

MINUTES
NEW MEXICO STATE GAME COMMISSION
Inn of the Mountain Gods Resort & Casino
287 Carrizo Canyon Road
Mescalero, NM 88340
October 28, 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 – present
Commissioner Arvas – present
Commissioner Fonay – present
Commissioner Salazar – present
Commissioner Salmon – present
Commissioner Salopek – present
QUORUM: present

AGENDA ITEM NO. 3: Approval of Agenda.

MOTION: Commissioner Arvas moved to accept the agenda for the October 28, 2010 State Game Commission Meeting. Commissioner Salmon seconded the motion.

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

AGENDA ITEM NO. 4: [PASSED OVER] Introduction of Guests.

There were approximately 180 members of the audience in attendance.

AGENDA ITEM NO. 5: Approval of Minutes (August 28, 2010 – Albuquerque, NM).

MOTION: Commissioner Salazar moved to approve the Minutes of the August 28, 2010 State Game Commission Meeting in Albuquerque with a couple of typo corrections. Commissioner Fonay 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.

Pat Block: Next Wednesday morning, the Department will be having an online-only sale of the late season cow/antler point restricted bull licenses that happened toward the end of the year. There are still a few youth hunts left. If you do attempt to purchase one of those licenses, we encourage everybody to log into their account before the sale begins. Last year we sold about 500 in about 1.5 minutes because there were that many people connected and they grabbed onto those licenses, so log on early and look for those next Wednesday morning, November 3, 10:00 a.m., MDT.

AGENDA ITEM NO. 7: Revocations.

Presented by Dan Brooks – The Department presented a list of individuals the Commission considered for revocation that met established revocation criteria. The hearing officer's recommendations for the 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 121 individuals for the period of time specified. **Commissioner Salopek** seconded the motion.

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

AGENDA ITEM NO. 8: Adoption of Amendment to the Trapping and Furbearers Rule (19.32.2, NMAC) to Conform to the Executive Order 2010-029.

Presented by Jim Lane – In accordance with the Executive Order, the Department proposed amendments to the Trapping and Furbearers Rule (19.32.2, NMAC) to prohibit trapping in the Gila and Apache National Forests within the Blue Range Wolf Recovery Area beginning November 1, 2010 for at least six months.

Commissioner Salazar: Are there any areas in the state that are currently closed to trapping?

Jim Lane: There are certain areas in Los Alamos County that don't allow trapping.

Commissioner Salazar: There are areas where we don't allow trapping, so it's not just this one? You make reference to outdoor recreation revenue of \$300M in NM which is quite a revenue builder. That's sportsmen's money coming in. How much of that is the trapping portion?

Jim Lane: That \$300M is not direct revenue in license sales. I don't have that figure.

Pat Block: That information comes from a national survey that USFWS does every five years. I don't believe it breaks it down to trapping discretely. After the meeting we'll take a look and if that information is available we'll get it to Commissioners.

Commissioner Salazar: Trapping is big economy in this area. We don't want to cut that off, but we need to take care of the wolf in this situation. What types of traps can be used that will not harm wolves and have we had injuries to wolves from traps?

Jim Lane: There are a wide variety of traps that are legal to be used for regulated furbearer trapping. There's an important distinction between that and the unregulated trapping that goes on for coyotes and any protection of life/limb/property that landowners are allowed to do. Regulated trapping involves a wide variety of traps, anything from foothold to snares. Have we had wolves caught in traps in NM? Absolutely we have. Were those by regulated furbearer traps? I don't know that we can answer that because we didn't gather that data. We have had wolves trapped in NM, but whether those were by regulated furbearer trappers I don't know.

Commissioner Salazar: I'm hoping we can come up with recommendations to protect ranchers and allow them tools to take care of their property and take care of critical genetics for the wolf.

Commissioner Salopek: Wording we're going with "minimum" when the executive order said up to six months?

Jim Lane: That's the recommended wording.

Commissioner Salmon: How confident are you that you can complete this review and have recommendations in place within the six month period?

Jim Lane: Absolutely, 100% confident that that would be done by April.

Director Stevenson: Give an idea of what that timeline is that we'd have the contract information back, be able to access it and move forward with Commission?

Jim Lane: We have a contract in place with deliverables due to the Department by March 1, 2011. We'll then take a look at recommendations, make comments from the Department back to the Cooperative Unit, a final product due to us by April 1.

Public Comment:

Jean Ossorio: I urge you to pass this resolution, changes to the rule, allow research to proceed, then re-evaluate in April.

Travis Watson: I disagree with "minimal". You've taken another fur trapping season out. I agree with the study but I hope the study is honest too.

Wayne Derrick: There's never been any scientific data/proof that shows trapping has hurt wolf populations. If these are hybrids we're protecting we're wasting our time because it's against federal law to introduce them into the wild. Trappers are being honest and now you're going to punish them for it.

Bill Brockman: I oppose this trapping ban.

Mary Katherine Ray: Wildlife Chair for Rio Grande Chapter/Sierra Club. We support this executive order and hope you adopt it.

Wendy Keefover-Ring: Director of Carnivore Protection/WildEarth Guardians. I urge you to support the trapping ban.

Commissioner Salazar: If this study came up with a change/recommendation to trapping regulation that would put a different kind of trap that wouldn't injure the wolf, would you consider looking at that minimum six months and allow us to act quicker and put that regulation in as far as the traps?

Wendy Keefover-Ring: I've talked to a Wildlife Services trapper and it's hard to get a trap that is not going to injure wolves. If you put a trap out for a coyote, the limb size on a Mexican wolf is small enough it's almost the same size as a coyote. I don't see how we're going to mitigate unless there are all kinds of protocols.

Jim Lane: The ban does not affect coyote trapping. Coyote trapping will still be legal with the ban.

Phil Carter: Wildlife Campaign Manager/Animal Protection of NM. I urge the Commission to support this amendment and honor the Governor's wishes.

Garth Simms: Representing Sportsmen's Landowners Coalition. We oppose this ban.

Burt Ancell: President/NM Cattle Growers, and a member of Sportsmen's Coalition. We are against ban on trapping.

Lauren Nunn: A rancher from NM. I'm against this mandate.

Charlotte Salazar: I do not support the trapping ban particularly it being for a minimum of six months. **[Action item]**

MOTION: Commissioner Salazar moved to adopt amendments to the Trapper and Furbearers Rule 19.32.2.10.B.10, NMAC, consistent with Executive Order 2010-029 as follows: Commencing November 1, 2010, for a minimum of six months, it shall be illegal to place, set, or maintain any steel trap, Conibear trap, foothold trap, or snare anywhere on public land within the Gila or Apache National Forests in New Mexico, unless otherwise allowed by statute. The prohibition shall remain in place until the State Game Commission takes action based upon a Department study to assess the risks to Mexican gray wolves due to trapping and a determination if some methods of trapping could be allowed that pose minimal risk of injury to the Mexican gray wolf. **Commissioner Arvas** seconded the motion.

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

AGENDA ITEM NO. 9: Adoption of Proposed Amendments to the Bear and Cougar Rule (19.31.11, NMAC).

Presented by Jim Lane – The Department recommended adoption of proposed amendments for the 2011-2014 hunting seasons and discussed public comment received to date for the Bear and Cougar Rule (19.31.11, NMAC). The amount of cougars and the maximum sustainable harvest was lowered to 745 cougars statewide.

Chairman McClintic: That's down from 996, and that's what you had posted on the webpage?

Jim Lane: Yes, sir. Until today our proposal has been 996. I want to make clear that our recommendation and at the Commission's prerogative, if these are adopted, it will change the management strategy for cougars in the state. We'll go from what we proposed to begin with to stabilize populations in 63% of the state to increasing cougar populations in that proportion of the state. We lowered the total harvest percentage of the population in 63% of the state from 25% of that population to 17%. In the proportion of the state that we proposed to decrease cougar populations, the change in strategy will be to stabilize those populations, or decrease and that will be dependent upon the female harvest. To do so we lowered from 30% total take of the population to 25% of the total population that resulted in that bottom half, so it's a clear change in strategy from stabilization/decreasing to increasing in 63% of the state and stabilized in 37% of the state. The overall net change was from 996 to 745 cougars, and 386 female cougars potentially being harvest to 299.

Director Stevenson: If you look at those numbers, that's simply a change in management strategies to get down to that lower number based on what we've heard from the public. We've stood by our science since we put that out in early July. We believe those are good occupied habitat areas of the state and that population we believe is out there. We've not changed that to come

up with this strategy. We're still looking at those areas in the state that we were concerned about with need to decrease some that we've moved to a stable/slight decrease on those areas and part of those others have been modified to accommodate that. I don't want anybody to think that we've modified what we've looked at/comfortable with as an agency, and with a recommendation as far as what we've developed are population numbers out there on the ground. I wanted that very clear.

Commissioner Fonay: This is a four-year rule but in a year we'd have opportunity for public comment, and maybe it'd be a good idea to say something about how the Department/Commission would go about the timing of that?

Jim Lane: As with all data we assess, we do that annually. We constantly review trends based on new data and come before the Commission with recommendations. The timeline would be after hunting season is over. We'd analyze all data available to us including age data from teeth we pull from bears/female cougars. We'd come to the Commission and present what trends indicate, and whether we are going toward our management objectives, whether we're headed in the right direction, and that would happen in the June timeframe each year.

Commissioner Fonay: The public obviously would have access to data and be able to make whatever comments they'd want at that time to the Commission/staff?

Jim Lane: Yes, sir.

Commissioner Arvas: There's been criticism of Department. What was the actual length of the Hornocker lion study in terms of years? It cost almost \$10M.

Jim Lane: Nine/ten years. It was quite an expensive study.

Commissioner Arvas: I wanted you to comment on the Department throwing out the results of that study. The Department implemented a new study on the Ladder Ranch where a younger person developed some theories you're adopting at this time.

Jim Lane: That's not the case. Our population estimates are based upon the best available science. That includes that study.

One thing happening with those cougar populations in the San Andres was that it grew the entire time of that study with no end in sight. It never did level off. Population densities within that study by Kenny Logan continued to climb. We are utilizing that study. New data provided to us by Dr. Travis Perry in that study we've paid for, and we'll continue to expand the depth of the research we put into determining how many bears/cougars we have on the landscape, but we certainly haven't found any relevant science.

Commissioner Arvas: In constructing the present cougar rule you have used all the science available to you?

Jim Lane: Yes, sir. I'm open to any available science that would make what we do better.

Commissioner Salazar: Commission rules say that we don't make changes within the last 24 hours. We have unlimited harvest on cougars, we never reached take we wanted, how do we reduce the numbers on these animals? Everybody is in favor of the education so we don't reach that female sublimit. What other strategies can we look at? The original thing was doubling, now it's somewhere in between.

Jim Lane: It's about 51%.

Commissioner Salazar: Do you think we'll reach that?

Jim Lane: We certainly will not reach the total harvest limits. I don't anticipate that we will through sport harvest. There are zones that we close every year because we reach either the female sublimit, or we reach the total mortality limit in current rule. Those limits are going up if the Commission adopts the proposal that will allow additional harvest. In those zones where we'd like to see additional harvest, and in zones where we want to target a decreased population, the current proposal will allow the Department to take management action to do so be it through contracts/Department actions to increase level of take in those zones.

Commissioner Salazar: That's my concern because when we had unlimited licenses, we still never got to where we wanted. Now, we're proposing increasing to try to take female sublimit out, and that along with education will help somewhat. That section about the Department management actions independent of season harvest limits, what would be the critical management needs you feel you would have to act quickly without getting Commission approval?

Jim Lane: We shut a zone down last year in Desert bighorn sheep country because the female sublimit was met. We were unable to go after offending cougars in that zone until the new season opened because of the closure. The Department was prohibited by rule to take action. This would allow us to remove offending cougars in those areas without that provision.

Commissioner Salazar: Is there some way that the Commission could be made aware of this prior to action? Where did we come up with the science on 742 you presented?

Director Stevenson: Two things on points you've raised. One is the issue of what should the Department be recommending when we're looking at the number of animals that get harvested. What the Department is recommending is the total population of animals out there, and where do we need to be as far as managing those total populations? Numbers that have moved from that 1,100+ to 996 to now 750 are all based on what we did moving from 1,166 to 900+, we looked at overall populations, decreased those slightly. We've been saying consistently that we've got increased populations of cougar that we've been underestimating statewide. For that reason, the Commission needs to understand that even if you're not going to achieve those with potential hunter harvest, you need to understand how many cougars you need to be taking out of that population to keep it stable or to achieve whatever the goals are for the Commission, whether it's increasing/decreasing or keeping that stabilized.

750 came from us looking at other options. That's a science-based number, and that's based now on 28% of the state. We've been asked by at least one Commissioner to look at whether there is another opportunity to reduce that based on what we've heard from the public. We've brought that forward this morning not with the change of what we had there originally, but another alternative for the Commission to look at like you would any other Commission action that's under your authority to modify.

Chairman McClintic: The reason I asked the Department/Director to see if there was a better number that would satisfy some people that thought the number was too high is I wanted it to be science-based. It was just an idea of what they thought they could live with bare bones. I'm not saying they're happy with it, but this was the number they could live with and that's why it was done. It's not a change as far as what was posted.

Commissioner Salopek: As of October 13, nobody can hunt bear. With cougar, I'm glad with the science we brought the number down because that's been a hot issue. On cougar mortality, is that included in the count when a car hits one? If it's a female, it comes off the female count? Is bear in the same situation?

Jim Lane: Yes, sir.

Commissioner Salopek: I'd like to see consistency, and that's a four-year rule, knowing we're going to look at this in four years. What happens if something happens to the elk population? I'd like to see harvest reports mandatory on bear/spring turkey, everything. When you buy a license you have to fill out your migratory bird, I'd like to see if it cost everybody \$1-\$4 or however we implement it so that we know exactly what's going on with the animals before we get into the next hunting season because we don't want to wipe out any species.

Commissioner Salmon: On the cougar issue, I was looking at the kill numbers going back 30 years. During any one year, the highest kill total was 250 including sport/depredation harvest/roadkill. This included most of those years when there was no quota at all, so if we're only managing 250 at most, and the average was under 200 p/year, why would we have a quota so much higher than that now and expect to increase harvest?

Jim Lane: First, I'd like to make the distinction between quota/harvest limits. These are maximum harvest limits we're telling the Commission/public could be attained to meet management objectives. It's a difference between quota where we'd say we want this many to die and we're going to make sure that happens. The reason those are higher is because that's based on the best available science and it's the Department's job to come to you with sound science/recommendation. Will we reach those harvest limits in all zones? We will not. I'm almost convinced of that. Will we reach those harvest limits in some zones? I think we will, so it's going to be a split on whether we reach those or not; therefore, our management strategy objectives will/will not be met.

Commissioner Salmon: When you have unlimited take and you're only taking 250 or less, and then you come in with figures like we have today, it makes you wonder about the estimated population we're working with. I know that varies from one expert to the next. I'm sure you've gotten the best numbers you can but if you're only taking 200 or so when it's unlimited, is it possible this Perry study or other studies you're using are giving us an inflated statewide population?

Jim Lane: I'm confident in the data we used to come up with that population estimate.

Commissioner Salmon: I agree it appears the bear population has increased in recent years. I think the 7% solution is too low. You came up with an estimate of current bear population that had high/low number, I think you took the mid-point which is not unreasonable but going back to the Miller study where he commented that you can knock a bear population down in one year, but if you get it down below where you want it, it can take many years to build it up again. It would be a good idea to use as your population estimate the low end rather than mid-point, a suggestion to avoid overharvest.

Jim Lane: The population estimate we used for bears to generate these harvest estimates is no change from 2004. We did that as a conservative measure. I firmly believe that we have literally thousands more bears on the landscape in NM than we're using to generate those harvest limits. I'm quite comfortable with the population estimate we've used to put those harvest limits in place.

Commissioner Salmon: The numbers are based on the population estimates and estimating bear/cougar populations is an imperfect science. It's worth noting there's quite a spread of estimate depending on which study is used.

Commissioner Salopek: On cougar management classes we'll have to take, do those start with the next hunting season, and will it be at the Department?

Jim Lane: That's available online and certainly could be available at any of our kiosks at the area offices, and it will be for the 2011 season.

Commissioner Salopek: Is it a test and we'll have to go through it before we can buy our cougar license?

Jim Lane: The way the rule is written/proposed, there will be a confirmation number, an identification that you'll have to have with you in the field when you're cougar hunting. You'll have to have your cougar license and this for that cougar license to be valid.

Commissioner Salopek: That's a great idea. We might want to think about that for bear too.

Commission Arvas: I assure you that the Commission/Department, if there's anything that looks even remotely out of place in terms of harvest numbers, they'll react immediately. This is not something we set the number and then all of a sudden no one worries about it until the following year.

Commissioner Salmon: Considering whether the cougar population harvest might equal the estimate, you mentioned the possibility of contract work. Could you expand on what you had in mind?

Jim Lane: Exactly as you stated. The contract work we have with Desert bighorn sheep, certainly I could foresee the potential if we had an offending/problem cougar in a neighborhood we may need to contract going after that animal.

Commissioner Salmon: I wondered if by contract work you meant a more generalized approach to thinning out lions in a particular zone or something like that over/above sport harvest or individual depredation response?

Jim Lane: Certainly a contract could be useful in such situations especially with depredation response, but what I had in mind was specific to Desert bighorn sheep.

Public Comment:

Harvey Twite: I hope we can get the politics out of what happens between the Commission/Department.

Bill Brockman: I support the proposal.

Barry Stewart: I'm Vice President/Director of PredatorMasters. I support the Department's proposal.

Christin Hartsock: Do we really know how many cougars are out there, if 200 or less have been taken this year? Why such a drastic increase?

Jim Lane: I'd like to point out females w/kittens are illegal to be harvested and will remain so with this proposal, as well as sow bears/cubs. Secondly, we've addressed adequately why the proposed increase. It's based on sound management recommendations. Will those harvest limits be met in some zones? I think they will, but in some zones they will not, but that's the Department's recommendation to the Commission.

Preston Stone: I urge you to support this proposal.

Jean Schweedler: I think percentages are too high. There are other things that can be done to address this issue.

Jean Ossorio: How many cougars are currently being taken out annually under contract to protect Desert bighorn sheep and what's the annual cost for that?

Darryl Weybright: I can get a precise number of what we annually pay cougar contractors to you when I get back to the office. It varies because some years there are many cougars that are trapped/killed, and then some years we don't kill any cougar on those ranges.

Jean Ossorio: I thought I understood that over the past number of years, the maximum number of cougar taken out by hunters/mortality has raised to around 250. You're projecting 746 are to be taken under this new plan. I thought I heard something about contract work. Do you have any kind of estimate on cost of that?

Jim Lane: Contract work I referred to was specific to Desert bighorn sheep and any specific potential problem animals, not to make up any such so called shortfalls. Once again, those levels in the proposal are not quotas. Those are harvest limits that could be taken to maintain a stable population in part of the state and will result in increasing population. I just want to make that distinction. As far as cost, it's going to be a comparable cost to what we pay our cougar contractors.

Ron Corvin: I hope you as the Commission listen to the biology/science and keep politics out because they have no place managing wildlife.

Mary Katherine Ray: I ask you to retain the quotas based on the Logan Study which does comport with other states and is much more in line, and definitely much more conservative.

Wendy Weir: As far as reaching quotas/harvest levels proposed for bear/cougar, will public trapping be a part of this or will it only be reached by hunting licenses?

Jim Lane: No, the proposed harvest limits do not include trapping. They do include movement of animals by the Department through culvert traps. They include roadkill, any animals killed by Department employees, or landowners for depredating lion/bear, and they include sport harvest.

Wendy Weir: So there won't be any trapping licenses for these animals?

Jim Lane: No.

Caren Cowan: The Presidents of NM Wool Growers/Cattle Growers Associations/Federal Lands Council support the Department's proposal.

Commissioner Salazar: I don't think that applies to the landowners on depredation issues, does it?

Jim Lane: No, it would not. That's for sport hunting/licenses.

Joel Alderete: I'm Regional Director for NM Farm and Livestock Bureau. We too are in support of the Department's proposal but we back what the Coalition will present on back to the mandatory I.D. We're opposed to mandatory I.D.

Wendy Keefover-Ring: I'm Director of Carnivore Protection, WildEarth Guardians. In this case we stick with the Logan Study and status quo, and stick with the quota of 490.

Robert Espinoza: I'm Executive Director of NM Sportsmen for Fish and Wildlife. We support the Department proposal.

Garth Simms: I represent Sportsmen's Landowners Coalition. Regarding bear, we support the Department's recommendation of increased limits. We also support the experimental spring hunt in the Valles Caldera, and we support opening a statewide spring hunt down the road if, in fact, the information gained from the Valles Study supports it.

Commissioner Salazar: You oppose the mandatory I.D. requirement. I didn't understand why you said we had promised that. I don't think the Department ever promised on the optional one. Why would you oppose that when it'd increase your hunt if you reduced taking females? You'd have more hunting opportunity.

Garth Simms: That's why we'd like to see limits on take of females. We'd like to see hunting males only after that female level is reached. The reason we oppose the mandatory I.D. is because our members oppose it. I think I made that proposal and I asked that we run it for a period of time as voluntary. I thought if it was successful and worked well, we could go ahead and move that because I want to see increased harvest. Some members of our group don't want it to be a mandatory requirement.

Phil Bidegain: The Department's proposal is very good if you're increasing quotas in GMU 42, Zone 2-A and Zone D.

Phil Carter: Wildlife Campaign Manager for Animal Protection of NM. The Department in the last couple of days has reduced these numbers. They're still higher than anywhere else in the western U.S.

Charlotte Salazar: I recently started NM for Pro-Active Wildlife Predator Management. We support the spring bear hunt.

Jim Cooper: I oppose the limit of the use of dogs just during the daylight hours. I support spring bear hunts throughout NM.

Chairman McClintic: Leo Sims from Hobbs was on this Commission for seven years, and past-Chairman of the Commission. At this time we want to recognize Leo with a plaque.

Leo Sims: It was an honor to serve on the Commission. Thank you, so much.

Director Stevenson: From the Department's perspective, we very much appreciate all the conversations and all the work. I don't think folks realize how much time/effort it takes to be a Commissioner. We ask Chairman/Commissioners for a lot of things beyond getting ready for these meetings, also for your conservation efforts on your properties beyond what you do as Commissioners. Please accept our gratitude for all your work on all fronts for wildlife in NM, and for sportsmen.

Leo Sims: It's been a pleasure serving the Department, and the Department needs recognition for the right things they do.

Commissioner Salazar: On the experimental spring bear hunt, I'd like to see reporting on the mortality of the bear cubs. Is that possible?

Jim Lane: That certainly would be possible. We have timed that hunt to avoid the take of sows. It's illegal to take a sow w/cubs. That will remain so, but certainly if we see cub mortality we will report that to the Commission.

Commissioner Salazar: I'd like to see not only concurrence with the Chairman on those decisions, but notification to the Commission within 48 hours so that the Commission knows what's going on. It's important that you keep the Commission informed on what's occurring. I do not like a one-year rule opening. One year does not make a trend that's why we're getting these up/down spikes in our numbers. I want to see the rule open in four years, but again I'd like to see that every year you report so we're aware of any changes/adjustments. I'd like to see every year there be a summary report. Reporting/strict penalties are great. I'm concerned with the population of bears in the Sandias/Manzanos because it's tenuous. I'd like to see a lower number at that point if possible.

Chairman McClintic: What's the change you're proposing in the Sandias/Manzanos from where we're at to where you want us to be?

Jim Lane: We have proposed increasing the harvest limit within the Sandias/Manzanos from 7% of the population, to potentially 15% of the population with a 40% limit on female take. In the past couple of years that zone has closed due to us moving bears. I'd anticipate that trend to continue. I'd be surprised if the Sandias/Manzanos are affected through sport hunting in any way/shape/form.

Chairman McClintic: So, what you're saying is that from our removal of problem bears, bears being hit by cars, we haven't been hunting there because we've reached our quota before hunting season. Is that what I'm hearing you say?

Jim Lane: Yes, sir.

Chairman McClintic: Do you have a record of how many bears you've gone over in the Sandias/Manzanos if there were no problem bears, if there were no roadkill or anything, how many more bears we've removed than what would have been if it was just sportsmen hunting them?

Jim Lane: We have removed 18 bears this year.

Chairman McClintic: What was the limit if it was just hunters harvesting?

Jim Lane: The limit was 12. We're already over the 12. We have removed 30 bears. I was mistaken.

Commissioner Buffett: I concur on the Sandias/Manzanos, Zones 8 and 14. I'd like to see that coming down from 15, closer to 10%. The majority of letters I received from the East Mountains asked us not to increase the bear hunt in that area, so the community is by and large supportive of bears in their community and don't want to see a drastic increase. On the cougar tooth collection, I'd like to ask that continue to be a robust part of the analysis of the cougar populations. I couldn't really make heads/tails of what I received but it seemed that only 70 samples existed, and my understanding was that we were going to be collecting teeth from every cougar every four years and we only have 70 samples?

Jim Lane: We're collecting teeth from the female component of the harvest. That is the important part of the harvest to track. We look at a percentage of adults within that harvest, but we only pull teeth from female cougars.

Commissioner Fonay: I agree on that change where they need to act quickly, should require concurrence of the Chair, and notification to the Commission within 48 hours. I also concur with leaving the opening of the rule for this full process on a four-year basis with a report every year. I'm fine with the changes they've proposed that may not come into play because of the movement of bears in the Sandias/Manzanos, but to list that at a 10% take instead of the 15%.

Jim Lane: If in fact that becomes part of a motion, I do want to be on record that the Commission would be changing the management objective for the Sandias/Manzanos to stabilize the bear population, not to decrease it as our intent is currently. I want to be clear that if we drop that into the 10% bracket, we'd move that zone to a stabilized management objective.

Commissioner Salmon: I concur with the four-year review with the annual presentation report, and also with the recommendation on the Sandias to stabilized instead of decreased mode from 7% up to 10%.

Commissioner Salazar: I have an issue with the cougar numbers and changes that have occurred at the last minute. I feel we should stay with the 2008 cougar numbers until we get more information. I'm not pleased with the last second change in those numbers and what went on. I think the bear rule is fine except with that Manzano change.

Chairman McClintic: We didn't change anything. We got a proposal for 996 that can be voted on.

Commissioner Arvas: We were handed two letters by Animal Protection of NM that I'd like Jim Lane to address. Tell us if you talked to/relayed our information/numbers to the surrounding states being Colorado/Utah/Arizona/Wyoming and did they concur with your findings in terms of your proposal?

Jim Lane: That in fact is the case. We contacted all the surrounding states and their cougar/bear biologists and had them review our proposals. Without exception they were in agreement that we were on the right track.

Commissioner Arvas: Secondly, I'd recommend to my fellow members on the Commission that we not arbitrarily pick numbers out of the air that are not scientifically oriented in terms of harvest numbers. I'd recommend we try to stay with what the Department is proposing. I'd hope the rest of the Commission feels that we need to give the Department our support in terms of the scientific effort they have given to that.

Commissioner Salopek: I concur. My biggest push was for the four-year rule. **[Action Item]**

MOTION: Commissioner Salazar moved that in Bear Zones 8 and 14 be reduced with the 10% in the Sandia and Manzano Mountains while keeping the Department's proposed percentages in the new zones elsewhere. I'd also like to see maintaining the existing 2008 cougar quotas, that's 496, in place. I'd like to make the cougar hunting education for identification for females mandatory, include strict penalties for fraudulent harvest in reporting language, keep four-year rule opening, and also a one year summary report to be placed to the Commission, to also in the concurrence section in the Section 19.31.11.7 adjustments of license permits, I'd like to have that concurrence with Chairman and notification to the Commission within 48 hours. I'd like to see the spring bear hunt in experimental areas of the Valle Vidal, including the reporting on elk calf and bear cub mortality.

Commissioner Buffett seconded the motion.

Chairman McClintic: What we need to do in fairness to everybody, and every Commissioner because what's happening here, Kent, is there's a lot of things that you proposed that we want, there are some things that I can't support so why don't we take the issue one at a time.

Vice-Chairwoman Buffett: Mr. Chairman, we follow Robert's Rules of Order here and there is a motion and a second on the table.

VOTE: Voice vote taken. All present voted—three Affirmative (**Commissioner Salazar, Vice-Chairwoman Buffett, Commissioner Salmon**); 3 Dissented (**Commissioners Salopek, Fonay, Arvas, Chairman McClintic**). **Motion failed.**

MOTION: Commissioner Fonay moved to amend Commissioner Salazar's motion to leave the proposed cougar take as proposed by the Department today, I believe 742, and all other issues that Commissioner Salazar had moved for to stay the same, but the cougar take to be the same as proposed by the Department.

Commissioner Arvas: I'm afraid that not only am I getting confused, but I think the public is also. Commissioner Fonay, what I would recommend we do is what the Chairman tried to get you to do before. Let's break out each one of the components if you desire to vote on Commissioner Salazar's proposal. Let's break each one as an individual item then that way we have an opportunity to respond instead of trying to get a whole block of things and try and confuse one with the other, let's just take them individually.

Commissioner Fonay: I'm absolutely fine. We'd already made the motion but that's fine. I would make a motion on page 3 then under Item B where it says there "that the Department may take management actions independent", and then there's three lines there. I would like to modify that to say "that the Department may take management actions with concurrence of the chair and notification of the Commission within 48 hours." I would make that in the form of a motion. **Commissioner Arvas** seconded the motion.

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

MOTION: Commissioner Fonay moved to see then where it says this rule shall be open once annually, I would change that to, and I might need some help on the wording here, this rule shall be opened every four years, but reviewed annually with a report to Commission and opportunity for public input. **Commissioner Arvas** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative (**Commissioners Arvas, Fonay, Salazar, Salmon, and Salopek**). **Vice Chairwoman Buffett** abstained. **Motion carried.**

MOTION: Commissioner Fonay moved to the other one that Commissioner Salazar had mentioned was on bears in the Sandia and Manzanos that that would be a change in management strategy from a decrease in population to a stabilization of population with a maximum take of 10%. **Vice Chairwoman Buffett** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative (**Commissioners Arvas, Buffett, Fonay, Salmon, and Salopek**). **Commissioner Salazar** opposed. **Motion carried.**

MOTION: Commissioner Fonay moved to I'd look for a procedural issue there. I'm not looking to change—

Chairman McClintic: No, Gary, we got 994 on the table. They talked about 742, okay?

Commissioner Fonay: Procedural issue. I would like to amend to move that back to as proposed by the Commission—by the Department (inaudible) of 742. **Commissioner Arvas** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative (**Commissioners Arvas, Fonay, Salopek, and Salmon**). **Vice-Chairwoman Buffett and Commissioner Salazar** opposed. **Motion carried.**

Director Stevenson: I think you probably just need to adopt the rest of the rules as they were presented.

MOTION: Vice-Chairwoman Buffett moved to make the cougar hunter education for identification of females mandatory.

Jim Lane: That's in the proposed rule.

MOTION: Commissioner Salopek moved to accept the rest of the proposals as presented. **Commissioner Arvas** seconded the motion.

Commissioner Salazar: I just wanted to make sure that we had as part of that the bear cub mortality in the reporting, too, and as part of that. That's a minor change.

Commissioner Salopek: Spring bear?

Commissioner Salazar: The spring bear hunt, that addition to the report. Do I need to make a change to that?

Chairman McClintic: Well, yeah, it might be better that we vote as is and then we have the Director direct the Department to do that?

MOTION: Commissioner Salopek so moved. **Commissioner Arvas** seconded the motion.

Vice Chairwoman Buffett: Point of clarification. I'm confused as to what this motion is on.

Chairman McClintic: We're adopting the rest that's on the table including the identification of (inaudible). Kent wanted to add something on bear cubs that would be (inaudible) that we as a Commission can direct the Director and the Department to do, and tell them on the Minutes that that's what we want.

Tim Frybarger: Well, you'd have to make another motion to add that if you wanted to add that in the wording, or you can just direct us to do it and we will go do it.

Chairman McClintic: And I think if we direct you to do it, it's probably going to have more strength, and Kent's fine with that Sandy.

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

Chairman McClintic: Kent, now direct—ask the Commission to direct the Director and the Department as a matter of record.

Commissioner Salazar: Director Stevenson, could I ask you to direct the staff to include the bear cub mortality as part of the spring hunt report on the effectiveness?

Director Stevenson: Be more than glad to do that.

AGENDA ITEM NO. 10: Adoption of a New Rule - Private Land Antelope License Allocation (19.30.12, NMAC).

Presented by Jim Lane – The Department recommended adoption of a proposed new rule and discussed public comment received to date for the Private Land Antelope License Allocation Rule (19.30.12, NMAC). **[Action Item]**

Commissioner Fonay: On point of clarification, the current system is that if somebody draws a license through the draw, if that individual is assigned a ranch, then he/she has to hunt only on that ranch for the duration of the hunt, and the rancher who's getting the authorizations, when he sells those to somebody same position ranch only and this A-PLUS System as proposed, would allow either the draw permittee or the individual that received that allocation from a rancher after the first day of the hunt to then go to other private land there with authorization or accessible public land, correct?

Jim Lane: Yes, sir.

Commissioner Fonay: If we compare this to an elk situation, ranches being compensated for providing habitat/water/feed for the game animal, that's appropriate. If that authorization can go unitwide, then does that rancher have the incentive to help that species, and look at elk as an example, when you enroll your ranch you can either go unitwide or ranch only, but we have a lot of ranch-only permits where we have hunters that can only hunt that ranch and people are hunting during that period of time unitwide. I'd like the Commission to look at that and consider allowing that public draw hunter to go on other public/private lands with permission, but leave the ranch only permits as ranch only. I think that's more in keeping with what the Department is trying to do to compensate that rancher for what he's done for wildlife.

Jim Lane: The ranch only and the ability to move lies in the pronghorn rule, not in A-PLUS, so that would be taken up with the next rule we'll discuss.

Commissioner Fonay: Well it's on page 3 under 10 here. I'm not disagreeing with you but I've looked at this.

Jim Lane: I do not have the rule in front of me. It was brought to my attention that that lies in the pronghorn rule, so I may be mistaken.

Commissioner Fonay: Well, I could ask those that have the rule in front of you, the third page top of page, F, under Agenda Item 10, which is where I read that.

Jim Lane: I stand corrected.

Commissioner Salazar: For consistency, we have to make an amendment to go with the existing trespass statute/rule. This section has a conflict in the next section as well, so I'll make a proposal, but that's in the same section as well.

Commissioner Salopek: The antelope hunts, have they all been three-day hunts or are they now all three-day hunts?

Jim Lane: That lies in the pronghorn rule, but you'll see that in the next presentation.

Commissioner Salopek: My goal has always been to at least try to hunt the ranches that don't sign up the second/third days. Is that what can happen under this proposal?

Jim Lane: Yes, sir. They'd be able to hunt ranches that are not enrolled.

Commissioner Salopek: The second/third days?

Jim Lane: Yes, sir.

Commissioner Salmon: How many antelope permits are sold/issued each year, either public draw/private tags together?

Chairman McClintic: About 5,000.

Jim Lane: We run about 5,000 total. It goes through the public draw about 1,200.

Commissioner McClintic: So it'd be about 6,200?

Jim Lane: No, total 5,000 of those about 1,200 are run through the public draw.

Commissioner Salmon: Under this current proposal, would an additional 100-150 permits be issued through the public draw?

Jim Lane: That's correct. That's through the public draw ranches that we will enroll. There are also about 170 youth-only hunting opportunities that we'll run through the public draw.

Pat Block: Last year we drew 1,785 licenses through the public draw, so it's higher than the 1,200.

Jim Lane: Of those about 1,200 were rifle hunters.

Public Comment:

Randall Major: I support keeping the current system on antelope hunting the way it is.

Oscar Simpson: There are a tremendous amount of sportsmen dissatisfied with the current system. The Wildlife Federation has over 6,500 comments saying either (1) they want more permits; or (2) we support Option 3 or 3-A. The Department's preferred Option 1 doesn't meet any of that criteria, and if you look at the analysis and whether they presented the information, they didn't meet the basic criteria, transparency/hunter satisfaction.

Garth Simms: On behalf of Landowners/Sportsmen's Coalition, the Coalition was comfortable with the proposals made by the Department. We encourage the Department to continue to notify landowners as early as possible in the year how many tags they'll be getting. For the record, the names of the organizations involved in our Coalition: Cattle Growers/Wool Growers/Sportsmen for Fish & Wildlife/Safari Club-Southeast and Northern NM Chapters/Council of Outfitters/NM Chapter of Wild Sheep Foundation/NM Trappers Association/Farm & Livestock Bureau/SW (inaudible) Lands/Farm Credit of NM.

Bill Brockman: I support this proposal.

Clark Taylor: I recommend you approve Option 1.

Jeremy Vesbach: I hope the Commission considers Saturday meetings in setting next year's schedule. We want to make sure the Commission is aware of about 6,558 comments from hunters who wanted to see more improvement. An outcome of this system is about 50% of hunting opportunity going to non-residents. I appreciate the look at youth hunts, however, I need clarification on whether there are going to be 150-200 more permits because those are not reflected in the antelope rule. Are they going to come later?

Jim Lane: The numbers reflected in the antelope rule are up to numbers, and those will be determined each/every year based on our survey.

Jeremy Vesbach: So were they in the original proposal then, too?

Jim Lane: No.

Jeremy Vesbach: You're asking for a vote today and those increases are not reflected. We all need to recognize that this system is not working for all landowners. Data we get from the Department I understand is not perfect data, but more than half of private lands in antelope habitat are not enrolled. The only logical choice is to table this and look at doing better.

Sterling Spencer: I support what the Department had first recommended because this Commission oversees that the Department manages wildlife.

Preston Stone: I encourage you to take this proposal today, don't approve it for four years. Give this proposal one year. Let the Department draw the scientific data.

Jackie Powell: I'm a Lincoln County Commissioner. Do not do something by ballot, do it by science and do it slowly to keep it sustainable.

Robert Espinoza: I'm Executive Director for NM Sportsmen for Fish & Wildlife and we support this option.

Commissioner Salazar: When you said you explained what would happen under Option 3, is it basically what staff said, that landowners said they'd shut down the system and we would do away with hunting basically antelope? Is that what you told them?

Robert Espinoza: No, I explained that when we have a system in place everybody has to come to the table. You can't alienate one group so that we might get a percentage of the tags. If we got a percentage of the tags would that in the long term benefit antelope and their ability to hunt antelope in this state?

Commissioner Salazar: Do you know that the number of hunters every year is going down?

Robert Espinoza: Yes, but the number of antelope applicants has gone up.

Commissioner Salazar: I'm talking across the nation—the number of hunters, kids that we have hunting, is going down?

Robert Espinoza: That's correct.

Commissioner Salazar: The number one reason for that, do you know?

Robert Espinoza: The number one reason is less opportunity.

MOTION: Commissioner Salazar moved an amendment on page three, 19.30.12.9 F, that would read all authorizations issued pursuant to this section shall be ranch-only and valid only within the boundaries of the entitled ranch. All draw licenses assigned to a ranch shall be valid only within the boundaries of the enrolled ranch on the first day of the hunt and shall be valid unitwide within the assigned GMU's for the remainder of the hunt period. The reason we're trying to do this is to be more consistent with the existing trespass statute and we're going to see it's relationship to the next rule, in the trespass rule defined in the manner and method of taking of all species. That was a problem with the next rule we're going to be talking about. We'll get to that. This change will also ensure the transferrable authorizations remain ranch only and not unitwide, and that's because we've already I think gotten to the point where you know they have very little, and this is just taking a little bit more away from them. That's why I didn't want to see that go, so that would be my amendment is that first thing, that's why I move that amendment.

Commissioner Fonay seconded the motion.

Commissioner Arvas: On point of clarification, what you're saying, Commissioner Salazar, is you're moving to adopt 19.31.15 with your amendment, is that right?

Commissioner Salazar: Yes, that's correct.

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

AGENDA ITEM NO. 11: Adoption of Proposed Amendments to the Pronghorn Antelope Rule (19.31.15, NMAC).

Presented by Jim Lane – The Department recommended adoption of proposed amendments for the 2011-2014 hunting seasons and discussed public comment received to date for the Pronghorn Antelope Rule (19.31.15, NMAC).

Director Stevenson: We need clarification on that. It's under 19.31.15.9, Section B.

Jim Lane: The A-PLUS rule just passed/adopted, there was a modification by Commissioner Salazar to what we had proposed. As I understand it, to make all authorizations ranch only, and to allow the public draw hunters to move after the first day of the hunt off of the ranch they were assigned they'd still have to stay within their GMU. That language is also found in 19.31.15.9 Section B, which is page two of the rule, so to be consistent between the two rules modification will be required to this language also.

MOTION: Commissioner Salazar moved to on page 2, 19.31.15.9-B, the validity of license or permit and ending in the last sentence in that paragraph, in GMU's where ranch assignments are made public draw license shall be valid only on the assigned ranch for the first day of the hunt including all private and public land for the remainder of the hunt period, the public draw license shall be valid unitwide within the assignment GMU's.] in that section which starts the last sentence put in, in GMU's where ranch assignments are made, the public draw license shall be valid only on the assigned ranch for the first day of the hunt including all private and public land. For the remainder of the hunt period the public draw license shall be valid unitwide within the assigned GMU. Basically same language I put in the other one.

Commissioner Fonay seconded the motion.

Commissioner Arvas: There's confusion not only with what we're presently considering doing, but what we've already done. My understanding is that on Agenda Item No. 10, what we basically did, and simplifying the wording, what we said was that if a

hunter has a draw license, that he'd be hunting ranch only and that after the first day of hunting, he could hunt on any public land available in that unit, or private land with written permission within that unit. The problem that has developed as a result of conversations with the public is that if we do that, then that means that after that first day of hunting if there's one desirable public area, everybody could go to that area en mass, and I don't think the Department/Commission want that.

Jim Lane: That's certainly what I just heard.

Commissioner Arvas: It'd be appropriate to make a motion for reconsideration at this time on Agenda Item No. 11, and then after that we could give the Department until the December 9 meeting to work out the wording because it wouldn't be in the best interest of the Department/public to have everybody going to one area as a result of that motion.

Jim Lane: I agree with you. There's a simple fix and that's similar to what we do currently. We assign folks to ranches and those are ranch only licenses/authorizations.

Commissioner Arvas: To make it even simpler, since we haven't done anything on Agenda Item No. 12 yet, the reconsideration motion would include Agenda Item Nos. 10 and 11 be reconsidered. If it passes reconsideration, that would be done at the December 9 meeting.

Commissioner Salazar: My motion on the previous rule served two purposes—one was the trespass issue to clarify that and make that in accordance with state law and manner of taking. The second thing was I thought I was having the movement of hunters between areas by taking away the landowner authorization movement and allowing the public hunters. That serves another purpose. We have a very limited number of people in the public draw and when you allow those other hunters to compete with them on the public lands, you further took away their hunting opportunity. So, there are a number of issues that I thought that amendment served. My intent was not to overload a unit so I don't want to open that up again. If you want to sit down with the public or have some meetings and try to clarify this issue, I'd be willing to participate but not want to change my amendment at this time. It'd affect your trespass and other issues that we talked about.

Commissioner Salopek: To further clarify how I'm thinking, I understand that you don't want everybody in one public area. I know a lot of ranchers that don't sign their ranch up, never have/never will. I was just looking at trying to get access to those ranches. This gives us access to those that don't sign up. I know four ranches currently that I could personally hunt. I don't know if everybody else could because there are quite a few around that aren't signed up.

Chairman McClintic: As a matter of public record there are no antelope on these yet they have public draws. It's the same way with elk/deer. I can see people coming up to speed enough that they're saying well we'll go ahead even though there's only a very limited amount of draw on this public hunt, we'll go ahead and apply over here because we know nobody else is applying because there's no elk. We'll wait out a day, and then we'll go over to the nicest place in the entire state and go kill ourselves a Boone & Crockett. We've got serious issues with what was passed. I'd caution the Department that we don't need to penalize anybody. We're trying to work with everybody in this state and there are some issues here that absolutely can be taken advantage of that concern me greatly.

Commissioner Salazar: On the public draw in one of these GMU's, in comparison with other units, what kind of numbers are we talking about? I'm talking about the resident public draw.

Jim Lane: If you look on page four of the proposed rule you'll see the public draw numbers by GMU. You're looking at anywhere between 5/200/500.

Commissioner Salazar: Anywhere from 5 licenses in some GMU's up to as high as 200, I guess 500 down at the bottom. It's an enormous area.

Commissioner Fonay: You're saying that people that drew out, wait that first day, and then provide undue pressure on some particular public tract of land. That certainly was not my intent. Could that happen? We're looking at small enough numbers. I actually don't think that's the case, but I see it as possible. Rather than make an error on this decision today, maybe we ought to take a step back and see if we want to eliminate that movement, stay where we're at on the ranch only, or we've got the option there with some of these that are included where public ranch or those type issues. I'd rather defer and take a hard look and make sure we're not making a mistake and look at it on December 9.

Commissioner Salazar: Is that going to create a conflict where we can't deal with this rule at all?

Chairman McClintic: Well, we've got options. We can go ahead and deal with this item, make a motion to reconsider at the December 9 meeting, have discussions between now/then, and try to get this worked out satisfactorily for all parties. We can reconsider what we just voted for in 10 and go back and re-do 10.

Commissioner Salazar: You just have such a small number of public hunters in comparison with the authorized landowner tags that you are giving out and you're going to take that little bit of public land competition. There's no give at all in this rule if that occurs for the public hunter. I'd hope we'd slowly progress to where we could get a system equitable for everybody. I'd never want Option 3, but give them something. This is ridiculous where the public hunter can't draw a tag in NM. It's killing hunting in our youth.

Director Stevenson: Potentially you could adopt the antelope rule with exception of removing 19.31.15.9, Section B, as far as where the validity of that license is. That would still allow us to move forward with the total number of licenses. Essentially that would put on hold what we did in the previous rulemaking and we bring back in December then reconsideration of what we did

on the previous action item, and come up with a definition of what we would do on Section B as far as where the validity of that license/permit. If not, we could get public comments on the rest of this rule, and you could either deal with it or not, but that may be a way we could deal with it, come back and then we could reconsider that specific issue at the next Commission meeting in December. It would define it to that one point. We'd have to re-vote on the whole rule that we just adopted as far as the landowner system rule, but then we would be putting on hold this whole validity of where those licenses would be good both the public/private side of it.

Jim Lane: I can quite frankly say that I know where the public comment is going to go to be equitable. When we split out treating authorizations/licenses differently, public draw v. landowner tags the potential is certainly there to create confusion among hunters on ranches, and among public landowners and hunting public. My recommendation would be that I would love to see us handle this today and to reconsider the motion you made and to either all or none make it all ranch only.

Commissioner Salazar: You still have to maintain that trespass thing to be consistent with manner in taking talked about before so whatever goes on here you don't want to do that, or you're going to throw the whole system off.

Jim Lane: Absolutely, yes, sir.

MOTION: Commissioner Arvas moved to take Agenda Item No. 10 under reconsideration and lay Agenda Item No. 11 also for reconsideration until the December 9 meeting.

Pat Block: Point of order. You had a motion on the floor. I don't know whether that had been seconded yet or not. If it had, you'd potentially want to withdraw the motion and withdraw the second, and then you could go on to the reconsideration, otherwise the motion on the floor would have to take precedence.

Commissioner Arvas: That was Commissioner Salazar's motion, right?

Commissioner Salazar: I'm not willing to withdraw my motion. I'd like it to be voted on.

Commissioner Arvas: Commissioner Salazar, why would you want that?

Commissioner Salazar: I think we need to get this straight. There were several things that my motion does, first of all to address the inconsistencies in law regarding manner/method/taking. The second was I thought it would be reducing the movement of hunters within the GMU by taking out the landowner authorizations. In addition to that it gives less competition for the public hunters who have the least share of these licenses. If you look at the landowner authorizations v. public draw, it's a tremendous difference, and those are my three points in making my motion, and I do not want to change those.

Chairman McClintic: We have a motion and a second on the table, all in favor of Commissioner Salazar's motion?

VOTE: Voice vote taken. **Commissioners Salazar and Salmon voted in the Affirmative. Commissioners Arvas/Fonay/Salopek opposed.**

Commissioner Salazar: Could I have a count on that?

Commissioner Buffett abstained.

Chairman McClintic: Not in favor of Commissioner Salazar's motion?

Commissioner Fonay: Opposed.

Chairman McClintic: For.

Commissioner Buffett: Abstained.

Commissioner Salopek: Opposed.

Commissioner Salmon: In favor.

Chairman McClintic: Is that a 3-3? I get to vote again?

Commissioner Arvas: It's 3-3.

Commissioner Salopek: No, it's 3-2, one abstain.

Chairman McClintic: Okay, so now 3-2. Commissioner Salazar's motion was defeated. Now we'll entertain another motion.

MOTION: Commissioner Arvas moved to reconsider Agenda Item No. 10 and along with that delay any decision on Agenda Item No. 11 until the December 9 meeting. **Commissioner Fonay** seconded the motion.

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

Pat Block: Point of order again. Your reconsideration motion is just a vote on the same. Reconsider means you're reconsidering the prior motion. You can't roll something else into it, so you've got to now deal with that vote on the reconsideration which is the same. The motion to reconsider now means you take the same vote that you took before on the same motion as before, so it's just to re-vote on the same thing to reconsider what you'd already done. So you can't then roll different items like postponing action on number 11 into that. You've got to vote on that and then potentially you'd need to move again.

Commissioner Arvas: We need to have reconsideration on Agenda Item No. 10 first, then come back when Agenda Item No. 11 comes up and delay that until the next meeting?

Pat Block: Or whatever you want to do, but you're voting on the same motion that you voted on for number 10, not something different. It's in Robert's Rules that you all have adopted, if you get a second, then you vote on it and then you can move on to whatever the rule of the Commission is. **[Action Item]**

MOTION: Commissioner Arvas moved to reconsider Agenda Item 10. Commissioner Fonay seconded the motion.
VOTE: Voice vote taken. All present voted in the Affirmative (Commissioners Buffett/Arvas/Fonay/Salmon/Salopek).
Commissioner Salazar dissented. Motion carried.

MOTION: Commissioner Arvas moved to defer Agenda Item No. 11 until the December 9 meeting. Commissioner Fonay seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative, Commission Salazar dissented. Motion carried.

AGENDA ITEM NO. 12: Adoption of Proposed Amendments to the Deer Rule (19.31.13, NMAC).

Presented by Jim Lane – The Department recommended adoption of proposed amendments for the 2011-2014 hunting seasons and discussed public comment received to date for the Deer Rule (19.31.13, NMAC).

Commissioner Salopek: On deer you had 17, 23, and 27 in the Hatchet's. What about northern NM, are those still going to be separate September/January hunts? I understand 2-B is a quality area and is it going to stay that way?

Jim Lane: They are two separate hunts and the proposal is for them to remain that way.

Commissioner Salopek: I'm getting questions on the mobility impaired deer hunts are also with the first deer hunts. Cloudcroft, Unit 34, I believe there are 1,200 deer hunters and the mobility impaired is 50. We've always tried to be selective on the youth/mobility impaired across the state. I understand it might overlap with an elk hunt in 6-A, but mobility impaired would rather be around 300 rifle elk hunters than 1,200 deer hunters. Unit 16 is the same way.

Jim Lane: That's a concern raised if you move those mobility impaired hunts, most of them you could move back one week, but you're going to overlap across the state in different areas with other hunts. Right now they only overlap with the deer hunts. In some cases it would be a fine move and they wouldn't overlap, and in some cases if you moved them across the board you're going to overlap with an elk hunt and you're going to have as many hunters in the field as you do now.

Commissioner Salopek: We can re-open this next year. In Unit 51, is this something everyone is in favor of and not something that happened in 6-A and 6-C? I understand trying to keep hunters away from hunters but I hope this is a thought out process.

Jim Lane: We have not heard any comments, negative or otherwise about the proposal.

Public Comment:

Garth Simms: Speaking on behalf of NM Council Outfitters. We're comfortable with the deer rules as proposed but we'd like changed. In Unit 6-A there's a muzzleloader deer hunt the same week as the elk hunt and hunters in that area say it puts too many hunters in the field simultaneously.

Chairman McClintic: We've discussed that and they're taking care of that.

MOTION: Commissioner Arvas moved to adopt the Deer rule, 19.31.13, NMAC, as presented by the Department.

Commissioner Salazar seconded the motion.

Director Stevenson: That's with the amendment of the Unit 6-A muzzleloader hunt to move that hunt from October 9 to 13, back one week.

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

AGENDA ITEM NO. 13: Adoption of Proposed Amendments to the Following Rules – Boundary Descriptions for Wildlife Management Areas (19.30.4, NMAC), Hunting and Fishing License Application (19.31.3, NMAC), Hunting and Fishing - Manner and Method of Taking (19.31.10, NMAC).

Presented by Jim Lane – The Department recommended adoption of proposed amendments, and discussed public comment received to date for the following rules – Boundary Descriptions for Wildlife Management Areas (19.30.4, NMAC), Hunting and Fishing License Application (19.31.3, NMAC), and Hunting and Fishing - Manner and Method of Taking (19.31.10, NMAC).

Commissioner Salopek: Now that we brought 6-A and 6-C up what are we doing now?

Jim Lane: We would put in the boundary description rule something that reflects Commission action done on the elk rule for hunting 6-A and 6-C to the pre-2010 boundaries.

Commissioner Salopek: We changed it in July, 2010. Now we're changing it back to the old way?

Jim Lane: You changed in July to go to the old boundary, this would fix this rule to reflect that desire.

Commissioner Salazar: If we made a change here, it would conflict with the elk rule that was passed before?

Jim Lane: If this were not changed in the boundary description rule, it would be in conflict with what you passed in July.

Commissioner Salazar: There's a lot of heartburn with the change that we made and then we just had it for one hunt and we changed it back right away. I want a commitment from the Department to change the whole unit and going to unify or increase quality of hunts by road closures and get that straightened out. It's going to continue to be a sore on this Commission's/Department's back.

Jim Lane: As we presented in July, our full intent within the next four years is to continue elk management in 6-C to improve herd quality/quantity with the ultimate goal of combining those units. **[Action Item]**

MOTION: Commissioner Salopek moved to amend the Boundary Descriptions for Wildlife Management Areas Rule, 19.30.4, NMAC, as presented by the Department; (2) to amend the Hunting and Fishing License Application Rule, 19.31.3, NMAC, as presented by the Department; and (3) to amend the Hunting and Fishing – Manner and Method of Taking Rule, 19.31.10, NMAC, as presented by the Department. Commissioner Salazar seconded the motion.
VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 14: Evaluation of the Game Management Unit 51 Option II Trial Elk License Allocation System as Described in 19.30.5.8 B(2)(I), NMAC.

Presented by Cal Baca – The Department presented an evaluation of the Game Management Unit 51 Option II elk license allocation system as described in 19.30.5.8 B(2)(I), NMAC.

Commissioner Salazar: An analysis of why this occurred, is it because it was such an economic benefit during the hunt season and not so much depredation issues?

Cal Baca: That's correct. The ranches that did participate were primarily large ranches in GMU 51. Those ranches that were considered small contributing ranches in our system, which in GMU 51 are 270 acres or smaller, were voicing they did not choose that because those were limited to ranch only. We did have some that were 60 acres that did participate and did enjoy it, and by doing away with this they'd lose the ability for their hunters to have that good hunting experience within their 60 acre ranches, but there were very few. We had two contact me to voice having the ability to do that.

Commissioner Fonay: The 77% of authorizations that requested those and the regular hunting season, are those ranch only?

Cal Baca: Yes, sir. The Option 2 Program was a ranch-only hunting program.

Commissioner Fonay: So regardless of when they choose to hunt, it's always ranch only?

Cal Baca: Correct, in the Option 2.

Commissioner Fonay: These people were saying these elk weren't here during the hunting season, but chose to hunt during the hunting season, do we have any idea what kind of success they had?

Cal Baca: I don't have the success rate. We heard from mostly small ranches. Large ranches that do participate traditionally have chosen to be ranch only regardless of what system they were in. The small ranches were the ones voicing concerns over lack of the ability to hunt when elk were present. It didn't result in those ranches participating. I don't have the success rate, but I do have after year one, of the 77% that were requested, 83 were actually converted to licenses and of those 83, 77 were converted during the months of September/October/November/December.

Commissioner Fonay: At least were supposed to be hunting ranch only?

Cal Baca: Correct. Those licenses were valid only within the boundaries of those participating ranches.

Commissioner Fonay: This program seems to have a lot of merit. I hear why can't I hunt in January when I've got 50 cow elk on my hayfield and I get an authorization for October when I have none. There's not much you can do if they don't sign up.

Commissioner Arvas: Give us a reason/history on how small landowners came to us and complained that they had a tremendous amount of depredation on their property, they weren't being reimbursed so they felt that if we could issue cow elk allocation licenses they'd be happy. We were under the assumption that they were going to either use that elk license for themselves, or try to sell it to someone so they could be compensated for losses, so they figured out fairly fast that they'd better get what they can for those elk licenses while they could. I think that's why you had so many more people hunting in the hunting season instead of the late season. What you might want to do is the district officer pick a sample of ten of those ranches and ask them.

Cal Baca: I can't speak to the reason why they chose when they did. For your information, of the small contributing ranches which are 119 of the 194, they range from 270 acres to 5 acres. Only 25 of those 119 chose to be in Option 2 which leads me to believe that the unitwide opportunity is far more valuable than the ranch only whenever they have elk present on their property which led them to choose that.

Commissioner Fonay: I didn't know these people had the unitwide opportunity. I thought everything was ranch only.

Cal Baca: No, sir. They have three options when signing their agreements for these two hunting seasons. They can choose to stay within the traditional formula driven E-PLUS system which gives them either the ranch only or unitwide option, or they can choose Option 2 which would then put them into the requested ranch only for the nine months.

Commissioner Fonay: These ranchers did have a unitwide option?

Cal Baca: The 119 did have a unitwide option. Of the 194, those 25 did. **[Discussion only]**

Public Comment:

Myrna Torres: I'm here about the elk crossing on Highway 70 through the Mescalero Apache Reservation. There have been a lot of accidents with elk crossing our highway. There's not enough street lighting/signs to warn those going through the reservation.

AGENDA ITEM NO. 15: Open the Game and Fish License/Permits Rule (19.30.9, NMAC).

Presented by Alexa Sandoval – The Department proposed opening Game and Fish Licenses/Permits Rule (19.30.9, NMAC) to adjust the application fee based on information gathered from the previous two license years and set the application deadline dates for the 2011-2012 special hunt drawings. **[Action Item]**

MOTION: Commissioner Salazar moved to approve the changes to 19.30.9 to reduce the Special Hunt Application Fee for non-residents to \$20 per application, and for residents to \$8 per application. **Commissioner Fonay** seconded the motion.

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

AGENDA ITEM NO. 16: Set the 2011-2012 Special Hunt Application Deadline Dates.

Presented by Alexa Sandoval – The Department proposed and the Commission considered adoption of 2011-2012 special hunt application deadline dates.

Public Comment:

Jess Rankin: I'm an outfitter in Roswell. I want to see what the deadline is now, or even better if it could ever be later because outfitters need all the time we can get to promote our services. The later you make it, the better. **[Action Item]**

MOTION: Commissioner Salopek moved to adopt the Department's recommendation to set the application deadline date for oryx draw licenses, bear WMA permits and turkey draw permits on February 2, 2011 and set the application deadline date for public land deer, elk, pronghorn antelope, Ibex, Barbary sheep, bighorn sheep, javelina licenses on April 6, 2011 for the 2011-2012 hunting season. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 17: Update on the Department's Response to House Joint Memorial 58 Requesting the Department of Game and Fish to Study the Consolidation of Various Hunting and Fishing Licenses and Stamp.

Presented by Alexa Sandoval – The Department provided an update to the Commission regarding the progress the Department has made in developing and formulating options to consolidate the licensing systems to reduce complexity and facilitate customer compliance.

Commissioner Fonay: Would that also convert to \$13 for someone buying the combination license?

Pat Block: No, it would be \$7 because you'd have the opportunity to fish with a second rod. One of the other major aims of the memorial was to make sure that we're not making unwitting violators out of people, so that's the other piece for simplification. The feeling was that people who had tried to do the right thing but because of the complexity they ended up without one of the pieces and ended up potentially subject to citation.

Commissioner Salazar: Does this apply to the one-day fishing licenses for non-residents, or is that separate?

Alexa Sandoval: That's something we need to consider in those licenses. Currently people do buy the one day fishing license. They do need to buy the Habitat Stamp. There's still that requirement so I'd say yes. There are a number of rules/laws we have to change if this goes forward. We're spread out amongst many laws/rules for all the different stamps. It helps us pursue additional funding through federal Sport Fish and Wildlife Restoration License Certifications. We'd have to develop a new license type for non-residents because there's no general hunting license for non-residents. We'd have to determine exact pricing because we don't want to go backwards with revenue.

Commissioner Salmon: As clarification for hunting non-game animals that people nonetheless hunt like coyotes, a resident doesn't need a license, a non-resident does, correct? How do you break that down under the new system, or will it stay the same?

Alexa Sandoval: At this point, we've not considered that as part of the license change. It's something we'll talk about as part of the consolidation process.

Commissioner Salmon: I think for residents there's no need to do anything, but non-residents currently need a license even though they're hunting so-called non-game animals and we wouldn't want to lose that revenue source.

Pat Block: What the Commission could do is enable that base license to fulfill the hunting license requirement that would then allow non-residents to possess those non-game animals so that we could look at doing that as an approach. **[Discussion only]**

Public Comment:

Robert Espinoza: We've been exploring the base license over the last year. We've addressed that with sportsmen and it provides additional revenue and ties it into the license simplification.

AGENDA ITEM NO. 18: Department will Request that the Commission Open the Falconry Rule (19.35.8, NMAC).

Presented by Dan Brooks – The Department recommended the Commission open the Falconry rule (19.35.8, NMAC) to make necessary modifications to comply with new United States Fish and Wildlife Service rule requirements.

Commissioner Salazar: Are the master falconers utilizing those hybrids, or do we have any in the state? I thought that wasn't an issue in NM?

Dan Brooks: Yes, they're becoming more popular and our rule is lacking some definitions/direction on that. That is a federal requirement as well—how many there are. I couldn't tell you, I'd have to research that. **[Action item]**

MOTION: Commissioner Salmon moved to open the Falconry rule (19.35.8, NMAC) for public comment and possible future Commission action to amend the rule. **Commissioner Arvas** seconded the motion.

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

AGENDA ITEM NO. 19: Commission Approval to Dispose of Fixed Assets.

Presented by Alexa Sandoval - The Department requested Commission approval to dispose of four buildings located at the Department's warehouse facility in Santa Fe. Three of the buildings are Morgan-style storage buildings in poor condition, and the fourth building is the old laboratory building. State statute, § 13-6-1 and 13-6-2, NMSA, 1978, *Sale of Public Property* requires that an agency's governing body approve the disposal of state property prior to disposing of the items. **[Action item]**

MOTION: Commissioner Fonay moved to approve the Department's request to dispose of the list of fixed assets as presented to the Commission that have reached the end of their service life in accordance with state law. **Commissioner Salazar** seconded the motion.

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

AGENDA ITEM NO. 20: Delisting Desert Bighorn Sheep.

Presented by Tod Stevenson – The Department recommended delisting Desert Bighorn sheep and established a new set of public meeting dates. This second recommendation was due to a procedural error in public announcements. The Director presented the recommendation to delist Desert Bighorn sheep pursuant to Section 17-2-40, NMSA, 1978, based on his review of the final report as prepared by the Department. The delisting process and timeline were discussed. During the July Commission meeting I'd brought you a recommendation to start the process for delisting Desert bighorn sheep in NM. The Department got ready to set public meetings for this month, and realized that we'd missed a component in that statutory requirement as far as how we needed to announce those public meetings in association with action by the Commission. The Department made that recommendation again. If the Commission approves this, both on February 7, in T or C and Deming, and once we have those public meetings we'd go to this issue coming back to the Commission within 60 days of those public meetings.

Commissioner Salazar: Why are we setting both meetings in the south? Is that because the bighorn area is there and we want to make sure those people are well covered?

Director Stevenson: That's correct. What the statute requires under the Wildlife Conservation Act is that we set those meetings in the region of the state where the species occurs, so all our species of bighorn sheep are in the southwest quadrant of the state with the predominant herds in T or C and in the Deming/Lordsburg area. That's the reason for those two rather than multiple ones around the state.

Commissioner Salopek: They're both February 7. Are they at different times?

Director Stevenson: No, we'll have Eric Rominger at one meeting and Elise Goldstein at the other one. We looked at a timeframe and tried to work that in with several other work issues that we've got in that same timeframe, so we chose to do two with staff going to two different places.

MOTION: Commissioner Salazar moved to accept the Director's recommendation for delisting desert bighorn sheep in New Mexico and establish the following dates and locations for public hearings regarding the proposed delisting – February 7, 2011 in Truth or Consequences, and February 7, 2011 in Deming. **Commissioner Salmon** seconded the motion.

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

AGENDA ITEM NO. 21: General Public Comments (Comments limited to 3 minutes).

Public Comment:

Sterling Spencer: I ask that the Department reflect on the ability of them to open up those accessible public lands that have been closed for hunting and look at that as an addition of public hunt, but leave the management skill in their hands where they can do the inputs as landowners and public hunt stay ranch only in the new area they opened up.

Charlotte Salazar: I request the Commission direct the Department to start evaluating bear populations specifically to conduct a bear hair/snare study in the Sandia Mountains.

Jim Lane: We are interested in doing that. We're pursuing a couple of study areas and working with the Cooperative Unit/NMSU at looking expanding those efforts to look at statewide densities based on that study.

Jess Rankin: I've become aware of what I consider an abuse of 12% outfitter quota of licenses.

Commissioner Arvas: I'd recommend you go back to outfitters/guides and come up with a proposal. I'd recommend you check w/surrounding states and see what they do, but come back to us with a proposal that you think would work.

