist so currently we're working with the pet industry informing them of what the regulations are because we realize wild pets are being imported and probably a large number of these imports are not all legal so we're trying to facilitate with the pet industry, educate people where necessary. Over the last several weeks we've had meetings in Roswell, Las Cruces, Santa Fe, and Albuquerque and we're going to have 1 in Farmington next week. Each state has their own things and they can't possess or import rattlesnakes in Arizona whether native or non-native, and in Colorado you can't possess any caimans at all. In conclusion, we're going to try and assist the pet trade with legal importation the public is requesting, promote the public economy, insure adherence and compliance with all the rules, and maximize the safeguard for the state population and protected wildlife, and be as pro-active as we can with disease prevention and undesirable species. So our request is to formally open the importation of live, non-domestic animals, birds, and fish Rule 19.35.7, NMAC, and the Game and Fish License Permit Rule 19.30.9, NMAC, for public comment with the understanding the Department will come back to the Commission at a later meeting with rule amendments and recommendations. We'll also be soliciting input on the web and through phone calls.

MOTION: Commissioner Riley moved to formally open the Importation of Live Non-Domestic Animals, Birds and Fish Rule 19.35.7, NMAC, and the Game and Fish License/Permit Rule for 19.30.9, NMAC, for public comment with the understanding the Department will come back to the Commission at a later meeting with rule amendment recommendations. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 19: Approval of Memorandum of Understanding with BLM to Construct and Maintain Part of Pescado Trail.

Presented by Scott Draney – The Department presented for approval a Memorandum of Understanding between the Commission and the Bureau of Land Management, Taos Field Office for BLM to construct and maintain a foot and non-motorized trail as part of Pescado Trail.

Scott Draney: What we're going into is a Memorandum of Understanding. Basically there's a semi-primitive trail for foot traffic. Approximately 4,000 feet of this trail is on Red River Apache Department-owned grounds. The MOU would include construction and maintenance of an 18-wide foot trail. BLM would do this. The installation of signs at the trailhead would be included, repaired, maintenance of approximately of 1,000 feet of fence. There's a fence line that the trail would follow initially as it crosses the Red River and goes up the hill, and additionally they would provide infrastructure for increased visitor use including trash barrels and port-a-toilets during the summer season. I believe that's Memorial Day through Labor Day. Additionally, BLM has agreed to provide for additional law enforcement. As we get increased visitor usage, of course, that was 1 of our concerns is to request additional manpower to oversee the area for public use. Another concern we had was the trail would actually cross about a 15-foot wide wetland. They're going to install a wooden foot bridge to mitigate this concern. I'm very familiar with the area and with the environmental assessment that was done.

Commissioner Riley: Are you going to prepare an MOU for this?

Scott Draney: There's actually an MOU that's been submitted to the Commission.

Commissioner Riley: Obviously you've bounced it off legal people and everything looks good that way?

Jim Karp: Yes, sir.

MOTION: Commissioner Riley moved to authorize the Chairman to execute a Memorandum of Understanding with the Bureau of Land Management concerning the creation and maintenance of a portion of the Pescado Trail in the form of Memorandum that has been provided to the Commission. **Commissioner Arvas** seconded the motion.

Alvin Garcia: I'd like to see a copy of it.

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

Chairman Montoya: Before we adjourn, I'd like to go back to Item No. 12 and follow up on the discussion in regard to the appointment of a 3-member committee of Commissioners that will follow up with Department staff for recommendations to the full Commission regarding the vision statement and all other details around that. I'd like to appoint Commissioner Arvas, Commissioner McClintic, and Commissioner Salmon to represent the Commission on a sub-committee of the Commission and proceed with the work we discussed while we were on that item.

Tod Stevenson: I'd like at this time to take the opportunity to recognize Lisa Kirkpatrick who will also be retiring in June after 25 years of service with the Department.

AGENDA ITEM NO. 21: Adjourn.

MOTION: Commissioner McClintic moved to adjourn. **Commissioner Sims** seconded the motion.

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

Meeting adjourned at 5:46 p.m.

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

July 18, 2007
Date

s/
Alfredo Montoya, Chairman
New Mexico State Game Commission
Minutes Transcribed by: Katie Gonzales
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July 18, 2007
Date