

MINUTES
NEW MEXICO STATE GAME COMMISSION
Santa Fe Community College (SFCC)—Jemez Rooms 2-3
Santa Fe, NM 87508
August 25, 2011
9:00 a.m. – 5:00 p.m.

CONTENTS:

AGENDA ITEM NO. 1:	Meeting Called to Order	1
AGENDA ITEM NO. 2:	Roll Call	1
AGENDA ITEM NO. 3:	Approval of Agenda	1
AGENDA ITEM NO. 4:	Introduction of Guests	1
AGENDA ITEM NO. 5:	Approval of Minutes (July 21, 2011 – Clayton, NM)	2
AGENDA ITEM NO. 6:	Revocations.....	2
AGENDA ITEM NO. 7:	Final Overview and Approval of the Department’s Fiscal Year 2013 Budget and Capital Outlay Request	3
AGENDA ITEM NO. 8:	Reservation of Two (2) Elk Licenses for Non-Profit Wish-Granting Organization(s)	5
AGENDA ITEM NO. 9:	Proposed Amendment of Guide and Outfitter Registration Rule (19.30.8, NMAC).....	6
AGENDA ITEM NO. 10:	Prospective Legislative Initiatives	7
AGENDA ITEM NO. 11:	Amending the Barbary Sheep, Oryx, and Persian Ibex Rule 19.31.12, NMAC, to Make Available Up to Three (3) Oryx Authorizations Annually for Wounded Warrior Project Participants.....	8
AGENDA ITEM NO. 12:	General Public Comments (Comments Limited to 3 Minutes)	8
AGENDA ITEM NO. 13:	Update on Rio Grande Cutthroat Trout Management	8
AGENDA ITEM NO. 14:	Desert Bighorn Sheep Delisting Process Update.....	10
AGENDA ITEM NO. 15:	Silver City Deer Management Issues/Overview	10
AGENDA ITEM NO. 16:	Prospective Amendments to the Barbary Sheep, Oryx, and Persian Ibex Rule, 19.31.12, NMAC, to Restructure “Off Range” Oryx Hunts and License Numbers	12
AGENDA ITEM NO. 17:	Habitat Stamp Program Issues.....	13
AGENDA ITEM NO. 18:	Adjourn.....	17

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-Chairman Salopek – present
Commissioner Arvas - present
Commissioner Bidegain – present
Commissioner Espinoza – present
Commissioner Hoffman – present
Commissioner Montoya – present

ABSENT: None
QUORUM: Present

AGENDA ITEM NO. 3: Approval of Agenda.

No objections were raised on the approval of the Agenda.

AGENDA ITEM NO. 4: Introduction of Guests.

There were approximately 40 members of the audience in attendance.

Chairman McClintic: The Department is losing a couple of people that will be retired before our next Commission meeting. Tim Frybarger who has had a long career with the Department in various capacities, he grew up in Los Alamos and had a stellar career with the Department and brought a lot of gusto to his job.

Director Stevenson: Tim started with the Department as a District Officer in Quemado and has worked a variety of jobs: as game manager in the Las Cruces office, District Officer in Jemez, in the Santa Fe office in a couple of different capacities. In all of those jobs he represented this Department in a professional way. We appreciate your service.

Chairman McClintic: Also, we got the announcement a couple of weeks ago that our Director, Tod Stevenson, is retiring October 26, so we won't see him at our next Commission meeting. He's a great human being, caring, cared about wildlife/conservation in this state, and is a fantastic human being. He will be sorely missed in this Department.

R.J. Kirkpatrick: I don't believe during the course of my career, I've ever worked with anybody that had more heartfelt caring for the agency, fish/wildlife resources of this state and people that care about them, and he'll be missed.

Dan Brooks: When I met Tod, training and since that time, he's been not only a fellow conservation officer, but a role model/mentor. He set the standard for us officers that wanted to do good things for wildlife and treat people fairly.

Pat Block: As a relative newcomer compared to Tod, he was in Taos as the sergeant which was already his 3-4 stop along the way. Everywhere he's gone, everyone I've talked to can't say enough good things about him. I was fortunate enough to have Tod as my supervisor when he retired the first time, was sad to see him go then, was happy to see he was able to come back as the Director, and we've had a good run, and am sorry to see him go.

Alexa Sandoval: When I first met Tod I was a recruit and I remember hearing his voice. Being a recruit and hearing his deep voice it was kind of scary, but as I got to working as a rookie in Clayton, he was in Taos and I got the opportunity to work with him and I learned a lot from him. The thing I'd like to remember most is that he has been an advocate for wildlife for 33 years, probably beyond that, which is more than we can say collectively at our agency. He's done a tremendous job, been a huge advocate, I will miss you, Tod.

Leon Redman: Tod has always been a class act for the Department/employees. I appreciate everything you've done for me/my family.

Brian Gleadle: Tod was my sergeant when I started, so he's been my mentor for pretty much my entire career, so I appreciate that.

Chris Neary: Tod was also my sergeant when I was in the Peñasco District in 1990. Tod was at the fish hatchery in 1988 when Tim and I started at the same time. I remember that feeling of casting around wondering what to do when you left the Taos District to let us sort things out on our own. I've felt like that several times trying to follow the example that you've set.

Ray Aaltonen: Tod, you've been here my whole career. I want to thank you for the simple things of putting us first and you may not remember, but you allowed me to teach my first class at the rookie school for computer investigations at the time when that wasn't going on. I was looking to move up in the Department, so simple things like that that allowed people to gain new experiences and improve themselves go beyond anything else that occurs. I thank you for your time/service.

Jim Lane: Tod took a gamble and hired somebody from the outside to come in as a chief, I thank you. I honestly haven't worked for anybody that's respected more by the staff than you are.

Matt Wunder: Tod, I've only had a chance to work with you for a couple of years, but I appreciate the perspective you brought with your experience in Conservation Services Division. You've always played it straight with me and I appreciate that.

Mike Sloane: You've been a great mentor and your knowledge of the agency will be greatly missed.

Robert McGee: For better/worse Tod hired me into the agency, and gave me an opportunity. When I came on board, we were in one style of technology that was dated, not necessarily working for the Department/citizens as we'd like. Tod was willing to consider what we were developing and the new direction we wanted to move in. That leadership/guidance/willingness to explore new direction has allowed us to deliver the systems we have today. It was belief/trust in us to do that job.

Colleen Caldwell: I'm the Unit Leader at the NM Coop of Fish/Wildlife Unit at NMSU, and as such we have a coordinating committee that oversees unit activities. Tod has served as the Department representative on that coordinating committee, and over the years he has been so supportive of the unit, and I'd say that the biggest legacy you're leaving behind is the grad students we put out at the unit. Thank you for all your support.

Bruce Thompson: As a former Director, I worked with Tod for nearly six years, depended upon him as a stalwart individual. I have a long history with Tod, as well, in a number of different capacities and echo what everybody else has said.

AGENDA ITEM NO. 5: Approval of Minutes (July 21, 2011 – Clayton, NM).

MOTION: Commissioner Arvas moved to accept the Minutes for the July 21, 2010 State Game Commission Meeting in Clayton, NM.

Commissioner Bidegain seconded the motion.

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

NEW BUSINESS:

AGENDA ITEM NO. 6: Revocations.

Presented by Dan Brooks – The Department presented a list of seven (7) individuals to the Commission that met established criteria for revocation of hunting, fishing and trapping license privileges. **(Action item)**

MOTION: Commissioner Arvas moved to adopt the Department's and the Hearing Officer's recommendation on the suspension, revocation and point assessment for the attached list of seven (7) 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. 7: Final Overview and Approval of the Department's Fiscal Year 2013 Budget and Capital Outlay Request.

Presented by Alexa Sandoval – The Department presented a final overview of the Department's FY 2013 budget and capital outlay request, and sought Commission approval for submission.

Commission Montoya: I'd like to see some planned control on the purchase of vehicles. Isn't there some type of review that assures when a district officer needs a 4-wheel drive he gets it, if there's someone that has 1 they can justify buying it? Are there controls?

Alexa Sandoval: We have implemented a new fleet management program. We review on a monthly basis what vehicles are being used by whom, how much gas is being purchased. We're looking at this being the first baseline year to have good data on what we're doing with vehicles. From that we'll be able to see what we need to purchase. Every time we look at purchasing vehicles, we do an analysis people/purpose for use. We are more stringent/scrutinizing vehicle use, looking at buying sedans for people/divisions' use to run up/down highway v. having 4-wheel drive vehicle on road. We have more sedans in the fleet.

Pat Block: The need/critical nature of having to go through that kind of exercise is higher now than it ever has been. One of the first acts Governor Martinez when she came into office was issue Executive Order mandating that no agency would buy replacement vehicles during the year that ended June 30, or the during fiscal year that began in July. The only exception to that are law enforcement vehicles, so we need to make sure to do anything but what's critical need, but still get the job done.

Vice-Chairman Salopek: Are we not considered law enforcement? To me this is as critical as State Police/Sheriff?

Alexa Sandoval: We absolutely have the ability to buy law enforcement vehicles. The problem is that as an agency we are required to go through state purchasing to purchase those vehicles. State purchasing has not renewed/gone to bid for truck contract. I'm working with state purchasing to determine when that will happen. I've discussed with them the ability for this agency to go out and put our own bid so we can get trucks because we're at the point where maintenance becomes an issue.

Vice-Chairman Salopek: If we're having to sit out one year not buying vehicles, isn't a 1 year problem, become 2-3-5 year out problem, or higher because of expenses.

Commissioner Hoffman: I see tremendous numbers of federal grants/monies which amounts to about one-fourth of the Department's money. Is there some way to put together a simplified version of what these funds entail? Does obtaining these funds obligate the Department to things we don't want to do?

Alexa Sandoval: In terms of getting details of what happens with federal funds we can do. Yes, with federal funds there are certain restrictions. It depends mostly on which program we're getting funded from. The largest portion of federal funds comes from Pittman-Robertson/Dingell-Johnson. Those funds are in support of state wildlife agencies. We have the ability within certain guidelines to develop our own grant programs. They do come with restrictions. We can't spend money on nuisance/wildlife issues.

Commissioner Hoffman: Please provide it for our own information. In a flat-budget year and I don't know how many vacancies we still have, but we've been hiring people. That means salaries we're paying go up. Where are we cutting to meet a flat budget?

Alexa Sandoval: When we develop our budget, we develop it with a full FTE count and account for everybody's salary.

Pat Block: Flat means flat compared to the 2012 Operating Budget, not to what we spent last year. That's where the 2 lines equal and those are both based on a just about full house.

Commissioner Hoffman: There oftentimes are huge variations in maintenance grounds/roadway. The 2011 went from \$540,000 down to \$100,000 last year and this year \$100,000 because it's flat. Why is that?

Alexa Sandoval: Working with DFA, they're the controlling agency on how we spend our money, so when we submit a bill it may be under a line item that we have budgeted under, but DFA will tell us we need to actually put it under a separate line item where we may not necessarily have the budgeting, but we do have the authority to spend money within a category.

Commissioner Hoffman: In sport hunting/fishing program it says there's a mandatory harvest reporting for deer/elk/trapping and it was \$27,000 last year and in 2012 it's zero. Why is that? Mandatory harvest is important and should be increased, so why has the money changed?

Alexa Sandoval: That money was spent for a contractor, FCI was the one actually doing our hunter harvest, we've now taken that role on within the Department and that actually lives as a cooperative program between Wildlife Management Division and Information Services Division, so that's why you don't see that cost there. That's something that's absorbed through ISD's budget.

Commissioner Hoffman: A lot of the federal funds are tied to license sales?

Alexa Sandoval: It's based on head count.

Commissioner Hoffman: Looking at Fisheries Management Division, program revenues are predicted to go up 11, 12, and 13 significantly. Those are license sales, correct?

Pat Block: They are and when you see an amount increase that's because we were trying to make sure we're accurately representing the split between state/federal funds. It doesn't mean we're necessarily selling more fishing licenses. Those program revenues are allocated in a general way, so they had less federal revenue coming in actually, so we wanted to make sure we were reflecting what was truly happening. So if they're still spending \$5.5M, and only \$2.1M of that is federal revenue, then the remainder has to be state funds. We want to make sure we're not overstating either flavor of revenue, so the attempt is to make sure we're giving as accurate a picture as we can.

Director Stevenson: Effectively you're seeing 2 different things: 1) we've had part of our hatcheries like Los Ojos Hatchery at Parkview down for the last 2 years doing construction and dealing with whirling disease issues, with that hatchery coming back online. As Commissioners are aware, we've been trying to increase production on our warm water hatcheries, so you're seeing some of our hatcheries were down 3 years ago. You're seeing a ramp-up of those with additional feed and other requirements. You see a shift of that budget so it's not necessarily more revenues coming in, but it's a shift of revenues we may have used for part of our other programs that we've moved to that by reducing part of our other programs over time.

Pat Block: Probably the last thing that'd be specific to the Fisheries Division and spending more state funds is we have greatly increased the emphasis on addressing aquatic invasive species, so a lot of those endeavors are funded with state dollars. There are a few federal grants that

support those activities, but for the most part there is not a funding structure in place on the federal side. So as we emphasize AIS more, expenditure on those goes up, but we have felt that is enough of a priority to the Department/anglers/state as a whole that it's something worth doing.

Commissioner Hoffman: If you have to have flat budgets and you think you're going to get less federal money, you guess that you're going to get more revenue from the program to make a flat budget. License sales are not going up, so you think you have to get program revenue from some place else. That number going up is an accounting device to keep a flat budget, is that a fair statement?

Alexa Sandoval: As we see what our federal revenue is, we certainly make up the portion that we're not receiving with state dollars. It's more of a reality check on what we're getting for federal dollars and that somehow we have to keep that budget whole. We then have to look at our coffers and say how much of this needs to come out of the state side. If we have more federal revenue, then we will certainly recognize that on the federal revenue side.

Pat Block: I'd encourage you look at the overall numbers because they do not show we're increasing license dollars or program revenue on the agency as a whole. You're looking at 1 area, so rather than focusing in on 1 sliver, take a broader view. I will tell you these folks have done their best and we've worked with them to make sure this budget is an honest representation both on the revenue/expenditure side. I'll absolutely defend these folks that this is a fair representation of what the agency is doing.

Commissioner Hoffman: Maybe I should just have looked at the first page and not looked at the other numbers. If you see it in 1 program, why don't you see in another program? What's the difference? That's an understanding problem, and whatever it's due to, that's what I'd like to know. In the Habitat Management Validation Fund, who runs that, how do we administer \$.5M?

Alexa Sandoval: Habitat Management Validation Fund is money brought in through our licensing program. We then transfer that revenue based on a series of reports that we receive on those sales. That money is actually managed out of Conservation Services Program, and they determine where that money will be put out on the ground for use on State Game Commission-owned property.

Commissioner Montoya: In Fisheries, 1 of the positions is a term position. It looks like we've gone from 1 to 2 because we've gone from 43,000 to 79,000. What was that term position increase for?

Alexa Sandoval: It's a temporary position and those are the 4 quarter-time temporary positions that Fisheries Division will be using during the summer for AIS control.

Commissioner Arvas: A budget is an intelligent guess on what we think that budgeted item is going to do for us. There are checks/balances throughout the year. You go through to see if you've over/under budgeted but there are surpluses at the end of the year in any given budgeted amount. Where does that surplus end up?

Alexa Sandoval: We're in a unique position within our agency. When we don't spend the budget, we don't have to turn it back to the state. We keep that within our agency because we're a self-sustaining agency. That money stays in our account and we don't use it. We have the ability to potentially use it in the future, but then we have to follow the guidelines about flat budgets.

Commissioner Arvas: It doesn't necessarily stay in that budgeted items account?

Alexa Sandoval: No, as you finish up a budget year, basically you're wiping that slate clean and working on a new budget. It's an issue of cash v. budget balance, and anything that's not used doesn't go away. We're not using that budget. Cash stays in our account, we don't revert it to the state.

Commissioner Arvas: Is that amount reflected in end-of-year balance that adds up to millions of dollars?

Pat Block: Yes. A budget is a plan, an estimate. It's also a contract between the legislative/executive branches. Budget/appropriation is a permission slip from the legislature to spend that money. They give you permission to spend it in a particular category within a particular program, but every year on June 30 for Operating Budget purposes, that permission expires. So you have to go to the next permission slip/appropriation. They direct that spending. The one case where what you said truly happens is when that money is in a separate cash fund. Money that was placed into the Enhancement Fund from the sale of auction/raffle permits will always stay in that fund and stay earmarked for those purposes. Money in the Game Protection Fund which as you saw is 90% of the budget stays in the Game Protection Fund, but the purposes that are earmarked are those broad ones in the powers of the Game Commission section of law. Once that permission expires and you go back to the legislature, it's at their discretion to approve that agreement between executive/legislative branches. For example, the shooting program gets unique permission each year so, if you didn't spend all the money the year before, it doesn't bank to that specific purpose because it's part of that larger overall Game Protection Fund.

Commissioner Arvas: On federal monies, how many people in the Department are funded through federal aid?

Alexa Sandoval: Depending on which pay period to be very honest. It fluctuates within the agency because our law enforcement officers are able to charge against federal grants, but for the most part all of Fisheries Division is supported by federal aid, the majority of Conservation Services/Wildlife Management Divisions, so all together I believe 80-90 full-time FTE's are funded fully by federal aid. Some of them are at 100%, some are at 75%, some are less.

Commissioner Arvas: Those throughout the years have been constant?

Alexa Sandoval: For the most part, yes.

Commissioner Arvas: The persons who look for federal aid are 2 people?

Alexa Sandoval: Yes, Jean Higgins is head of our Federal Assistance Program, and then there's Steve Anderson who assists her. Liz is the accountant.

Commissioner Arvas: You wonder what the process is where other states are able to get a grant and another state not.

Alexa Sandoval: Yes, we have some ability within our agency to look at other grants, but for the most part those folks that are doing reimbursable activities for our type of work, they're already being funded at maximum capacity.

Commissioner Arvas: At the beginning of the budgeting process, if you'd highlight the new federal grants at least makes me feel like we're looking for more money.

Pat Block: One quick example, over the past couple years that was from a non-traditional funding source, we've been able to replace the Kevlar vests/body armor used by many of our officers and have that reimbursed by the Department of Justice under a grant. One other thing we do because

our field personnel are good at finding potential funding sources, but sometimes the workload of taking on a small grant costs more to administer the grant than you get value out of the grant. We're constantly assessing whether that grant is worthwhile.

Commissioner Hoffman: I'm looking at the Habitat Management Validation Fund, the \$3 stamp which is for improvement projects on Game Commission-owned property. There are \$2.3M in that fund. You're spending that down over time because we didn't spend it before? How did we get in excess of \$2M in there?

Alexa Sandoval: That's correct. Project planning takes time to figure out what we're going to do. The other piece is that we're matching that with federal funds so you have a whole process-NEPA/Section 6 has to go with it. The Habitat Management Program does habitat improvements on Game Commission-owned properties, Sikes Act does habitat improvements on federal properties funded by hunters' dollars. When I look at Habitat Management Plan, it says that out of a \$577,000 income, Line Item land improvement is \$246,000. Less than half goes on the ground, correct? In the Sikes program \$739,000 out of \$852,000 goes on the ground. The Habitat Management Validation Program is a program we control internally. In our budget we have different line items for different items we're doing on the ground. The Sikes Act Program, those are strictly contracts we pay out to Forest Service/BLM, so that money goes directly to them and it's under 1 line item, when you look at that budget you can't necessarily say that we're only spending \$200,000+ on the ground for Habitat Management Validation. How we have to prepare that budget is the difference. They're spending all the money for habitat management validation on the ground, it's just how you put that into your budget. For the Sikes Act Program, that's under 1 specific line item.

Commissioner Hoffman: For reportable Professional Services, \$207,000 is part of habitat improvement? I'm worried about overhead.

Pat Block: We charged no overhead in that program. We pay no employees' salaries out of that program. The \$200,000 in contracts is when you hire an applicator to spray, an operator to run a piece of equipment associated with a habitat project. The field supplies end up on the ground, those are material that you buy to execute these projects, we do pay the coordinator out of Sikes Act so there is some administrative, but we do our best to keep it low. There is zero overhead in the Habitat Management Fund.

Commissioner Espinoza: Could you explain the process after today that the Finance Committee goes through and at the end when you get something that's approved, do we get the chance to review it again?

Alexa Sandoval: After today I will ask for your approval then it goes to LFC which is the Legislative Finance Committee, and to DFA, the Department of Finance & Administration. They review our budget, then they prepare their version of our budget and that goes before the legislators next spring and they'll either approve or potentially change our budget. Once that happens, the Governor will sign off or perhaps not on our budget.

Commissioners then approve it, we'll send it to legislative/executive branches of government, they'll look at it, they'll prepare what they believe is an appropriate budget for the Department. That'll be presented at the next legislative session and we'll have a budget. We then implement that budget on July 1. Once we're done today, the ability for Commissioners to make changes is not so much. It's working through our analysts at both LFC/DFA. We have a good working relationship with both agencies, and they'll work with us.

Commissioner Espinoza: I understand we won't get the ability to change/review again, but at the end of the day when you get the final version, you'll get that to us?

Pat Block: We'll provide you with a copy of the final Operating Budget. Also, each year at a Commission meeting, we report the results of the legislative session, so we include what happened as part of that recap.

Public Comment:

Jeremy Vesbach: I'm hoping to get clarification on vacant staff positions that this budget will not impede ability to refill those?

Alexa Sandoval: Our budget is fully funded for all positions within the agency.

Jeremy Vesbach: On the revenue side, do we expect the revenue into the Game Protection Fund to stay flat or do you expect that to increase?

Alexa Sandoval: We're entering a new licensing process this year. My hope/expectation is that we'll remain at least where we are, \$21M with license revenue. We're going to have to see this first year what it does for us.

Jeremy Vesbach: We've been building up the Game Protection Fund due to frozen staff positions/SB 196. After changes we don't know what that's going to do, but there's going to be opportunity to grow. I hope in the future you'll look at how to increase the capacity of the agency. **(Action item)**

MOTION: Commissioner Monoyta moved to approve the Department's Fiscal Year 2013 Operating Budget and Capital Improvement Project Requests as presented; and to allow agency staff to make technical adjustments and changes necessary to incorporate assessment rate changes provided by executive agencies after this approval, but prior to the statutory deadline. **Commissioner Bidegain** seconded the motion.

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

AGENDA ITEM NO. 8: Reservation of Two (2) Elk Licenses for Non-Profit Wish-Granting Organization(s).

Presented by Dan Brooks – The State Game Commission was asked to approve the reservation and issuance of two (2) elk licenses, 1 for each of 2 qualifying individuals, plus approval of an alternate for each individual whose name has been submitted and follows the criteria established per Section 17-3-13.5, NMSA, 1978. Hunt of a Lifetime has requested William Billy D. Myers, 17, Pennsylvania, be awarded the elk license for them; Safari Wish through Safari Club International requested Cody McCurely, 20, Oklahoma, be awarded the license, the alternate is Richard Montano, 16, Arizona.

(Action item)

MOTION: Commissioner Bidegain moved to accept the Department's recommendation and reserve 2 elk licenses as described for the 2 applicants, plus their alternates, should the primary applicants not be able to participate in their elk hunt. **Vice-Chair Salopek** seconded the motion.

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

AGENDA ITEM NO. 9: Proposed Amendment of Guide and Outfitter Registration Rule (19.30.8, NMAC).

Presented by Dan Brooks – The Department provided an update on public comment received, and proposed changes to date for the Guide and Outfitter Registration Rule, 19.30.8, NMAC, including considering repealing the current rule and replace it. **(Information item)**

Vice-Chairman Salopek: For the hunter to put in, is he going to have to have a contract signed before he can put in for the draw?

Dan Brooks: Yes. The outfitter/hunter must have a signed contract prior to applying for the draw. One reason is it's good business, and the other is we're also now going to require that they specify at least the 2 days they're going to be with that hunter in the field so they know what they're getting/paying for, and the other is residents can now utilize this pool. We've had some concerns about a brother-in-law deal where someone that knows an outfitter could come forward and basically get them in this pool without having any agreement. We're not trying to delve into the minutia of how much they're charging, but we're going to make that requirement up front.

Vice-Chairman Salopek: Concerns we had last year, someone had an outfitter's number, they didn't have to sign a contract, they put in, got it, and went to whomever down the road. That's fraud.

Commissioner McClintic: The biggest concern we've had from outfitters is that people learn their number from previous years and they apply. They're going to have to have a contract in place before they apply and use the outfitter's number to apply for non-resident.

Commissioner Arvas: How do we enforce that?

Dan Brooks: There are 2 issues here--a code of conduct violation so we want the outfitters to do this and that'll be part of the information we'll be sending them. They're going to be held accountable. We don't have a prohibition on hunters other than you can't go if you violate the statute that requires you to go with an outfitter. We vigorously investigate/pursue those.

Chairman McClintic: So this will be after the fact? You won't be able to stop these people prior to issuing them the license?

Dan Brooks: That's correct. Right now we don't have mechanisms in place to do that because that would probably require more licensing staff's and outfitters'/guides' time to look at those. We're trying to balance those.

Commissioner Arvas: There are some states that when they make their application is send a copy in with that application. Does that seem cumbersome?

Dan Brooks: Yes, it does seem cumbersome at the time we're getting all of these in. The other issue is even if we got in a piece of paper, how would we know it's really valid, whose signature is on it? If there's a solution that takes too much staff time, but allows us to tighten it, we'll entertain that.

Commissioner Arvas: Some states make a statement in the proclamation that there will be a random sampling of applicants.

Dan Brooks: That's a good idea.

Director Stevenson: Dan has visited with outfitters about changing the outfitter number on an annual basis. We've looked at some mechanisms. We haven't found a good automatic one that fits everybody's needs.

Commissioner Hoffman: I couldn't find what requirements are for property taxes or business license listed on the form, or what a NM qualified outfitter is?

Dan Brooks: They're in statute. We're embodying in the rule that they must submit all proper documents/forms to us. That's why I've been incorporating that on the form they must check-off so we can refer to. This incorporates the statute, this they must submit to us, and then it ties back to the rule that says they're not going to be registered until it's submitted satisfactorily.

Commissioner Hoffman: Operationally, wouldn't it be useful to have the requirements? Is there any reason not to put those requirements in the rule?

Dan Brooks: There are people that do business as registered outfitters that are beyond this. This is only to participate as a registered outfitter in the draw. There are those that run cougars/bears that do private land hunts so we've tried not to make that burdensome for those that want just outfitter business.

Commissioner Hoffman: If a contract with an outfitter is valid for 1 year, why do they have to save it for 3? Is that for investigational purposes?

Dan Brooks: That's correct. When we start investigating code of conduct violations, we need to be able to look at the past. We don't want them to throw it away and say they don't have it.

Commissioner Espinoza: On the contract, have you looked at how burdensome it would be to the Department since you've already got a contract from an applicant, he draws to notify the outfitter or send the outfitter the license because they're under contract?

Dan Brooks: That's something we do and I've probably been remiss in not explaining. Every year Matt Seidel makes available all the applicants that use the outfitter's number if the outfitter will request them and then they can go and follow up with that. That doesn't quite meet all that, but it allows them to self-patrol their number. One thing to remember is they give that number out. Over the course of the years they've given that number out many times. I'm trying to resist that we're the mechanism that's going to choke that down to the point when they can get business from this. We meet them halfway and let them know the people that have used their number. The way the rule is currently, they can get a contract not prior to application, but prior to the hunt. That generates more business for them when they find out their number is being used. In a lot of instances, they gave that person their number 3-4 years ago. I'm trying not to get into the minutia of the outfitter business but trying to regulate what I think is responsibility without creating another series of rules that wind up being burdensome on them/us.

Commissioner Espinoza: Again, wouldn't it be easy to track as far as that applicant gets drawn with the outfitter number to give it back to the outfitter? If you explained it in the RIB, if they get a license, I have to go to that and I can't go to somebody else? Because they already know they can't go to another outfitter because the outfitter is going to have his license.

Dan Brooks: We can do that and remind hunters that when they have a contract you need to go with them, you've got to have a contract prior to, which is going to support what you're asking for.

Commissioner Hoffman: Is the license that you get by submitting an outfitter's contract identified in any way that it does come from that pool?

Dan Brooks: Yes, on the original.

Commissioner Hoffman: An officer coming across one of those licenses and say who are you outfitting with and where's your camp? Do a rapid check on whether it's a correct license?

Dan Brooks: Officers can also get lists of hunters and see which pool they're in. One issue we're working through is it doesn't happen on a duplicate license. That was one of the comments the Commission heard at an earlier meeting so we need to work through a few of those issues, but yes, we can support that as much as allowed.

Commissioner Espinoza: Would it be possible on the successful applicant to list the outfitter's name?

Dan Brooks: Yes, it's possible. We do not do that currently, but we can do that in the future. I have to work through the logistics of that. We could probably do that by the next license year.

Public Comment:

Kelly Wells: I'm JFW Ranch Consulting. We've been asking that instead of contacting Matt Seidel and 2 weeks later finding out who put in under our outfitter number, possibly an IT guy make it possible for outfitters to go in before the draw. That would solve this whole issue of having people hunt who illegally obtained their license. Outfitters pay \$500/year, we pay money for all the red tape we have to go through. We should at least be able to enter our outfitter number and find out who put in under that outfitter number if it needs to remain the same every year.

Chairman McClintic: What we're talking about is the percentage of applicants that are non-residents that have a pool that they apply for to have an outfitter with them. If somebody took the time to apply for that license, there could be a spot on the application where we could put that the outfitter that controls that number approves this application. The applicant would have to call the outfitter whose number they're using, and make it say they have to okay this. When the application goes in, if there are 15 for this outfitter, you go over it and send it to them and check if there's a contract in place.

AGENDA ITEM NO. 10: Prospective Legislative Initiatives.

Presented by Pat Block – The Department requested Commission guidance on prospective legislative initiatives for development and submission to Executive for consideration during the 2012 short session.

Chairman McClintic: The tags for Wounded Warriors are extra tags? I've put that together and sent to the Governor's Office, and the easiest way to do it would be to amend that bill. The difference is that the majority of people participating in that program will be non-residents. We've got a group together that we have no intention of these people paying for that license. We'll fund their license, but we can get a lot more money at \$160 a tag than \$1,600, so we hope we can get that done, but if not we'll have to wait until the January session next year.

Vice-Chairman Salopek: Including the stamps with each license, did it become so complicated that the ultimate problem was everything thrown in with it, would Representative Rehm be up to including the stamp with the license without other things?

Pat Block: That'd make it more sellable. It gets you down to a narrower playing field. Some of the opposition that was offered to that bill in committee was that it also changed the methodology of the draw and established that in statute rather than leaving how the draw works at the direction of the Commission. Another major issue was getting to a point where all of the cooperating partners in our current programs were comfortable with that proposal. I think if you had a more focused effort, you'd have a better chance. It would at least take one of the things folks did not like off the table. One other thing I'll mention is that on August 3 we did have a hearing before the legislative Interim Water & Natural Resources Committee. The Off-Highway Vehicle Program which is a required annual update, we talked about invasive species, how we were implementing SB 196, the possible listings of the Dune Sagebrush lizard/Lesser Prairie chicken, and they ended with a discussion on wolf that did not involve us, but we were there for questions. There wasn't anything that came up in terms of suggestions from them for legislation that we ought to be looking at. At the end of September, we'll meet with the Interim Land Grant Committee and let you know what we hear from them.

Commissioner Arvas: With the new members to the Commission, it'd be wise for the Department to send out a list with history of each one of what you're talking about. We'd be better prepared to make a recommendation in November, and prioritize that list, too, in terms of what the Department's feelings are.

Pat Block: We'll do that. For Commissioners' that were not here last legislative session, we send out periodic updates to let you know what's out there and how it's progressing.

Commissioner Hoffman: One thing that's needed is to raise the Sikes Act fee from \$5 to \$10. Our revenues have been flat since that was instituted and our maintenance costs keep going up. The amount of money available for new projects/improvements is proportionately decreasing. Most people I've talked to are not totally opposed to an increase in the Sikes Act fee, and we should pursue that. While we have laws in place that allow people to shoot animals under depredation conditions, there's no requirement that those animals be processed and used. I want to get legislation that if you shoot animals under the depredation statutes, one requirement is that you process and get that animal used. Plenty of people need protein and one requirement is if you're going to exercise your depredation rights under Jennings Law, you also make sure that animal is processed/donated to an organization. We're not going to stop the depredation/Jennings law, but you'd better be able to use the animal.

R.J. Kirkpatrick: Clarification on that issue, we don't disagree with you, but several years ago the Commission modified the depredation response rule trying to address that to a degree. Currently, if an individual does kill an animal, if they don't notify us within 2 hours of killing that animal, they must field dress it. It's difficult to prove exactly when it was killed and typically animals are killed during growing seasons on crop fields, so 2 hours in the heat isn't sufficient. Maybe legislation that requires mandatory field dressing at the point of killing and no time lapse between makes sense, but the previous Commission did try to address that.

Commissioner Hoffman: Personally I believe it needs to be done more vigorously. The proclamation says wanton waste individuals taking these animals, it doesn't say individuals that are licensed hunters taking these animals, it says individuals taking these big game animals, if they don't use that are guilty of wanton waste. It doesn't make a distinction. Legally I don't know, but the proclamation states if you kill 1 of those animals and you don't use it, it's wanton waste. We want hunters to do that, but the fact of the matter is this is a different scenario, and we could use the wanton waste statute to force this.

Commissioner Bidegain: Who's going to pay for processing?

Commissioner Hoffman: It's part of your responsibility to get it done if you killed the animal. Sometimes arrangements can be entered into with charitable groups, but if not, it's part of your responsibility.

Commissioner Bidegain: What about bear depredation? They going to process the bears, and who's going to do that?

Commissioner Hoffman: That has to be worked out.

Commissioner Bidegain: How many antelope/bear are taken on depredation by the state?

R.J. Kirkpatrick: We can get that information for you. We keep a running tally on that.

Vice-Chairman Salopek: Aren't bear/cougar considered where you don't have to get the meat out?

R.J. Kirkpatrick: Yes, that's correct. Wanton waste only applies to elk/deer/antelope. You're not required to remove edible portions of bear/cougar from the field.

Vice-Chairman Salopek: On the donation the Governor wanted, I wish the money we get stayed there because that creates \$100-\$125 for the state.

Chairman McClintic: If the person applies we're still within federal boundaries, correct?

Pat Block: What we'd do for those that elected to get a refund if they're unsuccessful in the draw is not issue a license so it wouldn't be a refund.

We've made them pay the fee for that license, but we'd not issue it until we know the outcome of the drawing. I'll remind you that we're doing our best to convince people that keeping that license is worthwhile besides the option they have.

Chairman McClintic: Once we get through this process the first year and there's a shortfall, we'll continue to work to adjust that?

Pat Block: Absolutely, if that's the wish of the Commission.

MOTION: Commissioner Montoya moved to direct the Department to further solicit, develop, and review proposals for bill introduction during the 2012 Legislative Session and provide for a final review at the November 3, 2011 Game Commission meeting. **Vice-Chairman Salopek** seconded the motion.

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

AGENDA ITEM NO. 11: Amending the Barbary Sheep, Oryx, and Persian Ibex Rule 19.31.12, NMAC, to Make Available Up to Three (3) Oryx Authorizations Annually for Wounded Warrior Project Participants.

Presented by Tim Frybarger - The Department presented its final recommendation for amendments to the Barbary sheep, Oryx, and Persian Ibex Rule (19.31.12, NMAC), to allow the issuance of up to three (3) Oryx authorizations to the Wounded Warrior Project for distribution to persons injured while serving in the United States Armed Forces. **(Action item)**

MOTION: Commissioner Arvas moved to adopt the proposed amendments to the Barbary Sheep, Oryx and Persian Ibex Rule 19.31.12, NMAC, as presented by the Department. **Commissioner Bidegain** seconded the motion.

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

AGENDA ITEM NO. 12: General Public Comments (Comments Limited to 3 Minutes).

Public Comment:

John Crenshaw: I want Commissioners to at least consider seriously forming a search committee to find a replacement, an open/public/transparent nationwide search would be to the benefit of the Commission/Administration/Department/new director who'd have a lot of support. One possible way of doing that would be to put together a search committee, advertising committee for interviews/full scrutiny. The process would benefit the entire system.

Garrett VeneKlasen: I'm Public Lands Coordinator for Trout Unlimited. We'd like to see a national search and maybe somebody could give us a brief update on where things are.

David Walker: Regarding the Youth Encouragement Hunt. The way it's set up now is that only kids that did not draw a tag at all, are only allowed to apply for it. Currently, you had 1,875 tags and as of yesterday, you'd only sold 620 of them. The kids that didn't draw an elk tag but maybe drew a deer tag should have a chance to be allowed to apply for those hunts. The way it's going it's discouraging those kids from putting in for multiple species.

AGENDA ITEM NO. 13: Update on Rio Grande Cutthroat Trout Management.

Presented by Kirk Patten and Mike Sloane - The Department presented the current status of Rio Grande cutthroat trout management in New Mexico. The discussion included the status of the species under the Federal Endangered Species Act, updates on current and past activities, and proposed future activities. The Department requested Commission approval to move forward with preparations to treat Animas Creek in the Fall of 2012. **(Action item)**

Vice-Chairman Salopek: Where we've done this before it's 5-10 years before we can get back into fishing. If we're looking at doing it, is there any way of doing it when more kids are in school/wintertime to restore it?

Kirk Patten: I see 2 questions--what's the timeline for establishment of the population? Is there a window of opportunity we can stretch to have more kids available to fish it?

Vice-Chairman Salopek: If we're going to wipe it out and there's no summer activity for kids on vacation because there's no fish. Try to accommodate people fishing. Summers would be the worse time to do it.

Kirk Patten: Yes, but there are some issues. There's a sensitive frogs species that we don't want to affect so you have a different window that you have to consider. Nonetheless, we can work with that to try and minimize the affects on angling. Regarding affects on angling, in the Rio Costilla Basin we've had Costilla Creek which was up to the same density of fish and sizes of fish within 3 years. In Casias Lakes we finished that last year and it was fishing quite well. 5-10 years is a bit long, but there are cases where it has taken that long, but if we have similar success like we've had in the Costilla Basin, we're looking at 2-3 years.

Vice-Chairman Salopek: What about fish that are not true strain cutthroats, but it seems they've adapted to being able to survive the droughts/fires. Does that come into play or do we just wipe them out and go the other way?

Kirk Patten: That comes into play, but we have other Rio Grande cut populations that undergo the same stresses in the northern part of NM. In fact, if we wanted to and it was desired and we could take fish from a similarly situated stream that is dry where you have prickly pear cactus up a way from the riparian zone, and the stream goes intermittent from time to time, we could transplant that individual fish to try and bring in some similar strain of fish.

Commissioner Hoffman: You put in chubs/suckers concurrently not because they're threatened/endangered but because you want to keep populations of those?

Kirk Patten: Yes, but the idea is that these species have declined significantly across their range, and it's likely that down the road there will be some sort of listing petition so the reason we're doing it is to pro-actively address that so we don't get into that in the future.

Commissioner Hoffman: Is there any evidence that recovery of trout are influenced by the presence of chubs/suckers?

Kirk Patten: There is some evidence that they compete with one another, but considering that they evolved together over however long, that there would be some mutually beneficial arrangement. In fact, in Comanche Creek when we do move Rio Grande suckers, our hope is that we can study exactly the topic you're talking about.

Commissioner Hoffman: Basically, take fish eggs so your spawning rate may be lower in the presence of chubs/suckers than it is if you don't have chubs/suckers?

Kirk Patten: It could be, but at the same time you'd also have Rio Grande suckers/chubs available for trout to eat, and they're piscivorous when they get to a particular size, so there'd be additional benefit of a higher protein diet.

Public Comment:

Frank Weissbarth: I'm here on behalf of the NM Council of Trout Unlimited, a national conservation organization. We strongly support the re-introduction of Rio Grande cutthroats in Animas Creek.

Larry Cosper: I'm District Ranger in the Black Range District of the Gila National Forest, and I want to restate our support for this project and our belief that it should go forward.

Kent Salazar: I'm in favor of reintroduction of Rio Grande cutthroat trout in Animas Creek.

Steve Dobrott: I'm the Manager of the Ladder Ranch with Turner Enterprises. I'd encourage you to support it.

Vice-Chairman Salopek: Is there going to be restricted access so fish can't invade from downstream?

Mike Sloane: Turner Enterprise built a large concrete barrier on their property that'll prevent upstream migration of any other fish species, so from there on up will be Rio Grande cuts/suckers/chubs.

Vice-Chairman Salopek: As long as there's opportunity and you hear the other side saying we don't want to be out 10 years, I've got to agree with them. With Turner/whole river involved it makes it easier.

Mike Sloane: We can work with the time in terms of minimizing the amount of down time for the stream. Also, with Rio Grande cutthroat trout this program is different than Gila trout where they're moving 2-10 fish from one stream to another to start the restoration. We have a hatchery program supporting it that I think will bring it around a whole lot faster.

Steve Dobrott: The area is very remote, but there's access from the forest in the wilderness. It's not like you're going to get a lot of anglers there every weekend.

Jeremy Vesbach: I'd like to support the Department on this project. We encourage you to move forward with it. The other concern had to do with piscicides and if that is a concern, it gets addressed by the Water Quality Control Commission in evidentiary hearings.

Dr. Jerry Jacobi: I'm a retired professor of Environmental Science at NMHU, and I've been a cooperator with the Department for several years. There's been a lot of controversy about affects of piscicides, both Rotenon and Antimycin on non-target organisms, and I've studied these organisms in the west fork of the Gila with Gila trout project. I've been involved with Comanche Creek, studied macro-invertebrates, and yes, piscicides do kill organisms that have gills including fish/insects. When fish are removed, some insects are also killed, but then within a year when the Department is ready to put fish back into these areas, there's a food base already established. I support the re-introduction of trout, but give us some time to look in there to see what's in there.

Commissioner Hoffman: In Dutch Salmon's article, he mentions 2 other tributaries to the Animas Creek. What are they tributaries to?

Kirk Patten: I only recall 1, and it's Seco Creek. Seco Creek I believe runs directly into Rio Grande.

Commissioner Hoffman: Is there any work being done on that creek or any other creek there? Seco Creek has Rio Grande suckers and maybe Rio Grande chubs, but no Rio Grande cuts and no cold water, it's intermittent.

Vice-Chairman Salopek: What about percha?

Kirk Patten: That's in there. I know little about percha. I believe it's a warm water fishery, but it's not a tributary to the Animas.

Commissioner Hoffman: So there are no other creeks in that area that have the potential for re-introduction?

Kirk Patten: With that type of habitat, no. There may be small reaches that are cold for half a mile, but typically if reaches are going to support trout, there's going to be some sort of trout in them.

Dr. Ann McCampbell: I'm in opposition to using piscicides because I believe they cause more harm than good.

MOTION: Commissioner Montoya moved to direct the Department to proceed with restoration activities on Animas Creek. **Commissioner Espinoza** seconded the motion.

Commissioner Arvas: Could you tell us exactly what that motion means?

Kirk Patten: I'd interpret that to mean that we'd plan and implement a native fish restoration project in the Animas watershed which with the use of piscicides, and the piscicide we're currently using is called CFT Lagumine. It's a Retenone formulation.

Commissioner Arvas: What are the timeframes you have for that?

Kirk Patten: We'd probably get the NEPA process under way as soon as the Forest Service is capable. We'd probably petition the Water Quality Control Commission sometime this winter and begin pre-treatment/sorda surveys maybe this fall, probably next field season in 2012, and maybe with implementation in 2012 more likely 2013 or 2014.

Commissioner Arvas: So not much is going to happen 6-8 months?

Kirk Patten: No.

Mike Sloane: One piece that may have gotten left out is that currently the stream is catch-'n-release only and we'd open that up and allow folks to harvest as many fish as we could before we go forward with the project.

Vice-Chairman Salopek: When you're re-stocking and we've been raising, how many fish are we talking about being able to put into the stream?

Kirk Patten: We usually stock small fish at a general rate, we stock about 1,000 p/mile of habitat. For this we'd need, in an average year, let's say the creek is 15 miles long, we'd need 15,000 fry. Our hatchery this past year produced 350,000 fry, so I think we have plenty of fish in order to get that under way when the time is right.

Vice-Chairman Salopek: Would you be re-stocking every year?

Kirk Patten: We'd probably do it in a 2-3 year cycle. The first year we'd start out with little fish, then 1-year old fish maybe 4-5 inches, then some larger fish and we could do that over a 2-3 year period.

Vice-Chairman Salopek: Will there be no fishing while that's going on, or will it be catch-'n-release, or do you have to wait and see?

Kirk Patten: We'd have to wait and see. In the case of Comanche Creek, we allowed fishing during that process, so it's possible.

Chairman McClintic: Dr. Jacobi made a good point about certain things that may not be recoverable after you've poisoned the stream. Did you want to address his concerns?

Kirk Patten: Working with Dr. Jacobi for 5-6 years, I'd encourage Dr. Jacobi to come with us. The Department has hired him to be our aquatic macro-invertebrate consultant before, and he'd certainly be a resource along the way for that. If he has any input, which he has had before about how to structure a treatment in order to mitigate those effects or void them, I'm all for it.

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

AGENDA ITEM NO. 14: Desert Bighorn Sheep Delisting Process Update.

Presented by Elise Goldstein - The Department presented an update on the Desert Bighorn sheep delisting process including the remaining schedule culminating in a decision by the Commission at the scheduled November 3, 2011 Commission meeting. There are 2 components to the process: 1) is the biological status of Bighorn; and 2) the process of following the Wildlife Conservation Act to go through the delisting requirements. Surveys were conducted at the end of May, 2011, so data presented are based on aerial surveys, as well as data gathered from ground monitors collecting data from the field. The first requirement based on Recovery Plan is that the statewide population has to have a minimum of 500 Desert Bighorn sheep in the state. The midpoint estimate as of end of May was 645 bighorn, well-exceeded the minimum requirement. The second requirement is that there are at least 3 populations or metapopulations of a minimum of 100 animals. A metapopulation is where there are 2 distinct populations but there's some sort of movement between them so have some genetic flow between them. A Frau Cristobal-Caballo meta-population with a mid-point of 280 bighorn, the Frau Cristobal population has taken off the past few years. Boot Heel meta-population has a mid-point of approximately 213 animals, and the San Andres population has a mid-point estimate of 117 animals, so all 3 metapopulations are over 100, so that requirement has been met. The Wildlife Conservation Act governs the legal process that the Department needs to take in order to delist the species. The WCA also requires advertising meetings. Legal notices in both the Albuquerque Journal, and the Las Cruces Sun News for 2 days were published. Meetings will be on September 6 and public comment will be open for 1 month following that meeting. At the November 3 Commission meeting, a proposal to delist Desert Bighorn sheep will be presented for a vote. **(Information item)**

AGENDA ITEM NO. 15: Silver City Deer Management Issues/Overview.

Presented by Kevin Rodden - The Department presented an overview of the current situation of excessive deer numbers in and around Silver City and neighboring communities as well as a draft action plan containing options for resolving some of the issues.

Commissioner Montoya: Something that bothers me is the blue shirts having to shoot deer. Trapping is expensive, questionable whether those critters that you move even have a chance. I'd encourage you to provide the resource to the hunters.

Ray Aaltonen: To address that problem, to get that population down, have control, and be able to utilize part of that if we were to go down that road, is to sell the deer to people in need in Silver City. We have other options with groups and putting out a list at Wal-Mart, getting those deer utilized. In terms of affecting that population we felt that was the most effective considering the private land and trying to get people in there and an agreement from people in areas where we're not being perceived as shooting deer in the backyard-type stuff also by the hunting public.

Commissioner Hoffman: I'd like to put in a plug for Hunters for the Hungry for deer carcasses. What's the most effective way? Shooting them with sniper rifles at night which is typically what one does, or netting them? I ask because you have to transport/release them and that's expensive. Why

not trap and kill them? Nobody likes to think about it, but if we're in a panic mode to remove deer, the simplest way is on a mass scale. If you want to reduce the population, relocating them is costly, but netting/killing them and doing the same with the meat is an option.

Ray Aaltonen: We feel shooting would be more effective/efficient. When you drop nets which we've done in the past, you get a set amount of deer underneath that net. It's only so big you may drop it on 10-20 deer a day and that's it. With shooting it's almost as much as you can do over time. Initially, I don't see this being at nighttime. I see this in the daytime. Before we start putting that pressure on them that it's not going to be driving around with spotlights and that may not be smart with high powered rifles, but it will be up front/personal unfortunately. With that we'd have to go back to the County Commission/City Council to address them on that. When we met with them the first time, it was more geared toward hunting/trapping. The City was against hunting due to their ordinances. There is a population in Silver City that will not like any of the options.

Vice-Chairman Salopek: It's shocking to see how many deer come running in on a feeder. With that mind, are there any landowners say across the street that would be willing to set up feeders and maybe some trees where you could have 3-4 bow hunters where you're shooting downhill. We've rarely lost an arrow the way we shoot because the trajectory is down into the ground. I don't advocate hunting over a feeder, but this seems an extreme case. A lot of opportunity would be opened up quietly.

Ray Aaltonen: Two thoughts on that—1) that would take a change in rules/regulations by the Commission/Department; 2) 1 of the things we're trying to stop from occurring is feeding wildlife and concentrating wildlife. If we do that to meet that, there's a whole side issue. That is 1 way to do that in areas where landowners are interested in removing deer. That would increase the success rate of archery hunters in that area.

Vice-Chairman Salopek: It seems you'd get the deer out.

Ray Aaltonen: There's no simple solution or we would've been there a long time ago and we'd not be in this situation.

Commissioner Arvas: Commissioner Montoya will remember we tried something similar in Farmington. I was amazed how re-locating deer is not re-locating antelope. It doesn't work the same way. Those deer didn't want to be there and they fell down and it was terrible. We're not going to have a great success record with trapping/re-locating.

Ray Aaltonen: Not in terms of establishing populations.

Commissioner Arvas: It's a lot of money wasted to a certain degree by doing that.

Ray Aaltonen: But we'd still have deer inside the city limits.

Commissioner Arvas: What do you think the City Council is going to let you do?

Ray Aaltonen: They won't let us trap/transplant at this time. We'd have to go back with the blue shirt idea. The County was in favor of hunting them.

Commissioner Arvas: Would they help support the fiscal impact on the Department?

Ray Aaltonen: I haven't approached them on that. They're currently assisting by picking up roadkill along county roads, so they've stepped up to help citizens.

Commissioner Hoffman: One stumbling block is Silver City Council, correct?

Ray Aaltonen: Within the town limits only. A lot of this does occur outside the town limits.

Commissioner Hoffman: I've read quite a few articles about deer reduction in various parts of the country and there are companies that have ex-military snipers that do this with night vision scopes. The reason they do that is to minimize culture shock to urban residents. These deer are dispatched/hailed off quickly and in the morning when the sun comes up most people would not know there's been a blood bath that night. If the City Council was made aware of those possibilities that have been successfully practiced in a bunch of towns in New Jersey/Pennsylvania then you might have a chance of getting it down effectively/efficiently.

Ray Aaltonen: We'll check into that. That'll save some time.

Commissioner Espinoza: Do you foresee the possibility with the number of deer you're going have to remove that you're not going to end up with enough people to give them to?

Ray Aaltonen: That was 1 thing we were discussing. First option is go to Human Services/schools/churches and find families that can use it.

Commissioner Hoffman: Hunters for the Hungry. Their organization would have to go to the butcher's, get it processed, and set up that type of delivery system. We'd have to work on the permit system. The last 1 was put up a sign-up sheet at Wal-Mart. I don't anticipate any problem if we were to do that. We have roadkill now and they're usually beating us there or calling us. I do envision in Silver City that we'd be able to meet that demand.

Commissioner Espinoza: I'd recommend Hunters for the Hungry/Sportsmen for Fish & Wildlife, other groups to send out an outreach for assistance because the last thing I'd want to see is deer land up in the landfill because you ended with too many.

Ray Aaltonen: With us doing hands-on control, we'd be in charge dividing them.

Mayor James Marshall: I'm the Mayor of Silver City. I'm here to get beat up on the finance part of it. I can only relate to you what the Council discussed and what the citizens that have contacted us have said, which was no shooting within the town limits. We do have ordinances. The state can override those on many fronts. Mr. Redman has spent years trying to educate the public on the dangers of feeding deer in town. He's been to city council meetings many times. The current statute, which I'd hope we can get some support to change, is it's only illegal to feed the deer if you're creating a nuisance habitat. Here we are today having this discussion. The situation is getting out of control. We're more than willing to work with the Department in making sure that we come up with a solution that solves the problem.

Commissioner Hoffman: What are your instincts about the same kind of solutions used in other places, basically night snipers? Nobody even knows they're there, and the town has to do this.

Mayor James Marshall: I'm not opposed to it. As the Mayor, I can only relate to you what our council has discussed.

Commissioner Hoffman: There are ways to shoot them, and you get rid of the deer population problem and that's different than people shooting them with arrows or having them collapse on somebody's driveway. In terms of a surgical removal v. hunting-type removal, what are your instincts about what would be the response to such a possibility?

Mayor James Marshall: My instincts, knowing the population of Silver City, are they would not be too thrilled in town. That's part of why we have the problem because they're feeding them.

Vice-Chairman Salopek: When you say no shooting, does that include archery, or are you talking rifle?

Mayor James Marshall: The current ordinance says no discharge of weapons which includes any type of firearm/archery/crossbow.

Commissioner Arvas: Would you consider helping us financially?

Mayor James Marshall: We're not in any better situation than the state. We're in a better situation than many municipalities, but I had to get a letter from the Department so that our staff can take deer off door steps because it's the state's property. Our citizens are making your problem worse but we can't deal with it legally.

Ray Aaltonen: With discharging weapons inside city limits, it's highly populated and even surgical may not be safe. When you get around to the outskirts of town limits and definitely in the county, that's where I see that occurring.

Commissioner Hoffman: Is the county amenable?

Ray Aaltonen: So far the county has been. They were in favor of trapping/transplanting. If the Department goes forward with their manpower on the kill permits, we need to bring that to their attention too, but I'm thinking they'll probably be in favor.

Commissioner Hoffman: What's the distribution in terms of deer population between county/city? In other words, you got town limits then you've got a large county area. What would be the distribution of deer? If you did a good job in the county, would that alleviate the problems in the city?

Leon Redman: I've been gone almost 2 years from the Silver City area, but you could probably say it's 50% in city, 50% in the county.

Commissioner Hoffman: With a much smaller area in the city?

Leon Redman: Correct.

Vice-Chairman Salopek: Is part of the problem they're eating in town and bedding down across the roads where the trees/grass are?

Leon Redman: The problem is there are too many deer.

Director Stevenson: But they're not moving, Leon? They're actually bedding down in town?

Leon Redman: They drop their fawns, breed in town, it's all happening in town.

Mayor James Marshall: We have quite the game preserve going on with deer/coyotes/fox/javelina all roaming around.

Vice-Chairman Salopek: The deer issue is cougar coming behind them and burying kills underneath swing sets. There's going to be a child killed and then what's going to happen?

Mayor James Marshall: We've actually had cougar sightings right behind the hospital on hospital property. **(Information item)**

AGENDA ITEM NO. 16: Prospective Amendments to the Barbary Sheep, Oryx, and Persian Ibex Rule, 19.31.12, NMAC, to Restructure "Off Range" Oryx Hunts and License Numbers.

Presented by Jim Lane – The Department presented several options for eliminating oryx "off range" season dates currently scheduled during April and May, and re-distributing the associated hunting opportunities throughout hunts with other season dates to allow for adherence to SB 196 licensing requirements.

Commissioner Hoffman: Do we have youth hunts only?

Jim Lane: We do. We've got youth each and every month.

Commissioner Hoffman: Are these fully subscribed at present?

Jim Lane: Yes, sir.

Commissioner Espinoza: Are the youth hunts oversubscribed? Do we have more applicants?

Jim Lane: I currently do not have those numbers.

Vice-Chairman Salopek: What about #3? Is that a whole different hunt than we're having anyway, or added on to what we already have in place?

Jim Lane: Same hunt code/time, those would be an additional 26 licenses per month. All of these would run concurrent with current hunts.

Vice-Chairman Salopek: How many hunters are out there now? Is it 75, 50+broken horn 10 or something like that?

Jim Lane: I do not know that off the top of my head. It is 50 and 15, so there are 65 out there every month.

Vice-Chairman Salopek: Looking at the numbers game, No. 2, when you start putting a bunch of hunters and oryx hunting is getting to be tough anyway which is now true hunting instead of driving up and shooting 1, I'm glad we're not losing opportunity of those licenses and still be able to hunt.

Jim Lane: That was 1 of the reasons for Option 1 also that that would be only 13 additional trucks in the field each month. Hunters would be paired up with each other so you wouldn't feel the added pressure of doubling that.

Commissioner Hoffman: Basically, Option 2 essentially keeps the same proportion of youth and regular hunts, spreads them out over time. We have increased youth, we haven't diminished youth. I prefer No. 2 because it keeps it like it is and keeps proportionate opportunity for both youth and non-youth hunters.

Jim Lane: Both 2 and 3 do that.

Commissioner Hoffman: But No. 3 puts more hunters in the field at the same time. Based on my experience hunting oryx, you want to have as little hunting pressure as you can in order to maximize your opportunity to see an oryx, so I think in that regard 2 would be preferable.

Commissioner Espinoza: From the Department's point of view it really doesn't matter, you don't have a preference?

Jim Lane: At this time I'm looking more for guidance from the Commission. It really doesn't, in my opinion, and biologically it means nothing which one we choose but certainly even socially, there are good points probably about all 3, thus the 3 comments. I've heard direction today and we'll leave it open for the remainder of the time and come back to you with a final recommendation at the November 3 meeting. **(Information item)**

AGENDA ITEM NO. 17: Habitat Stamp Program Issues.

Presented by Dale Hall - The Department discussed various alternatives for modified funding formula, and implementation of the Habitat Stamp Program.

Commissioner Hoffman: So the Department/Forest Service/BLM got together and said you were going to spend the money wherever you want in the state? This program has been going since 1991, using 5 regions CAC to distribute money for wildlife projects around the state. That program has been extraordinarily successful. I don't know how many people, including myself, walked up on Sikes Act projects where the sign says this is supported by your dollars. There are hundreds of people who have gone out and built waters. Citizens spend a lot of time evaluating projects. Would you tell me what's wrong with the current way we do business? There are a couple of tweaks that need to be done clearly. Representative Rehm was disappointed because he couldn't use competitive bidding for the projects in his region. That has been addressed and that may be a good thing to do for all regions. Second, the formula for distributing money amongst the regions is probably not reflective of current use and acreage by hunters/fishermen today, so there are some tweaks that need to be made, but these are not major tweaks. The system works. What's wrong with the current system?

R.J. Kirkpatrick: We're not asserting there's anything necessarily wrong with the current system, we're suggesting this is an opportunity to make the program significantly better and maximize the limited dollars that all of us have toward the ultimate goal of enhancing/improving both aquatic/terrestrial habitats across the state as quickly/appropriately as we possibly can.

Commissioner Hoffman: I disagree 100%. Basically, hunters pay for this by buying their \$5 stamp, and the actual facts are that the Forest Service/BLM/any other interested party can present proposals for wildlife habitat projects in a region. What you're telling me is to make it better is that Forest Service/BLM can propose projects in the state instead of doing it in the regions. Currently, Forest Service/BLM, and in our region we have tremendous cooperation, provide interesting/important projects that we try to fund to improve wildlife habitat. For our region it works great, why should we be amenable to not having projects ongoing in our region to benefit people who use our region for recreation?

R.J. Kirkpatrick: Nothing I suggested would prevent maybe even a higher proportion of projects occurring in your region.

Vice-Chairman Salopek: To get where the Department is thinking, are we looking at trying to have more meetings/committees. How do we get everybody involved so we're all on the same page?

R.J. Kirkpatrick: In discussions with Forest Service/BLM, the current areas of NM where all 3 agencies believe habitat is in trouble and needs assistance, we suggested bringing sportsmen paying the bills, and see where sportsmen think habitat enhancement/riparian/fisheries improvements need to occur. Now you've got a multiple perspective on where work needs to be done and at that point when everybody understands everybody else's perspectives, then and only then should there be a discussion amongst all 4 entities about how best to appropriate those dollars to get everybody's objectives/goals met as efficiently/effectively as we can. That doesn't preclude continuing to operate under regional concepts like we do now, or it may. It depends on the outcome of those discussions, and what the goals/desires of everyone are. If the Commission wants to direct the Department to make those modifications Commissioner Hoffman suggested, and continue to distribute funds pursuant to a formula, or put together a task force to discuss the distribution of funds, we will do that. This is just a suggestion based on where we are in time.

Vice-Chairman Salopek: We extended this for 10 years and we knew we had time so what we have in place has been in place. In the SW we have more federal lands and it becomes an issue of the percentages. That probably ultimately will be a part of it. That being said, I know there are times when you act quickly, but what Commissioner Hoffman said earlier today and I advocated last year, if there's any way to get included \$5-\$10. Nobody wants an increase but I truly believe sportsmen want an increase because this is huge.

R.J. Kirkpatrick: One option the Department has discussed was the annual appropriation let's say \$600,000 and half the state/BLM/Forest Service lands represent about the same acreage, we distribute \$300,000 to BLM, \$300,000 to Forest Service and we let Forest Service/sportsmen decide where best to put those dollars. The formula we're currently using to divide those funds into the regions is probably antiquated and needs to be rethought. You could do that on an acreage basis. There are a lot of different ways you could do it. For argument sake, significant number of landscape scale initiatives or interesting areas where we think work needs to be done actually does lie in the SW area as opposed to the central region and as surely opposed to the NE/NW. My suggestion is that we not put the cart before the horse and have meaningful discussion between all the people that care about improving habitat and come up with the best plan, but if the Commission desires that the most important thing is more equity in the allocation to the current regions, we'll move forward and do that. Clarifying from Dale, these are actual project/landscape areas that were developed by the 3 agencies. In varying degrees of readiness, probably not too many fisheries projects in these but that's been a concern all along. Anglers pay a significant amount of the revenues and we don't spend a whole lot of Sikes Act money on fisheries projects. We wanted to make sure everybody understood fundamentally how the Sikes Act does/doesn't exist. In discussions around increasing the fee, the reality isn't a legislatively approved collection of that fee which is collected under the auspices of the Department, through the Commission, from people that hunt/fish/trap on federal lands. There is nothing that approves the Department collecting the fee. Discussions about increasing that fee under current thought processes are what lie within the purview of the Commission although that's a delicate matter. You should be aware of it.

Vice-Chairman Salopek: Put it in each license and keep it simple as Rep. Rehm wanted it. Yes, it may have been lower, but I thought we were going to raise more and that would have been a better affect than going from \$5-\$10. I think we can still pursue that avenue.

R.J. Kirkpatrick: Some of the issues that arose with Rep. Rehm's ideas were the Habitat Stamp we're talking about today is a fee that's collected pursuant to Commission rule. Habitat Management Access Validation is a legislatively approved fee, \$1 which goes to Open Gate, combining those creates problems with breaking those dollars out not insurmountable. The other component that was problematic was that every license is required to purchase this single simple stamp, lot of landowner authorizations conversions, private land deer hunting, a variety of those things, how would we incorporate some benefits of those revenues to private lands, so there were several issues around it.

There's no argument that the costs of habitat enhancement are increasing exponentially every year. It's an expensive venture. The reality is that habitat is degrading faster than we're addressing it, and if we're going to continue to be able to hunt deer/elk/antelope/fish and do all the things we like to do at the levels we're currently doing them or any enhanced levels, we're going to have to get dead serious about habitat. If we don't then those are going to degrade over time as well. This program has been successful/positive. Us in the Department who do this for a living believe it could be better. I think Forest Service/BLM agree it could be better/bigger/faster/stronger and whether the Commission wants us to continue with what we're doing, it's up to you.

Commissioner Espinoza: From sportsmen, absolutely the program is working. They see that and take pride in that they've contributed to that project. 1991 and here we are 23 years later. It's time for a fresh look at it, re-evaluate it and see if we are doing the best thing possible. Obviously, in 20+ years things have changed. You said the ways to distribute it was based on deer hunter numbers?

R.J. Kirkpatrick: Dale/Tod could clarify that. I'm not completely understanding of how that original allocation was designed but I think it was based on estimated number of deer hunters hunting on BLM/Forest Service lands in each of those regions, keeping in mind that during the days of development of that concept, the majority of deer hunting in NM was over the counter, whereas today we hunt 2,000-10,000 over the counter, we've gone to a limited entry process where there may be only a few hundred people hunting in those same areas. Times have changed.

Commissioner Espinoza: There are huge opportunities for enhancement. I've been directly involved with the stamp program and there are significant opportunities to leverage funds which I don't think we're maximizing. Somebody mentioned that sometimes the effort to get those grants in place cost more than the grant itself. By doing landscape projects we can maximize that effort. Looking around the western states, we could do in NM. Have you come up with a list of who you would like on the committee and how you'd like that structured? I don't know if any other Commissioners have thought of that and if the Commission would be directly involved.

R.J. Kirkpatrick: We've not talked about what the makeup of a public citizen committee may be. Currently citizen participation has been at the CAC level or a representative of each of those committees. They're fairly representative of sportsmen. There are a variety of sportsmen/groups throughout the state that I'd envision could easily send a representative to participate on that group as well—Rocky Mountain Elk/Muledeer/National Wild Turkey Foundations, a variety of folks across NM. I don't think this is agency/government-driven, but it's got to be a 4-way partnership. The Department could easily come up with a list on what that representation might be. Give us some ideas and if moving towards a bigger group of people to sit down with 4 agencies makes sense, then we'd be happy to do that.

Commissioner Espinoza: It'd be helpful for me if you'd undertake developing a list of sportsmen's groups/other agencies, timeline of when to implement it. I'd caution about making that group too big.

Commissioner Arvas: How do you envision R.J.'s representation of this proposed change? How do you envision that would be enacted?

Dale Hall: We've got the citizen participation. It'd be just a matter of inviting more people to the table to give input on these various plans that we have in place, or plans we'd like to develop.

Commissioner Arvas: Is it true that the original concept of the plans/proposals come from BLM/Forest Service to start with?

Dale Hall: That's true. Proposals are generated primarily from the agency folks within these various administrative units.

Commissioner Arvas: These folks in theory at least are giving us their professional opinion/judgment on what needs to be done in their respective areas.

Dale Hall: That's right and then they come and simply ask sportsmen to fund their various projects.

Commissioner Arvas: So, when you take these proposals to the CAC's, they bounce these around and pick the ones they feel are worthy of the monies we're going to spend for that area based on their formula monies?

Dale Hall: That's right so maybe the process is possibly a little bit backwards. R.J. is trying to get out that sportsmen should be buying a product so they should forecast the product that they want to buy, and then see what agency unit can provide that product. Currently it's the opposite. They're coming to the citizen and saying will you fund these.

Commissioner Arvas: So there's a possibility sportsmen may not even think what BLM/Forest Service are proposing are good projects?

They may think that they want something else in a given area/region or more emphasis in 1 part of the state than another, that type of thing.

Dale Hall: That was brought up at the June meeting in Las Cruces and yes, by tweaking the formula making a competition competitive within each region. That allays some of the citizens' concerns that they don't want to fund that project but they're forced to fund it.

Commissioner Arvas: That's the fault I see in the original concept of the Sikes Act might be. We're tying ourselves to a given project that's been more/less relegated by a federal agency to us whereas as a sportsmen's group they may decide that they want to do something else and it may fall out of the parameters of what the federal people propose.

Dale Hall: That happens on a regular basis and it happens within the agency, the varying values that we identified in the review.

Commissioner Arvas: So, if we take the money per area away from the equation and become more broad minded and say the big picture of the architecture/plan we're trying to propose we may not spend a dime in the SW area at all.

R.J. Kirkpatrick: That could be a potential outcome. I don't know that's a likely potential outcome, but it's a possibility. More under a pretty refined approach that created this controversy was we're going to go fund these bigger landscape scale projects, the bulk of the money is going to go to them, and then we'll drivel the leftovers back out to the regions. I don't know that that necessarily will be something that would come out of this discussion. Keeping in mind that the Sikes Act annual appropriation agency gets is it's not insignificant, but it's not the most significant financial contribution to these projects in a lot of cases, especially these bigger ones. It's a component but it's oftentimes not near the biggest amount of money in these projects.

Commissioner Arvas: If we take the dollar value out and say we have \$739,400 to spend, and it's this group's consensus to spend it on, there's a possibility that will work better than what we have in place now.

R.J. Kirkpatrick: Exactly.

Commissioner Hoffman: I don't think it's fitting dollars into projects. If you look at the makeup of the CAC's, they are represented by sportsmen/environmentalists/private landowners—they are a diverse group that decides what's best for their region. I suggest that if you allow these projects to be competitive within a region so that if the Department comes up with a great project that is going to require all the money, and the committee agrees all the money goes to that 1 in that region. The point is that you can have some say in the region in which you are living/recreating/paying money into the system. The ability for people to have an input into their region is paramount and that's why the system works well.

Public Comment:

Kent Salazar: I urge you as the Commission to give these folks clear direction so we don't have any problems.

Bill Merhege: I'm Deputy State Director, BLM-NM. There's room for both restoring landscape to where it should be for whatever species we're trying to manage for.

Commissioner Espinoza: Understanding landscape projects, has it made BLM more efficient, less in the redundancy of certain aspects or duplication of efforts?

Bill Merhege: To show you how efficient it is, the Healthy Lands Program for the Department of Interior bureau wide was based on BLM-NM is doing in cooperation with NLCS/Department/SLO so you have a great Department and be proud of them because they've been a big partner of ours for this project.

Commissioner Hoffman: Is it a fair statement that when you plan a landscape project, it's a mosaic of projects?

Bill Merhege: Yes.

Commissioner Hoffman: If you do a landscape plan in West Potrillos and you say we've got to do brush control/gulley plugs, you have those as separate budget items, correct, basically in that big plan?

Bill Merhege: They're addressed separately. They each have their own funding.

Commissioner Hoffman: Exactly, so what's wrong with designing a landscape in the West Potrillos and coming to the Sikes and saying we've got this 28,000 acre brush control here, we're going to do this here, we need gulley plugs here, or we need waters here, something that's in the scale that the Sikes Act can do either with matches or directly, and include that in the landscape plan for that area in that region?

Bill Merhege: There's nothing wrong with that, but I think what you're discussing landscape or small waters or something, I think there's a role in the Sikes Act for both.

Commissioner Hoffman: I'm saying that small waters can be a large part of landscape planning/exclosures or whatever to make that landscape better. I'm saying that this denigration of Sikes Act projects as small projects is incorrect because they can be done in the scope and planning for much larger projects, but they're still Sikes Act projects controlled/approved by local CAC's.

Bill Merhege: They are. I don't think anyone was denigrating the size or a small project. For so many years that's all we focused on and we're not gaining ground on the issue with habitat degradation just by doing riparian exclosures on this acres, and wildlife water on top of that mountain.

Commissioner Hoffman: Haven't the CAC's collaborated with you quite successfully in that regard?

Bill Merhege: We haven't approached them with landscape projects through Sikes Act.

Commissioner Hoffman: You look at the planning you do but not as a landscape project, at least that's what BLM guys tell me.

Bill Merhege: It is and so was the West Potrillos.

Commissioner Hoffman: It has Sikes Act projects in it.

Bill Merhege: They were there before believe it or not.

Commissioner Hoffman: They're doing maintenance, keep up that landscape; so, basically you can do all the landscape projects you want in the context of the current organization of the Sikes Act. It's the agencies' planning which dictates what projects are presented to the Sikes Act Committee.

Bill Merhege: Yes.

Commissioner Hoffman: So your landscape planning is all good, but it's done regionally and evaluated by a local diverse committee?

Bill Merhege: Fair.

Commissioner Hoffman: So the whole argument that we've got to do landscapes, that's different than the Sikes Act funding, is not correct because you guys are the ones doing the planning, proposing the projects in your big planning landscape projects.

Bill Merhege: I'll agree with that, but what if I went to a CRC and said the \$200,000 you're getting in Las Cruces this year, we're proposing 1 project. We want to use those funds to match this to treat 40,000 acres of something. Is that going to be acceptable?

Commissioner Hoffman: If the Sikes Committee says it's an important thing, they can contribute their Sikes money towards it. It's the planning process and it's your projects. If it's competitive, you can come to them and say this is a great project, can you fund it? If your conviction is great, they can take all the money that's not earmarked for maintenance of existing projects. You'll never get that because that's the first priority of Sikes Act funds because currently maintenance of existing projects, right?

Bill Merhege: I don't know where this is going to end up between the Commission/Department, but whatever you decide we'll work/support it.

Director Stevenson: As an option, if the Commission felt that they could provide us with guidance on how to move forward to address the multitude of concerns, if you feel we're not at that point we can come back to you with some recommendations about who/how that committee would work.

Chairman McClintic: Listening to some of the people on the Commission, I don't believe we're at that point. We need to have people in agreement as to what course we're going to take.

Vice-Chairman Salopek: When we're looking at the Sikes Act money, and Bill the way you explained it, do we know how much money we're talking about, BLM/Forest Service/Sikes Act? It's not just Sikes Act money? Are we talking matching funds? Are there \$2M out there and we got \$600,000 from Sikes Act? What's the total amount of money we're talking about?

R.J. Kirkpatrick: Sikes Act represents statewide an insignificant amount of money considering all of the habitat enhancement work that's going on. It's more complex than pitching out an estimate. Literally millions/tens of millions of dollars are spent on habitat each year. Some of those federal dollars are dollars through enhancement programs. Every dollar we spend through big game enhancement programs for habitat work we're reimbursed \$.75 on that \$1. With the exception of a little grant that Dale has, Sikes Act expenditures aren't reimbursed specifically through a federal grant. BLM is able to secure additional budget because of Sikes Act dollars so you could consider that a reimbursement; Forest Service not quite as pure.

Vice-Chairman Salopek: That would not be part of our budget, too, directly/indirectly?

R.J. Kirkpatrick: That's not just our area, that's NM as a whole.

Director Stevenson: When we're talking to the Forest Service/BLM, they've got planning areas that they're working on. They're putting significant dollars already, and we align projects that sportsmen want within those programs and better benefit of where we spend enhancement dollars, where we spend Sikes Act dollars tied to part of those programs to maximize those funds to where the BLM/Forest Service potentially can do 1 set of NEPA documents, do the cultural evaluations to get them in place to where we can treat 200,000 acres. If we do these on a project-by-project basis sometimes we spend almost the same amount of effort to get that done for a 5-acre project in some cases because you've got to go through a lot of the same steps. Once again, we're not pushing the Commission to go that way, but saying can we look at this from a different standpoint that provides a way to maximize part of that to put more dollars/grant dollars to that differently. This program has been a fantastic program for agencies/sportsmen. The last thing I want to do is ask the Commission to do something that puts a tailspin into this program because that would be the wrong place for us to do that. We're glad to get additional consensus. We're struggling to do that with the processes we put into place at this point, but that continues to be our challenge/role.

Vice-Chairman Salopek: We need to take our time. This is not something that has to be decided. I'm from the southwest and I hear what Rob hears, but we're on the fence. We're getting excited about the Sikes Act, and there's a lot more money out here so I'm saying a couple Commissioners/groups look at something differently keeping in mind where the elk/deer hunters go which will transpire into percentages changing.

Commissioner Hoffman: What bothers me is that R.J. is correct in that most of the proposals for Sikes Act funding come from the agencies. Forest Service/BLM are bringing the CAC's the projects to be funded. If the only projects brought to those committees were from landscape projects and they were good, they'd get funded. The problem is in the planning and proposals that are submitted. If they're part of what you want to do in terms of landscapes and you can sell them to the committee, then they'll get funded. I don't understand why we have to worry about when we can keep the money in the regions, the agencies do their job, they bring us the proposals as part of their mosaic and the communities can say it's a good idea. It's not a good idea, so all the stuff gets done. Sikes Act does the projects which they can afford, and everybody at the end of the day gets what they want. What's the problem? We don't have to change anything. It's the proposals which are brought to the committees which will dictate the outcome of landscape projects, in my opinion.

Director Stevenson: What's happening is you get the money that goes to the southwest area and you've got each of the Forest Ranger Districts which we've got 8 at least 7 in that region. Each looking at what they think they're going to have to work with. When you look at the bigger dollars then they're looking at a smaller set of dollars that may potentially come to them through each 1 of those which then minimizes the project. They're not any longer thinking on a wide basis. They're not thinking about how this fits into a necessarily bigger project they're being told to go work on by their forest that's a priority. Sometimes they pull up projects that have been on the table that don't necessarily meet the criteria. It doesn't mean we can't change that thinking and I think that's the whole perception on how can we change that thinking to do exactly, Commissioner Hoffman, what you were talking about. Thinking about this program from a different perspective from all of our agencies/sportsmen to make it better to where we can focus part of these dollars rather than taking the money that comes to the SW and it now gets diced up 8 different ways is saying take a portion of that money and not all of it. We've never proposed taking 100% of those dollars away from the CAC's because we've got maintenance and other things we need to do, but is there a better way we can do that. I think that's what we're looking at. I think we're all talking the same thing and we're talking about it from different perspectives. If we have a little time maybe we can all talk the same language because I don't see us saying different than what you're trying to say from your perspective. We're saying it in different ways.

Commissioner Espinoza: The Department is asking for direction from this Commission on how to proceed. A 2-week period to give the Department questions/alternatives and then come back with 2-3 alternatives of what you've gathered, then we could have time to digest and come up with solutions.

Chairman McClintic: So we'll not take a stance on the issue, give the Department a couple of weeks to digest all the comments from the public/Commission and come back to us with different ideas.

Commissioner Arvas: I'd be interested in seeing a couple of recommendations from the Department besides the folks involved now, and folks they'd like to see involved.

Commissioner Montoya: Before adjournment, could we set aside 15-20 minutes to go into Executive Session?

Chairman McClintic: Tod resigned after we set this agenda. We don't have an Executive Session on the agenda. The second issue is I want to make sure that the Department tells us what legally we can do to post whether it's a national/statewide search. It doesn't do us any good when we haven't talked to HR, we haven't got all facts on the table to go in and discuss how we want to handle this search. I've told the Department to e-mail all Commission members information on dollars involved in a national search, timeframe would be, how we'd handle

interviewing, and perusing their resumes. We have 2 months, and we'll go ahead and respond to the Department and whatever way the Commission chooses to go about or however they want to conduct the search.

We have to be exceptionally careful, as you well know, and if we go in there and direct the Department to do this, it may not be legal/accurate.

Commissioner Hoffman: Point of order--how can the Commission come to a decision about how we're going to do this without some sort of Executive Session?

Chairman McClintic: Because the Department is going to send you a questionnaire are you in favor of this or that. We'll proceed quickly, I know we're on a short timeline. I know some people want a worldwide search, some people want to keep it within the Department, and we're going to try and decide what's best for the state/Department.

AGENDA ITEM NO. 18: Adjourn.

MOTION: Commissioner Arvas moved to adjourn. Commissioner Montoya seconded the motion.

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

Meeting adjourned at 4:06 p.m.

s/
James S. Lane, Jr., Secretary to the
New Mexico State Game Commission

November 3, 2011
Date

s/
Jim McClintic, Chairman
New Mexico State Game Commission
Minutes Transcribed by: Katie Gonzales

November 3, 2011
Date