

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**

Courtyard Marriott Conference Center  
560 Scott Avenue

Farmington, NM 87401  
Thursday, November 3, 2011  
9:00 a.m. – 5:00 p.m.

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**AGENDA ITEM NO. 1: Meeting Called to Order.**

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

**Chairman McClintic:** I'll ask our new Director, Mr. Jim Lane, by the way he got appointed to the Directorship. Jim, stand up and tell everybody you're from Kentucky, do you love New Mexico?

**Director Lane:** Mr. Chair, I love New Mexico and I'm from Kentucky.

**Chairman McClintic:** With that we'll let you do Roll Call.

**Director Lane:** Good morning, y'all. I was just asked how long have you been here? About 2 1/2 years, so yes, that's it. I'll do Roll Call.

**Chairman McClintic:** Yes, sir.

**AGENDA ITEM NO. 2: Roll Call.**

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

**ABSENT:**

None

**QUORUM:**

Present

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

Vice-Chairman Salopek: Did we ever change, Mr. Chair?

Chairman McClintic: [Indicated negative].

Vice-Chairman Salopek: No changes.

**MOTION:** Vice-Chairman Salopek moved to accept the Agenda for the November 3, 2011 State Game Commission Meeting in Farmington.

Commissioner Bidegain seconded the motion.

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

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

There were approximately 50 members of the audience in attendance.

Director Lane: We have the Minutes from the Executive Session meeting and we also have the—

Chairman McClintic: Oh, ok, that's what it is. That's what I thought.

**AGENDA ITEM NO. 5: Approval of Minutes (August 25, 2011 – Santa Fe, NM).**

**MOTION:** Commissioner Montoya moved to accept the Minutes for the August 25, 2011 State Game Commission Meeting in Santa Fe, NM. Commissioner Arvas seconded the motion.

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

Director Lane: We need one more motion for the second meeting.

Chairman McClintic: Right.

**AGENDA ITEM NO. 5(B): Approval of Minutes (October 13, 2011 – Albuquerque, NM).**

Vice-Chairman Salopek: So move.

**MOTION:** Commissioner Salopek moved to accept the Minutes for the October 13, 2011 State Game Commission Meeting in Albuquerque, NM. Commissioner Bidegain seconded the motion.

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

**NEW BUSINESS:**

Vice-Chairman McClintic: With that we'll move on to Dan Brooks and revocations.

Dan Brooks: No revocations to report.

Chairman McClintic: Oh, good, they're learning, huh?

**AGENDA ITEM NO. 6: Final Proposal to Delist Desert Bighorn Sheep.**

**Presented by Elise Goldstein** – The Department presented summary of public comments and a final recommendation for delisting Desert Bighorn sheep per Section 17-2-40, NMSA, 1978, and associated amendments to 19.33.6.8 A (2) (i) and (3), NMAC. I'm presenting to you a recommendation to delist Desert Bighorn sheep from the State's Threatened and Endangered Species list. Historically, Desert Bighorn sheep likely occupied almost all of the arid mountain ranges in central/southern NM. Populations started to decline in the mid-late 1800's, and by 1940 we only had 2 populations remaining. One of earliest efforts to recover Desert Bighorn in NM was to establish the Red Rock captive breeding facility in 1972 located north of Lordsburg. The idea was to propagate animals to transplant into the wild to help recover those herds. The first transplant was in 1979, there were about 50 sheep in the wild, and with the transplant there were less than 70, so in 1980 Desert Bighorn sheep were listed as a state endangered species. We had meetings in September and the public record remained open another month, but we didn't receive additional comments. What happened in the 2000's and this is a combination of transplants into the wild and cougar control, during the 2011 estimate we did not fly helicopter surveys this fall because we were doing a large capture operation in the desert, so yesterday and day before, we transplanted 26 Bighorn out of Red Rock into Boot Heel and more exciting, we transplanted 16 ewes off the Armendariz Ranch on the Fra. Cristobal Mountains and transplanted those ewes to the Boot Heel. It's the first time we've had a population in the wild large enough to transplant off of to help another herd. They're still putting more radio collars in some of the wild herds today and tomorrow. Our current population estimate is over 600 animals. In conclusion, we've met requirements in the recovery plan and under the Wildlife Conservation Act. The idea with delisting is not that these animals are perfectly fine and we can abandon them, it's simply that they're no longer imperiled for immediate extinction. We'd like to continue the management efforts to meet our management goals, which is to re-populate the historic range. Delisted does not mean not managed, it means not imperiled. I'd like to recommend to the Game Commission that we delist Desert Bighorn sheep from the State Endangered Species list.

**Vice-Chairman Salopek:** When you had the September meetings, you still collar everything that's caught, even wild sheep to release so that we know exactly what's going on?

**Elise Goldstein:** Yes, basically any animal that is large enough to receive a radio collar. All adults and most yearlings receive a radio collar so we have increased our sample size for monitoring as well. We're also initiating a lamb mortality study in the Boot Heel. We also implanted transmitters into the 20 ewes that went to the Peloncillos that are inside the ewe and come out when she gives birth. They're temperature sensitive, so when she

gives birth we know it and the theory is that we go grab the lamb the day it's born and put a radio collar on it, and be able to do a lamb mortality study on it. Those ewes are double-collared.

**Vice-Chairman Salopek:** That's interesting that you have everything radio collared so you know exactly what's going on.

**Commissioner Arvas:** Have you integrated those sheep from Mexico that we got in?

**Elise Goldstein:** Those rams are being left in Red Rock.

**Commissioner Arvas:** Permanently?

**Elise Goldstein:** Permanently.

**Commissioner Arvas:** So that's going to be a different gene pool?

**Elise Goldstein:** It's not that different a gene pool. We did genetics and there's a little difference, they are different animals, but the differences are small and will likely be lost over time, but we're leaving them there since we went to so much effort to get them here and they're a little bit more protected.

**Commissioner Arvas:** I'm sure you're aware that we have adjoining states that have Desert Bighorn sheep, so how do we compare with AZ/Utah/CO?

**Elise Goldstein:** We have what's called Mexicana Desert Bighorn sheep which is a sub-species, and AZ has that sub-species as well as does Mexico. There's great debate as to whether or not those distinctions are actually valid these days because when they distinguished those species early on, they weren't based on genetics because they didn't have the technology and now that they do, it's questionable that there's any difference between what we have here and what they have in some of the other states, but if you go by the traditional delineation, it's just AZ/Mexico. Mexico has a big recovery program of its own. AZ has given us 50 Bighorn sheep between 2002-2005, which was huge for our recovery program. They've had population declines recently and they're not offering any more currently.

**Commissioner Arvas:** Population-wise, how would you rank AZ/Utah or other adjoining states?

**Elise Goldstein:** We certainly have a lot less. In AZ they have 2 different kinds of Desert Bighorn sheep and the combination they probably have 4,000-5,000. We've got a long way to go. Very easily our habitat can support that number, we're just not there yet.

**Commissioner Hoffman:** This year has been awful and it may continue to be awful in terms of moisture. We're close to where we can do it, but what do you see in the future if we have this tremendous drought?

**Elise Goldstein:** Desert Bighorn sheep live in areas that are much drier than here. The Chihuahuan Desert is the wettest of the 3 deserts in the U.S., and Desert Bighorn sheep thrive in the Mojave Desert which looks dry even compared to our drought year. Obviously this is going to have an impact. Drought is going to have a bigger impact on populations that are larger so as populations get closer to carrying capacity and the amount of resources available is not a whole lot greater than what they need, those droughts will have a big impact. Our populations are still small relative to carrying capacity so the good news about having small populations is that environmental conditions like drought aren't going to impact as greatly. We didn't see evidence of negative impacts on lambing/lambing recruitment this year. Things will shift, but a few years of drought in a row probably won't have a huge impact. The good news is we still have a number of radio collars so we can assess that. There are artificial water sources in a lot of these areas. I'm not expecting it to have a negative impact because the populations are small, but we'll learn more.

**Commissioner Espinoza:** What's the future hold? We have a 3-5 year goal and then from sportsmen's views, when are you going to recommend to the Commission to issue permits for Desert Bighorn?

**Elise Goldstein:** I'd like to continue managing these animals to re-populate historic habitat and then continue growing herds we have until they're closer to carrying capacity, so we sort of got as far as the transplant that's happening currently. We transplant out of Red Rock about every other year, so we do need to look where we want to go next, if we want to augment existing populations or start establishing new populations. There are certain criteria that need to be met for vacant habitat, and we need to evaluate to see if there are any areas suitable. I'd like to keep going in the same direction we've been going. As for permits, we had a presentation to the Game Commission in conjunction with the Big Game Rule in which additional permits were approved in the desert ranges contingent upon delisting Desert Bighorn sheep. Depending on the vote today, there may be new licenses available for the next hunting season a year from now.

**Commissioner Arvas:** You said the Commission has acted on the number of permits to be issued?

**Elise Goldstein:** When the rule was approved, there are some herds for which the number is approved, there are other herds that said to be announced, and we've been working with the Director to put those numbers in.

**Commissioner Arvas:** How many permits are we thinking about? If I remember, the wording was "up to"?

**Elise Goldstein:** I have to go back and count. Yes, correct. It's a limited number. We're still looking to manage for trophy quality rams. Director, do you remember what that total number was?

**Director Lane:** We had many of those in that rule that were to be determined and that would be through both a recommendation from Wildlife Management Division and approval by the Chair that we'd then let you know. Next year we're looking up to 12 permits if I recall correctly that we have slated to go into the RIB if in fact these animals are delisted today. I want to take the opportunity to recognize the efforts of Wildlife Management Division and sportsmen of the state to support this effort if in fact this body moves to delist these sheep. It's one of the largest conservation success stories in this nation, and it's been through the blood/sweat/tears of my staff over the years, and it's been through the financial contributions of the state's sportsmen. It's been no small accomplishment to get to this day and I'm excited for them and what this means for their career. I'd also like to recognize the efforts they've put into bringing sheep from Mexico to the U.S. As you know, this body approved a trade of pronghorn for Mexican Bighorn sheep for Desert Bighorn sheep from Mexico. I told my staff in no uncertain terms a year and a half ago, "get it done, we're tired of waiting for sheep from Mexico", so they made it happen. There were some sleepless nights and I saw my staff argue, I've seen them cry, and it was not an easy task and it wasn't because Mexico wasn't wonderful to work with, but our U.S.D.A., and importation hurdles were monumental and they pulled it off.

**Chairman McClintic:** It's a tremendous success story and a lot of people participated and it's some this state/agency through national attention and we're garnering that, it seems like on a monthly basis over this so this is just a tremendous deal.

**Public Comment:**

**Joel Gay:** I'm with NM Wildlife Federation. Hat's off to the Department and Elise and the whole crew for doing something that no other state in the union has been able to accomplish at this level. This is a phenomenal achievement, and a conservation success story that puts the Department on the map. It'll allow sportsmen in the state who funded this whole operation additional opportunities.

**MOTION: Commissioner Arvas** moved to delist Desert Bighorn sheep pursuant to the Wildlife Conservation Act, Sections 17-2-37 through 17-2-46, NMSA, 1978, and I also move to adopt the amendments to the Endangered and Protected Species Rule (19.33.6, NMAC) as presented by the Department. **Commissioner Salopek** seconded the motion.

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

**AGENDA ITEM NO. 7: Final Recommendation to Amend the Barbary Sheep, Oryx, and Persian Ibex Rule (19.31.12, NMAC) to Restructure Off-Range Oryx Hunts and License Numbers.**

**Presented by Darrel Weybright** –The Department presented final recommendation to re-distribute Oryx licenses from the April and May off-range hunts to the remaining hunts throughout the year. As a result of SB 196, changes were caused within the licensing procedures to comply with SB 196. We're moving exotic draw for oryx/ibex/Barbary sheep to the big game draw with deer/elk/pronghorn, what we call Draw 2. The application deadline of February to an application deadline to end of March for draws later in the spring, or late May/June. Typically when we draw the big game or Draw 2, the consequences of that are early hunts on the off-range hunts the month-long hunts April/May have to be removed. You were presented with this information at the last Commission meeting by Director Lane, and we took 130 licenses, 100 standard and 30 youth hunts, that were in the April/May timeframe and distributed through the rest of the 10 month-long seasons. Each month got 10 standard hunts, and 3 youth hunts and that's the extent of the simple movement, and we've virtually no supportive comment on this.

**Chairman McClintic:** When it was presented to us previously, because of the conflict with the bill we were going to take away 130 opportunities, now we've re-brought them in to where there's been no loss of opportunity.

**Darrel Weybright:** Exactly right. No loss. **(Action item)**

**Commissioner Arvas:** Go over the Ibex recommendation again.

**Darrel Weybright:** Ibex/Barbary sheep/oryx are all in one rule so nothing has changed with Ibex/Barbary sheep at all. It's just the oryx piece of those early hunts. Nothing else changes.

**Commissioner Arvas:** In reference to Ibex, you're satisfied with our controlling factor in terms of numbers, continuing discussions w/BLM about Ibex?

**Director Lane:** We have recommendations from staff in the SW Area to increase by the Director's 20% with concurrence of the Chair, that I have not proposed to the Chair. I have it with me today, and we'll discuss that today. It'll be a recommendation from the Department to do that to the Chair and I believe that'll be a wise move to do given the data we have, but it is a separate issue from this rule change.

**Commissioner Arvas:** Now that will be 20% overall?

**Director Lane:** Yes, sir. It's a recommendation from staff.

**MOTION: Commissioner Hoffman** moved to adopt 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. 8: Proposed Amendment of Guide and Outfitter Registration Rule (19.30.8, NMAC).**

**Presented by Dan Brooks** – The State Game Commission considered repealing and replacing the Guide and Outfitter Registration Rule (19.30.8, NMAC) in part to accommodate recent amendments to state law. We're asking for adoption of this rule. To summarize, we started this process in July where we published proposals and have been receiving comments. We've given an initial presentation at the July Commission meeting, and we gave another presentation at the August Commission meeting, updated the rule draft on the web in September, so it's been sitting out there for quite a while. We're bringing forth the final product. We've reached out to Council of Outfitters/Guides, consulted with them several times and we've had 20 individual contacts, not all are comments, some are inquiries. Outfitters want to know what's being changed in their business. We received comments about enforcement on federal lands. They wanted to make sure we're protecting their number and we've moved forward to do that. That's one of the changes that's been in place since September in the draft rule, and we also sent out letters to all registered outfitters in October letting them know we're moving forward for final adoption and we encouraged them to come today. It's the height of the hunting season and most outfitters are in the field or preparing to be in the field. We have a prohibition now that's in the draft where there actually has to be a contract in place prior to applying for the drawing pool, and you couldn't use a license if you got erroneously and didn't have a contract in place, so that tightens some outfitter concerns the Commission had heard in previous meetings. We also have more clarification in the language because part of the Commission's authority and what we address in the rule is what we call Code of Conduct, where we want to make sure we specify certain things so a customer knows what they're getting/paying for. You'll probably see residents that want to contract w/outfitters, not just non-residents because they can get into the drawing pool. That was one of things that has changed in the law so we've addressed some of those things. In the end we're bringing forward a good product overall. We've received the comments, we've made adjustments so we've heard over 3 months of comments, we've put safeguards in place and are consistent with SB 196. We're asking to repeal/replace the guide/outfitter rule. **(Action item)**

**Commissioner Arvas:** Have we bridged that gap of concern that the Commission has had in the past about insurance requirements? Now that we're more computerized, we have a lot of outfitters that don't apply or submit their insurance requirement and at the last minute they want to go ahead and go through the process.

**Dan Brooks:** We've done a good job of that. Matt Seidel, outfitter registrar, is sending a notice out to them prior to their insurance expiring. Some people will let that lapse and when they do, there are certain things we do to take care of that and there's actually a penalty in place because we're doing a bunch of work, but we only have probably less than half a dozen a month where before it was more rampant. We've addressed that pretty well. The issue we have with outfitters is that not all of them have e-mail, and have given us e-mail addresses to contact them, but one of the things we are now putting in place on the registration is that if they want to leave us a e-mail, then we'll enter that into the system and we can start contacting them by e-mail. I think that will expedite some things and help them and help us, but I would ask the Commission to recognize that there are some outfitters that don't have and don't want e-mail.

**Commissioner Hoffman:** What's the definition of a NM outfitter as defined by statute? I believe we've talked about that before. SB 196 said they have to be a NM outfitter. What are the requirements an outfitter has to have to be a NM outfitter?

**Dan Brooks:** We've talked about that at the last Commission meeting. There are about 9 things.

**Commissioner Hoffman:** That's what has to be submitted by the February 15 deadline?

**Dan Brooks:** That's correct. To be clear, the NM Outfitter term is what the statute uses for an outfitter to participate in the drawing pool, so we've tried to put together a check form and summarize that so it's those 9 things. There's a variety of things where they have to have been registered for at least 3 years, have to pay more than 1 form of taxes.

**Commissioner Hoffman:** I wanted to make sure that we're making sure they have a checklist they can follow all the rules correctly.

**Dan Brooks:** One thing we also want to do is put together an information sheet to go with the checklist.

**Commissioner Hoffman:** Is that checklist all inclusive, or you have to do 5 out of 8?

**Dan Brooks:** That's all inclusive. All those things are required by statute?

**Commissioner Hoffman:** What you said how they do business sometimes they might not have certain things, but they'd have to complete all of the checklist to be certified as a new outfitter, correct?

**Dan Brooks:** Correct. They'd have to verify that they have these things. Remember we've pre-loaded this to help them and we're not requiring all the documents. One of the things in the rule is we can audit and ask for them later. One issue we have is we're talking about almost 300 individuals and for them to submit all those documents would be overwhelming for us in itself, but we've laid the framework so they know what they've got to have, they're going to basically affirm that they have that, and we can audit them later if we feel they don't.

**Commissioner Hoffman:** It also says that the guide must accompany a hunter 2 days in the field required in the contract. How is that actually stated?

**Dan Brooks:** That's stated consistently with the law. It actually says that they must accompany them for 2 days in the field in the area where the hunt will occur, so it doesn't actually say during the hunt and that's consistent with the statute.

**Commissioner Hoffman:** Does that mean they have to have a outfitter/guide with them all day during those 2 days or just driving them out to a place and then dropping them off fulfills that requirement?

**Dan Brooks:** Yes, in the rule we actually leave it for the outfitter to determine what 2 days of service and how that will be provided. What that does is free them up and gives them latitude in the contract. They will determine if that's 8 hours of hunting, 12 hours of hunting, or taking into an area and dropping them off and checking on them and picking them up. There's latitude in there. We're telling them through this rule that they've got to specify that and that's so the hunter knows what they're paying for, but it has to be 2 days of professional service. That's when you boil it all down.

**Commissioner Espinoza:** At the last meeting, I asked you and I've gotten several comments from outfitters about printing the outfitters name on the license. I didn't see that here. I understand currently the outfitter's number is on the license, is that correct?

**Dan Brooks:** Yes, that's right. My determination was that is not anything that needs to be in the rule. We just need to work with licensing and IT folks to make that change, so I can't guarantee when that'll happen, but we're cognizant of that and we'd like to honor that, but there's a time lag on that. I'll keep working with Alexa/Robert on that and see where we can implement that.

**Commissioner Espinoza:** So you're saying you like it and you're looking to implement that?

**Dan Brooks:** Yes, but that'll take some time and that's out of my shop. I don't control that aspect.

**Commissioner Espinoza:** So you're saying it doesn't need to be in rule?

**Dan Brooks:** Correct.

**Commissioner Arvas:** I know it's been a long haul for you with this outfitter rule. I want to compliment you for taking hold of this and making it happen as effectively as you have and making the necessary changes.

**Dan Brooks:** Chris Chadwick/Matt Seidel have worked diligently on this so they've done a great job.

**Public Comment:**

**Larry Johnson:** I'm from the fishing community. There are no outfitting regulations set up for the fishing side and when you look at outfitters in the state, we have to include the fishing industry which is huge. If I go to another state, I cannot work in another state such as Montana/Colorado unless I work under 1 of their regulated outfitters. It's time we broaden the spectrum and look what would institute being an outfitter for fishing in NM and I ask the Commission to take a look at that.

**Dan Brooks:** The statute only currently addresses hunting activities, so that'd take legislative change.

**MOTION: Vice-Chairman Salopek** moved to repeal the current rule 19.30.8, NMAC, Guide and Outfitter Registration on November 30, 2011; and adopt and implement this replacement rule 19.30.8, NMAC, Guide and Outfitter Registration as presented today by the Department with an effective date of November 30, 2011. **Commissioner Bidegain** seconded the motion.

**Commissioner Hoffman:** What do we need to do about the fishing?

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

**Commissioner Hoffman:** You said this applies only to hunting, and you said if we had a guide registration for fishing activities that would have to be legislative initiative? Have to be defined in some statute in the legislative/state code?

**Dan Brooks:** Correct. Currently, the statute only gives the Commission authority to regulate hunting industry for providing a professional service and not the fishing industry.

**Commissioner Hoffman:** I guess my recommendation to Mr. Johnson is that you need to get with the legislators and present this as a problem which needs to be addressed at the state level, then the Commission can do something, but currently basically that's what the process would have to be for you to have a guide registration for fishing outfitters. Obviously, fishing guides/outfitters might have the same problems as hunting guides/outfitters at least as applied to fishing, so it wouldn't be unreasonable to say there ought to be some oversight from the state/Commission.

**Chairman McClintic:** Before we go to our next deal, I wanted to mention our longtime in-house lawyer, **Jim Karp**, is retiring after this meeting and he's been an absolute blessing for this Department. He's kept us out of a lot of trouble and kept us straight with a lot of issues, so I want to thank you very much, Jim, you'll be missed.

**AGENDA ITEM NO. 9: Consideration of Fenn Farm Application for a Regulated Shooting Preserve.**

**Presented by Leon Redman** – Bill Fenn of Roswell, NM, submitted an application for a shooting preserve permit for the Fenn Farm in accordance with Section 17-3-35 through 17-3-42, NMSA, 1978 Compilation (Regulated Shooting Preserve Act) and 19.35.3, NMAC, (Shooting Preserves). The property manager's intention is to release pheasant and chukars onto the preserve upon approval. Southeast Area personnel inspected the property and determined the application met requirements established by law and rule. The property is comprised of approximately 544 contiguous acres of private land in Chaves County. I'll give a briefing on background/individual for the shooting preserve. The Commission's authority is that it may issue licenses authorizing the establishment and operation of regulated propagated game bird shooting preserves on private lands. This is in conjunction with making sure there's no other conflicts with that particular area with the Commission. Other things in the shooting preserve is that they need to be larger than 30 acres. The shooting preserve also needs to be approved by the Commission before any of those are established. Where possible reasonably, the regulated shooting preserves should be fenced. It's not a requirement, but it's a recommendation. The seasons for the shooting preserves are September 1 through March 31. The legal propagated game birds all protect the game birds found on the shooting preserve, may be harvested only in accordance with the regulation of the State Game Commission concerning seasons/bag limits/possession limits. Legally, propagated game birds are limited to the following: pheasant/quail/chukars/mallards. That's the only thing a shooting preserve can have. The shooting preserve operator will keep records, total number of species of birds released, and submitted to the Department at the end of the year. Also, anytime we need to inspect those, those should be available to us. Currently, there's 19 approved shooting preserves in the state in 12 different counties. These preserves range from 640 acres to 190,000 acres in size. Among those active, the earliest it was approved was 1966. As we've talked about the license expires annually on March 31 just like regular licenses. This first shooting preserve is the Fenn Farm Shooting Preserve. They plan on releasing both pheasants/chukars and you can see the numbers they're planning on releasing. The game species that occur naturally on that property are mule deer/scaled quail/coyotes/foxes/various ducks, and that's from the staff going out in the field and looking at those particular areas. The location of the shooting preserve is going to be 3 miles east of Roswell. It's on the outskirts if you're familiar with the area, Berendo Creek/Rio Hondo come together. This proposed shooting preserve consists of 544 deeded acres. Questions that usually arise are the anticipation of propagated birds, they won't become established in that area. One reason is that most propagated birds, I don't want to say are weaker birds, but those birds don't really survive because of predators/temperature, those kinds of things so we don't anticipate when they release these birds that they're going to stay there for a long time. They will compete with some native species possibly for food, but reality is that most birds released on shooting preserves don't last much past the shooting. Officers in my area went and looked at it to make sure habitat was at least that they could hold them temporarily. Shooting preserve increases hunting opportunity for the area. Anytime we can do that for a particular county sure helps. Another thing we followed up on is any time there's a shooting preserve we talk to adjoining landowners and make sure they understand what the shooting preserve is, and in this particular case, all adjoining landowners did not have any problems if the shooting preserve is established. The shooting preserve manager is here if there are questions for him. **(Action item)**

**MOTION: Vice-Chairman Salopek** moved to approve a shooting preserve on 544 acres of the Fenn Farm in Chaves County, 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. 10: Consideration of Riverview Ranch Application for a Regulated Shooting Preserve.**

**Presented by Leon Redman** – Ernest Lopez of Dexter, NM, submitted an application for a shooting preserve permit for Riverview Ranch in accordance to Section 17-3-35 through 17-3-42, NMSA, 1978 Compilation (Regulated Shooting Preserve Act) and 19.35.3, NMAC (Shooting Preserves). The property manager's intention is to release pheasant and chukars, and Bob White quail onto the preserve upon approval. Southeast Area personnel inspected the property and determined the application meets requirements established by law and rule. The property is comprised of approximately 430 contiguous acres of private land in Chaves County. This is a second shooting preserve which is the Riverview Ranch Shooting Preserve. Mr. Ernest Lopez is planning on releasing pheasants/chukars/bobwhite quail. On the property there are turkey/pheasants/deer and it does adjoin the overflow waterfowl area in the Roswell area. It's 6 miles north of Dexter. The Pecos River runs adjoining it. This shooting preserve consists of only 430 deeded acres which is still plenty of area for his preserve. The same types of questions were answered on this particular farm to make sure there's temporary holding, that the birds would be able to survive temporarily. In this particular one different from the last one, is that he was going to be releasing bobwhite quail in the general area they're not right along the river, but within several miles you can find small coveys of bobwhite quail. Our officers went out and made sure temporary holding was okay. The shooting preserve does increase hunting opportunity in that particular area. We all want to be able to create hunting opportunity. We also spent a lot of time talking with adjoining landowners which includes

BLM because BLM overflows is next to this particular shooting preserve. None of them had any concerns with the shooting preserve. Mr. Lopez, the owner of this preserve, is here to answer any questions. **(Action item)**

**Commissioner Hoffman:** You said there's pheasant on the property and there's bobwhite quail in the vicinity, true?

**Leon Redman:** Correct.

**Commissioner Hoffman:** I have problems with releasing captive birds where there are populations of wild birds for the very reason you said. These strains of captive bobwhites/pheasants are much weaker so to the extent that some of them could be inbreeding with natural wild populations, you're going to reduce the vitality of the wild populations. I don't like that idea. They have a tough enough time when they have great genetics and I'd like some biological response to that.

**Director Lane:** On the genetic diversity of bobwhites there's been a lot of research done very recently about the diversity and how big really a bobwhite's home range is and it's quite astounding. Bobwhites have been moved all over this country. In the 1950's every game agency like ours were putting them out and as Leon so eloquently stated and you all didn't give him any grief over it although if the kid from Kentucky said the birds don't last much past the shootin', I would've heard about it, but you let him go on it. The diversity on bobwhites is upwards of 200,000 acres for 1 covey and the genetic diversity that they contain. I'd question that any questions and quite frankly my Masters was done with bobwhite and I used to agree completely with you. There's probably more of a danger to the bobwhite quail in the vicinity from any disease that they might bring in from any propagated birds if we don't have strict standards on what birds can be imported than there is from genetic pollution because they're probably not going to make it long enough to breed. That would be a bigger concern. That's something I'll work with the Department and Law Enforcement on putting some standards in place that they come from NPIP, but that's not in place currently. It's something we can work on, but the genetic diversity probably isn't as great of a threat as we once thought it was.

**Commissioner Hoffman:** What about the pheasants?

**Director Lane:** The pheasants I can't speak to, sir.

**Commissioner Hoffman:** One would anticipate similar problems, is that not a fair statement?

**Director Lane:** It is.

**Commissioner Hoffman:** Again, to that reason, I'm very suspicious about putting in these kinds of birds where there are wild populations. In particular for bobwhite quail, I'm not fond of bobwhite quail. There are not a lot of them and they're very sensitive so I'd really hate to impact in any way whatsoever the bobwhite population in that area because there just aren't that many of them. I personally would like to see some very stringent limits put on either (a) what kind of birds can be released; or (b) what the controls are, that they are not going to impact in any way wild populations of pheasants and bobwhite quail in that area right now.

**Leon Redman:** I guess to help alleviate some of those issues or stress on that is that the bobwhite quail you're not going to find them in and around this 438 acres. They're in the area. They're several miles away so the likelihood of those crossing would be very unlikely. I just wanted to make sure you knew they were in the area. Hopefully that helps some of those questions.

**Chairman McClintic:** And the pheasant?

**Leon Redman:** We do have pheasants up and along the river there and the possibility, I mean I've not ever seen a pheasant in along the river there but I know they do have them up and down there, so there's a higher probability of the released pheasants coming in contact with wild pheasants higher than the bobwhite.

**Chairman McClintic:** Mr. Lopez, if you're in the audience and want to say something to us, feel free.

**Ernest Lopez:** I understand your concern about the crossbreeding of the native birds there. As far as the pheasant, I've seen 2 and that's what I've seen on the property. I've lived there for over a year. As far as the bobwhites, I've not seen any bobwhites at all. There are some out east in the higher elevations, but in the valley I've not seen any.

**MOTION:** **Commissioner Salopek** moved to approve a shooting preserve on 430 acres of the Riverview Ranch in Chaves County, as presented by the Department. **Commissioner Arvas** seconded the motion.

**VOTE:** Voice vote taken. Five voted in the Affirmative, **Commissioner Hoffman dissented.** Motion carried 5-1.

**Chairman McClintic:** Representative Taylor, House Minority Floor Leader, is in our audience.

#### **AGENDA ITEM NO. 11: General Public Comments (Comments Limited to 3 Minutes).**

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

**Larry Johnson:** I'm representing the San Juan River Guide Association. Something dear to our heart is the Rex Smith Project that's been started in the Braid's area of the San Juan River. No matter what the papers say, this is a very good improvement project. All the fishing/angling community are looking forward to the results of this. I have to give kudos to your staff who are working day/night to get this project finished on time. Probably the first time we'll ever say we like dirty water. That mud coming down is going to look pretty good. We have to put up with it for a few more weeks. I was out yesterday and had a chance to inspect the work. It's going along ahead of schedule. It's going to take a little while but it's going to pay real big dividends, and again, no matter what ambush journalism is going on down south, us in the angling community are big supporters of it. If some of it doesn't work we can still change it. The way you've designed it with all natural materials makes the moves easy if we have to modify or change.

**Edmond Michael:** I'm Cibola County Chair and here to bring you up to date on what potentially may be an issue. Some residents and landowners in southeast McKinley County and southwest Sandoval County are petitioning us to annex them into Cibola County. Cibola County provides 20 miles of road into Marquez. Half of Marquez is in Sandoval County, and half of Marquez is in McKinley County. You're in McKinley County, so at some point in time this may become an issue that's going to be sitting on your plate. I'm not sure what's going to happen. It depends on all 3 commissions to see where it goes, but I thought it best that I bring it to your attention. We provide police/ambulance out of Cibola County and the road with no

reimbursement. Currently, it's fine because I have a lot of friends in Marquez, but at some juncture I might not be a Commissioner there. At any point in time, Cibola County can pull the plug on maintenance of the road, and that also will affect the wildlife.

**Robert Ingersoll:** I manage a guest ranch in the Pecos Canyon, 11 miles above the Pecos River of the Village of Pecos. We provide fly fishing opportunities on the ranch. Since my owners have owned the ranch, we've done \$288,000 of river improvements and another \$1.5M worth of improvements on the land around it. Phil Howes, who is now retired and moved on, had begun an initiative to request the section of river from Windy Bridge, 1.8 miles up to the next highway bridge which is the southern boundary of Brush Ranch as quality waters, catch 'n release, single barbless hook. I don't know where he's gotten in the initiative, it's not on the agenda and I know probably not many of you have heard about it. Mr. Lane may be familiar with it and the northeast supervisor may be familiar with it, but I'm here to strongly support the creation of quality waters in that stretch of river. Our southern boundary is now the beginning of public water. It's private water for 2 1/2 -3 miles above us. We have a tremendous problem with trespassers. They do all the things you hear about. We obviously have a vested interest in improving the fishing up/down that river, and what's happening now to be quite candid is the fish we stock, there's no way to keep them on the ranch. They move wherever they want. The fish that move down never make it back. We're improving the public waters/fishing below/above the ranch through our stocking efforts and management of the river, but it could be so much better for all public/landowners in the area if we were able to create that special water in that 1.8 mile area north of Windy Bridge to the next highway.

#### **AGENDA ITEM NO. 12: Establish Application Deadlines for 2012-2013 Big Game Public Draws.**

**Presented by Alexa Sandoval** – Per 19.31.3.8, NMAC, the Department proposed special draw application deadlines for 1) turkey and bear WMA permits; and 2) public land deer, elk, pronghorn antelope, Oryx, Ibex, Barbary sheep, bighorn sheep, and javelina. I'm here before you to request your approval of the application deadlines for the Big Game hunts we hold through our Special Hunts Office. Our first deadline is February 1. It would be for the Bear-Turkey Draw Permits on WMA's. The second deadline for the big game species is March 28. These dates have not changed from last year. We do the first ones in February for Draw 1 and the last Wednesday in March. That last Wednesday in March was a change last year, but this is the second year we're requesting that to happen. The change you see here is that oryx now has been moved into Draw 2 and that is in response to how we had to manage SB 196 with the requirement of having the game hunting license being an initial purchase before you go in and put the application in. We had 3 responses to the deadline dates, 2 are based on economics, 1 gentleman wanted Bighorn sheep and antelope to be moved to Draw 1, and leave oryx and then separate it so he'd have better opportunity for spending his money by spreading it out. The second did not want oryx moved to Draw 2, and the third wanted deadlines to be March 1 for everything. We had a diversity of opinion on the comments we got back, but I'm seeking approval of the deadline for application. **(Action item)**

**MOTION: Commissioner Arvas** so move. **Commissioner Bidegain** seconded the motion.

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

#### **AGENDA ITEM NO. 13: Prospective Amendments to the Upland Game Rule to Ensure Alignment with Statutory Changes Resulting from Senate Bill 196.**

**Presented by Alexa Sandoval** – The Department presented prospective amendments to a specific section of the Upland Game Rule 19.31.5.8 A, NMAC, to ensure alignment with current law regarding license types. The Department also suggested removing the requirement that grouse hunters obtain a free Blue Grouse permit. Because of SB 196, we now require a game hunting license which is a change in language in statute from a general hunting and fishing license, and in order for folks to be legal next year starting April 1, we actually have to remove some language out of the Upland Game Rule that states that they need a general hunting licenses or general hunting and fishing license, so we're proposing to simplify the language and that they have a valid current license for the license year, that way we won't have to go back in the future if we change license types again. In addition, in visiting with Wildlife Management Division, they asked that we remove the Blue Grouse free permit requirement that lives in that rule as well. So, basically, all we're doing is cleaning up some language so that it's in concurrence with what was passed under SB 196. **(Information item only)**

**Commissioner Hoffman:** If I read this, and I have an elk license valid for this year, that's a valid license. It does entitle me to hunt small game. Didn't there need to be a qualifier, a valid game license or something like that, that specifies that particular document?

**Alexa Sandoval:** That's actually set in statute. It defines what the species is and what type of license is needed. That's not done in rule, that's actually defined in statute, and that is what was changed under SB 196.

**Commissioner Hoffman:** So that's covered some place. Would it not be helpful to explain that somewhere in the Proclamation?

**Alexa Sandoval:** Absolutely. In the small game rules and information booklet it clearly defines what kind of license they need in order to take those animals.

#### **AGENDA ITEM NO. 14: Proposed Fisheries Rule Change for Northern Pike in Eagle Nest Lake.**

**Presented by Mike Sloane** – The Department presented recent findings regarding increasing population of Northern pike in Eagle Nest Lake. Northern pike are a potential problem for trout fishery in the lake. The Department provided amendments to the Fisheries Rule 19.31.4, NMAC, to address the potential risk to trout fishery in the lake and presented a final rule amendment to the Commission for adoption at the December Commission meeting. I'm presenting information on this item for adoption at the next Commission meeting, and proposed rule change. As you're aware, Eagle Nest Lake was illegally stocked with Northern Pike sometime in the past. Over the course of the past year we've had reports of about 200 being caught and our surveys show that there are multiple-year classes in the lakes, so we're seeing reproduction as we've seen in California with Lake Davis, pike can devastate a trout fishery. They're very difficult to get rid of, so we're fortunate at Eagle Nest in a way that there was an earlier illegal stocking of Yellow Perch, so there is a food base for them. Our stocking is also another source of food for Northern Pike if we don't control them. We've had 2 public meetings about this proposal, 1 in Eagle Nest and 1 in Raton, and folks that did show up were strongly in support of a

desire to maintain the quality trout fishery, and minimize the impact of Northern Pike. As such, we've proposed a rule change that would remove bag/possession limits for Northern Pike at Eagle Nest Lake, and require people who caught one to keep it. We'll bring this before the Commission at the December meeting for adoption, pending discussion today.

**Commissioner Arvas:** I assume, in your opinion, this is the way to do it?

**Mike Sloane:** I think at least initially until we get a handle on what that population is going to do, how it's expanding, and whether we can manage it differently. We need to get it under control to make sure we've maintained that trout fishery, and then over time we'll have a slot limit or something like that where we're moving towards having a small trophy fishery, in combination with other things, but at least initially, in order to maintain that trout fishery.

**Commissioner Arvas:** How much time do you think you need before you make up your mind as to whether this is going to work?

**Mike Sloane:** We'll know probably in the next 3-4 years.

**Commissioner Montoya:** Can you try to mate suckers?

**Mike Sloane:** As we've seen with our Tiger Muskies in Quemado/Blue Water, they'll eat almost anything, but trout sure goes down easy.

**Vice-Chairman Salopek:** In Quemado, I get e-mails on the 40-inch minimum or however it works out. Are the goldfish going away?

**Mike Sloane:** Goldfish are down to a minimum, and we're still maintaining a quality trout fishery though you'll hear differently from different folks, but every time we go in and survey there are large numbers of large fish in there.

**Vice-Chairman Salopek:** We as hunters/fishermen are experts. (Information item only)

#### **AGENDA ITEM NO. 15: Update on Management of the San Juan River Quality Waters.**

**Presented by Marc Wethington** – The Department presented an update on management of the San Juan Quality Waters. The update included summary statistics from fish and angler surveys as well as an update on the habitat enhancement project being undertaken on the river. I'm the biologist on the San Juan, and presenting an overview of the last 20-25 years on the San Juan, and an update on some of the projects we're currently doing on the San Juan that started a few weeks ago. The San Juan has been one of the state's premier trout fisheries since the late '60's, and has become one of the western states' premier destination trout fisheries over the last 20-30 years. It's also one of the busiest fisheries in the western U.S. A few years ago, we were working on developing some long-term management goals/plans and how to define what we wanted and then see if we were achieving our goals. One of them was an average catch rate and we'd looked at what some other fisheries around the western U.S., what kind of goals they had and then we went along their guidelines. One of them is an average catch rate of a fish per hour. That's typically in most of our put 'n take fisheries you're looking at a quarter of a fish per hour, so this is definitely a step up from that. That's not fish that are hooked, that's actually fish that are put in the net. That's part of the survey work we do to keep track of this. The other one is 5% of the population exceeding 20 inches. We've looked at that 2 different ways. Our electro-fishing surveys are one way we look at the percentage of fish over 20 inches, and then through angler surveys. As you might expect, anglers catch more 20-inch fish than I do with my electro-fishing boat. Another thing is trying to provide a good product, fish that appear healthy, fight well, things along those lines. When you have a fishery that has the number of hours that people spend fishing, that is sometimes a tough goal to maintain quality fish. The other one is angler satisfaction. The goal we set several years ago was 75% angler satisfaction. We have been working to change that and probably in a new management plan we're looking at an 85% angler satisfaction, both of which have been achieved over the past few years. One of the things we've been looking at is angler hours and this goes back farther than 1987, but a lot of that was hard copies. In the mid-'70's they weren't entering this data into computers. It was in file cabinets, things along those lines, but the data from 1987 to current I felt good about that they'd done a reasonable job collecting data and I had all the pieces to it. As you can see, in the late '80's, early '90's, we were looking at 100,000-150,000 hours a year spent in the quality waters. Mid-'90's we saw a big increase in use in that four miles of river, so we're looking at 200,000-250,000 hours per year spent on four miles of water, so it's one of the most utilized pieces of water in the western U.S. If you look at angler days, that translates into about 150 people per day whether that's January and 10 below or July, so you can imagine some of those days in July/August/September/October, there's large numbers of people that the San Juan is supporting, and for the most part quite well. Over that same time period, these are the catch rates from angler surveys where we visit with people in the parking lot, ask them how many hours they fished, how many fish did you land. People have been catching about 1 fish per hour, plus or minus, since the mid-'80's. Fishing techniques have changed, but what the angler actually reports has fluctuated very little. 1996 stands out, but why I don't know. Maybe people there were better fishermen during that year, but otherwise it's plus or minus just a tenth or two of fish per hour over that entire time period. One of the things we started looking at, and this was angler satisfaction, how they felt about their fishing experience. These were questions added in 2009/2010 and continuing doing these surveys, but asking the angler their satisfaction during the day, so it's strictly a subjective sort of opinion, but as you can see, most of the people that took the survey, and that represents 800-1,000 people over the course of the year that are randomly selected as they come off the water, were highly satisfied. If you take satisfied, well-satisfied, highly satisfied, in 2010, that's a little better than 98% of the people that were surveyed who were satisfied or better. It's hard to strive for much more than that, but the bulk of the people have been very happy. One question we were asked by anglers is, does that translate across from new fishermen to fishermen that have been fishing for 30 years? That's something else that we broke out in this. There's very little difference between the guy that's fished there one year and the guy that's fished there 30 years. The bulk of people that fish the San Juan are very satisfied with their angling experience. Another thing we asked is, and we can look at this through electro-fishing surveys, but we are also trying to get the anglers' input on the quality of fish they catch. Are they happy with size, how the fish look, how they fight, and for the most part, the bulk of the people are very satisfied with the quality of the fish, and part of that is probably because most fishermen that fish that special trout waters are from somewhere else. 80% or better are from out of state, so they're coming to the San Juan, they want fish that fight well, they want big fish, but when interviewing them they're very happy with the quality of the fish they're catching on the San Juan. Another way we wanted to see the quality of fish or the product they're getting, the data on it in 1992 is when the Department bought their first electro-fishing raft for the San Juan. That's why data starts there. Prior to that they'd drive a big electro-fishing boat around in the Texas hole and get an idea of what was there, so this is when this data was collected through this method. For the most part, we've been averaging about a 15-inch fish

over that time period with a few exceptions. With that 15-inch size fish, when we're collecting these fish we're collecting fish from a small fish to as large a fish. When I instruct the people in the front of the boat, I want them to net all size classes with the same amount of vigor. When they see that great big fish there's no doubt that's what they're going to go for, but I try to express that all fish count. We want a good picture of what's in the river. A 15-inch fish is a very good-size fish, it provides a lot of fish over the size classes in the river where the bulk of fishermen are catching fish from 14-19 inches with that occasional fish that's 20-25, 26 inches. If you get a few people a month catching that 25-inch fish, everybody hears about it. It does the river good from that standpoint. Another thing we look at when we're looking at the quality is condition factors, this is a standardization of condition factors. One is a standard set when they're looking at Rainbow trout across the U.S. The San Juan is always much better than that. In the last few years, the condition factors of fish have been even better which basically lets you know that the food base that the fish have is more than enough to support the fishery. We do bug/invertebrate samples and look at densities, etc., and it's changed over the years as far as the diversity of bugs. The food base itself is extremely good and supporting the fishery without any problems. In the last 20 years, the catch rates have been very stable, average size of fish has been fairly consistent, condition factors have been good, and overall the last few years with incorporating these new questions anglers have been extremely happy. Current projects we have going is sediment control, and in-stream construction.

**Vice-Chairman Salopek:** On release of water, how's that correlate to the fish? Is it about the same all the time, or now with drought years is it less water?

**Marc Wethington:** Since 1991-1992, there was re-operation of Navajo Reservoir and that was to deal with downstream native issues, water development, a whole host of different things. When the Department and several other agencies were charged with coming up with flows that would benefit downstream fish and things along those lines, so they came up with flows from 250-5,000. Since then there has been no need for any extended period of time other than studies done to go to that 250; currently, BOR has been very good about 500 is a nice flow. That maintains water downstream for native fish, things along those lines, but '99 when all this happened, BOR in the month of August was releasing about all the water they could possibly release out of that reservoir and it was raining every day. They were up there wringing their hands hoping it didn't come over the top of the spillway. That's when all that material was coming down. When we first started seeing what was going to happen with this wash, we've got 2-3 years and it may not run at all, then it may run 3 times in a week and the amount of heavy sediments that it pushes into the river is an issue because in a normal river you have flows that go up/down that can move all this sediment and it's building and there are a lot of dynamics going on. When you build that dam it's a static environment. You don't have all those processes that in a normal river you'd have so there are good things about it, you're allowed to have clear coldwater fishery in the southwest, but that sediment and those materials coming in that are a natural part of the river's process aren't always welcome.

**Commissioner Arvas:** What else do we need to be doing there on the San Juan?

**Marc Wethington:** Part of it is monitoring and making sure things are moving along in that direction. Working with BOR long term so we can maintain these types of flows and what's nice about the San Juan is it's not a natural river. It allows us to go in and make these kinds of changes to benefit fishermen/habitat for trout fishery. We could look at additional projects down the road where we see things along those lines. It's unique because it's not a natural/real river, so we can manipulate it to best suit our needs.

**Commissioner Arvas:** Is there anything you need other than what you're doing now?

**Marc Wethington:** Right now my thought is to finish this up and see how it transpires because each time we've done a few of these little projects, this has been the largest project, there are things about it you like and things about it that in hindsight you'd have done differently. We've gained a lot of knowledge along the way and this is going to be a very beneficial project. There are other areas on the river that we might want to look at. This project on overall cost we'll get a lot of bang for our buck.

**Commissioner Hoffman:** What's the cost of overall project?

**Mike Sloane:** About \$297,000+.

**Commissioner Hoffman:** Where does that money come from, multiple sources?

**Mike Sloane:** The bulk of it is state funding and then about \$100,000 of federal funding?

**Commissioner Hoffman:** By state funding you mean from the legislature?

**Mike Sloane:** Correct.

**Commissioner Montoya:** Is condition factor different from the old "K" factor the same thing?

**Marc Wethington:** That's exactly what I'm talking about, the "K" factor.

**Commissioner Montoya:** Is there any other stream in NM that compares to the condition factor we have on the San Juan?

**Marc Wethington:** Not very well. Fish on the San Juan tend to be on the top and what's interesting if you look at Brown/Rainbow trout that's the case. Condition factors on Brown trout that are 6 inches long are typically higher than what they'll be on other streams where you have 6-inch Brown trout.

**Commissioner Espinoza:** As far as long-term plans for the river, I know the guide association would like to see improvements along the banks, but I'm sure you have some kind of vision of other projects that are going to be needed to improve the fishery quality and opportunity, do you have those in mind?

**Marc Wethington:** You can look at it inside/outside the channel. Outside the channel amenities like better trail system, all these kinds of things many of the anglers would like to see. State Parks is the lead on that. Now, do I provide input, most definitely. I talked to the regional manager on my way here about trail systems and improvements and things we could do. In the channel itself as far as stocking, we have a very good handle on what is necessary. In the past we've had years that were short, we've had to augment a year down the road. That part of it and with most of our facilities in good shape as far as our hatchery facilities, stocking is not going to be much of an issue. In the stream channel itself, there are all kinds of modifications that could be made that could benefit the fishery, but what's unique about the San Juan is the water quality/food production allows for you to hold fish in stretches of river that wouldn't necessarily hold fish any place else, and 6 inches of slack water along the edge you'll find fish because of the overall water quality and food production. With angling pressure, you have fish that are injured for one or another reason. You'll have

fish that live long enough in the San Juan that develop cataracts on their eyes that cannot see out of either eye, but can still find more than enough food to continue to live which no place else in NM would a fish be able to do. We're lucky in a lot of different standpoints from physical/chemical/biological factors are quite good for growing large numbers of Rainbow trout. Bank stability is an issue, something that might be looked at, there are other portions of the river with flows, etc., there are all kinds of projects down the road within the channel that would be beneficial to fishermen.

**Mike Sloane:** A couple of other things Marc's been working on are phreatophyte removals, removal and protecting cottonwoods along the banks has been effective and is ongoing. Simon Canyon in trying to figure out a way to reduce sediment coming out of there, BLM has been doing vegetation work and we've looked at whether there's a way to control that large canyon. The other is waterfowl development. There's an area they just cleared out of phreatophytes that Marc has been pushing to try and get waterfowl development to wetlands and things like that. There's a broad range of things going on that Marc has been working on.

**Commissioner Espinoza:** The San Juan is the jewel of the Four Corners as far as fishing in NM. Would it be possible, and I know we've got funding and there's a lot of interest not just from fishermen but from the economic standpoint, to make it a better fishery. Would it be possible to create some kind of business plan for the next 4-5 years to address that so we'd know what kind of dollars we might need?

**Mike Sloane:** As Marc mentioned, we need to embark upon updating the management plan which falls in line with the memorial that was passed by the legislature last year to try and get BLM/BOR/State Parks together to essentially identify projects that should be done along the river and prioritize them, and then try to seek funding. That's rolling along but hasn't gotten going very quickly, but it's on everybody's radar and will happen in the next 1-2 years.

**Director Lane:** It seems to be that there's a perception by some folks even maybe our own staff, that this fishery is in dire need of help. Marc just gave a very good presentation on an excellent fishery, one that is probably one of the, if not the best in the state/world already. Improvements we're making right now to the fishery are to improve an already outstanding fishery and I want to make sure we're all understanding that we've got a great thing already. We can keep working on making it better, but we can always do that with everything, but we're in good shape. **(Information item only)**

#### **Public Comment:**

**Garrett VeneKlasen:** I'm Public Lands Coordinator for Trout Unlimited. I wanted to mirror with Mr. Espinoza that it'd be great to have a working document and have this long-range plan in place so we can see where things are going with the fishery. A recent analogy was made that Michael Jordan is our San Juan of fisheries and we have this other team of fishers throughout the state but the San Juan is one of our crown jewels. It'd be great to have a concrete long-term plan to insure the fishery stays as good as it can be.

**Toner Mitchell:** I'm with Real Life Fly Fishing store in Santa Fe, and President of the Truchas Chapter of Trout Unlimited. I want to commend Commission/Department/Marc for this work. Echoing what Larry Johnson said, as a fly fishing professional on the other side of the divide, this fishery has an outstanding fishery and serves all of us. It yields business in Santa Fe for us on other fisheries like Chama/Pecos. Regarding the Pecos, and echoing what Mr. Ingersoll was saying about the stretch of the Pecos below the Brush Ranch, it'd be nice if that could be created as special waters so we'd have a contiguous high-quality fishery and that'd serve the whole river very well.

**Bubba Smith:** It's been a long four years and we finally got this project going. I'd like to thank the Commission/Chairman for taking this under his wing and running with it. Marc/Mike for putting much effort into it, and for the Governor for doing what she's done. This is only step one on a long-term project that needs to be done. Currently, it's a \$100,000,000 a year fishing expenditures into the state from that four miles of river. This is the cow that feeds a lot of other places for projects. We've got to feed the cow now.

**Larry Johnson:** I'm speaking on behalf of the Guide Association. I'd like to reiterate the great job we're doing on this project, but as Commissioner Espinoza/Bubba said, we don't want to come hand-in-hat every time we need to do a project on the San Juan when we know probably 1/3 or more of fishing licenses generated in this state probably come because people are coming to that fishery, and over 80% of non-residents which is really generating the revenue. Again, I know the goal of the Commission/Department is not to create jobs for the state, it's to create opportunities for people to have sportsmen-like opportunities. If we invest a little more in the San Juan, come up with a project as we recommended last year with Representative Taylor, some kind of user stamp that we can have some general funds in there, but this time we'll come back to you with a business plan, and work together to make it work that it'll be something we can get through the legislature, hand to you and again we ask for the Commission's support. We need a continuous new project working on the river, and we need modifications to the projects that we need to make them more productive. By doing this we will actually give you the means which is an economic impact to be able to create more opportunities in other places like Tingley Beach, or where you need money. We'd like to propose that our group get together, come back to the Commission, and hand you an outline if the Commission will look at, and then we'll go to work on giving you a detailed business plan.

#### **AGENDA ITEM NO. 16: Proposal to Modify Eligibility Requirements for Youth Encouragement Elk Hunts.**

**Presented by Darrel Weybright** – The Department presented proposal to amend a specific section of the Elk Rule 19.31.14.13 E (1), NMAC, and a specific section of the Hunting and Fishing License Application Rule 19.31.3.11 P, NMAC, to modify the eligibility requirements for youth interested in applying for Youth Encouragement Elk Hunts so that more may take advantage of opportunities. We did a good thing several years ago by putting a bunch of youth-encouragement hunts on the books. For those that did not draw out in the regular draw for big game, we thought was successful. We in our wisdom did not think of everything. We put about 2,000 licenses out there for youth hunters that did not draw out and were unsuccessful. We put the criteria that in order to apply for and draw out the youth-encouragement hunts, they had to be unsuccessful in the previous draw. Our proposal is that there's a fairly simple fix because some youth-encouragement hunts were left unsold because there were 2,000 of them and were simply left there and not taken advantage of. We want to hang on to that unsuccessful piece of it for the first two weeks after this. Once these youth hunts become open for sale that they'll be dedicated to these unsuccessful kids that put in for the major draw and are unsuccessful, then after than 14<sup>th</sup> day, anybody else that qualifies as youth can put in for it. That's basically the proposal. These were 2,000 licenses and that is mostly on top of what our regular hunt is. These are cow hunts, antlerless hunts, rifle/muzzleloader and we've experienced two years of them so we can look at the harvest and

what those impacts are to the herds. Our elk manager looked at those impacts, we'd like to tweak the 2,000 licenses and reduce them in certain places where they're impacting primarily the north central herd that we want to keep as a high-quality/sustainable herd, and increase licenses by 110 for a total of 2,110, in the Gila/Unit 53 northeast, Sangre herd. There are two pieces to this (1) getting other kids involved; and (2) tweaking the numbers of licenses by hunt. **(Information item only)**

**Vice-Chairman Salopek:** One e-mail we received was a parent/youth hunter that had passed his/her hunter education, but it was after the draw so now for those that can apply for it, they have two weeks, is this going to open it up youth that did not even put in for the big game hunts?

**Darrel Weybright:** That's correct.

**Vice-Chairman Salopek:** That's only fair and right.

**Darrel Weybright:** Especially if they got the hunter ed after the draw deadline, but before this one, that's the only requirement.

**Commissioner Espinoza:** Best guess, how many more youth would be able to have that opportunity, when we open it up?

**Darrel Weybright:** I have no doubt all 2,000 licenses will be sold, now 2,100 roughly.

**Commissioner Espinoza:** How many this year/last year?

**Darrel Weybright:** I'm not sure that they didn't all sell eventually. I can get that information.

**Vice-Chairman Salopek:** Isn't it like 650 right now because every unit in the Gila is still open? In fact, I believe every unit is still open in the Gila because we just looked at it the other day.

**Darrel Weybright:** I don't have the harvest report with me for the current one, but for previous years I can get that to you. That's what we want to make sure those are available.

**Commissioner Arvas:** There have been complaints about not being able to get into the hunter ed course. Have you heard any complaints from people you've talked to?

**Darrel Weybright:** I have not.

**Director Lane:** We certainly struggle each/every year with availability of our hunter ed courses and trying to keep up with demand. Quite frankly we're failing at it right now. It's something the Department will continue to work on and try and make sure we're meeting demand, but right now we do fall short in many cases.

**Commissioner Arvas:** If they want it, we have to do whatever we have to do to give it to them because wanting it is the big thing from our point of view. Whatever it takes to either amplify/improve/modify whatever we have to do to be able to have more people involved, that want to be involved, should be one of our primary goals.

**Director Lane:** I absolutely agree, and certainly we will be coming back to you and ask for some guidance/approval/direction toward that end. We are working on proposals right now to eliminate some of the barriers we have in front of youth right now. It's something we're actively working on.

#### **AGENDA ITEM NO. 17: FY 11 Depredation Summary and FY 12 Depredation Update.**

**Presented by Cal Baca –** The Department presented final report of the total number of depredation complaints filed and resolved in accordance with 19.30.2.11, NMAC, for Fiscal Year 2011 and an update of depredation complaints for the First Quarter of FY 12. I'm presenting the FY 2011/FY 2012 First Quarter Depredation Reports. July 1 through June 30 are FY 2011, we run these reports on the fiscal year. We had 527 total complaints filed with the Department; 655 of those have been resolved, giving us a 90% resolution rate. The remaining 72 complaints are still unresolved and we're still working on different interventions to resolve these. The top 5 species were: bear 37%; raccoon 30% cougar 6%; beaver 6%; elk 5%. There was a complaint on Eurasian-collared dove out of the southwest area on the dairies, they have a big problem with those and Rock pigeons hanging out in the dairies. We opened up a complaint on those so we can permit them to kill those as they need to.

**Commissioner Hoffman:** How many elk/deer/antelope were killed for depredation? Is that included in this data?

**Cal Baca:** Yes, sir, it is. For FY 2011 as of August 25 when I ran data the last time, there may be a little change, but at that point we were confident these numbers were accurate. Outright kills by landowners pursuant to statute, we didn't have any deer. We had 11 elk killed by landowners pursuant to statute, and about 170 bears at that time were killed by landowners pursuant to statute. Killed by the Department through either a D-1 permitting process to a landowner or agent of a landowner, we had about 65 deer for FY 2011, about 15 were permitted, of those 15 we actually killed about 4, then the bear I talked about were also permitted. We had open D-1's on those. For the First Quarter of FY 2012, so far that's July 1 through September 30, 2011, we've already had 525 complaints which is high, but 410 have been resolved, so we're at 78% resolution rate for that First Quarter. Recognizing that those are fairly new complaints we're still working on getting those resolved coming into the Second Quarter. Top 5 species for those: bear 75% which were high with a large number of complaints this First Quarter; raccoon 9%; elk 4%; deer 3%; fox/bobcat 2%.

**Commissioner Arvas:** When you say resolved, that basically eliminates complaint/complainant, but from a fiscal point of view, are elk complaints more expensive to resolve than bear complaints?

**Cal Baca:** Yes, sir, depending on the type of intervention we choose to put on the elk complaint. If we go into a situation where we're providing materials for building a game-resistant fence for exclusion of elk, depending on the number of acres we're looking at. Yes, it could be significantly higher than a bear complaint.

**Commissioner Arvas:** So would it be true to say that for elk complaints, we spend the greatest amount of money? What do we spend per year on average on elk?

**Cal Baca:** We have a dedicated fund through sale of the depredation damage stamp, which we budget about \$550,000 p/year, that money has been exclusively spent on dealing with not only elk, but also deer/pronghorn, but elk has been the majority of our expenditures out of that fund. Last year we spent probably half of what we budgeted, about \$225,000, directly related to working on elk complaints. This year, we're already at \$249,000 expended out of that budget directly, and the majority of that is elk, some deer, and a few pronghorn complaints, but the majority is elk.

**Commissioner Arvas:** So that will always be the case?

**Cal Baca:** Unless we receive a different mandate/direction for the use of those funds, probably the majority of that money will be directed at elk complaints because they seem to do the highest amount of damage to agricultural lands.

**Commissioner Bidegain:** The resolutions on bear, how many ended up in depredation?

**Cal Baca:** Are you asking how many of those were depredation kills?

**Commissioner Bidegain:** Yes.

**Cal Baca:** As of the last bear harvest update, 229 of those were total depredation kills.

**Vice-Chairman Salopek:** That goes against the count, too, right?

**Cal Baca:** In different areas, yes, it did, and in certain areas no, it did not.

**Commissioner Arvas:** What would make the difference? Why would one area go for the total number of the quota, and others it wouldn't? Why would that be the case?

**Director Lane:** We per rule count all depredation kills against the harvest limits when we in fact increase the harvest limits for a couple of zones for that remaining period of time, while that zone was reopened. We did not count any future depredations against that harvest limit, but rather we counted just for harvest.

**Chairman McClintic:** I know we try to give bears an opportunity when they're trapped. We try to take them out and I know there's a strike rule if they come back 2-3 times we have to destroy them, or if they show no fear of humans. What percentage of those bears off the top of your head that were killed, so you think we've given the chance and they come back?

**Cal Baca:** I can't give you a number off the top of my head. I know a lot of our officers did try aversive conditioning for smaller/younger bears, some were actually trapped that didn't look healthy and were rehabilitated and have been released. It was really up to those officers' discretion that encountered that bear to determine at what level that bear should be handled. It varied, case by case, bear by bear, officer by officer as to how they approached that, so I don't have a number/percentage I can give you.

**Chairman McClintic:** Have you got any personal thoughts, because it bothers us enormously to lose that kind of opportunity for our sportsmen, with just taking bears like that. Have you thought of any other ways that we possibly could retain that ability for sportsmen on those bears rather than when we have to take them out like that?

**Cal Baca:** We have been, and it has mostly been anecdotally, working/talking with officers in the field and visiting with them during this heavy bear season we've had, and our depredation specialists. A lot of them feel the same way you do, they really don't want to do what they've had to do. A lot of them spend a lot of time moving traps, a lot of them lost a lot of stomach killing those bears, they didn't want to do it anymore. We've talked different strategies, we've talked with Rick Winslow/Darrel Weybright and a lot of it has to do with bear densities. A lot had to do with the fact that we went into severe drought in the spring and we're seeing those bears looking for food. A lot has to do with trying to work with communities to increase their bear awareness and trying to do stuff with bear-proof dumpsters. Specifically, in the Raton area, that's been a lot of what our officers are seeing in the smaller communities, it's been that attractant in trying to reduce. Ruidoso is another area where people complain that trash is left out and bears are in the trash, and our officers are getting calls on who's going to pick up the trash. This severe drought with limited mass production for bears, relatively high bear density is a perfect storm. By moving forward in the management direction that Darrel/Rick have initiated, we can get to a better spot and also increase our ability to work with communities to put in bear awareness programs, bear proofing.

**Chairman McClintic:** All of us on this Commission encourage you to get to a better spot.

**Commissioner Hoffman:** How many elk/deer/antelope were killed?

**Cal Baca:** So far this fiscal year, I don't have a report from the depredation specialists, but I can get that for you.

**Commissioner Hoffman:** One of my recurring mantras is, are these animals getting used, that are getting killed? I don't have a problem with doing what we have to do, but they need to be used by some body and I want to make sure that's happening.

**Cal Baca:** In most instances, yes, they have. Deer were permitted for killing in the Roswell area on that dairy, those animals are being sold to people that can use them. There has been elk kill that due to the timeframe of when they were reported to us, we were unable to salvage them. For the most part, most of our elk complaints this fiscal year's First Quarter, has been not necessarily they're going to kill elk, they're giving us an opportunity to work with them. That's why we only have 19 complaints and most of those 19 complaints have been on farm fields and orchards. **(Information item only)**

#### **AGENDA ITEM NO. 18: Prospective Department Legislative Initiatives.**

**Presented by Patrick Block** – The Department discussed prospective legislative initiatives for the upcoming short session and sought Commission guidance on initiatives to develop for consideration by the Governor's Office. I'm presenting prospective legislation for 2012 session. We're out of sequence with events I'll explain. After today we'll be back on track. What I mean by out of sequence is that the Governor's office asked all agencies to submit prospective legislation to them last week. We told them that we had yet to go over these with the Commission and that potentially what we submitted last week could change based on Commission's wishes/direction. After discussion today, we should be able to tell them what'll stick/not stick, what else may have come in, and we've gotten a meeting scheduled with Governor's staff to meet on Nov. 18, which would be the next step subsequent to the meeting today. We're bringing before you for consideration five pieces of legislation. Four are simply changing one word or number, and the draft I've given you is more involved. The first is vendor fees. We have over 200 locations that sell hunting/fishing licenses on the Commission's/Department's behalf throughout the state. The vendor fee has been \$1 per document since early '90's, it was \$.50 prior to that. We're requiring vendors to buy a bond to make sure the state's money is safeguarded and they also spent a good deal of time building the reports. It's a mutually beneficial relationship because hardly anyone goes to a vendor and buys a license and nothing more, so it does generate traffic, so it's to their benefit as well, but they do spend time/money on the bond. One thing we've heard from vendors is that \$1 that's been in place since early 90's is probably low. Last year during the session there were two bills introduced; one in the Senate by Senator Munoz, and one in the House by Representative Baldonado that would've changed this vendor fee. That was done independent of the agency and it did not get the Governor's

support, so bills did not go anywhere so we thought if that were to happen again, it might make more sense to do it from the Commission's/Department's behalf to get that change made for vendors. That's a simple change from \$1 to \$2 in section that deals with vendor fees. The complicated bill is a version of the bill that Representative Rehm pursued last year, and we've worked with him and with attorneys at the Legislative Council Service to come up with a hopefully simplified version of the bill, that's the draft of the bill I've given you. What it does in a nutshell is it creates some new junior non-resident fees. It combines the current Habitat Management Stamp and the Habitat Improvement Program validation into one, and sets the price to those and it requires each person to purchase one of those at the time of the purchase of a game hunting license/combination game hunting fishing license/or fishing license. It'll be a one-time-per-year purchase. I believe some folks out there without having seen the draft have been trying to disseminate information that people will need to buy this validation multiple times during the year. That's not the case with this. It'll be a one time per year when you buy your game hunting license. One thing that met with resistance last year with Representative Rehm's bill, our federal partners in the current Habitat Improvement Program felt they wouldn't be assured of continuing to get at least the same amount of money, so what the current draft does is that of that combined pot of money, 55% will go to habitat improvement activities, which is about how it breaks out between what's currently raised in the Habitat Improvement Program and what's raised through sale of Habitat Management Stamps. It also dedicates \$1 p/validation to the Open Gate Program, as is currently the practice. The new material on the draft codifies in statute how the draw sequencing will work. The sponsor feels that the way it's currently done with the order of the draw, how quick you come out of that random bucket being the driver, you know we look at first/second/third choices before we move to the next application in line, he feels it ought to take place in a way that you only look at people's first choices, then you run through the line again with second choice, and nobody who has a hunt as their second choice should get that ahead of somebody who has it as their first choice. Currently, how that happens is at the discretion/direction of the Commission so this would, I believe, remove some authority the Commission currently has and reduce the Commission's authority, and take that over to the legislature. Personally I don't think that's what the Commission wants to do, or Administration would support. In initial talks with them, giving any of the executive branches power or the Commission's power to the legislature, so even though it's in the draft, I'd recommend that if you choose to support this bill, do that with the *proviso* that that's not included. I did speak to Rep. Rehm this morning and we're to meet with Council Service tomorrow. I told him I'd relay to him what the Commission's decision was. He seems to be under the impression that the Commission already has a plan in place to make that change administratively. I haven't heard that from any Commissioners, but regardless the ability/authority to do that should remain with the Commission. There are circumstances in statute currently that dictate when we can provide a refund of a hunting license and the three criteria for those refunds are: 1) the license holder has passed away and we refund that estate; 2) the license holder has been deployed by the military preventing travel to the hunt; or 3) they have an illness or other medical condition that prevents travel to the hunt. What we ran into this year was the Las Conchas fire burned a majority of the hunt area in Unit 6-C, and after that burn happened, the Forest Service implemented closure closing off most of the huntable area in 6-C, so we did provide opportunity for hunters to receive refunds on those licenses. What it doesn't do is fit real well with what's in statute now, so we're talking about coming in with some language that would add a natural disaster provision to the circumstances under which a refund could be offered. We felt it was common sense and the right thing to do through no action of their own and no action of the Department these people no longer had a place to hunt and we'd taken their money, so we went out on a limb and we'd like to make sure that's addressed in statute. Next, if the Commission goes ahead and directs the Department to enter into negotiations with the Cebolleta Land Grant, and we do negotiate a sale with them, and the appraisal is higher than \$100,000, then state law requires that the legislature ratify/approve any kind of sale of real property, more than \$100,000. This item is the joint resolution that would be required to complete a sale. Lastly, this is also a bill that was introduced last year by Senator Sharer from Farmington, it fits in well with the delisting action the Commission took this morning. This bill would create two new bighorn sheep authorization licenses so then in statute instead of it being two licenses for bighorn sheep period, it would describe an option and a raffle license each for Desert and Rocky Mountain. We think that there's substantial opportunity to generate a good amount of revenue now that you've taken the delisting action, so this would provide more fuel for the enhancement program and let us keep on working toward that 4,000-5,000 sheep. It'd provide resources for that. This bill came in last year initially proposed by Wild Sheep Foundation that used to be known as FNAWS which has a shorter name now, but it was not done with the Department, so we wanted to give the Commission an opportunity to provide their support for it, and let us run it through the Governor's review process, or not. Those are the five bills. The Governor's office is looking at those and we have a meeting set up to see what they'll approve. One thing they shared with us is that even if they may not approve all these for the upcoming 30-day session, but they may say start working on them for the 2013 session, so we don't know what their take is going to be on that, or they may say start working on them for the 2013 session, so we don't know what their take is going to be, or they may say we don't want to do that, so that'll be the next step after the Commission provides us with direction.

**Vice-Chairman Salopek:** On the new material, do we need a motion to remove that. I'd like to see that removed and I need to talk to Bill because we had that conversation and I said I didn't know which way, but I'd like our current system to true lottery and I'd like to see—but we need a motion to remove it.

**Patrick Block:** If you like the rest of the bill and would like us to move forward pursuing that for the upcoming session, then the motion would cover that you like it but without that piece.

**Commissioner Arvas:** Have we always only used 55% of the Sikes Act money per year?

**Patrick Block:** No, not at all. What this is, is combining those two programs right now, and if you make the new whole which is those two programs, and you looked at which piece came from the existing habitat management, it's about 45% which piece brought dollars to the table from the habitat improvement side, so it's just to keep the split of the dollars, to address any concerns of BLM mostly.

**Commissioner Arvas:** Off the top of your head, do you remember what the balance is in the Sikes Fund currently?

**Patrick Block:** I don't. I think it's somewhere shy of \$2,000,000—it's \$1.4M.

**Commissioner Hoffman:** One of the things that's been kicked around with sportsmen is raising the Sikes Act fee and if you set this in stone as a certain percentage, raising the Sikes Act fee will not correspond to the amount of money that the Sikes Act fee has raised going to the Sikes Act, if you get my drift.

**Patrick Block:** I do. One thing I neglected to mention that's probably important is also that the bill provides the State Game Commission with the authority to change that fee. The flip side to what you just said is that a rising tide raises all boats, so if you raised it, it would indeed generate more, but it wouldn't necessarily be dedicated all to just the federal partners, but it would be to all habitat projects, so you can decide whether that's a good thing or not.

**Commissioner Espinoza:** I want to re-enforce Commissioner Salopek's position on that one section.

**Commissioner Hoffman:** What section are you referring to?

**Commissioner Espinoza:** The one that would change the method of the draw, and again, if that would be part of the motion then I would support that as well. Most sportsmen I've talked to don't want that.

**MOTION: Commissioner Bidegain** moved to direct the Department to continue working through the Executive Branch.

**Senator Munoz:** I wanted to stop and look to see what was on your legislative agenda. I carried an increase for the vendor fees last year. It was killed by the Republicans even though Domenici wanted it for Charlie Domenici said he needed it. She's not going to sign any tax increases or increases. Refunds are probably your best bet. I came today because of one other reason which is that we know we're going to get the Valle Calderas back probably within the next 1-2 years. Bingaman is retiring and something is going to happen, so I think NM needs to be looking at establishing a second quality water. That might be the best thing for the Department because we know how much the San Juan generates. Now we'll get it closer to Santa Fe and I don't remember the number, but \$100,000,000M to NM. We know that NM owns the water, and NM owns the fish, so it's a matter of controlling the land and if it generates \$100,000,000M, then we should be able to go back to U.S. Parks and Forest Service and say now we have the income to do that. I think that's what the Department needs to look at for the next year. I think that'll come through easily and the Governor will put it on her call, so we need a memorial or something we can start it, but you know you guys got a tough job and we do too, and we appreciate your service.

**MOTION: Commissioner Bidegain** moved to direct the Department to continue working through the Executive Branch review process for the following legislative items: a bill to increase the vendor fee to \$2; a bill to combine habitat fees in order to simplify license requirements without language related to how drawings are conducted; a bill adding natural disasters to the refund, and transfer criteria for hunting licenses, and allowing refund of a game hunting license fee when unsuccessful in the draw; a bill to create two new bighorn enhancement licenses. **Vice-Chairman Salopek** seconded the motion.

**Vice-Chairman Salopek:** So that wording took out, what was it specifically?

**Commissioner Bidegain:** Any language related to how the drawings are conducted.

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

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

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

**Chairman McClintic:** Derek Martin wanted me to read this since he had to leave. He says, "glad to see Farmington is hosting a Game Commission meeting and is glad to see somebody from Farmington representing the area."

**Tiger Espinoza:** I'm representing NM Sportsmen for Fish and Wildlife. We'd like to thank you for hosting a meeting in Farmington and also we're excited that Robert Espinoza is a Commissioner.

**Garrett VeneKlasen:** As a public lands hunter, and in light of the tragic accident we had near Taos, I'd like you to consider mandatory use of hunter orange during the rifle/muzzle loader hunts. If we'd been using those I think we'd have averted a very tragic accident. One other consideration, we have cow hunts in Unit 50 going on during bull hunts. I think when you have big crowds of hunters together the dynamic for that could set up a bad scenario for another accident, so if you guys would consider that, that'd be fantastic also. One other thing, I'd love to see some of the field personnel in the Department get a raise. It's been a long time since folks have received a raise and they're working their tails off and we're proud of all of them, and would love if you guys could consider that.

**Larry Johnson:** To address the \$2 issue on the vendor fee, I'm a vendor for the state selling NM fishing licenses. It doesn't even come close for me to process your audits, about \$3.50 p/license. We just got a letter from Rhonda Holderman who addresses us definitely not as customers, but only as vendors, lucky enough to sell the license that they're going to be holding to the letter of the law any of the voiding system on the chits of the licenses. Do you know what the value of each license is? They're about \$300 if you take all the \$24 for out-of-state fishing, and for turkey tags, whatever. If we make a mistake on that, and we used to scribble it out because I've got 10 people waiting to get their fishing license, now I've got to pay the \$24 on the one I scratch out and it's cost me \$200 the last three months. They write us a letter and tell us they're going to do that, but they've never held us to it until this year. It's becoming a big financial burden. The bond I can understand. As the gentleman said, people come in and hopefully they buy some flies and things in our shops, or bullets at the gun shops, that'll cover that, but now the other thing is that if my place burns down, or I lose a book, those books are \$12,000-\$13,000 each, and by the discretion of the Game Commission, they could charge me the total value of the book if it's not there. I checked with my insurance to have it insured without a fire-proof safe and everything else, that would be about another \$1,200 p/year just if I did 5-6 books. I'm up to about 25 books, so you're making it impossible for me to be a vendor, and the state must recognize that because when you do a license online, the vendor fee is \$5.95. You only give us in the field \$1, so when everybody does everything online, there's usually a discount. For me to continue to license, I have to charge about \$10, \$2 doesn't even come close if I have to pay my insurance and cover your books, unless you relent on us making a mistake we're charged. I understand they want the license as void, but you don't have 10 people. When they go into Charlie's and they're going hunting in two weeks, you have time to re-do the license. I've got 10 guys standing there ready to fish in 5 minutes, and they all want their licenses now, and we only have two people in the shop. If I void a license, I've got to ask for address again, social security last four digits, it's a big process. Again, I'd like for the Commission to think about that. We do offer it as a service to our customers, but definitely not as a revenue generator in the shop. If you stand to these penalties and cost of the books, I couldn't consider it much longer.

**AGENDA ITEM NO. 20: Closed Executive Session.**

The State Game Commission adjourned into Executive Session closed to the public, pursuant to Section 10-15-1H(8), NMSA, 1978, and discussed matters related to disposal of the Marquez Wildlife Area.

**MOTION:** Commissioner Vice-Chairman Salopek: So move. Commissioner Hoffman seconded the motion.

**Roll Call Vote:**

- Commissioner Espinoza – yes
- Commissioner Hoffman - yes
- Commissioner Montoya - yes
- Commissioner Bidegain – yes
- Commissioner Arvas – yes
- Vice-Chairman Salopek – yes
- Chairman McClintic – yes

**Motion carried unanimously.**

Chairman McClintic entered into Open Session and stated that matters discussed in the Closed Executive Session were limited to those specified in the motion to close the meeting. No action was taken during the Closed Executive Session.

**MOTION:** Vice-Chairman Salopek moved that the Commission is not interested in entering into negotiations with Cebolleta Land Grant to dispose of the Marquez WMA. Commissioner Hoffman seconded the motion.

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

**AGENDA ITEM NO. 21: Cebolleta Land Grant Purchase Proposal for the Marquez Wildlife Management Area [NOT CONSIDERED].**

**Public Comment:**

Greg Ortiz: (Comments, addressed to Commissioner Espinoza, were not read during Commission's open session, but were inserted into the record.) "My name is Greg Ortiz and I am a lifelong resident and hunter of what is now Cibola County (previously in Valencia County) and you are my NMGF Commission representative of District Three. It has come to my attention that the Department staff will ask the State Game Commission at its Nov. 3<sup>rd</sup> meeting in Farmington for approval to initiate formal negotiations on the sale of Marquez WMA to the Cebolleta Land Grant (CLG) who has proposed to buy the area. The CLG sits adjacent to the Marquez WMA. The reason(s) referenced for the sale of Marquez WMA is the years long: 1) trespass grazing; 2) attempts by neighboring landowners to block public access to the area \*This is purportedly prime Elk habitat. \*I am opposed to the sale of the Marquez WMA. To me, the selling of this property is not the answer to the issues noted above. I suggest that investigation by a non-NMGF Department business/entity look into 'who' actually is: 1) trespass grazing. "Seek restitution from those who are in violation 2) blocking public access. \*Seek legal action/remedy/restitution. Results of the investigation should expose those "who/whom" are causing the issue(s) at the Marquez WMA and warrant a different course of action. Punish the violators and not the public. In closing, 'Thank you' for your service on the Commission and for taking the time to read this. Greg Ortiz. P.S. I will send a copy of this letter to Ms. Katie Gonzales so it can be read at the Commission meeting on November 3<sup>rd</sup>."

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

**MOTION:** Commissioner Bidegain moved to adjourn. Commissioner Montoya seconded the motion.

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

Meeting adjourned at 2:05 p.m.

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

\_\_\_\_\_ **December 15, 2011**  
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 Date

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

\_\_\_\_\_ **December 15, 2011**  
 \_\_\_\_\_  
 Date