

MINUTES  
NEW MEXICO STATE GAME COMMISSION  
State Bar of New Mexico - Auditorium  
5121 Masthead, NE  
Albuquerque, NM 87199  
May 28, 2009  
9:00 a.m. – 5:00 p.m.

CONTENTS:

AGENDA ITEM NO. 1:	Meeting Called to Order .....	1
AGENDA ITEM NO. 2:	Roll Call .....	1
AGENDA ITEM NO. 3:	Approval of Agenda .....	2
AGENDA ITEM NO. 4:	Introduction of Guests .....	2
AGENDA ITEM NO. 5:	Approval of Minutes (April 16, 2009 – Farmington, NM).....	2
AGENDA ITEM NO. 6:	Revocations .....	2
AGENDA ITEM NO. 7:	Amend Licenses/Permits Rule (19.30.9, NMAC) .....	3
AGENDA ITEM NO. 8:	Consideration of SafariWish to Become a Recognized Wish-Granting Organization .....	3
AGENDA ITEM NO. 9:	Newly Enacted Aquatic Invasive Species Control Act .....	4
AGENDA ITEM NO. 10:	General Public Comments (Comments Limited to 3 Minutes).....	5
AGENDA ITEM NO. 11:	Fiscal Year 2009 3rd Quarter Depredation Report .....	5
AGENDA ITEM NO. 12:	Update on Process for Pronghorn Antelope Private Land Use System Rule Development and Recent Capture and Relocation Projects .....	5
AGENDA ITEM NO. 13:	Prospective Legislation for the 2010 Session.....	11
AGENDA ITEM NO. 16:	Closed Executive Session.....	11
AGENDA ITEM NO. 14:	Gaining Access Into Nature Program Implementation, Post-Implementation Review and Opening the Use of Department of Game and Fish Lands Rule (19.34.3 NMSA) .....	12
AGENDA ITEM NO. 15:	Preliminary Budget Planning Discussion .....	12
AGENDA ITEM NO. 18:	Proposed Change to Fisheries Rule (19.31.4, NMAC), Reducing the Bag Limit at Conservancy Park Lake (Tingley) .....	14
AGENDA ITEM NO. 19:	General Public Comments (Comments Limited to 3 Minutes).....	14
AGENDA ITEM NO. 20:	Adjourn.....	14

AGENDA ITEM NO. 1: Meeting Called to Order.

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

Chairman McClintic: Our Director is not with us today.

AGENDA ITEM NO. 2: Roll Call.

Chairman McClintic – present  
Vice Chairman Buffett – absent  
Commissioner Arvas – present  
Commissioner Montoya – absent  
Commissioner Salazar – present  
Commissioner Salmon – present  
Commissioner Sims – present  
QUORUM: present

**AGENDA ITEM NO. 3: Approval of Agenda.**

**MOTION:** Commissioner Sims moved to accept the agenda for the May 28, 2009 State Game Commission Meeting. Commissioner Arvas seconded the motion.

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

**Chairman McClintic:** Welcomed the new Wildlife Management Division Chief from Kentucky, Jim Lane; and Roy Hayes, SE Area Operations Chief, will be retiring at the end of June, 2009, and the Chairman thanked him for his contributions to wildlife management in the State. The Chairman also indicated that Item No. 16 on the Agenda would be heard today after the lunch brake.

**AGENDA ITEM NO. 4: Introduction of Guests.**

Introductions were made by approximately 40 members of the audience.

**AGENDA ITEM NO. 5: Approval of Minutes (April 16, 2009 – Farmington, NM).**

**MOTION:** Commissioner Salazar moved to approve the Minutes of the April 16, 2009 State Game Commission Meeting in Farmington as presented. Commissioner Arvas seconded the motion.

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

**NEW BUSINESS:**

**AGENDA ITEM NO. 6: Revocations.**

**Presented by Dan Brooks** – The Department presented a list of two (2) individuals the Commission considered for revocation and met established revocation criteria. Included in this list were Hearing Officer's recommendations for the assessment of points against registered outfitters. In-field checks are conducted and then answers are compared. Every hunter is not checked.

**R.J. Kirkpatrick** stated that once the Commission instituted mandatory harvest reporting requirements, the Department subsequently initiated a practice in the field where all district officers have a 1098-check form. Every deer/elk/furbearer licensee checked in the field, the license number/name/where that check happened/kind of animal is recorded on that form, then the district officer enters daily/weekly/monthly information into a database. When information doesn't match, it's flagged.

**Commissioner Arvas:** Did this individual report by phone?

**Dan Brooks:** On a computer.

**R.J. Kirkpatrick:** Recordings of harvest reports are done by phone. The contractor keeps those.

**Chairman McClintic:** What's the benefit for furnishing a false harvest report?

**R.J. Kirkpatrick:** Individuals who understand how the Department uses the harvest information, i.e., if a significant number of elk hunters consciously or superlatively decided to submit false harvest reports that they harvested an animal but said they didn't, the Department would recognize that we aren't harvesting sustainable numbers of animals, and therefore, the Department makes a recommendation to the Commission to increase the number of licenses in that particular unit and we could get into an over-harvest situation.

**Chairman McClintic:** Was this a mistake on his part because obviously to give him three (3) years, the Department must have felt he purposely gave the false report, correct?

**R.J. Kirkpatrick:** The process of reporting harvest whether online or via phone is a redundant user-friendly process in that you're asked several times if your harvest report is accurate. We would conclude he intentionally did it. People tend to believe that if they say they didn't kill anything the Department might put more licenses out next time.

**Commissioner Salazar:** This individual had no explanation why he did this? Did he realize he could lose his privileges for three years?

**Dan Brooks:** He had no palatable explanation and I don't know if he realized that could happen.

**Commissioner Salmon:** In the case of the juvenile, what's the difference in the rule/requirement between a registered guide/outfitter?

**Dan Brooks:** A registered outfitter is basically the boss. He/she actually runs the outfit, books clients, controls agreements. A registered guide is someone that works for the registered outfitter and can take hunters out under the guidance of the outfitter.

**Commissioner Salmon:** Does the registered guide have to pass certain requirements also?

**Dan Brooks:** Yes. A registered guide must take a test. They pay a fee and they have criteria. Part of that is because elk hunting alone is an over \$50M industry in NM, and when non-residents come and spend their money, we want to

make sure they get their money's worth, and they receive a professional service so that when they're taken into the field, they have to take tests on their knowledge of the laws in the state.

**Commissioner Salmon:** Regarding harvest reporting, one of the furbearers listed is the coyote. If you took any coyote during the year, you're supposed to report that and yet coyote is a non-game animal beyond our jurisdiction. I wonder how you patch that out considering it's not an animal within the Department's jurisdiction?

**R.J. Kirkpatrick:** My hunch is we're interested in the number of coyotes and locations those are taken. We do regulate use of traps and it's interesting to see where people are setting traps and conducting activities regardless of whether it's a protected species or coyote.

**Commissioner Sims:** If individuals accidentally fill out the hunting report wrong, I'm concerned we're going to give those three years of no hunting because of a mistake. I want to make sure we're not taking people making a mistake on their application for confusing year/species.

**Dan Brooks:** That's why we offer people a hearing, and have an independent Hearing Officer weigh the evidence/information. The Commission does have the latitude to not accept the Hearing Officer's recommendation and do what they desire. That's the recommendation that's been brought weighing the evidence/testimony by an independent Hearing Officer.

**MOTION: Commissioner Sims** moved to adopt the Hearing Officer's recommendations for revocation and point assessment for the attached list of two (2) individuals for the period of time specified. **Commissioner Arvas** seconded the motion.

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

**AGENDA ITEM NO. 7: Amend Licenses/Permits Rule (19.30.9, NMAC).**

**Presented by Dan Brooks** – The State Game Commission considered an amendment to the Licenses/Permits Rule (19.30.9, NMAC). The amendment modifies fees required of persons importing protected ungulates to reflect actual costs incurred by the Department for processing importation permits. The current fee structure was established in August, 2003, and at that time importations were for no more than 25-30 animals. If herd status doesn't change the cost is actually reduced to about 90% once you get past 30 animals. There will be a cost but it's going to be minimal once you get past 30 animals. If 30 elk/deer is exceeded, the cost can be reduced to about \$5 per animal which is consistent with statute and allows the Department to recover costs expended.

**Commissioner Salazar:** It's rubber stamping basically. Is that why that's so low?

**Dan Brooks:** No, it's not rubber stamping. \$500 per source for up to two animals is expensive for the two animals and then \$50 an animal up to the 30 so we're actually trying to recover our costs. We've verified the status is much the same so after 30+ animals we've got to make sure they're still part of the herd, we've got to make sure ear tags track, make sure testing for each of those animals, so there is some work but it's minimal.

**Commissioner Arvas:** In the past have we brought in very many animals?

**Dan Brooks:** We've had probably two importations. The importation rule that the Commission has established is rigid and it takes somebody that has the paperwork in order and has done a lot of testing. Importations are not that frequent but it's well based upon disease concerns and the Commission's consideration and due regard to protect all wildlife.

**MOTION: Commissioner Arvas** moved to adopt the importation fee change for 19.30.9.9 (I), NMAC, as proposed by the Department where the fee for protected ungulates decreases to \$5/animal for greater than 30 animals.

**Chairman McClintic:** For clarification, the first 30 are staying at \$50 or do we go to \$5 for those 30 also?

**Dan Brooks:** The first two are at \$500, and after that to 30 is \$50, and after that it's \$5, so at 31 animals it would be \$5 per animals because we've pre-loaded this and done the majority of the work. **Commissioner Sims** seconded the motion.

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

**AGENDA ITEM NO. 8: Consideration of SafariWish to Become a Recognized Wish-Granting Organization.**

**Presented by Dan Brooks** – The State Game Commission considered a request to allow SafariWish, a Safari Club International Project, becoming a wish-granting organization for qualifying hunts in New Mexico. The non-profit organization requested to be eligible to submit names of youth to participate in hunts designated as once-in-a-lifetime and for those with life-threatening illness. The program is local and has existed since about 1992. The program is promoted through SCI, usually at no cost to the family. It is a non-profit/501-C3 organization. The current rule is that the Commission must approve any non-profit, wish-granting organization. Requirements are (1) the Department has licenses that can't be used; and (2) if they donate it to this group then they're eligible to be put back in the draw.

There's also a special elk hunt every year where two individuals with life-threatening illness and under the age of 21, get these licenses. This is the fourth organization the Commission has approved.

**Public Comment:**

**Herb Atkinson:** I'm from Roswell and the regional representative for Safari Club International. This is a program we strongly back. We do a lot of humanitarian service through Safari Club International, and we feel we have a lot of good, deserving people that are disabled and need our help.

**MOTION:** Commissioner Salazar moved to allow and recognize SafariWish, a Safari Club International Project, as a non-profit, wish-granting organization that may qualify recipients to receive donated hunting licenses following all applicable rules and laws. Commissioner Salmon seconded the motion.

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

**AGENDA ITEM NO. 9: Newly Enacted Aquatic Invasive Species Control Act.**

**Presented by Dan Brooks and Brian Lang** – The Department presented information regarding the statutory authority and responsibilities conveyed to the Department and Commission by the newly enacted Aquatic Invasive Species Control Act. The Commission was requested to adopt an emergency rule to provide authority for the Department to take action in exigent circumstances consistent with statute. The Commission provided direction to the Department to develop a comprehensive amended rule to fully implement statutory authority and responsibility for consideration by the Commission at a future meeting. The Department would like this in place right away and the duration is permanent. Brian Lang is the CSD Invertebrate Biologist spearheading this. One reason the Department wants to establish procedures is consistency. Under this rule, the Director would have the ability to prescribe and procure licensing and permits. The Director may designate species he identifies or infested waters.

**Commissioner Arvas:** Why do you feel we haven't had reports of this in NM? We're surrounded by states that have had this invasion and NM hasn't?

**Brian Lang:** Early detection/monitoring in NM began about 2006 through USFWS. There are two primary ways to detect these mussels at an early stage and then at later life stage when they're mature adults. In the early stage, you actually take a plankton net and drag that vertically through the water column and reduce amount of water you collect and send off for lab analysis which includes microscopic analysis and then genetic technique to look at DNA of all animals/plants in that sample. That's been going on since 2006 in about four water bodies, and we've since ramped that up. By identifying 14 water bodies in NM, monitoring is being coordinated across state agencies and with federal agencies including the Bureau of Reclamation, Corp of Engineers, State Parks, and the Department of Game and Fish. The other way is to set out hard sub-straits in the water column, pull those up, and if you find settled adult mussels then you know you have an established, mature reproducing population. Through the previous technique, if you're picking up the microscopic larval form of this mussel, you're finding an insipient beginning population which is actually where you want to be. To get densities, it takes about three years.

**Commissioner Arvas:** Dan, how does the Department qualify for part of that \$139,000,000?

**Dan Brooks:** Currently, Brian is using part of that for testing and we have some for information/education.

**Brian Lang:** A year ago we went through a planning process to develop our aquatic invasive species management plan and under an approved plan, you become available for federal matching funds. We received approval from the National Aquatic Nuisance Species Task Force in Washington, D.C., which is one criteria that has to be met. The other criteria are approval by the Governor of any state. Governor Richardson signed and approved this plan in November of last year, so we're now available for matching federal funds. We applied for the grant and have received approximately \$35,000 to implement the plan under two priorities: early detection and public information/outreach program.

**Bob Jenks:** That money is primarily money contributed by each respective state. States are supporting their aquatic invasive species control programs through their legislatures and general funds. With this particular statute, and as we went through the legislative process we made it clear to the legislature that we were going to attempt to exhaust all alternative sources of funding before we went back to the legislature to seek general funds to support this effort. Brian mentioned in terms of the grant we're receiving from USFWS is one example of that and we'll continue to seek alternative funding to support our efforts but likely in the next year or two we'll have to approach the legislature for financial support.

**Commissioner Arvas:** Are we at a point of concern that we'd set up check stations by all the lakes?

**Dan Brooks:** I do think we're very concerned. Conservation Officers will go through training the first week of June. We're working with State Parks and other federal agencies on how best to implement check stations and inspections. We've done preliminary inspections of Sumner Lake/Navajo. We don't have the ability now to make that mandatory. There are not enough State Park/Department of Game and Fish personnel but we're trying to hit the high spots for the Memorial Day weekend.

**Commissioner Salazar:** I'd like to know more about decontamination of these vehicles and what that entails and can the public do some of this preventively themselves?

**Dan Brooks:** Yes, the Department is active handing out information to people. There's a brochure which instructs how to clean off trailers/boat crevices. I think there are chemicals/bleach that will clean.

**Commissioner Salmon:** I'm thinking of other aquatic invasive species in the state some of which might be thought of as a mixed bag like bullfrogs/crawfish/brown trout. How do these aquatic invasive species come in under this rule or do they require listing by the Director?

**Dan Brooks:** The law is in your binder. The section on aquatic invasive species definitions says excluding those species listed as protected in Chapter 17. Brown trout specifically would not be eligible to be listed as an aquatic invasive species. Bullfrogs aren't protected and aren't native to the state.

**MOTION:** **Commissioner Sims** moved to adopt the interim rule Aquatic Invasive Species, 19.30.14, NMAC, and direct the Department to develop a rule to fully implement the provisions of the Aquatic Invasive Species Control Act. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NO. 10: General Public Comments (Comments Limited to 3 Minutes).**

**AGENDA ITEM NO. 11: Fiscal Year 2009 3rd Quarter Depredation Report.**

**Presented by Cal Baca** –This Agenda item reported the total number of depredation complaints filed and resolved with the Department in accordance with 19.30.2 .11 NMAC, for the 3rd Quarter of Fiscal Year 2009 and for complaints that have reached 1 year: 21 complaints have been filed with the Department—8 have been resolved and the remaining 13 are unresolved and intervention methods to resolve these complaints are currently in progress. Of the 21 total complaints filed the top 4 species are cougar at 29%; javelina at 19%; deer @ 4%; elk at 10%. The majority of cougar complaints were predominantly in the northwest/southwest areas; most of the javelina complaints were from southwest area; deer complaints were most often in southwest area; elk complaints almost all occurred in northeast area. For 59 complaints filed in 3<sup>rd</sup> Quarter of FY 2008 that have reached one year, 26 have been resolved yielding a 44% resolution rate and those unresolved within one year involve primarily elk/deer complaints, and resolution efforts continue with all these complaints. For this quarter, there were no landowner takings pursuant to Chapter 17-2-7.2, NMSA, for this quarter.

**Commissioner Sims:** Cougar complaints numbered 6 in Clayton which is 29%. Has that been high in the past years or are we seeing higher complaints on cougar?

**Cal Baca:** This quarter normally has a high number of cougar complaints when we've looked at the data for past years because this is the time of year we're seeing a lot of the younger cougars moving around. The younger males/females are being kicked out and forced to fend for themselves so we're seeing them in yards looking for food.

**Commissioner Sims:** Across the board do you not see cougar escalating in number of complaints?

**Cal Baca:** No. It's stagnant for the years I've analyzed—going back to 2000.

**MOTION:** **Commissioner Sims** moved to accept the Fiscal Year 2009 3<sup>rd</sup> Quarter Depredation Report as presented by the Department. **Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 12: Update on Process for Pronghorn Antelope Private Land Use System Rule Development and Recent Capture and Relocation Projects.**

**Presented by Darrel Weybright** – The Department provided the Commission with a proposed schedule for working with Landowners and Sportsmen to resolve issues and develop a final draft of a new Antelope Private Land Use System Rule, 19.31.12 NMAC. Additionally, the Department provided information regarding recent antelope capture and relocation efforts.

**Chairman McClintic:** Pronghorn we captured, were they all off private ranches?

**R.J. Kirkpatrick:** Yes, all the pronghorn captured this year came off private land.

**Chairman McClintic:** What is the Department's long-range goal transporting antelope to the Santa Ana Pueblo? What are the Commission/Department/Pueblo/sportsmen going to gain from this? What kind of agreements do we have with Santa Ana Pueblo, and what are we looking at benefitting from with the Pueblo?

**R.J. Kirkpatrick:** As far as the pronghorn that went to Santa Ana, the benefits to the state have to do with recognizing that the state was able to contribute to the repatriation of a species in that part of the world that used to have pronghorn years ago. As far as sportsmen's opportunities, that's limited to viewing at places they can see Santa Ana lands, but there's no public sportsmen hunting opportunity in that agreement.

**Chairman McClintic:** Is this the only time in the Department's history that we've re-located pronghorn antelope to Santa Ana?

**R.J. Kirkpatrick:** Darrel says it is. That's the only time Santa Ana has gotten any.

**Darrel Weybright:** Yes, as far as I'm aware, this is brand new for them. They have radio collars on some and some have already moved off and back on again. They're interested in hunting only when that number gets to a level to sustain hunting and they include us in advising them when that would be. I suspect that as they get on the top of the mesa and move off to Santo Domingo or other Indian properties, if that population thrived and moved off, there'd be some public hunting opportunity. There aren't that many herds in that area now. There may be some population eventually moving off to other public lands.

**Commissioner Arvas:** I remember that by La Bajada we gave 10-20 antelope to somebody.

**R.J. Kirkpatrick:** The only pronghorn release known to me is pronghorn captured on Fort Union put out west of San Luis, west of San Isidro, north of Bernalillo. The Department put pronghorn in that country years ago and there are still a remnant set of pronghorn in that area but that transplant was unsuccessful in developing a huntable population in that BLM country.

**Commissioner Salazar:** Some that were released on Santa Ana were moving around and actually came up by the shooting park and then they went back. What type of follow up are we doing on the movement of those animals?

**Darrel Weybright:** They are monitoring almost daily at least several times a week. I have heard counts 3 and 5 that moved up to the Santo Domingo where one was actually shot. As it was told to me, the Governor of Santo Domingo was outraged and sent a decree out that no antelope/turkeys were to be shot because Santo Ana also has worked with us on transplants of turkeys over the last four years. Some of those turkeys move on/off the Pueblo.

**Commissioner Salazar:** Have we identified public areas where we can release antelope, especially herds that are causing problems?

**R.J. Kirkpatrick:** Roy Hayes has developed a list of release sites on BLM properties and various allotments down in the Roswell country where they were successful trapping smaller handfuls of pronghorn out of that Roswell issue and moving them to BLM country. Our pilot has developed a new release site—west of Nara Visa/San Jon/BLM/state land. We have a variety of public land where pronghorn could go—Ensenada Mesa in Unit 2 is a fairly small population that we currently aren't hunting that may be due some consideration for augmentation although we'd want to do a thorough job of habitat evaluation. Usually when there aren't pronghorn in a piece of the world or a set of them don't do well, it's typically a habitat issue or sometimes unlawful killing of pronghorn we put out there west of San Isidro, we think there was some unlawful take because there is close access. Then the Commission directed the Department to develop a Antelope Private Land Use System Rule with pronghorn harvest management on a resource based and sustainable foundation that establishes harvest objectives relative to population levels, basically being extremely smart and transparent about how we go about determining what the resource is, what sustainable extraction would be, what kind of hunting opportunities that represents and how we distribute those hunting opportunities equitably to private lands and public hunters in NM. Transparency is critical in that it's difficult to explain detailed questions about how we determine how many, and how we decide who gets those hunting opportunities. Concern from public hunters about the length of antelope seasons are currently two-day hunts so we were trying to provide longer/more flexible hunt periods and reduce the total number of pronghorn hunters in the field at any one time. Currently pronghorn hunting is managed on an antelope management unit scale. We developed what the Department believed to be a fairly sound recommendation. The Department continued to work with all the people that had concerns through October/November and into the December meeting. At the December meeting the decision was made through a recommendation by the Department to the Commission to postpone adopting this rule and continue to work with those interests that had demonstrated significant concerns.

**Commissioner Arvas:** You remember how contentious A-PLUS Program was to start with. What do you feel are the odds of getting consensus of opinion on this that will pass?

**R.J. Kirkpatrick:** I was optimistic that it was solid recommendation before the Commission. The weaknesses are biological foundation/information/data that we collect through our survey efforts and our harvest collection/antelope distribution understanding. That's a component the Department is concerned about that recommendations reflect sound biological footing. As far as the eight issues we discussed, the majority of those are probably going to be fairly easy to work through. One component of current practice is landowners have a lot of control in the level of antelope hunting that occurs in NM. A reason is they control their public leased ground in their willingness to enroll in the program/sign annual agreements. A bulk of NM and this new rule will remove a landowner's ability to completely control those leased acres. The opportunity we have is to work with landowners and recognize that even though they don't own/control those public lands, they have been stewards and they oversee daily those properties and wildlife that exists on them so how do we recognize their contribution towards what's going on their public lands but at the same time recognize there's a great desire for Department/public hunters to access those wildlife resources on those public lands in a more equitable way. The challenge will be whether we can successfully work with landowners and come to some middle ground about recognizing work they do on their public lands but at the same time recognizing our desire to get public hunters on those public lands as well.

**Commissioner Arvas:** So, you're saying that it's not the biological implications that are the problem. It's the feeling by landowners that the system isn't broken because it's obviously working to their advantage?

**R.J. Kirkpatrick:** The control of public lands component and potential impacts to antelope populations [ranch centric] that landowners have worked for is a big issue that'll be difficult to resolve. The biological component is the burden of responsibility that falls on the Department in ensuring that whatever our recommendation is, it's biologically sound and it takes into account interest by landowners and sportsmen in identifying areas that we do not want to go into and destroy because we were naïve about what the potential impacts of this approach.

**Chairman McClintic:** The one thing you didn't mention, if this had been adopted or approved theoretically wouldn't it have offered the sportsmen in this state more opportunity to hunt antelope?

**R.J. Kirkpatrick:** The draft presented to the Commission for adoption would have face value had an additional 300-400 antelope hunting opportunities, but there were significantly more hunting opportunities that would have been made available especially to public/private hunters because currently when a landowner makes a decision not to enroll their property into the system, the Department does not consider the hunting opportunity that went with that decision, both private/public ground so it's off the plate.

**Chairman McClintic:** Why would the public opportunities on private land be off the plate?

**R.J. Kirkpatrick:** Because when the Commission establishes rule of 100 public hunting opportunities, the way the Department decides how many of those public hunting opportunities can actually be drawn and licenses made available for those hunters is if the landowner signed up into the program, (1) if he didn't we don't have a home for those hunters; or (2) landowners that are enrolled in the program make a decision on an annual basis whether to sign the agreement and participate for that year or not. Currently, public hunter numbers are regulated by the decision the landowner makes. Under the proposal, that ability for a landowner to make a decision not to enroll or not to sign their agreement would not keep the Department from going ahead and drawing all of the public hunters established for that particular region with the exception of a region in the northeast area where the proposal reflects rules similar to what we're doing now because we can't get to those public lands. By default, there would be more public hunting opportunity drawn, not necessarily available, but drawn because today we don't necessarily have the ability to draw every public hunter we want because we don't have a place to assign them to hunt. There are two ways there could be an increase in hunting opportunity: (1) we've done a better biological assessment recognized populations that we otherwise wouldn't hunt and made hunting available for them; and we've drawn more of our public hunters because we now have a place for them to go any legally accessible public lands.

**Chairman McClintic:** So what you're saying is that if they don't enroll in the program they don't get their ranch-only tags?

**R.J. Kirkpatrick:** That's correct. It's not as simple as that. If a ranch has 1,000 acres of deeded property and 20,000 acres of public ground, if that rancher decides he doesn't want to participate in the landowner program, the Department then does not issue hunting opportunity to the private property, and if that public land is very difficult to access or inaccessible, we don't put any public hunters to associate with that. The Department has done it's best to put those public hunters on to other ranches where we can get an agreement to do that or on to public lands that we know we can get them to.

**Chairman McClintic:** Why haven't we gone to BLM/land office and say if we have land here that we have hunting opportunities on and we have to go through your property, why wouldn't we go to those agencies and say we don't want to take opportunity away from our sportsmen. It's important that we work out some language in these BLM leases that without access you're not getting your lease because all that land should be publicly accessed. I understand why you're running into difficulty with the private sector because there are no teeth in it. Some way or another we have to differentiate between private/public and we don't want to take opportunity away from the public because we have to access public land through private property. I agree that A-PLUS has a bad taste in a lot of people's mouths, we've gotten a ton of e-mails/letters so when you work on this situation and propose this, at the same time we ought to look at how we're going to protect the regular sportsman's opportunity to get on public land. We need to explain to people that we're going to try to put some teeth into those leases or do something that will give us an opportunity.

**R.J. Kirkpatrick:** The challenge before the Department is working with both private landowners/public hunters to come to a middle ground on accommodating access to those public lands but at the same time recognizing the care equity that private landowners have in some of those public lands and all at the same time taking good care of our pronghorn resource.

**Commissioner Salazar:** Are we set for this schedule because it is controversial? I'd like to see that there's adequate time for input. Why didn't we have one in Albuquerque since a majority of public hunters are in that area?

**R.J. Kirkpatrick:** We tried to go to the communities where the landowners existed. As far as the timing of dealing with this issue, we've had internal discussions and I continue to believe the recommendation provided to the Commission both in October/December were sound recommendations.

**Commissioner Sims:** When you talk about ranches that have a certain amount of deeded/public acres and he doesn't enroll in the program, that's a problem because he doesn't participate in the program and the private landowner loses his hunting rights for antelope, but it also pulls out the public's hunt. When you talk about why is that a problem with coming back and saying okay you pulled out of the program you don't get any private licenses but on the state land that is accessible, why can't you still hunt it?

**R.J. Kirkpatrick:** When a ranch decides not to participate within that particular antelope management unit, can those public hunters be put somewhere where they can have a reasonable hunt? We've worked with other landowners to see if they'll take another public hunter or two but in some places those ranches controlling significant acreages of state ground isn't accessible.

**Commissioner Sims:** The Department's going to be in a process of trying to strip private property rights from landowners in NM?

**Cal Baca:** No, that's not what we're trying to do. The way the current system traditionally is set up over the years is that we have hunted on a ranch-centric program where a landowner/public land leasee signs up what they lease and what they own. If someone does not do that we didn't consider those lands as part of the program. What the new proposal tried to do was not strip private property rights, or require access across private property to landlocked areas of public land. What we were looking at doing was that in these regional concepts we were looking at those legally accessible public lands and allowing for that public hunting opportunity. In those areas where we have those issues of landlocked public lands, in the northeast area is where the issue is. How do we recognize huntable public land surrounded by private property so, we wanted to work with those landowners to set up a system where there was some reciprocal type of access.

**Commissioner Sims:** That's a great idea but we just passed a trespass law where we're going to violate trespass, but private landowners going on to public lands the rules aren't the same. We want G.A.I.N but what do we give in return? I suggest the Department realize that and start talking about fairness and you may gain a little more. That is the problem in northeastern NM. We're not addressing that. We address different ways to circumvent that.

**Cal Baca:** No, sir. What we did in the northeast area is we put the system in place in the proposal that basically left working with those landowners to determine the level of hunting similar to what we're doing now. The only thing that changed was allowing for the same amount of hunting opportunity based on that same percentage of publicly accessible lands in the northeast area. There are 10% legally accessible public lands in the northeast area, so there was only 10% open public hunting opportunity for those to get to any legally accessible public lands. That was part of the broken process we said in the northeast area it is not the same as the rest of NM. Part of that was looking at this type of leasing of right-of-way or accessibility through open gate funding opportunities to work with the landowner to say if we leased a right-of-way.

**Commissioner Sims:** I agree and it's a great idea, but the trespass law this Commission passed prohibits how you deal with people in that manner. You passed the trespass laws statewide without considering having these problems.

**R.J. Kirkpatrick:** We recognize that the provisions set forth represents concerns from the private landowner community about whether or not that's an equitable application of legal or not legal and notice or not notice. I think we intend to fully work through development of this rule with those concerns in mind. We recognize that's a difficult thing and we don't want to do anything that increases likelihood of trespass or makes criminals out of public hunters or private hunters. So, we've got to figure out a way where everybody's interests and concerns are accommodated.

**Commissioner Salazar:** When a landowner expresses concerns about that and he reluctantly goes along, the Department needs to step up and get out there in the field. I've heard a couple of comments recently from some of the people in Unit 6 and different areas that we're showing a better presence and I think that's an admirable thing that the field officers are doing.

**Commissioner Salmon:** These scheduled meetings, will they be open general meetings involving the public or will they be designed to meet with special interests one at a time?

**R.J. Kirkpatrick:** I think they'll be both. After the Department works through modifications that we think are appropriate to the current rule, we'll probably have some strategic meetings with those people that were involved but I think there will be open house meetings throughout the state much like we did during the last process.

**Public Comment:**

**Jeremy Vesbach:** I represent the NM Wildlife Federation. We don't have a system for antelope in this state. On the trespass issue I wanted to clarify that that rule was passed unanimously by the Commission and it was supported by all parties. Everyone supported that tracking with current statute and I understand the question, do private landowners

tags have to comply with separate rules? Remember the tag itself is a subsidy so it's appropriate to ask for something in return with that in terms of not having a penalty for taking that over on to public lands when they're not supposed to. **Commissioner Arvas:** You stated you'll have between 300-400 public licenses available as a result of the changing of E-PLUS. Are you still holding true to that?

**R.J. Kirkpatrick:** No, that was an evaluation that Cal and Wildlife Management Division had done given our current data/antelope surveys/surveys flown this spring. They reflected a reduction in number of antelope we saw per hour throughout the harsh winter a couple of years ago that may have quelled recruitment. The annual antelope hunting opportunity made available should always depend on the resource itself, antelope populations and what's sustainable. What this rule does is it allows the Department to recognize those fluctuations in population and sustainable harvest, but it tries to prevent reductions in hunting opportunity because of bureaucratic processes or decisions made by individuals. I couldn't guarantee more hunting opportunity on an annual basis. It will depend on the resource but the approach is designed to let the resource dictate what sustainable harvest and subsequent hunting opportunity would be, not bureaucracy and self-interest.

**Commission Arvas:** You mentioned about the stewardship that the private landowner has and I have to agree that that's a very important facet of our whole game management program, but somehow you're going to have to make them just as excited about what you want to do as you are, and whether it's incentivizing. If those private landowners banded together and said we're not going to have any hunting, well that's a loss to the public also. What I don't know in relationship to Jeremy's statements, what the breakdown in the State of Colorado is in relationship to private/public lands in terms of access because theoretically they should be having the same problems we are, but obviously they're not.

**Chairman McClintic:** Jeremy, is it your contention that Wyoming and these other states in some way or another the Department has worked out agreements with these people that public hunters without a fee can go on their private ranches and hunt antelope?

**Jeremy Vesbach:** No, the Wildlife Federation is in favor of incentives. The difference is between an incentive and a subsidy. An incentive is when everyone is getting something out of it, it's reinforcing some desired outcome rather than subsidizing. In Arizona/Wyoming/Montana they don't have private landowner tags where there are tags allocated outside of a drawing. They can be re-sold on the open market.

**Chairman McClintic:** If you draw a tag and you want to hunt on private ranch you have to pay a trespass fee?

**Jeremy Vesbach:** You have to pay a trespass fee and that's appropriate. We recognize landowners have a right to control access.

**Chairman McClintic:** Rather than problems, if we wanted solutions, what would you recommend? What would you recommend the Department do so that we can open up opportunities? We can't tell the private landowners we're coming whether you like it or not.

**Jeremy Vesbach:** No, you can't, you can only offer incentives. The Department has started up a program that's named Open Gate. There is \$50M in federal funding available for states to use in that program. The Department could continue to expand that. Montana enrolls 9M acres of private lands where the state essentially leases access for the public. Every state that's done it has maxed out the funding they put towards it eventually. Landowners seem to like it as long as the Department's attentive to landowner needs in terms of having some sort of control over access. That's probably the best solution. What I brought up with Colorado is that there's also the recognition that the tags are a subsidy and Colorado asked for something in return for allocation of landowner tags.

**Commissioner Sims:** When we compared what we originally were with our western state neighbors, we were by far a lot more lenient. These people in Colorado are protected pretty well from trespass and we're going the opposite direction, then you're asking these people we'd like to come across your land without that guarantee of protection. They don't mind you coming in and accessing but you've got to give these people some kind of protection and some to keep people from crossing their lands, and that's your problem, R.J. We're moving backwards in trying to move forward in two different areas that are all related to the same.

**Commissioner McClintic:** The G.A.I.N Program and everything that the Wildlife Federation has talked about we have to figure out a way that if we have opportunities on public lands we can't get to, we need to continue to hold private property rights solid, and at the same time give our public the opportunity to hunt these lands. Have we done that and tried to say what is it going to take for us to open this up?

**R.J. Kirkpatrick:** We do this on a data basis through our Open Gate Program. There are a variety of negotiations, some successful, some not for securing access on to or across private lands. We work with Forest Service/BLM to help us identify places that are landlocked and we need to go negotiate access through private properties.

**Chairman McClintic:** When you say our funds are limited, where's this \$50M? That doesn't sound limited to me.

**Cal Baca:** That money is actually \$50M for national programs through the Farm Bill. The Farm Bill was approved to have a provision that sportsmen's group calls Open Fields but now being called the Voluntary Access Program. There

are two different programs in the Farm Bill—1) is through the Conservation Reserve Program (CRP) which provides per acre incentives for landowners to open up access to their private property; and 2) money wildlife groups push for is Open Fields dedicated specifically to the Farm Services Agency requested by state/Tribal governments through a grant process to go out and pay for access to that program. As far as I know, that money has been approved but has not been appropriated.

**Chairman McClintic:** What we want to know to simplify it is do we have access in this instance to ask for those funds and use them?

**Cal Baca:** Yes, we're working closely with Farm Services Agency to be the main conduit of that money from the federal government through the Farm Bill to private landowners to work through that process. The only issue is that Farm Services Agency is trying to write rules currently to develop the RFP process.

**Chairman McClintic:** So we're a ways off?

**Cal Baca:** Yes, it's a federal process. We haven't heard from Farm Services Agency how that is going to work. They were looking at the 2010 budget year to roll that program out last we heard. Aaron Roberts, the Department's Open Gates coordinator is in constant communication with Andrew Ortiz of Farm Services Agency to see how we can procure that money into that program which in our estimation would double the Open Gate budget by about \$500,000. We're hoping to get another \$250,000 over state/sportsmen's fund to procure these access/right-of-way agreements.

**Commissioner Arvas:** R.J., is it too far out of the realm of reason/practicality to consider eliminating the landowner tag completely and doing what they do in Colorado and not having landowner tags at all? We know how many we'd like to harvest and give out the licenses and let that public hunter work things out with the private landowner?

**R.J. Kirkpatrick:** From a legal standpoint, that's possible. Statute only requires that the Director issue a free license to landowners who've engaged in agreements with the Department that allow public access to their properties. Theoretically, we could move to a system where all antelope hunting is through a draw—landowner/public—take your chances in the draw, you secure access to deeded ground through trespass as in other states. Realistically, the Department current practice of issuing landowner opportunities/authorizations to private landowners has evolved. That program/practice is ingrained.

**Commissioner Arvas:** It's an entitlement and the line of thinking would lead you to believe that one of the solutions Wildlife Federation accepted was the fact that there has to be some form of compensation to private landowners and would be more motivating is if landowner knew he wasn't going to get any landowner tags, but if he wanted to sell access to those properties he'd be able to do that.

**R.J. Kirkpatrick:** There's probably a contingency of landowners in NM who'd agree with that but I believe also there's a significant number of landowners that take great pride in the wildlife resources on their deeded/public lands and like to be able to reap some of the benefits.

**Commissioner Arvas:** They would by the compensation of the trespass factor and whatever the trespass charges.

**R.J. Kirkpatrick:** I don't think that group is about money necessarily. It's about the hunting opportunity and the culture of hunting and the pride that they take in what they do to further those pronghorn along and it's part of their ranch operation. I'd suggest that money won't solve these issues with regard to private land on all fronts.

**Commissioner Sims:** Tom, I think what you ended up doing is a disservice to the public hunter in that aspect because you're going to price resident hunters out of the hunt on trespass fees. Go to Texas and see what it costs to hunt trophy animals. It's a bad way to go because you're going to have a lot of prices out there that are unbearable for resident hunters.

**Commissioner Salmon:** In a general sense, there are obviously problems working matters out between the private landowner/sportsmen, but there's opportunity too.

**Discussion item only.**

**AGENDA ITEM NO. 13: Prospective Legislation for the 2010 Session.**

**Presented by Pat Block and R.J. Kirkpatrick** – The Commission was provided with an overview of prospective legislation to be considered for the 2010 legislative session and was requested to provide guidance. In the 2008 legislative session they passed the Operating Budget/Capital Budget requests and some approvals to dispose of real property owned by the Commission that was not providing significant benefit to wildlife.

**Commissioner Arvas:** Where are we with the plane?

**Pat Block:** We're in the process of setting the federal grant into place that will provide a portion of the funding. Since the legislature only has the authority to appropriate state funds, the federal funding was not included. Once that happens, the budget will be submitted to DFA, and then it goes out through the competitive procurement process to comply with law and make the transaction as transparent as possible. With the type of aircraft we're looking at, there's only one authorized dealer in the western part of the U.S. We expect that around the end of calendar year 2009 is when we'd be able to have the aircraft in hand.

**Commissioner Salazar:** Do we have any hardware needs as far as computers go?

**Pat Block:** Yes, that'd be within the budget. We're in the process of going through the Department of Information/Technology to request replacement of the computer/web/database servers which were as we understand at the root of the slow down last year. Over the past couple of years we had greatly enhanced network capacity, and it pushed the log jam down to the next point which is the servers and we're in the process of having those replaced. That would be in the budget that's been approved for 2010 FY but that through the budget process, not a separate piece of legislation.

**Commissioner Arvas:** As a result of the reimbursement factor and salary increase, was that last year or year before last?

**Pat Block:** That was last year and those have been incorporated into the budget.

**Commissioner Arvas:** How does that skew the percentage of monies dedicated to salaries/pensions?

**Pat Block:** Not tremendously because at the same time you have different people entering the Department's employ so you see folks retire toward the higher end of the salary spectrum. People replace them with less experience are paid less, so it gets built in but we're still at around that 55%-60% salaries/benefits compared to where the money goes out through the rest of the budget.

**AGENDA ITEM NO. 16: Closed Executive Session.**

The State Game Commission adjourned into Closed Executive Session to discuss possible acquisition of additional lands for conservation and habitat purposes and disposal of surplus land, pursuant to Section 10-15-1(H)(8), NMSA, 1978.

**MOTION: Commissioner Arvas** moved to enter into Closed Executive Session pursuant to Section 10-15-1(H)(1), NMSA, 1978, of the Open Meetings Act in order to discuss personnel matters. **Commissioner Sims** seconded the motion.

**Roll Call Vote:**

**Chairman McClintic** – yes

**Vice Chairwoman Buffett** – absent

**Commissioner Arvas** - yes

**Commissioner Montoya** – absent

**Commissioner Salazar** - yes

**Commissioner Salmon** – yes

**Commissioner Sims** – yes

**Motion carried unanimously.**

**Chairman McClintic** entered into Open Session and stated that the record reflect that no action was taken during the Closed Executive Session.

**AGENDA ITEM NO. 14: Gaining Access Into Nature Program Implementation, Post-Implementation Review and Opening the Use of Department of Game and Fish Lands Rule (19.34.3 NMSA).**

**Presented by Mike Gustin** – The Department briefed the Commission regarding implementation of the Gaining Access into Nature Program on Commission-owned properties, provided information about the ongoing review intended to identify appropriate location-specific modifications to improve recreational opportunities, and identified prospective amendments to the rule. The Department requested the Commission open the Use of Department of Game and Fish Lands Rule (19.34.3, NMSA).

**Commissioner Salmon:** What's the Department's enforcement policy going to be on these G.A.I.N properties while we engage the public in their comments?

**Mike Gustin:** It's an educational status to further talk to people about the program, advise that we're probably hearing down that road, what the properties are bought for, who they actually belong to.

**R.J. Kirkpatrick:** As far as enforcement, all initial contacts will be an opportunity for us to explain to the public some of the most misunderstood components, who actually owns it, how it was paid for. People believe our wildlife areas are purchased with tax dollars which is not quite true. Costs associated with keeping those areas in operating condition/requirement that they need to have a G.A.I.N permit to be on those properties, other requirements about fires/camping and have that be an opportunity for information/education and somewhat of a warning. Ask them to purchase stamps if that's required. If they don't do that and are there subsequently second/third time, then they're cited.

**Commissioner Salmon:** Comments down my way regarding Lake Robert's situation where we had a split estate conflict and T.J./Woody Corral who are connected to the Hart Bar, so education is a good starting point. There were also complaints about those who buy hunting/fishing/trapping license have always been able to access these Commission properties but what's the situation when a person with a hunting/fishing license goes on to the Hart Bar to watch birds? The word I got from the Department was that technically we'd be in violation. It might be simpler to say that if you have a hunting/fishing/trapping license that you could access the G.A.I.N properties whether one is hunting/fishing or not, otherwise the situation would be confusing. Are we engaging the public with public meetings/one-on-one?

**Mike Gustin:** In 2007-2008 we had public meetings around the state. Northern meetings had big turnouts, but the southern part didn't turnout. I'd expect the Department to come up with rural revisions and any other information, and then send it out again for public comment.

**Commissioner Salmon:** A question on the Hart Bar, and a somewhat confusing rule, regarding access to the west fork of the Gila River. You could be on one side of the river but you couldn't be on the other side of the river, and I thought that could be simplified. If I read it right, it meant that if I was standing on one bank I could fish, and if I were standing on the other bank I'd be in violation even though the two banks were only six feet apart. I'm wondering if we couldn't clarify that?

**Mike Gustin:** Yes. It's odd because the river comes on us and back on Forest Service and then back on us. There is some visiting we can do with the Forest Service and come up with a joint-management approach.

**Commissioner Salazar:** The only comments I've had have been regarding improper camping in certain areas/littering/improper fire things that impacted other activities. I'd like to see that in the penalty section when unlawful. It's something we can address with education. Anything we can provide those communities as far as help to develop their rural economics would be a good thing for the Department.

**MOTION: Commissioner Salmon** moved to open the Use of Department of Game and Fish Land Rule, 19.34.3, NMAC, and direct the Department to engage the public to identify prospective amendments for future consideration by the Commission. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NO. 15: Preliminary Budget Planning Discussion.**

**Presented by Pat Block** – The Department discussed preparation of the Fiscal Year 2011 budget request with the Commission. The Department provided any available information related to guidance provided to executive branch agencies and described potential areas of emphasis in both the operating and capital outlay project portions of the budget. By law the Department is required to submit the budget to the Governor/legislature by September 1. Capital projects will need to be funded from Game Protection or other sources generated within the Department due to lack of available funding in severance tax bonds and general fund monies. The Department will come before the Commission with projections during the July, 2009 meeting. The Department has updated long-term cash balance projections and will be receiving guidelines from DFA to give the Department the framework for that budget. Divisions will then build their budget requests.

**Commissioner Arvas:** The last cycle of budget meetings, you highlighted new items. I'd like to see you accentuate that more and highlight the 2008 budget to the 2009 then 2010 and then show us where that money came into being. Regarding computer problems, that money has been allocated/budgeted?

**Pat Block:** The funding to replace the database/web server is contained in the budget that begins July 1. We're hoping approval to purchase those machines happens in June so that as soon as the new fiscal year begins we can initiate the purchase process.

**Commissioner Arvas:** Is there a way via a consultant or some way we have an assurance that what we're spending is going to solve the problem we're paying for?

**Pat Block:** We met with the manufacturer representatives, showed them what kind of data load we were dealing with, and did our best to make sure we were appropriately scaling to a level that not only met our needs but went somewhat beyond.

**Commissioner Arvas:** Earlier we discussed what Nevada/Utah do in terms of contracting out all of their licensing.

**Pat Block:** Oregon has outsourced their hunt application deadline to a company, Outdoor Central, who are top of the line in terms of providing that service. They've extended their deadline to next week because the load on the servers was more than they were able to sustain. I don't necessarily see that one way or the other absolutely fixes it. What speaks very highly to our computer/fiscal staffs is that we extended the closing date but we're on track to produce results at the originally announced date despite less time. Oregon not only extended their deadline but also delayed results. The amount of effort/work everyone put into this has been admirable and we're delivering that service at as good a level or better than is available in the private sector.

**Commissioner Arvas:** With the changes in next year's fee scheduling, would you expect less/same number applications?

**Pat Block:** I'd expect considerably less even with the limited number of species we had full fee up front this year. We were down by about 13,000 applicants overall. Probably the most telling decrease was in the number of non-resident applicants for bighorn sheep. The split between resident/non-resident applicants is about 50/50. It had probably been about 2 or 3-1 more non-residents applying for bighorn sheep than residents. We've cut the number of non-resident applicants by about 2/3 by going to the full fee up front. What I did not see was a big increase in the number of resident applicants, and since the federal court injunction limits our ability or gives us no ability to apply a quota to that species, we're probably going to see results again of about half those licenses being drawn by non-residents because they're half the applicants and that's the piece of the equation when we hear the frustration from the resident hunter that they're not drawn, it's because they're not applying. That's the other thing that has to change if we're going to change the outcome.

**Commissioner Arvas:** So what you're saying is our intent was to give the resident a greater opportunity to get drawn? Have you satisfied that? I received from Sportsmen for Fish and Wildlife a statement that there are Department employees that agree that we shouldn't have done what we did.

**Pat Block:** I predict we will unless something else happens. Generally what goes in on those non-quota draws is what comes out. I didn't receive anything but we've heard concerns from bow hunters that they're not real wild about it. There were valid concerns raised in a couple of areas. Some of those have been that if they draw it as a fourth choice, they shouldn't have to be held out. If they draw a hunt that didn't fill out or buy it as a leftover license, they shouldn't be held out. We've talked about that once the draw gets done, no one has been held out of anything yet. Everyone has intended for this to be a scenario that makes sense and provides that distribution of opportunity over a wider group of people where the need is, so what we need to do is look at those results when they come out and if those scenarios do indeed exist, before the next application period modify that rule so that if someone buys it as part of a leftover sale, they wouldn't have to be held out because no one wanted that and what we want to do is spread the opportunity out where the demand is high. We still have plenty of time to make adjustments to get this thing to do what it was intended to do.

**Commissioner Salmon:** Did I hear correctly that we're not now getting any funding from the State's General Fund?

**Pat Block:** Yes. We're not getting any funding from the General Fund. In the past we were receiving about 1/3 of a million—the number last year was \$337,000.

**Chairman McClintic:** This is the first time they've completely taken it away?

**Pat Block:** Yes, that's correct.

**Commissioner Salmon:** Are there any prospects for reversal on that or any prospects for any alternative funding through the legislature?

**Pat Block:** I think the Governor has expressed interest in providing some kind of long-term, reliable funding source for conservation programs in general. We've always been a part of that discussion so I hope that doesn't go away. On the General Fund, there's always a chance but I suspect we'll get specific guidance/guidelines to not request any. Even though the \$300,000 was less than 1% of the budget, it was fairly important from a philosophical standpoint. The

Department provides lots of programs that benefit the entire populace of NM, not just hunters/anglers, which provide the funding so if nothing more than a symbolic gesture, it was important to have.

**Commissioner Salazar:** We're working nationally to develop more funding for wildlife groups, and looking at reinvigorating the land/conservation fund so there is working going on nationally. It's an issue across the country for wildlife so we're trying to address that and encourage the public to get these bills passed.

**Pat Block:** We get about 1/3 of the Department's budget from the Wildlife and Sport Fish Restoration Program through USFWS funded by the excise taxes assessed at the manufacturer level. From what we've seen, the initial budget request coming out of USFWS is very encouraging. They're trying to grow the State Wildlife Grant Program which provides an additional source of funding. We will still under the current scenario run into potential opportunities/challenges in funding the match. There's been some talk about changing what that match level required is as well.

**MOTION: Commissioner Salazar** moved to direct the Department to continue development of the Fiscal Year 2011 budget request, provide the Commission with an update at the next meeting, and a final recommendation at the August meeting. **Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 18: Proposed Change to Fisheries Rule (19.31.4, NMAC), Reducing the Bag Limit at Conservancy Park Lake (Tingley).**

**Presented by Mike Sloane** - The Department proposed a change to the Fisheries Rule 19.31.4, NMAC, to reduce the bag and possession limit for trout from 5 fish to 4 fish at Conservancy Park Lake (Tingley). The Department met with the City of Albuquerque Park Managers who concurred with the recommendation. The purpose of this reduction is to more equitably distribute the limited number of fish that are stocked into the lakes.

**Public Comment:**

**Rebecca Houtman:** I'm Tingley Beach Curator with the City of Albuquerque. Tingley Beach has become more popular with anglers and we'd encourage the Department consider reducing the bag limit to 4 fish a day. Currently it's 5 a day, with 10-in possession and we have a large number of regular anglers that fish every single day for their 5 fish and we feel if it were reduced to 4, more people would have the luxury of fishing at Tingley Beach and having a successful activity.

**MOTION: Commissioner Sims** moved to approve the proposed change to the Fisheries Rule 19.31.4, NMAC, to change the bag and possession limit at Conservancy Park Lake (Tingley) from 5 trout to 4 trout. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NO. 19. General Public Comments (Comments Limited to 3 Minutes).**

**AGENDA ITEM NO. 20: Adjourn.**

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

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

Meeting adjourned at 2:51 p.m.

\_\_\_\_\_/s/ **Tod Stevenson**  
\_\_\_\_\_  
**Tod W. Stevenson**, Secretary to the  
New Mexico State Game Commission

\_\_\_\_\_  
**July 2, 2009**  
\_\_\_\_\_  
Date

\_\_\_\_\_/s/ **Jim McClintic**  
\_\_\_\_\_  
**Jim McClintic**, Chairman  
New Mexico State Game Commission  
Minutes Transcribed by: Katie Gonzales  
MyDocs\Minutes\Minutes 2009\Minutes 5/28/09(Albuquerque)\Official

\_\_\_\_\_  
**July 2, 2009**  
\_\_\_\_\_  
Date