

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
Western New Mexico University - Global Resource Center Auditorium  
Corner of 12th Street/Kentucky Street  
Silver City, NM 88061  
July 8, 2010  
9:00 a.m. – 5:00 p.m.

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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 McClintic – present  
Vice Chairwoman Buffett – absent  
Commissioner Arvas – present  
Commissioner Fonay – present  
Commissioner Salazar – present  
Commissioner Salmon – present  
Commissioner Salopek – present  
QUORUM: present

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

Introductions were made by approximately 125 members of the audience.

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

**MOTION:** Commissioner Fonay moved to accept the agenda for the July 8, 2010 State Game Commission Meeting.

Commissioner Arvas seconded the motion.

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

**AGENDA ITEM NO. 5: Approval of Minutes (June 3, 2010 – Gallup, NM).**

**MOTION:** Commissioner Salopek moved to approve the Minutes of the June 3, 2010 State Game Commission Meeting in Gallup with corrections. Commissioner Arvas seconded the motion.

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

**NEW BUSINESS:**

**AGENDA ITEM NO. 6: Updates and Miscellaneous.**

**AGENDA ITEM NO. 7: Revocations.**

**Presented by Dan Brooks** – The Department presented a list of 237 individuals the Commission considered for revocation that met established revocation criteria. There are five outfitters that do not have proof of commercial liability insurance, 227 are individuals not in compliance with the Parental Responsibility Act. The hearing officer's recommendations for assessment of points against registered outfitters were included. **[Action Item]**

**MOTION:** Commissioner Salazar moved to adopt the Department's and the Hearing Officer's recommendations on suspension, revocation and point assessment for the attached list of 237 individuals for the period of time specified.

Commissioner Salmon seconded the motion.

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

**AGENDA ITEM NO. 8: Adoption of Proposed Amendments to the Following Rules (Group B) – Elk (19.31.14, NMAC), Barbary Sheep, Oryx, and Persian Ibex (19.31.12, NMAC), Bighorn Sheep (19.31.17, NMAC), Migratory Game Bird (19.31.6, NMAC), and Open Gate (19.34.7, NMAC).**

**Presented by Jim Lane** – The Department provided the Commission with final recommendations for amendments to Group B rules - Elk (19.31.14, NMAC), Barbary Sheep, Oryx and Persian Ibex (19.31.12, NMAC), Bighorn Sheep (19.31.17, NMAC), Migratory Game Bird (19.31.6, NMAC), and Open Gate (19.34.7, NMAC). The Department presented four (4) additional suggested rule modifications identified as unaddressed issues/conditions including: (1) to adjust McGregor range permits from 8 to 10; (2) to make a typographical correction in Unit 10 to re-adjust times; (3) Unit 13, Double H Ranch; and (4) in Unit 48 adjusted public/private land split based on Stanley land swap with State Land Office increasing private land by 5%.

**Chairman McClintic:** Any idea what kind of game public hunters will have access to on a private ranch? Do you have a number/anybody you've been discussing?

**Luis Rios:** We met with the Double H and advanced an idea allowing public hunters access. Essentially we verbally agreed initially allowing 30-40 cow hunters, 2-3 management wolf hunters, and 1 trophy quality bull hunter, all from the public side.

**Commissioner Fonay:** On the archery hunt for 37, what was the logic for one long archery hunt?

**Jim Lane:** That area is outside the CORE and it was felt by staff that that would give hunters a longer period to find an elk to harvest. Simplification and there wasn't need to split.

**Jim Lane:** I want to bring to your attention Unit 48, the Stanley land swap with SLO is not incorporated into our recommendation. We purposefully left that out of the equation because there's an ongoing court case regarding the legality of that land swap.

**Commissioner Salazar:** Is that a legal requirement to increase that 5% even though it's being appealed.

**Brian Gleadle:** When we moved the bull hunt in Unit 10 and split it from one hunt to two hunts, one of the primary concerns was that unit is so difficult to hunt for bows that it takes a longer time to hunt. The success rates for those hunts were around 7%-10%, extremely low, so our recommendation would be to move it into one hunt structure, allow those hunters who typically come out of the Gallup/Grants areas to hunt that area a lengthier time. You're not going to increase the harvest much but it gives those hunters more time with that low success rate.

**Commissioner Arvas:** Would you explain to the audience why we want a four-year rule, and how we deal with that?

**Jim Lane:** A four-year rule would allow us to make management decisions based on at least three years' worth of data. Currently, we're on a two-year rule-making process. We're essentially making recommendations to the Commission based on one year's worth of data which would give us a clearer picture of what our management strategies are.

**Commissioner Fonay:** On open gate, when a property is enrolled is that one year at a time or longer? How often do we re-look to see if that particular property is a fit for the program/sportsmen?

**Jim Lane:** That's on an annual basis that we evaluate those properties.

**Commissioner Arvas:** Do we have any muzzleloader hunts after rifle hunts?

**Stewart Liley:** We do have muzzleloader hunts for elk that occur after rifle hunts in some of our units. The majority, however, are the first hunt.

**Commissioner Arvas:** Your special rationale for that?

**Stewart Liley:** Some of those are additional opportunity we saw where we could have a late season situation, i.e., Unit 51 migratory elk where we don't necessarily have the highest success rate, but we put in a late season for additional opportunity.

**Commissioner Arvas:** How about Unit 17?

**Stewart Liley:** Correct. That's a muzzleloader-only unit. I believe there are other units, but I'd have to look at the rule specifically hunt-by-hunt before I could answer that.

**Chairman McClintic:** Commissioner Salopek wants to bring to the Commission 2-3 changes/amendments to what you've laid out. In fairness to the public, we need to satisfy the issue with the amendments and make sure the public is aware of what those amendments are so they have the opportunity to comment before the vote.

**Commissioner Salazar:** On the mandatory reporting requirements you're considering, what species do we not currently have data on reporting requirements?

**Jim Lane:** We currently require absolute mandatory reporting on deer/elk/furbearers. Everything else we do not have. We have a voluntary reporting system in place on the website to report for Barbary sheep/Persian ibex/Pronghorn.

**Commissioner Salazar:** This data is fairly critical to us for establishing the numbers for take, right?

**Jim Lane:** Yes, sir.

**Chairman McClintic:** We haven't brought the motion to adopt this and our legal counsel is not here, is it procedurally correct for us to discuss Commissioner Salopek's changes now to adopt them into this, and vote on the changes and then present it to the public?

**Jim Karp:** Yes, you can discuss it and amendments can be proposed and at the time you vote on the rule as presented, it'll have to be as presented, as amended, as follows, and then set forth how it's been amended.

**Chairman McClintic:** Would you have to write something up after we've discussed this so we do it properly?

**Jim Karp:** Yes, sir.

**Commissioner Salopek:** Bow/rifle/muzzleloader hunts all start at about the same time. You have one hunt the 1<sup>st</sup> through the 22<sup>nd</sup>—I'd like to see all the bow hunts start on the 1<sup>st</sup> and end on the 24<sup>th</sup> so now the first hunt becomes the 1<sup>st</sup> through the 24<sup>th</sup> instead of the 1<sup>st</sup> through the 22<sup>nd</sup>. The third hunt we have on the 15<sup>th</sup>, 16<sup>th</sup>, that's simple—it's the 1<sup>st</sup> through the 10<sup>th</sup>, 11<sup>th</sup> through 18<sup>th</sup>, 19<sup>th</sup> through 24<sup>th</sup>, that won't change. To me, the second hunt is where it becomes confusing across the state. Two bow hunts go the 1<sup>st</sup> through 10<sup>th</sup>, and the second hunt 13<sup>th</sup> through 22<sup>nd</sup>, some 1<sup>st</sup> through 15<sup>th</sup>, some go to the 24<sup>th</sup>, my proposal would be to simplify across the state, the 1<sup>st</sup> through 24<sup>th</sup>, the two hunt areas the 1<sup>st</sup> through 15<sup>th</sup>, the 16<sup>th</sup> through 24<sup>th</sup> which is a 15-day hunt, 9-day hunt, and the three-day hunts are your 10, 8, and 6-day hunts, or 10, 7, 6. The 1<sup>st</sup> through 10<sup>th</sup> are simple, 11, 12, 13, 14, 15, 16, 17—so you have a 10-day hunt, an 8-day hunt, and a 6-day hunt during the three fall hunts. Now, all bow hunts in the 1<sup>st</sup> and 24<sup>th</sup> make it simple across the state.

**Chairman McClintic:** Let's ask the biologist. Mr. Lane/Frybarger, can you tell us what we've had because overwhelmingly over 99% of my feedback was Option 4 which was no changes. Let's make sure we understand what we're changing. By having concurrent dates the entire state if that's not something we don't want to do.

**Stewart Liley:** Currently, the three bow hunt structure was a structure added on to the previous where it used to be statewide 1-22. Some of those hunts got split basically to address big elk hunt population numbers. We can afford two different hunts and shorter windows, and still allow a good opportunity to harvest a bull. The 1<sup>st</sup>-22<sup>nd</sup> were based more on lower density elk populations where it may be more difficult. Tacking on two days probably won't create increased harvest issues where we're going to worry about sustainability. The only thing it might cut into is fall elk surveys on the September 23 when we start. We try to get them done before the rifle/muzzleloader seasons start. We fly four helicopters statewide starting on the 23<sup>rd</sup> and then we move our way back to the southwest units where we start the 24<sup>th</sup>. We could still schedule that in with a two-day later start on the helicopter surveys. I don't see a big concern with extending that to the 24<sup>th</sup>.

**Chairman McClintic:** If we increased bow hunts two days statewide, and rifle/muzzleloader hunters want to increase two days, how do we work out Commissioner Salopek's suggestions without affecting everything else?

**Jim Lane:** There are going to be other factions that then would want an increase. When you start getting into the more efficient/effective weapon types, there's the potential to increase harvest above what current harvest structure is. Stewart just said bow hunting it's not a sustainable issue, but if it'd in fact roll into a proposal on other weapon types, it'd be a concern.

**Commissioner Salazar:** Would you want them to start concurrently, is that your concern?

**Commissioner Salopek:** They start concurrently anyway on the 1<sup>st</sup>. I was looking at the tail end, and you have some units on one side of the highway ending the 22<sup>nd</sup>, the other side ends on the 24<sup>th</sup>, to me it's got to be confusing for a conservation officer.

**Commissioner Salazar:** Is there some way we could address this issue by changing the dates so we could not necessarily increase the length of the hunt, but end them concurrently?

**Commissioner Salopek:** I'm looking at Unit 34 that has problems with elk. That season runs 1<sup>st</sup> through 10<sup>th</sup>, 13<sup>th</sup> through 22<sup>nd</sup>, and that's the unit I have more feedback on. They want more days. We can come back next year and open Unit 34.

**Chairman McClintic:** It's difficult to add days to something we've discussed statewide for five months. I want to make sure it makes sense to everyone and that we're benefitting bow hunters at the expense of other hunters.

**R.J. Kirkpatrick:** I'd defer to public input received on Unit 34 specifically. Keep in mind that in Unit 34 we reduced youth-hunting opportunity, at least the potential bull harvest of those youth hunts by half. A lot of that stems from concern that youth were killing good bulls. There's always concern about bull quality in Unit 34, extending the archery season two days although it probably won't result in additional harvest that exceeds sustainability. It'll result in additional harvest. I don't know that extending Unit 34 specifically by two days is a big deal. It's fairly simple to do if the Commission concurred that that was possible. Standardizing the end date on all seasons statewide would be complex adjustment to a rule that's been out for the last 60 days, 30 in particular, but there are cons to what you're suggesting in Unit 34. Reduced bull harvest opportunity for youth in that unit, we've shifted the start dates for muzzleloader/rifle hunts specifically to get them out of that rut. We can reduce bull harvest but it's counter to what we've been doing in that unit but we can do whatever the Commission wants.

**Commissioner Salopek:** I don't want this amendment. We can look at it next year. Regarding oryx, I believe you don't have it 30 minutes after sunset which I probably agree with, is that what it is?

**Jim Lane:** It'll be 30 minutes after sunset to establish across the board within the rule for all species.

**Patrick Morrow:** I'm with White Sands Missile Range. It's stressful to adjust the numbers because we want maximum opportunity with minimal impact. We think based on where all the trends are going, the surveys/models that the population is being reduced. Hopefully, 1,000 is that number that can stabilize it. If we could keep 1,000 hunters annually I think that's a good number. If the population shows an increase, I may be coming back in two years to keep that population stable.

**Commissioner Salopek:** Mandatory harvest should be for everything.

**Chairman McClintic:** The base does have mandatory harvest.

**Commissioner Salopek:** Right, but I'm talking all species. Even over the counter I know we might miss some.

**Commissioner Arvas:** On the ibex hunt, it seems we're reverting in terms of total hunt numbers.

**Jim Lane:** The intent of this proposed increase is to maintain or get to a population level that BLM/Department agreed to. We're proposing increasing hunting opportunity to address that issue on the Florida's.

**Commissioner Arvas:** Isn't that where we were in the old days?

**Tim Frybarger:** In the old days we were there and then we knocked them down so we cut down on permits. We had the two nannies and then you could kill a billy after that. It's a fluctuating population and now it's up so we're increasing opportunity.

**Commissioner Salazar:** On the number of mobility impaired hunts, has that number remained stable or provide more opportunity--the number of demand for mobility impaired regarding the number of licenses we have available?

**Tim Frybarger:** Not off the top of my head. We can go back and look at how many people are applying.

**Commissioner Salazar:** I wanted to know if that was re-adjusting?

**Tim Frybarger:** We did increase oryx. On oryx they still have the best chance ratio-wise of drawing a tag.

**Commissioner Salmon:** On mandatory harvest, if we wanted to go that route for all species, how would we go about that? What would be the procedure and how soon could we get that in place to vote on it?

**Jim Lane:** We could start looking at implementing that as soon as possible. We have a contract in place for mandatory harvest that will expire in one year. When we re-negotiate that contract or when we look at doing business in a different way on collecting harvest reports, we could address it at that time with a request for proposals (RFP) from companies around the nation on how they'd go about doing that. It'd require a change to the way we sell some of these licenses to be able to track who actually holds deer/ibex/pronghorn licenses. The private land component is tough to enforce and it is a problem we've identified. The Department needs to manage these animals/populations better. The harvest data are crucial pieces to our models.

**R.J. Kirkpatrick:** There's a rule that establishes the mandatory component of harvest reporting on deer/elk/furbearers, but we'd have to amend mandatory harvest reporting to include additional species which would then be reflected in what our RFP scope of work would be. If the Commission wants to direct the Department to move forward with opening/considering developing amendments to the NM hunter harvest reporting rule that's probably what we'd need first before we could start the process.

**Chairman McClintic:** Wouldn't that require a 60-day posting?

**R.J. Kirkpatrick:** Yes, it'd go through the rule development process like everything else. We'd want to open it and take time to develop those amendments and coordinate with contractor to fulfill what the rule then required. It's not simple, but doable.

**Director Stevenson:** One of the biggest concerns is with over-the-counter licenses, our ability to get information out about harvest and either you do it that way by not allowing those folks to sell a license, we're simply not in a position for turkey across the counter, deer licenses for private landowners to be able to do that at this point. It's a great idea and we're supportive in trying to make sure we're getting the best harvest information available, but I want Commissioners to be cognizant that one way to do it is not selling a license as we did with furbearers last year. Now we're requiring all those folks to come to our website or come to our offices to purchase a furbearer license. They're not going to be able to purchase that license from a vendor as in the past. That's 5,000 people. When you start looking at the number of turkey licenses we sell, the second fold of how you get that done is from an enforcement standpoint where then you have to provide that information to all conservation officers, they'd have to look at a data base when that person is out in the field and see if they complied with that. Getting that information and requiring it we agree with, but we'd need to have time to move forward with how we'd be able to restrict those or what we'd do from the enforcement side for turkey/private land deer for us to do that. It's not so simple that we can get that mechanism to collect that data. We can get that done to have people report and have a contractor on board to do that. The other end of that is that if that person fails to comply we could pull them out of the draw for instance and not allow them to get into the draw system like we have for elk/deer in all of our draw systems. We could clearly make it with those licenses but once again it's more complex when you start talking about a few of these species. We're glad to work on it and we all agree that's where we need to be as far as getting the best information we can, but please keep that in mind.

**Commissioner Fonay:** It does appear that with the complexities I don't think it's in our best interests to include mandatory reporting as part of this rule today, but I'd like us as the Commission to open this and look at how we can make that happen. We're going through license simplification that we'll hear about later today, and that looks to me like that ought to be a hand/glove situation. The two big issues would be turkey and private land deer.

**Commissioner Arvas:** No, private land antelope.

**Jim Lane:** Bear and mountain lion, those over the counter big game species.

**Commissioner Fonay:** Those aren't the numbers on turkey, but as a Commissioner I'd like the Department as it sees fit in the future to open that to make it happen across the board. It fits well as we look at license simplification.

**Commissioner Salopek:** I'd like to add mandatory harvest. I believe February 1 is your deadline before you are charged the \$8 fee. I personally would like to see within a week of whatever you're hunting 1-2 weeks when your hunt ends you have to report to get the Department reports so that we're working on this. Elk is in September/October, we're working on this November/December your late fee would be instead of February 1 instead of December 1 unless you're still hunting species. I'd like to see the report due earlier so that you get it and then your \$8 fee is a longer fee before the draw.

**R.J. Kirkpatrick:** Harvest data that Stewart looks at for elk/deer, when it becomes critical that we know what the previous year's harvest was is prior to determining the full number of licenses going to be available in the public draw before that the number of authorizations for private landowners for elk so that's earlier. As we develop the rule and put the program we're currently operating in place, we felt we had plenty of elk harvest information to make those adjustment recommendations to the Director with concurrence of the Chairman at 20% adjustment prior to the allocation of the elk authorizations to private land. I have to defer to Stewart whether we're consistent that we've got sufficient data to make adjustment recommendations. Moving a requirement forward that requires a hunter to submit a harvest report within a week or two of his hunt I don't know that that would gain us a heck of a lot in making management adjustment recommendations to the Director/Chairman on an annual basis. It could but I don't know that it doesn't cause more complication and result in more people not fulfilling their reporting requirement, is it worth it?

**Commissioner Salopek:** I'd bet you see that people that harvest an animal or have a good time are going to report right away. The ones that are sad or didn't kill will probably wait for the deadline.

**R.J. Kirkpatrick:** Stewart runs that for us and he'd know whether there's a happy hunter bias in early reporting or not.

**Stewart Liley:** We do have a little bit of happy hunter bias where hunters that kill report before the unsuccessful hunter. February 15 works well for us. We get about 78% of our total elk reports by February 15 so our estimates on that annual harvest are tight by that time. The remaining 22% that have not reported is not going to change our harvest estimates enough to make a management decision.

#### **Public Comment:**

**Rinda Metz: (written statement)** Should have a mandatory reporting system in place for all hunted/trapped animals.

Otherwise how can you know the result of these hunts? It seems highly irresponsible not to document "take" data on every species, including animals that are trapped unintentionally. Also it should be recorded how many animals are killed or maimed in traps.

**Nancy Kaminski: (written statement)** Legal hunting hours would be safer if after sunrise and before sunset. The increase in elk harvest shows lobos are not a threat to elk numbers? Harvest reporting should be mandatory.

**Hugh B. McKeen:** I'm concerned about landowner permits. I see you're increasing the permits in the different hunts but why are you going to reduce landowner permits? This concern has always been that landowner permits will be done away with. Are we going to reduce them and why?

**Jim Lane:** There are no proposals to reduce landowner permits. As far as the landowner system goes for elk, we do not have any across-the-board proposal that would reduce landowner permits. If there's an adjustment to overall sustainable harvest within a unit that downward adjustment would go across the board both for public/private landowners, but those adjustments are increased proportionately and almost without exception across the state. This year we're proposing increasing permits not decreasing.

**Chairman McClintic:** I would direct everyone in the land system to meet with the Department and see if there's an imbalance. You're entitled to a legitimate explanation if you see a reduction in your tags.

**Hugh B. McKeen:** I see you're going to increase elk permits in Unit 23. Does that mean we're going to get more landowner permits?

**Jim Lane:** Yes.

**Hugh B. McKeen:** There's an imbalance of what elk do to me compared to what they do to somebody that just has a pasture. I can't survive and I want you to know that.

**Garth Simms:** I'm with NM Council of Outfitters. Open Gate rule is going to require a hunting license by anybody that's on the land? Is that rule written so that it accommodates outfitters/guides that go on the land because they will not have hunting licenses?

**Jim Lane:** We can look into that and make sure we adjust that concern.

**Garth Simms:** In Unit 13 we're concerned about increase in the number of antlerless permits. We'd originally had that concern but understood the 100 increase based on cutback in water by the Double H. Outfitters that hunt that area don't seem to think there are as many elk in that area as the Department does. Are we absolutely comfortable that there are enough elk in there to accommodate that increase in permits?

**Stewart Liley:** Our success rate on cows there is 20%-30% so we're looking at an additional 20-30 cows harvested, not an additional 100 cows harvested. Given what we've seen from our recruitment ratios of cows, 50 to 145-150 that population should be growing. Where is that population going? Acoma/Forest Service to the east/west, I think that pressure spread across that unit/population can definitely withstand it.

**Garth Simms:** At the Game Commission meeting in Gallup, one of our members expressed a concern that the public land permits in Unit 12 were out of balance, that there is a disproportionate number of permits going to private landowners based on the percentage of private land in that unit. I thought the Commission indicated the Department take a look at that and see if those were in fact out of balance and if you could bring them into balance. We don't see any change in the allocation of permits in this proposal.

**Stewart Liley:** Unit 12 isn't going to be reflected in private land. That unit is completely outside the CORE so it's not the traditional allocation between public/private split. There was discussion where they'd like to see an increase in Unit 12 public licenses. Unit 12 is primarily BLM/state land checker boarded to some extent where access may be of concern. I'd have to defer to Kevin Rodden or some of the local conservation officers in terms of can we go with more public hunters on that public land? The private allocation is going to be ranch-by-ranch agreement where it's ranch-only hunting, not unit wide on that private deeded acreage.

**Garth Simms:** We'd like to take a look at that and see if we can get more public hunters in that unit.

**Joel Gay:** I'm with the NM Wildlife Federation. We appreciate the move to the four-year cycle, and the additional opportunity for elk hunters.

**Commissioner Arvas:** I'm leery of your compliments. The last time you gave us compliments, you were very critical of what the Commission/Department are doing. If you're going to compliment us why don't you do it in the publications you have as well as doing it publicly.

**Biz Ladner:** I'm with NM Cattle Growers Association. We continue our support for Option 4.

**Jess Rankin:** Public hunting opportunity should be increased for elk in Unit 12.

**Chairman McClintic:** This Commission wants to increase as much opportunity as we can to the general public without detriment to the resource. **[Action Item]**

**MOTION: Commissioner Salopek** moved to adopt amendments to the Elk Rule (19.31.14, NMAC), Barbary sheep, Oryx, and Persian Ibex Rule (19.31.12, NMAC), Bighorn Sheep Rule (19.31.17, NMAC), Migratory Game Bird Rule (19.31.6, NMAC), and Open Gate Rule (19.34.7, NMAC) as presented by the Department.

**Jim Lane:** I would also ask that Commissioner Salopek be clear on record that that also includes the unaddressed issues as presented.

**Commissioner Salopek:** With unaddressed conditions also. **Commissioner Fonay** seconded the motion.

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

**AGENDA ITEM NO. 9: Adoption of the Importation of Live Non-Domestic Animals, Birds and Fish (19.35.7, NMAC), and Game and Fish Licenses/Permits Rules (19.30.9, NMAC).**

**Presented by Dan Brooks** – The Department proposed repealing the current Importation of Live Non-Domestic Animals, Birds and Fish (19.35.7, NMAC) Rule and replace it with a substantially modified rule. The importation rule provides a procedural framework for issuance of permits allowing the importation of certain wildlife into New Mexico; and provides criteria for consideration and approval of certain categories of wildlife. The proposal included creating certain classes of permits under the Game and Fish Licenses/Permits Rule and associated fees (19.30.9, NMAC). An overview of the proposed rules was presented at the regularly scheduled April 8, 2010 meeting of the State Game Commission.

**Commissioner Fonay:** An additional fee up to \$25 for application expediting is included. I hope we're responsive for the regular fee, but we'd be asking them to come up with another \$25 to do our job quickly.

**Dan Brooks:** People occasionally want to wait to the last minute. We process application importations quickly with one permit person.

**Commissioner Fonay:** What's the timeframe for a typical application?

**Dan Brooks:** Once this rule passes within about 2 working days/48 hours.

**Commissioner Salazar:** How would state law interface with municipal regulations regarding exotic pets?

**Dan Brooks:** They have to comply with state law regardless of their city/county ordinances. Applicants must also prove that that animal is not prohibited in their city/county. We have mechanisms in place, but overall we mesh well.

**Commissioner Salazar:** I worry they're paying inspection fees. Sometimes those are stricter than we're proposing, as long as municipalities are aware of that. Are our staffing needs adequate for enforcing this regulation?

**Dan Brooks:** We can always use more staff, but we built a rule that has a lot of provisions that allow the person to come back into compliance. There will be administrative sanctions. We can't have a game warden stationed at every pet shop throughout the state, so this allows us to administer this out of Santa Fe.

**Director Stevenson:** We're modifying this rule because of our staffing capability. People might think this rule has a lot of restrictions. People are not complying with the current rule. Things are being brought into this state and we simply do not have staff. We believe that if we can get a significant number of these animals on the number one list, or on the number two list, everybody knows what those are, the three/four lists get more complicated and that allows us to put staff on those issues. This rule is designed to get to a reasonable level for the public, and also for the Department to protect the public/native wildlife from those that are a potential threat.

**Commissioner Salazar:** I want to make sure we have the ability and properly trained staff to accomplish this because they're taking on additional duties in inspection of facilities. I also wonder about the Director's authority to make this call. I understand the need/flexibility, but I'd also like the Chairman of the Commission as the regulatory body be notified whenever the Director makes this type of decision.

**Director Stevenson:** If you look at the current statute, §17-3-29, NMSA, 1978, it actually provides the capability for us to set up rules. The statute gives me explicit authority. I'm concerned about folks who have an appeal process and I'd urge you not to go down that road. When we were doing things with landowner permits that becomes an extremely cumbersome process. I assure you that our interest is to work with all members of the public to make this fair. Our biggest interest is to get as many species as we can that are not going to require any permit applications, but once again we're going to rely on what Mr. Brooks has said about our responsibility which is to make sure we're protecting the public/wildlife in the state from disease.

**Commissioner Salazar:** My other concern is that public notification on dangerous animals is critical.

**Commissioner Salmon:** Falconry is a hunting sport in NM which may involve importation. It has state/federal regulations attached. I'm wondering if this rule is going to be compatible with that sport and allow it's continuance and proper control. How does it blend in with state/federal regulations?

**Dan Brooks:** Yes, this is compatible. There won't be any change. Falconry is already heavy regulated with USFWS/state. There is an importation requirement, but that's accounted for so this doesn't change that.

**Commissioner Arvas:** Is this rule less restrictive or more restrictive than surrounding states?

**Dan Brooks:** This rule is less restrictive in certain ways. There are legitimate reasons for having almost everything. There's no direct prohibition while other states will have direct prohibitions on certain animals. We're not choosing to go that route so it's less restrictive in that manner. It may be more restrictive in other ways. Our health requirements, although we're trying to improve that, some states don't have that kind of requirement. We're trying to balance what state law requires especially venomous/infectious diseases. The reality is that we have a mix of both, but overall we're less restrictive and we're trying to be less burdensome.

**Public Comment:**

**Tad Powers:** I'm the Economic Development Coordinator for Hidalgo County in Lordsburg. On behalf of the Commissioners, we're very much in support of this new regulation.

**Marshall Meyers:** I'm with Pet Industry Joint Advisory Council and National Trade Association. We're supportive of the regulation changes, but we believe there needs to be some form of screening/risk assessment process to determine which species are problematic.

**Doug Hotle:** I'm Curator of Herpetology from the Rio Grande Zoo and a reptile breeder. This law should be fluid/adaptable. One issue I have is the health certificates. They're painfully difficult to get.

**Commissioner Salazar:** Are you recommending a quarantine period prior to getting a health certificate?

**Doug Hotle:** Any animal coming in should be quarantined before it gets into the regular collection or until a health certificate is issued.

**Commissioner Salazar:** Do you notify your neighbors or adjacent property owners that the facility is there, not so much posting a sign?

**Doug Hotle:** A problem is once you notify your neighbors, then your neighbors get a petition and they don't understand what you're doing.

**Jennifer Macke:** I'm a biologist and I've worked with amphibians for over 25 years. In addition to breeding animals as a small business, I also participate in scientific work and I'm a registered amphibian steward with Tree Walkers International. This rule will affect other than the pet industry. The issue is too complex for scientific application.

**Garth Tietsen:** I'm a reptile breeder. Getting a health condition certification from out of state veterinarians may hinder my potential purchases/trades and put me in a bind/disadvantage.

**Erica Perras:** I think this law is more transparent and easy to work with; however I have a couple of concerns: (1) with the current invalid health certificate from a veterinarian. It was said that it could take several weeks to get a permit for a Class III animal; however, that's only good health certificates that are valid for 10 days or unless we were to get the permit within that 10 days of when the vet gave us the certificate, it would not be valid once we got to the state; (2) also, the declawing that was mentioned, the state should be careful not to put that into law or make that a requirement because a couple of years ago federal law passed that unless medically necessary that was considered animal cruelty, and I could lose my USDA permits for declawing my animal. Defanging also went in that category; and (3) proof that all necessary federal permits have been obtained. I can't get one without the other and they both have that stipulation. I think something should be put in there if I've passed the inspection to get the state permit and then send it to their office and they can re-inspect me.

**Sheri Ashley:** I'm Vice President of Marketing for Chiricahua Desert. I'm in support of the rule changes.

**Bernard Ashley:** I'm Director of the Chiricahua Desert Museum. It's less restrictive and a good law for the industry.

**Chris Newsom:** I'm the former naturalist with the Las Cruces Museum of Natural History. My overall concern is the lack of transparency in the process.

**Dan Brooks:** This is the best mix, and we ask you to consider what's before you. There will be improvements and we'll bring that to you.

**Director Stevenson:** 2-3 years ago, there were folks who haven't been in compliance because they had no clue of the requirements. We've tried to make the process as transparent as we can.

**Commissioner Fonay:** Minor changes might benefit this rule. What would be your take when we look at those again? Would it be your preference to take this as it is, work with it for a while, and come back, or make a couple of changes even before we vote on it? Your preference would be to vote on it as submitted?

**Dan Brooks:** Yes. The Director has flexibility to notify people/seek comment before we change these rules. We also considered allowing an animal to come in prior to receiving any kind of health guarantee but that's a tough fit when we're supposed to be protecting from infectious/contagious diseases. We'll update the Commission in the fall if that's your desire.

**Commissioner Fonay:** I'm comfortable with the rule as submitted. Because of these issues I'd like to see an update fairly soon. [Action Item]

**MOTION:** Commissioner Arvas moved to adopt the amendments as presented by the Department to 19.30.9, NMAC, Establishing Certain Licenses, Permits and Fees; to repeal rule 19.35.7, NMAC, Importation of Live Non-Domestic Animals, Birds and Fish; and to adopt and implement (on an emergency basis) replacement rule 19.35.7, NMAC, Importation of Live Non-Domestic Animals, Birds and Fish 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. 10: General Public Comments (Comments Limited to 3 Minutes).**

##### **Public Comment:**

**Lawrence McDaniel:** Has concerns with elk hunting in the state, but is very disappointed with Department's draw system.

**Bob Atwood:** I'm an outfitter. It's a very fair system we have in NM.

**Teri Matelson (written statement)** Please ban trapping and protect animals and the public. We need to return to a balanced ecosystem. If we kill animals, stop flowing rivers we damage our own quality of life now and for future generations. Trappers make money stealing our natural resource and that too is unfair to the rest of us.

**Sara Scales:** Requests NM prohibit the use of leg hold/snares on public lands in NM. Everybody recognizes the cruelty to the animals, the anguish/terror they must go through and that this is a matter of animal rights/protection and I do not believe that our state should be allowing such barbarity.

**Alex Muñoz:** Represents youth and thanks the Department for what it's done for youth hunting opportunities.

**Director Stevenson:** The Commission has worked hard to provide additional youth hunting opportunities. We're under a rule that if youth under age 18 applied for any type of draw hunt in NM, and they were not successful, they could come back and apply for elk hunts. Last year we found that out of the 1,000 permits we had available, we had about 400 subscribed for. So we're changing process this year to notifying all youth that didn't draw in our big game draw process that we do have those elk permits available. The Proclamation says we're going to do that contact/draw in October. We're actually moving forward to do that in August before we have the additional permits that were left in the draw so that youth will have opportunity to draw for that. We encourage folks to put in for those permits.

**Pat Block:** As a follow up, that'll be on August 4. We'll be getting word out to all unsuccessful draw applicants that are youth by e-mail. We'll also be putting out a press release and getting information up on the website.

**Pat Pace:** My concern is landowners. What are the requirements for 5-1,000 acres to get a permit?

**R.J. Kirkpatrick:** Requirement for a private landowner to participate is that their property is making some kind of meaningful contribution to elk at least one season out of the year. If you've got 5 acres and elk are using that acreage to some degree during the year, but probably won't qualify for a base authorization, but we're going to put you in our landowner system. I become eligible for a drawing through a small contributor ranch drawing every year, and there's the possibility, depending on the unit and how many private land authorizations there are which depends on how many elk there are. I may draw an authorization one year out of four/five in some units. I may draw an authorization every year in other units, so it just depends.

**Pat Pace:** My concerns are about landowner acreage requirements to receive permits. If you are allocating permits to hunters with 100-300 acres, why don't you make it mandatory that they hunt on that 100 acres and see how many elk they get?

**R.J. Kirkpatrick:** Rules are put in place by the state legislatures/Game Commission through public involvement processes. A landowner is eligible to participate in the landowner system if he's making a contribution to elk and lucky to have enough property or be successful in a draw for authorization on an annual basis.

**Pat Pace:** My other point is you take a private landowner that puts in and you approve his permit, he'll turn around and sell it to an outfitter, but is this landowner that puts in for that permit, is he eligible or you give him that permit. If he owns that land, and he applies for a permit and you gave him one for private land, I don't think you ought to give him a permit for his land and then give him a permit to hunt elk.

**Rock Venderlyn:** I'm a biologist/retired environmental program manager from NM Environment Dept. Is concerned about the Gila River fish population and asks the Game Commission to authorize an investigation be performed by a qualified non-government, third-party investigator to report directly to the Commission and provide findings/corrective action plan to remediate this fishery, and to direct the Department to divert funds from the Habitat Improvement Stamp Program to fund this investigation.

**Commissioner Salmon:** We had a special fisheries meeting in March. We are looking into this. I'll take it upon myself as a local fisherman/Commissioner to follow up on your inquiry, and also talk to Dennis Miller, the contract biologist who did the electroshock survey which was news to me.

**Jon Swapp:** I'm a rancher in Hidalgo County in Arizona. Any time somebody hunts/fishes on the private property, the landowner should be compensated.

**Paul Heiberger:** With Southwest Environmental Center in Las Cruces. Requests removing traps in the Mexican wolf recovery area. Prefers seeing trapping in the Mexican wolf recovery area limited to gaining studies related to the program as is done in AZ.

**Chairman McClintic:** Is that accurate, R.J.? Isn't that how USFWS collar wolves? Don't they use traps?

**R.J. Kirkpatrick:** That's correct. All agencies that participate in wolf recovery project work use traps occasionally for capturing wolves/re-collaring/veterinary attention. They also net gun them. Traps are a tool for that.

**Paul Heiberger:** The issue is not removing that tool, but to remove leg-hold traps which are not humane practices in other states and banned in 80 countries. This is something easily addressed and would help boost stability of the Mexican wolf population.

**Commissioner Salazar:** This is not to hold anything against live traps which still can be used by trappers in the industry to capture animals but they then have the ability to release it if it's an endangered species. Is this something that would help the wolf program by continuing to trap but using live traps instead of the leg hold traps that seem to be injuring the endangered species?

**Matt Wunder:** I don't claim to be a wolf biologist, but my suspicion is that live traps are not nearly as effective as leg hold traps in capturing an animal.

**Janet Waller-Ortiz:** Professor at WNMU. Is concerned about regulation/resolution necessary to forbid trapping especially the steel leg hold traps in the Mexican wolf recovery area: (1) the fragile NM wolf recovery program under constant sabotage from people who just are ignorant of/refuse to accept scientific research proving absolute need for top carnivores to control over-grazing by elk/smaller animal populations which can easily spread diseases; (2) the Mexican gray is an endangered species and public officials have obligation to do whatever reasonably/legally necessary to encourage the population growth of the species and not to allow harm to come to them; (3) in past ten years, 14 wolves have been caught in traps causing several to lose limbs/suffer trauma from the experience and that's certainly contradictory to helping Mexican grays survive in a normal habitat without traps; and (4) many believe God created this beautiful planet with diverse wildlife for our enjoyment, not to abuse/maim/destroy any particular species at whim, but to be respectful/responsible stewards of God's gifts.

**Chris Newsom:** I represent the present reptile/semi-domesticated keepers, what is the Department looking at requiring/addressing so that you can become a certified expert so that it can obtain animals in Group 3/Group 4 in maintaining/keeping properly/safely in captivity.

**Marshall Meyers:** Is concerned significant amount of traffic is being done via internet. We have an obligation to educate on reasons these laws are in place, what the permit processes are and about not releasing into the wild. Unfortunately, it's easier to regulate than educate.

**Ty Bays:** A livestock producer/resident of Grant County. Private landowners/ranchers are best stewards of land/wildlife.

**AGENDA ITEM NO. 11: Reservation of Two Elk Licenses for Non-profit Wish-Granting Organizations.**

**Presented by Dan Brooks** – The State Game Commission considered reserving two elk licenses, each for a qualifying individual, plus an alternate for each individual, whose name has been submitted following the criteria established in Section 17-3-13.5, NMSA, 1978. This is an action item that will allow the Commission to approve the reservation and issuance of two elk licenses. The two applicants are: Jordan Martin/Krista Dick and the alternates are Tanner Bick/Cody Day. Alternates are put forth because these are terminally ill kids. These are two elk hunts, one for each, from September 1 to December 31, any legal weapon, any open unit with an either sex bag limit. **[Action Item]**

**MOTION: Commissioner Fonay** moved to accept the Department's recommendation and reserve two elk licenses for the two applicants brought forward as named, plus their alternates, should the primary individuals not be able to participate in their elk hunt. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NO. 12: Habitat Stamp Program Extension.**

**Presented by Dale Hall** – The Department requested the Commission approve an extension of the Habitat Stamp Program until March 31, 2021. The current program expires March 31, 2011.

**Corbin Newman:** I'm with U.S. Forest Service and we support the program.

**John Sherman:** Wildlife program lead for BLM. BLM is in full support and encourages the Game Commission to re-authorize the Sikes Act Habitat Stamp Program.

**Public Comment:**

**Joel Gay:** NMWF wholeheartedly supports the work they've been doing and urge their continuation for another ten years.

**Angel Montoya:** On the Sportsmen's Advisory Committee for HSP. Sportsmen/groups in southern NM are supportive of this program and want to see it re-authorized.

**David Ogilvie:** Sit on the SW Citizen's Committee and request your support/continuance of HSP.

**Dusty Hunt:** Citizens Advisory Commission supports renewal of the program. **[Action Item]**

**MOTION: Commissioner Arvas** moved to adopt the amendment to the Habitat Stamp Rule (19.34.6, NMAC) to re-authorize and extend the program as presented by the Department. **Commissioner Fonay** seconded the motion.

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

**AGENDA ITEM NO. 13: Final Approval of 2011 Habitat Stamp Program Projects and Presentation of a Prospective Modified Planning Process for Future Projects.**

**Chairman McClintic:** I received negative letters with concerns that all the funds/projects were not effectively entertaining the entire the state and not effectively spreading them like we should. The board has total control over where the money is to be spent and on what projects, or do you say we've got so many funds, and designate what areas in the state the funds will be used? How do you do that the fairest way to make sure those funds are spread equally?

**Dale Hall:** Since 1991 there's been a formula in place. I can't tell you because there's no record showing how that was arrived at, but I can surmise is it was based on land mass/amount of public land in each one of the five regions/assessment of how many sportsmen were using those public lands. So, it came to a weighted average and that weighted average gave a percentage to each one of the five regions.

**Director Stevenson:** Part of the concern is where we go in the future. Folks would like to have us re-assess or come up with a new formula on how we distribute those funds around the state. Citizens' committees/sportsmen's groups feel that going to landscape level projects they're going to lose out or we're going to move part of that money. We want to have them more involved than they've been in the past as far as those advisory committees, but for us to do landscape projects on the level we have, we may have to say we're going to take part of those funds and go to one quadrant of the state or another, but that doesn't mean that next year we won't come to another quadrant and spend those funds so we can get a bigger bang for our buck where we can start linking up with all of our incentive dollars that the Department's putting out on the ground. There's fear because we are talking about doing things differently, but I think it's a perception issue and we've been trying to get out in front of that the best we can. We'll continue doing that and citizens' advisory committee/sportsmen's groups will see that moving this way is a beneficial way to do business. We're looking at all quadrants of the state, but 100% of those funds may not exactly be out the way they are now. We'll be able to demonstrate that they're more important and they're going to see bigger projects but there is apprehension now about losing control.

**Commissioner Salazar:** Part of it may be an education process. If they'd see some of these landscape projects, tremendous work has been done for habitat/wildlife. That'd lessen the apprehension. **[Action Item]**

**Public Comment:**

**Dusty Hunt:** Supports the process/program.

**Angel Montoya:** We did go through a process of coming up with suggestions but a concern is going to a landscape approach. Is this going to be done by a public scoping process? That's a big concern.

**Chairman McClintic:** If there's a way we can do that and say here's what we're doing and why. With the help of the Director that would help this program get to the next level and make it more transparent.

**Commissioner Salazar:** We need to ask those sportsmen's groups to become involved when the vacancies come up. If they have those concerns they become more involved.

**MOTION: Commissioner Salmon** moved to accept the tiered list of 2011 Habitat Stamp Program proposals as recommended by the Citizen Advisory Committees and presented by the Department. **Commissioner Salopek** seconded the motion.

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

**AGENDA ITEM NO. 14: Draft Biennial Review Presentation.**

**Presented by Dave Holdermann** - The Department presented a Draft Biennial Review developed based on comments received during the 90-day public comment period. No up-listing or down-listing changes were contemplated, but some nomenclature revisions and changes to species accounts were anticipated. The Draft Biennial Review will be available for public comment for 14 days subsequent to the Commission meeting, after which the Department will develop a final rule for possible adoption at the regularly scheduled State Game Commission meeting on September 30, 2010. **[Action Item]**

**MOTION: Commissioner Salazar** moved to open the 14-day public comment period on July 9, 2010 for the second draft of the 2010 Biennial Review of New Mexico State-listed Wildlife. **Commissioner Fonay** seconded the motion.

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

**AGENDA ITEM NO. 15: Request for Approval to Fund Several Capital Infrastructure Projects Using Bond Interest and Retirement Funding (BIRF) in Fiscal Year 11.**

**Presented by Alexa Sandoval** - The Department requested Commission approval to transfer funds from the BIRF to the Game and Fish Capital Outlay Fund to finance capital infrastructure projects in Fiscal Year 2011. Section 17-1-22, NMSA, 1978, requires the Department to obtain approval from the State Game Commission and State Board of Finance to transfer balances from the BIRF to finance capital projects.

**Commissioner Fonay:** Why's that been a decision from past Commissions? Past Commissions haven't seen this as a way to fund a large project?

**Pat Block:** No, we've been fortunate to have money to finance projects. Also, the last time bonds were issued the legislature gave us specific permission to issue \$2,000,000 worth of bonds. That bond issue was completed and repaid and the opinions we've received from legislative counsel is that were we to desire to go through another bond issuance and repayment cycle, we'd need to renew that legislative authority.

**Commissioner Arvas:** There are a lot of round numbers for expenditures. Is this like taking money out of your bank account and you think you're going to spend \$200,000, but do you have appraisals in advance or how do you come up with the number?

**Alexa Sandoval:** Those numbers were estimates put together by Division Chiefs depending on capital project they were working on. Then we looked at what different revenue sources/cash balances we could take the money from, so that's the reason for the round numbers.

**Commissioner Arvas:** This is an interest-bearing account isn't it?

**Alexa Sandoval:** That's correct.

**Commissioner Arvas:** So then we don't take it out until we spend it then?

**Alexa Sandoval:** What we'll do for the \$200,000 is move that into that capital project fund because it's a different funding so we need to move that cash balance to reflect the budget.

**Commissioner Arvas:** If we don't spend it, it all goes back?

**Alexa Sandoval:** Yes, we can do that.

**Commissioner Fonay:** What about the reverse?

**Pat Block:** If it comes out over, the money has to come from some place else. If we leverage any federal funds you could potentially increase those. If it's a little money we have operation/maintenance money within the Operating Budget. **[Action Item]**

**MOTION: Commissioner Salmon** moved to approve the transfer of \$200,000 from the Bond Interest and Retirement Fund to the Game and Fish Capital Outlay Fund to be used for improving angler access and habitat protection in Pecos Canyon.

**Commissioner Salazar** seconded the motion.

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

**Pat Block:** We'll be working with Board of Finance staff to get on their next monthly Board of Finance meeting we can and we'll keep you posted on progress.

#### **AGENDA ITEM NO. 16: Budget Status, Revenue Review, and Initial Fiscal Year 2012 Budget Preparation**

##### **Discussion.**

**Presented by Alexa Sandoval** –The Department sought input from the State Game Commission regarding the development of the Fiscal Year 2012 budget. The Department provided a synopsis of the Fiscal Year 2011 Operating and Capital Budgets approved by the Legislature and enacted by Governor Richardson. The Department will incorporate any guidance or information garnered from this item into the budget request instructions provided to agency staff.

**Director Stevenson:** On dam safety rules, those are compliance requirements for us. We've been under orders to make sure we're complying. Last year we'd had, i.e., Santa Rosa Hatchery on the Rock Lake facility, trying to increase our capability to get that hatchery. We did not move forward with the knowledge that we need outside funds to help us with those programs because we didn't want to be in the same position as last year where the funding was specified to come out of Game Protection Funds.

**Chairman McClintic:** We got a certain amount of money when OHV Program was given to us from Tourism. Was it one-time funding?

**Pat Block:** No, they were balances that existed in the Trail Safety fund and the annual revenue stream of about \$500,000-\$600,000 a year. People registering vehicles are paying money in. There's an expectation when the public contributes for a program that it gets used, so we're accumulating cash in that Trail Safety fund. Two positions would be paid from the Trail Safety fund and it wouldn't impact Game Protection funds except that if we can get more enforcement effort paid out of that fund it relieves some of the pressure on the Game Protection funds. We feel it's a good thing from a lot of aspects, we just didn't get either one of these last year because it was a bad time to ask.

**Commissioner Fonay:** When you talk about flat budget, does that imply the whole \$38.5M or does that apply to the full budget? Do they want it flat in each of those areas?

**Alexa Sandoval:** Yes, it's for the entire \$38.5M and within those programs we have to be able to justify if we're going to be moving those monies within that. We've been told that we're not allowed to do that with a flat budget.

**Commissioner Fonay:** The emphasis is not only flat on the whole but in the individual parts as well?

**Alexa Sandoval:** Yes.

**Commissioner Fonay:** When you look at the fiscal budget we're in now, those FTE positions open up now because they're now budgeted for?

**Alexa Sandoval:** We're still under a hiring freeze so we'd have to go through the SPO/DFA-exception process in order to get those hired on.

**Commissioner Fonay:** Even though we're budgeted for them?

**Alexa Sandoval:** That's correct.

**Commissioner Arvas:** The current administration makes the decision that it's a flat budget?

**Alexa Sandoval:** Yes, that's correct. Instructions we get are from DFA.

**Commissioner Arvas:** So between this administration and a new administration, there's the possibility this could change?

**Pat Block:** Absolutely, and by the time that second week in November comes/goes, we should have a lot more information about what's happening at the statewide level economically. You may even see some action taken by the current administration, but currently they're hoping for no more furloughs/layoffs but revenue estimates coming out this month/end of fall, so depending on whatever one learns then we could change course.

**Commissioner Arvas:** When you make presentations to the Commission, you're basing it on the flat budget which is a rehash of what we did in 2010?

**Alexa Sandoval:** We're currently operating under FY'11 budget.

**Director Stevenson:** Although we'd be working with the same dollar amounts, we will continue to look at where our programs were, where changes needed to be done, they simply have to be able to do that within the dollars they have available in FY'10. We'll continue to look at where our priorities are within the Department, where those are shifting, and we'll shift impetus to those programs as are needed. There's not a lot of flexibility but also so the Commission is aware, regarding the hiring freeze and where we are with that, we did get approval from the Governor's Office/DFA/SPO to hire 21 positions out of 52 vacancies. We get more vacancies on a daily basis with retirement, etc. The Chairman/I worked with the Governor to get his approval. We'll come before the Commission because we see holes on the horizon. The budget projections for the state are coming on the 21<sup>st</sup>/22<sup>nd</sup> of July. The Governor has put us on notice that there may have to be some manipulation in budgets even though they're asking for flat budgets. When that projection comes in those might come down.

**AGENDA ITEM NO. 17: Update on the Progress of the Department's Response to the Joint Memorial Requesting the Department of Game and Fish to Study the Consolidation of Various Hunting and Fishing Licenses and Stamps.** Presented by Alexa Sandoval – The Department provided an update to the Commission regarding the progress the Department has made in developing/formulating options to consolidate the licensing systems to reduce complexity and facilitate customer compliance.

**Chairman McClintic:** Is this joint memorial Representative Rehm's bill?

**Pat Block:** Yes, Representative Rehm feels the process can be confusing, that we make unwilling/unintentional violators out of folks and that it takes up a portion of officers' time writing these citations that can be better spent on poaching/other resource-type violations rather than administrative violations.

**Commissioner Salopek:** Have you thought of instead of writing a violation to sell them a tag right then/there?

**Pat Block:** We've talked about that, but then we run into how to deal with money as state agency. We've always done our best to keep our officers from receiving cash. Currently they do on occasion when they sell road kill/confiscated game, and even then it can be quite a burden so we've not seen a good way to put them into that situation.

**Commissioner Salopek:** Maybe instead of exchanging money they get a piece of paper that says send in money, and then if you don't then you eventually get a fine in the mail.

**Pat Block:** That's what is in place currently with penalty assessment. A portion of people choose not to pay. Someone who did not buy a license and their punishment is not to be able to buy a license they probably weren't going to anyway. We don't want to overlook at good idea, but we've tried to make it easier.

**Alexa Sandoval:** Before we can consider consolidation of any licenses, it's important for us to understand where currently where we are as an agency. At an annual basis, the Department sells 312,000 hunting/trapping/fishing licenses a year. That does not include any stamps/permits. Annual revenue from license special hunt/over-the-counter sales is \$21M. That represents almost 2/3 of the Department's budget. In addition, beyond licenses, customers have to purchase Sikes Act/HMAV stamp. They also have the opportunity to purchase a second rod validation. When we looked at putting this consolidation proposal together as we worked on over-the-counter license sales, but also revisions to special hunts, the over-the-counter consolidation portion we've looked at eliminating Sikes Act/HMAV stamps. The second rod though as second purchases which is the intent of the rule and include those stamp/rod fees in the cost of each license type. Basically, we're taking the cost of those stamps and including them already in the license so that when an individual wants to buy a fishing license, he buys a fishing license and can go wherever he wants as long as he has written permission if it's on private property and within the confines of the public lands in the state. In order to do that, we did some analysis on various licenses we've sold, we'd have to increase each license fee by \$6-\$7, so basically you're spreading stamp/second rod fees amongst all the different licenses vs. saying I may/may not have to purchase. There are perks to that. People can say give me a fishing license and they get a fishing license and they're good to go. The downfall is that folks that do bear/cougar the whole suite of species we have, that'd increase their cost over \$9 they currently pay, but that advantage is they're good to go, they don't need to worry about having those stamps.

**Pat Block:** That's why it's not a \$10 increase, because there are two \$5 purchases right now, but because of people that buy multiple license types. I suppose the flip side is an argument to what Alexa just described is those people are also ones that potentially using those lands more intensively, so it's potentially reasonable they'd kick in more.

**Commissioner Fonay:** When you look at \$6-\$7 increase, if you're buying the Habitat Stamp it's a potential \$3 decrease if all you're doing is fishing on public lands, but in talking to people about our fees that's something I've heard no complaints about. For a year of fishing anywhere on public lands in NM, we've got a great buy.

**Commissioner Salazar:** I've talked to different sportsmen and I echo the same comment. One thing that's concerned fishermen/guides along the Colorado border is the one-day fishing license and how that would affect that because they didn't want to be priced out, but if you kept it down it'd be an improvement, so they'd buy it as well.

**Chairman McClintic:** We have a one-day?

**Pat Block:** We have a one-day and a five-day. We also have a temporary small game license that's three days in duration. It's more expensive than a resident license so it's for non-residents. We'll address things in that area today.

**Chairman McClintic:** Are you going to get to a position where you're comfortable getting to on this simplicity. Do you think eventually you'll get to that point?

**Pat Block:** That's our hope.

**Commissioner Fonay:** It'd also collect the revenue for those non-resident hunts that those people may then choose to hunt in NM small game or not. That could be a significant revenue stream as well, correct?

**Alexa Sandoval:** Absolutely, particularly if we look at non-residents. We sell about 1,700 average small game licenses to non-residents, so we'd have to adjust the cost of small game licenses, it's \$90. I'd be wise for us to look at revamping that small game for non-residents so we're not totally shutting the door. Creating that base license for both residents/non-residents is our idea on special hunts to receive those licenses April 1. Now we've increased our revenue opportunities on the federal side.

**Commissioner Salazar:** We're one state agency that doesn't get outside funding from general fund/lotteries/other sources. We're strictly relying on hunter/sportsmen's dollars. It'll be nice to somehow increase those funds at any opportunity.

**Commissioner Salopek:** I don't think I'd look at reducing out-of-state fees. What's in-state fee for small game?

**Alexa Sandoval:** Small game/small game and fishing currently is \$33, \$20 for small game.

**Commissioner Salopek:** Would it include small game/fishing so that I won't have to put in for a separate license. If I put in for elk I get mine automatically?

**Pat Block:** That's another thing we want to talk about. Utah made the differential in price between small game/small game and fishing fairly minimal hopefully to encourage people to fish and you sell more fishing licenses. You have state/federal increase and use this as a recruitment tool to participate. The other nice thing is people put in for the draw and not hunt at all. Maybe if they have that small game privilege people will participate more and increase overall satisfaction.

**Commissioner Salopek:** I like that base instead of putting general hunting/fishing. It seems all other states do that.

**Commissioner Arvas:** Under the based licensed approach, as you know AZ/neighboring states they can you one more time by giving you a bonus point. Could we figure out a way to do that?

**Alexa Sandoval:** If we're going to look at a point system then that's something we'd have to do more research on and have a discussion. AZ does have a number of incentives. They also have a big game packet/super authorization license.

**Commissioner Arvas:** The reason I've brought it up is it displays the gut gullibility of that non-resident so you might as well try and take advantage of him. I've paid the price so many years in Nevada/AZ for the same privilege, I qualify.

**Commissioner Salopek:** I think Commissioner Arvas makes a point—how many times has he put in and not gotten a tag?

**Chairman McClintic:** It discourages people that don't have the points don't apply.

**Commissioner Salopek:** I like the money, I don't like the points.

**Alexa Sandoval:** Our proposals, one for over-the-counter where we'd incorporate the cost of the HMAV/Sikes Act Stamp across all licenses, and with special hunt moving to the base license. To clarify, when I say base license, is either a small game or small and fishing opportunity for them to purchase, and possibly doing a new small game/fishing combination for non-resident would be available at any time. That would take state statute/Commission rule changes. We'd do public outreach in consolidating the process.

**Pat Block:** This would revamp the structure of licenses. Your base license would be the hunting license, anything else you obtained either over-the-counter/drawing would be a tag. The Commission would be changing the license law so that you're buying tags. We'll move forward through the review process with the current administration. If we're successful, we'll continue and have a whole other sales job to do with the new administration.

**Commissioner Salopek:** Does that mean we have to bump up our draw from April to the week before, the last Wednesday in March if your fishing license is April 1?

**Alexa Sandoval:** That's something we've discussed. We'd need to look at that as an agency and you'd be specifically talking about the application deadline.

**Pat Block:** No, it lessens the need to do that because now everyone is going to buy that license. You can give that to them the moment they apply, so there's no need to link those two pieces. Everyone is going to buy their fishing license and the minute they apply you can give that to them. It removes any need for that instead of having to weigh the option.

**Commissioner Salopek:** I guess that means put in before April 1 instead of the deadline of 5:00 April 1.

**Pat Block:** It'd potentially help the last minute rush. Anyone that wants to fish would be able to apply.

**Commissioner Arvas:** It'd probably enhance your chances of convincing the Commission easily if you do a survey of the surrounding states and see how they con non-residents.

**Alexa Sandoval:** We've visited with surrounding states and absolutely intend on getting that information.

**Commissioner Fonay:** I like what you've proposed. It's along the lines of what I'm hearing from sportsmen. Would we leave the oryx draw with February 1?

**Alexa Sandoval:** That's correct because there's a hunt structure that starts April 1, so oryx would be the only species in what we now call Draw I because they pursue having those population management licenses issued through that check off then we wouldn't have the need to have those secondary population management draws.

**Commissioner Fonay:** Let's say somebody applies for an oryx population reduction hunt in October and he applies for that February 1. He would need that base license, but probably would not be able to buy it in January when he applies, right?

**Alexa Sandoval:** It's my hope that when we open up the application process, however this comes to fruition, that they'd get that license in their hands at the time they apply.

**Commissioner Fonay:** The Department would be ready to sell April 1, 12-13 license in January, 2012?

**Alexa Sandoval:** That's correct. That would be a critical piece and would have to be in place.

**Commissioner Salazar:** I'm more interested in price points and how you're going to set those. I'd like to see several different explanations of those, how you arrived at them, and what the effects would be.

**Commissioner Salmon:** Would this in any way change the non-game license that is required of non-residents? Of course, non-game for residents doesn't require anything. How would that blend into this system?

**Pat Block:** From what we've discussed, all these people hold a valid small game hunting license, so they wouldn't be required to purchase. They'd all be license holders and meet the statutory test for being qualified to possess those hides/pelts from non-game animals, really the whole non-game animal.

**Commissioner Salopek:** Which is a good step towards simplicity.

**AGENDA ITEM NO. 18: Presentation of the Researcher's Final Report on the Status of Desert Bighorn Sheep, and the Director's Recommendation Regarding Possible Delisting from the List of Threatened Wildlife Under the New Mexico Wildlife Conservation Act.**

**Presented by Elise Goldstein** – The Department presented the final report of the investigation of the status of Desert bighorn sheep pursuant to Section 17-2-40, NMSA, 1978. The Commission considered taking action regarding proposed dates/locations for public hearings on the Director's recommendation.

**Director Stevenson:** Under the Wildlife Conservation Act, this requires action/recommendation from me, but prior to doing that I wanted to reiterate and give credit to our Commission/sportsmen for their actions over the last eight years that have allowed us to get where we're at. This wouldn't have happened without our incentive program/dollars and would not have come without the Commission's continued support, and the public's continued support to staff this program to put significant dollars towards this program to allow us to achieve what we have. To my knowledge, there has been a species that we have because of management actions removed from the threatened/endangered species list since we started the Wildlife Conservation Act in 1975. We haven't been able to delist a species based on management action. I hope the Commission/public recognize the importance of that fact. We've been working with sportsmen's dollars to achieve getting this back to a managed population where we can hunt these, but it's not the dollars/ability to hunt although that's what our statutory responsibility tells us. Due to statute requirements, there's a letter of recommendation from me in your binders, and I'm going to read this recommendation to you: To the State Game Commissioners: Recommendation to Delist Desert Bighorn Sheep: I am pleased to make a recommendation to the Commission to delist the Desert Bighorn Sheep in accordance with the Wildlife Conservation Act. As you are aware the Dessert Bighorn Sheep is currently listed as "threatened" under the Wildlife Conservation Act. As per the requirements of the Wildlife Conservation Act I appointed Elise Goldstein as the lead researcher to document and determine current status of the Desert Bighorn Sheep within the State of New Mexico and further establish that all of the components required for delisting the species off of the "Threatened/Endangered Species" list. Elise Goldstein and Eric Rominger completed a draft of the delisting report and provided a copy of the draft to all of the 4-year universities in the state for peer review. These peer reviews were completed with all reviewers agreeing that all of the recovery goals had been achieved. I have also fully reviewed the finalized "Delisting Recovery Report" and the peer review letters from the universities. Based on my review and evaluation of that report I believe we have met all requirements for delisting the desert bighorn sheep in the state. Our 2010 spring surveys and associated population estimates estimate our current Desert Bighorn sheep population at 600-660 with 3 meta-populations each with over 100 sheep. Based on the investigation report and peer review information I recommend to the Commission that you take the required steps regarding scheduling and posting public hearings, public notices and placing this topic on a future scheduled Commission agenda and make the decision on this recommendation to delist Desert Bighorn Sheep from the Wildlife Conservation Act threatened species list. Once again it's my privilege and I hope everybody recognizes staff's/agency's/Commission's/public's efforts to get us to this point. With that I hope you'll accept my recommendation.

**Elise Goldstein:** I want to clarify that although the Director is making the recommendation to delist bighorn, that's not the action portion. The action is to proceed with delisting and to approve venues for the meetings. The next step in the process is to hold public hearings in the affected quadrants of the state.

**Commissioner Salazar:** This is a tremendous achievement. It was done because of the scientific-based approach to this problem.

**Commissioner Fonay:** Is it still the intent to continue to transplant from Red Rock group?

**Elise Goldstein:** Yes, that's the intent. There's plenty of empty bighorn sheep habitat in the state, some of it is currently ready to receive bighorn, some is not. Certainly the populations currently out there are not necessarily expanding to use all the available range. We currently transplant approximately 30-35 animals, every other year out of Red Rock. We're looking forward to potentially doing our first wild transplant from one population to another.

**Commissioner Arvas:** I think you're the rave of the sheep world in terms of what your accomplishments are. Of course, the Department helped you, but you and Eric have been at the forefront. Of course, with the Director's acknowledgement of your success, and his recommendation, it's a big deal.

**Commissioner Salopek:** Is the Red Rock herd flourishing? How's it doing where you pull away from them?

**Elise Goldstein:** The Red Rock herd traditionally has done well in the past ten years. We have a part time caretaker at that facility. The biggest problem we have there is that javelina like to dig under the fence and the mountain lions like to follow. That happened two years ago and messed up recruitment but things seem to be back on track now and it seems to be fairly productive. We have other opportunities for transplant sources. The AZ Department of Game and Fish/Copa National Wildlife Refuge have given us bighorn sheep in the past. In fact, in the 2000's they gave us 50 desert bighorn sheep and it was a critical boost for us because we were so far behind the eight ball that Red Rock wasn't sufficient. They're having their own set of problems with their Desert herd currently, so in the immediate future they're probably not going to be willing to give us anymore, but bighorn do exist in AZ and it's a potential option in the future.

**Commissioner Arvas:** Are we still owed ten sheep from Mexico?

**Elise Goldstein:** Technically, yes. We had an agreement with AZ whereby they'd send us 60 desert bighorn and we'd send them 60 Rocky Mountain bighorn. We have filled our end of the promise. They sent us one transplant of 20 which was part of the original release on the San Andres in 2002. They sent us an additional 30 which we released further north of the San Andres in 2005. They've had a substantial decrease in their population in the Copa Mountains which is the backbone of their transplant efforts.

**Jim Lane:** We are owed ten sheep from Mexico. We're working diligently to make that happen this fall. We ran into a lot of hurdles, not from Mexico, but with our own laws in NM on sheep importation. We're trying to work through those with Wildlife Services/USDA/Mexico.

**Commissioner Arvas:** So that's going to change the gene pool a lot, you think?

**Elise Goldstein:** Essentially, although probably not. The reason to bring those sheep in is probably not a genetic one which may be different from what we may have said in the past. We have new information from lab results that we are probably not as concerned with genetic diversity as we once were.

**Chairman McClintic:** At least you tell me you negotiated a lamb with those ten we got some interest on the weight?

**Jim Lane:** We can work with Mexico on that. **[Action Item]**

**MOTION: Commissioner Fonay** moved to establish the following dates and locations for public hearings concerning the Director's recommendation regarding delisting of desert bighorn sheep – October 12 – Truth or Consequences; October 13 – Las Cruces; October 14 – Lordsburg. **Commissioner Salopek** seconded the motion.

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

**Director Stevenson:** Our full intent is to have this before the Commission in December, 2010 for you to get that done precluding any unforeseen happening.

#### **AGENDA ITEM NO. 19: Presentation of a Proposed Memorandum of Understanding (MOU) Intended to Facilitate Interagency Coordination in Carrying Out the Mexican Wolf Reintroduction Program.**

**Presented by R.J. Kirkpatrick** – The Department will present a proposed Memorandum of Understanding (MOU) that is intended to provide a framework for collaboration between state, federal, tribal, and local governments involved in the Mexican Wolf Reintroduction Program within the Mexican Wolf Experimental Population Area. The Commission will be requested to support the Department.

**Commissioner Salazar:** This is also contingent on the Endangered Species Act (ESA), and ties our federal monies up if we do not comply with any of these things. There have been a lot of sportsmen's dollars already doing this, correct?

**R.J. Kirkpatrick:** The ESA probably doesn't have a lot to do with the Department's participation but more so the Wildlife Conservation Act. Statutorily we're obligated to do what we can to recover threatened/endangered species. As far as funding, the Department itself has expended on wolf recovery activities over the years, the majority of those dollars, previous to the recent economic crunch the state's been in, have been general fund dollars that were reimbursed by federal aid grants, 3-4 federal aid grants reimburse us. As a result of the state's economic crisis, we recently had been expending Game Protection Funds but the majority of those expenditures are reimbursed anywhere from 75%-100%, so we've actually spent relatively small amounts of Game Protection Funds in recent times.

**Commissioner Salazar:** We've spent a lot of effort in this and we need to act expeditiously on this and get this taken care of.

**Commissioner Arvas:** Who's the appropriate jurisdictional agency?

**R.J. Kirkpatrick:** That language is important because if a wolf is to be captured/relocated or captured/euthanized or captured/returned to captivity, the appropriate jurisdictional agency should be USFWS. If various participants in wolf re-introduction efforts desire to come into

NM and conduct a helicopter capture, they must be permitted pursuant to NMDGF rules/regulations. Same thing in AZ. A lot of the agency signatories have inherent authorities/responsibilities/obligations so one entity cannot run over another entity without the appropriate jurisdictional agency's authorization to do so no matter what that process is.

**Commissioner Salmon:** On that same point, there's a phrase that although signatories may make recommendations to USFWS, both USFWS/signatories recognize the signatories have no decision-making authority over USFWS with regard to Mexican wolf recovery program. Does this make USFWS the lead authority decision-making entity of the MOU?

**R.J. Kirkpatrick:** The basis of the litigation against USFWS centered around the assertion that USFWS had aggregated it's responsibility and decision-making about the removal of wolves, i.e., the three-strikes clause in the SOP's to the participants of AMOC. Internally within the agencies it was always fully understood that USFWS is the ultimate decision maker in what does/does not happen with wolves. This statement was inserted into the new MOU specifically to clarify/solidify the understanding that USFWS is the ultimate authority over actions that may/may not be taken with regard to this recovery effort, especially as they relate to the potential of capturing/euthanizing/transplanting wolves.

**Public Comment:**

**Ron Shortes:** I'm representing our family ranches in Lincoln/Catron Counties. I'm also representing Catron County. The MOU is not/never has been a major issue. The county did not sign onto the MOU for many years because Mr. Johnson took it upon himself to take control over all of this, refused any input into what the MOU should say. The major issue, less this gets lost, is that the program is still an expensive failure. It's cost up to \$500,000 or more for wolves, making these animals the most expensive animals on the face of the earth. It's destroying Catron County's tax base and the problem continues to get worse, not better.

**Biz Ladner:** I represent NM Cattle Growers, once again, we cannot support this because USFWS has not put the science needed behind it.

**Chairman McClintic:** R.J., this basically is entering into an agreement that lets us at least have a say in this program with respect to NM. This isn't a validation/expulsion. Would you clarify?

**R.J. Kirkpatrick:** Basically, the purpose component of the MOU is to provide a framework to which the signatories can basically operate and do whatever each chooses to do/able to do/has to do with regard to the re-introduction effort. One of the objectives is persistence of Mexican wolves through efforts to re-introduce/stabilize them. We're not going to be able to pursue until our obligations under the Wildlife Conservation Act to say that we aren't trying to increase and make successful the re-introduction effort. What we are able to do pursuant to this MOU is we have to participate in this endeavor but participation in this MOU signing on to it as a signatory enables us through our provision of funding and personnel/physical resources on an annual basis, to influence what types of activities our agency will be able to affect on an annual basis. This MOU also allows us to take advantage of opportunities to collaborate with other entities whether state/county to maximize dollars to bring to bear for example compensation programs, it enables our agency to learn from other cooperators different perspectives about potential solutions for mitigation or averting problematic things from occurring in the first place, so it does a lot of things. It gives us a seat at the table and allows us to assert that we're formally participating in the re-introduction effort. It doesn't tell us exactly what level of resources we'll bring to the table, but it says that we will bring those that we can.

**Jean Ossorio:** I understand why you're going forward with it. I hope this doesn't set a precedent for opaque process. I hope I'll not hear in the next week or two that there are additional roadblocks being placed before that release by the AZ Department/Commission. I have concerns about the wording but obviously this is a done deal. I will communicate those later.

**Paul Heiberger:** I'm with Southwest Environmental Center. I echo the disappointment in not having more time to bring concerns about this, but again this is a tough decision in trying to bring concerns on the MOU. **[Action item]**

**MOTION: Commissioner Salazar** moved to direct the Director of the New Mexico Game and Fish Department to make the Department a signatory to the Memorandum of Understanding that establishes the framework for collaboration between state/federal/tribal/local governments involved in the Mexican Wolf Re-Introduction Project 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. 20: General Public Comments (Comments Limited to 3 Minutes).**

**Public Comment:**

**Nancy Kaminski:** Grant County resident. It appears that 12 years into the re-introduction of the Mexican gray wolf a balance is being struck. The Department's good management of elk is commended as this also aids in keeping NM livestock predations below 1%. Also, please ban steel jaw traps and cable snares within the Mexican wolf recovery area. I'm not asking you to ban traps in NM, I'm asking for more help with the recovery of the Mexican wolf.

**Jean Ossorio:** Mr. Heiberger's question on the issue of how many of those 14 animals were caught in project traps v. how many were caught in private traps, that table of 14 wolves was obtained directly from USFWS and they were all private traps, not project traps.

**Jess Rankin:** I'm opposed to bonus points. NM/Idaho are the only states where there's a fresh draw every year. That's the way it ought to be.

**Angel Montoya:** I'm a sportsman. I feel it's absolutely wrong that we have to wait for the private landowner to sign on to the A+ system before we can hunt public land. To me is the way you can increase resident tags.

**R.J. Kirkpatrick:** Current historical practices are a landowner to enroll in the antelope landowner system is required to enroll not only his deeded property, but also any public leased ground that he had. What that should result in is a distribution of whatever number of hunting opportunities afforded to that ranch. The number that goes to the landowner in the form of authorization certificates vs. the number that go into the public draw where hunters are assigned to that property, should be based on the proportion of public/private landownership within the boundaries of the totality of the ranch, and any public draw hunters successfully assigned to that property can then hunt the entire property, both public/deed lands. We have recognized over the years that that is a very landowner-driven, decision-making control thing and the Department has taken steps the last 5-6 years to identify those chunks of public land that are not enrolled because of decisions by landowners either not to enroll or not to sign agreements that if that chunk of public land is sufficient and we've got public access to it, we are assigning hunters to those public chunks of ground that are otherwise not enrolled. There are a lot of instances, especially in northeastern NM, where those chunks of state lands are very difficult, if not impossible, to access legally/publicly, and that then is a difficult issue. It's hard for us to assign public draw hunters to chunks of state land in northeastern NM, there are pieces of ground in southeastern NM/all throughout the state that we could assign hunters to those public lands, but they can't get there without permission to get across that private property; so, those are components/issues that we're dealing with in the development of the new antelope land use system rule. We recognize that and that's why the Commission/Department have previously asserted/continue to assert that what we're currently doing has some significant flaws, and there does need to be an improved developed rule that clarifies that.

**Chairman McClintic:** If somebody enrolls in the private and they have a large leased public area, do we not let them enroll unless they guarantee us access for the public to hunt?

**R.J. Kirkpatrick:** Yes, upon enrolling into the Antelope Private Land Use System, landowners required to sign an agreement on an annual basis will fit within the confines of that agreement. It's identified that the public draw hunters that are assigned to that property, will have free/equal access to the entire ranch for the hunting season.

**Angel Montoya:** The Department ought to go through a system that is solely based on land that we can get access to.

**Chairman McClintic:** What do you mean compensating a landowner? Who do you think is feeding? It's their private property, and they're taking care of the wildlife on it, so what are we supposed to do?

**Angel Montoya:** I think the Department should look for other ways to compensate the landowner.

**Chairman McClintic:** That's why we have all these meetings. How many have you been to?

**Angel Montoya:** You should look for ways within the Farm Bill possibly to compensate them. There's block management to compensate landowners for access. The Department should set up a system where I have to go negotiate access with the landowner. I heard from Pat Mathis, a Department employee, is that if R.J. has a ranch, and I've got a ranch next to him and he got two tags, and if I complain, I might get a tag. He says there's no system in place in the entire state that is defensible.

**Chairman McClintic:** We're trying to come to a better way for the public to hunt. Pat, when you talk about total resident hunting in the state, when you take the landowner permits and you take the public draw permits, you take out the 22% for the non-resident on that, and you take out the number of residents that hunt private land and buy private tags, it's about 50-50, isn't it?

**Pat Block:** Yes. I think sound bites have gotten thrown out so much that even the numbers are getting bigger/smaller, 30% private/public split was what came out of Wildlife Federation's article—that's public/private. That has nothing to do with the color license plate on your car. Now, it's 25%-75%. When you look at the number of resident/non-resident, it's about half and half, because about 1/3 of the private land antelope hunters are NM residents, and about 2/3 none, and then on the public it's 78-10-12.

**Commissioner Salazar:** It's a complex issue based on economics. We need another source of revenue to come in to make some of these changes. There are a lot of issues going on with this, and we have to respect property rights. I agree with you about paying access because that's how it's done in most places.

**Angel Montoya:** If that means more tax for us, increase the fees. We're supportive of that.

**Walter Szymanski, Jr. (written statement)** I wish to encourage the Commission to conduct a review of the furbearer rules at the end of the year as planned. I am very concerned about what appears to me to be a lack of adequate population monitoring of furbearers. I am also against that convicted animal abusers and convicted spouse/domestic abusers are allowed to get hunting, trapping and fishing licenses in NM. Lastly, I support the call for removal of leg hold, snare and kill-type traps from public lands in NM, especially in areas habited by threatened and endangered species like the Mexican gray wolf and river otters.

**Hugh B. McKeen:** I'm a Catron County Commissioner representing the Commission. Catron County has hired a wolf investigator because the investigation/statistics provided by state/federal agencies weren't enough in that area. Is this something we could do to participate in the program?

**R.J. Kirkpatrick:** Those of us that work with the wolf program appreciate anybody in the area coming up with novel ideas because we think there have to be other ways to manage this program and manage it smartly and it's going to take some creative thinking. With regard to the issue of range riders, this year we've instituted a change in the process with range riders in that we're asking them to do most of the work early mornings. They're provided with telemetry equipment and how to use it so they know where those wolves are. They couldn't do their job otherwise. The telemetry we've got is basically a receiver. The collars on wolves emit a signal and it's basically a small deal on a little wooden handle. It's not cumbersome. The range rider we've got now dealing with a couple of different wolves does a lot of his work on a four-wheeler/horseback and it's fairly easy to use. The Department has also engaged in discussions with a variety of people more specifically in trying to make a push to move to all of the wolves in NM, at least each pack and some of the pups every year,

to GPS collars so that we have a very good handle on where these wolves are, especially during critical times of the year. The VHF telemetry we're currently using sometimes requires aircraft and it requires that you be within a reasonable distance. GPS technology will give us a lot more information both about wolves/opportunity to hopefully be more successful in preventing/averting livestock loss. We'll be happy to have Catron County be a partner to try to figure out better ways to do this.

**Hugh B. McKeen:** I'd like to request one of these for our wolf investigator. Certainly part of the problem he has is getting to kills quickly enough to determine what killed them.

**Chairman McClintic:** I'll make sure that the Director/R.J. figure out if there are any funds we can access to try this on an experimental basis.

**Jene Moseley: (written comment)** The Mexican gray wolf are the smallest sub-species of North American gray wolves. They are also the most endangered with only about 200 individuals in captivity. In 1998, 34 Mexican gray wolves were re-introduced to southeastern AZ. While the goal was to gradually introduce about 100 wolves to both the Apache-Sitgreaves and Gila National Forests, only about 50 remain today. According to NM trapping laws, it is permitted to set steel jawed leg hold traps in areas where Mexican gray wolves are known to exist. With this particular species so endangered, why is such a practice allowed and why hasn't it been outlawed?

**Mary Baumhauer: (written statement)** I don't understand why trapping is allowed on public land.

**Maryanne Coppinger: (written statement)** Although I believe in hunting, I believe this trapping of wolves and other animals is inhumane and unnecessary. Please eliminate these practices in our state.

**AGENDA ITEM NO. 21: [DID NOT GO INTO]--Closed Executive Session.**

**AGENDA ITEM NO. 22: Adjourn.**

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

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

Meeting adjourned at 6:23 p.m.

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

August 28, 2010  
\_\_\_\_\_  
Date

s/  
\_\_\_\_\_  
**Jim McClintic**, Chairman  
New Mexico State Game Commission

August 28, 2010  
\_\_\_\_\_  
Date

Minutes Transcribed by: Katie Gonzales

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