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MINUTES
REGULAR MEETING
NEW MEXICO STATE GAME COMMISSION

University of New Mexico Continuing Education Conference Center – Room C
1634 University Blvd. NE, Albuquerque, NM 87131
Thursday, December 15, 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 9:07 a.m. by Chairman McClintic who introduced the webcam feature of today's meeting and those in the future.

AGENDA ITEM NO. 2: Roll Call.

Secretary Director Lane called roll:

Present: Game Commissioner Tom Arvas

Game Commissioner Scott Bidegain
Game Commission Chairman Jim McClintic
Game Commissioner Thomas Salopek
Game Commissioner Bill Montoya
Game Commissioner Robert Hoffman
Game Commissioner Robert Espinoza

Absent: None
Quorum: Yes.

AGENDA ITEM NO. 3: Approval of Agenda.

Chairman McClintic asked for an approval of the agenda and if there were any agenda questions from the Commission. There being none, a motion to approve the agenda was made and seconded.

Vote: 6-0
Yes: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Thomas Salopek, Game Commissioner Bill Montoya, Game Commissioner Robert Hoffman and Game Commissioner Robert Espinoza
No: None
Abstained: None
Absent: None
Unanimous. Passed.

AGENDA ITEM NO. 4: Introduction of Guests.

Introduction of audience guests: Chairman McClintic asked the audience to introduce themselves as individuals or representatives of groups. Introduced were: department staffs; David Reese representing Sportsmen for Fish and Wildlife; Bob Nordstrom of Albuquerque; John Crenshaw representing New Mexico Wildlife Federation Santa Fe; Michelle Frost representing NM Cattle Growers; Dennis Trujillo representing Valles Caldera; Tom Waddell, ranch manager Armendaris Ranch; Mark Kosler, general manager Vermejo Park Ranch; Billy Vigil, board president, Rio Costilla Cooperative Livestock Association; David Walker of Albuquerque; Tom Rutherford, Safari Club International SW NM Chapter and Guides (inaudible), Brandon Winn, board of directors, New Mexico Wildlife Federation; Michelle Briscoe representing New Mexico Wildlife Federation, Pamela Herrera-Olivas, wildlife biologist, Bureau of Land Management; Ernest Taylor, wildlife biologist, SW Region USDA Forest Service; Marilyn Weybright of Santa Fe; Jess Rankin, outfitter and guide; Larry Caudill, wildlife activist, Albuquerque; John Sherman, Bureau of Land Management, Santa Fe, Bill Merhege, deputy director, Bureau of Land Management, Santa Fe.

Chairman McClintic explained to attendees the use of the speaker card, microphone, and public comment portion of the meeting.

AGENDA ITEM NO. 5: Approval of Minutes (November 3, 2011–Farmington, NM).

Chairman McClintic asked for approval of the minutes, additionally if the Commission had any changes to the minutes.

Motion: Commissioner Arvas moved to approve the minutes.

Second: Commissioner Bidegain seconded the motion.

Vote: 6-0

Yes: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, , Game Commissioner Thomas Salopek, Game Commissioner Bill Montoya, Game Commissioner Robert Hoffman and Game Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Unanimous. Passed.

NEW BUSINESS:

Assistant Director Pat Block elaborated about the new feature of the webcasting of all meetings of Boards and Commissions at the request of the Governor. And secondly he provided review of previous legislative initiatives: Marquez wildlife area will be posted, the governor’s office is against any cost increase in vendor fee, they do not support the combination of the habitat stamps, did not oppose the potential \$5 increase in fee to specific hunters and anglers (e.g., private lands, Elephant Butte anglers), they support identifying sponsors and drafting language for modifying refunds, and the delisting bill for big horn sheep and two enhancement licenses.

AGENDA ITEM NO. 6: Revocations.

Presented by Assistant Director RJ Kirkpatrick: There are no revocations for the commission’s consideration at this time.

AGENDA ITEM NO. 7: Final Proposed Amendments to the Upland Game Rule to Align with Statutory Changes from Senate Bill 196. (Action Item)

Presented by Administrative Services Division Chief Alexa Sandoval – The Department presented final proposed 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. In addition, the Department recommends removing the requirement that grouse hunters obtain a free Blue Grouse permit.

Discussion:

Commissioner Hoffman: Does any valid license need to be a game license?

Ms. Sandoval: Yes.

Commissioner Arvas: Please review hunting application process for this year.

Ms. Sandoval: The statutory change requires anyone purchasing a big game or wild turkey license must first purchase a game hunting license or game hunting combination license. For lottery applications this year, customers must first purchase a license and elect for a refund based on their choice of combination license, if they were not successful in the draw.

Motion: Commissioner Montoya moved the Commission approve the Department's recommendation to update the Upland Game Bird Rule, 19.31.5.8 of the NMAC, to reflect the changes passed in Senate Bill 196 and to remove the requirement for holding a free blue grouse permit.

Second: Commissioner Bidegain seconded the motion.

Vote: 6-0

Yes: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Thomas Salopek, Game Commissioner Bill Montoya, Game Commissioner Robert Hoffman and Game Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Unanimous. Passed.

AGENDA ITEM NO. 8: Final Proposed Amendments to Fisheries Rule to Address Northern Pike in Eagle Nest Lake. (Action Item)

Presented by Fisheries Division Chief Mike Sloane – The Department presented final proposed amendments to the Fisheries Rule (19.31.4 NMAC) to address the potential risk Northern Pike represent to the trout fishery in Eagle Nest lake. Remove the bag and possession limit for all northern pike and all pike caught have to be maintained in possession and removed.

Discussion:

Chairman McClintic: Expound upon the fact that a pike fishery was never wanted in Eagle Nest.

Mr. Sloane: Eagle Nest has always been maintained as trout habitat, stocking trout fry.

Commissioner Salopek: Concerns about anglers throwing pike back not wanting to keep them, and that he does not want to give anglers tickets, suggested placement of adequate signage.

Commissioner Hoffman: In asking the angling public to help to manage the number of pike there that a dumpster or other recommended container be placed for anglers to discard the removed fish.

Commissioner Espinoza: supports the idea of asking the anglers help with management, and asked if the Department is going to do a public outreach campaign, using the vendor sites, providing brochures to educate anglers.

Motion: Commissioner Arvas moved to amend the Fisheries Rule 19.31.4 of the NMAC to remove bag and possession limits for northern pike at Eagle Nest lake.

Second: Commissioner Salopek seconded the motion.

Vote: 6-0

Yes: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Thomas Salopek, Game Commissioner Bill Montoya, Game Commissioner

Robert Hoffman and Game Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Unanimous. Passed.

AGENDA ITEM NO. 9: Proposed Bighorn Sheep Hunting Agreements with Owners of Private Lands in Bighorn Sheep Range. (Discussion Item)

Presented by Acting Wildlife Management Division Chief Mr. Darrel Weybright and Dr. Eric Rominger, the Department presented draft agreements to access private lands in the Fra Cristobal and Culebras Mountains to hunt bighorn in 2012. These agreements would allow the Department to offer first the public hunting opportunities for bighorn sheep on private land.

Discussion:

Mr. Weybright and Dr. Rominger presented background. Mr. Weybright stated work has been done over decades to return sheep to the wild and that this was the first year to put sheep onto new ranges. That there will be increases in licenses with 19-20 licenses available this fall – a first. The Department’s approach to 100% private land is to protect the population and grow it to more than 200 animals, planning for future hunting, and cooperating with landowners (e.g., Armendaris Ranch). Emphasis is to continue with restoration of the bighorn to be able to hunt both herds (Fra Cristobal and Culebras Mountains). Discussion included terms of agreements making example of Texas and Colorado licensure programs. Discussion of two scenarios: 90% to landowner and 10% public, 50-50.

Commissioner Montoya: Please explain the three-way split.

Discussion included managing for restoration, and in so chose the split to ensure fair perception of the draw for access and no fees. Fra’s with >200 animals, is a 50-50 split all licenses for six total licenses. Culebra’s only one license per year – two landowners; 2012 licenses through draw, 2013 and 2014 to the landowners, the 4th year licenses come back to the draw.

Commissioner Hoffman: Are there other populations on lands in the state open to hunting?

Mr. Weybright: Working with federal agencies to get hunting back on those public (San Andreas Refuge) and those would be draw licenses. Mr. Weybright discussed and listed the other locations for restoration of sheep and hunting opportunities.

Discussion continued with scouting and restrictions: Mr. Weybright assured agreements are brief and reviewed by council to ensure that hunters have free and full access to the entire range during their hunts. Mr. Weybright stated the agreements do cover hunter guidance on use of the property, gates, campsites, number of vehicles, litter, liabilities, further restrictions done in cooperation with the Department with advertisement, etc.

Mr. Weybright is seeking the commission’s questions, direction, and further comments.

Commissioner Arvas: when other states compared, were there any other fees or selling of the license – concern is if we give x number of permits to landowners we should have a feel for what they believe the license(s) should be costing.

Dr. Rominger: Texas does fly an annual survey and they have the harvestable ram, and that license is sold publicly usually through ranch-guide service. Colorado has the two

systems: 90-10 split – three licenses to the landowner, private negotiation or used internally and not sold, and the 50-50 guide-sold license to the public. The Department does not have influence to price or cost, but has a statewide hunt to public hunters.

Commissioner Arvas: would you lose money on the auction tag could you come up with some language that states cannot be any less than the auction?

Dr. Rominger: discussed larger market tag availability are competing, and does believe a good price

Commissioner Salopek: Our hunters will have full access to the ranch, correct.

Mr. Weybright: That is correct, and to keep bagging the rams, having someone on the ranch to monitor the radio collars, keeping cougar populations monitored and in keeping the landowners help in maintaining water being provided.

Commissioner Hoffman: With the limited number of permits, how do we deal with in state versus out-of-state draw, effects of 196, and limitations on the draw?

Director Lane: we currently do not apply the resident/non-resident split to bighorn sheep, Barbary, or ibex licenses.

Commissioner Hoffman: Concerned those out-of-state hunters will swamp the draw and that in state hunters would not be able to draw.

Commissioner Montoya: If we are concerned about too many rams in these areas, why are we limiting the permits?

Mr. Weybright: conservative by nature, we want to be sure it works, get through the draw, evaluate populations before the RIB publication and draw, assess how many rams by mountain range. Surveys reveal a good number of animals and do anticipate the number of licenses increasing.

Commissioner Espinoza: Process with landowners on going for several years, was anything in place prior to the sheep coming in (Fra Cristobal) or was this recent?

Mr. Weybright: We were negotiating with the prior landowner (Armendaris Ranch) and the buyers/new landowners melded into those talks. Their concern also focused on diseases sheep could convey to bison and cattle they planned to put on the range, and access. We did have a "gentlemen's agreement" at that time to the 50-50, one for one approach seemed reasonable.

Commissioner Espinoza: We have sheep on that mountain (Fras) because of the cooperation of the landowners. Do you believe more landowners will be participating?

Mr. Weybright: Has not received direct questions from landowners but explained the program is dependent upon landowner participation and the habitat quality of the lands. He emphasized there are extensive public lands habitat-available. He stated the incentive does not appear to be only the money, turn-around, but the benefit to sportsmen and the resource.

Public Comment:

David Reese, Sportsmen for Fish and Wildlife: Supports the proposed information, and asked if it is possible for the Commission to place a quota on the number of out of state licenses offered.

Chairman McClintic: Explained that the Commission does not have the authority to implement such a quota and that it is regulated by statute. It would have to go through the legislature and the court system.

David Reese: So, that would fall under the same statute as the ibex, etc.

Chairman McClintic: Stated that is correct at this time, he and added that Commission would support application of the rule to bighorn as well, yet that the legal work will need to be done.

David Reese: Asked if there was any legislation passed in 2010 that would give the Commission authority to implement a quota.

Assistant Director Block: Explained current SB 196 does apply to all big game species. There is currently an injunction mandated by a lawsuit. He discussed the potential of the current environment to a lifting of the injunction and therefore being able to apply quota as contemplated through statute.

David Reese: Appreciated Mr. Block's clarification and the work that has been done, and in fairness to sportsmen, asked the Commission put pursuing this issue on future agenda.

Commissioner Hoffman: Asked which legal entity could lift the injunction.

Chairman McClintic: explained that the state's attorney general is holding that discussion.

Mark Kossler, Vermejo Park Ranch: Supports this issue and would take any questions from the commission.

Commissioner Arvas: How much in resources, have you provided?

Mark Kossler: Monitoring, provided salt, labor, ceased logging, controlled access, protected the habitat, no domestic sheep on the range we want to propagate bighorn sheep and our biggest contribution is what we have not done.

Commissioner Arvas: what kind of count do you have from your own people?

Mark Kossler: We do that with Eric's staff.

Dr. Rominger: We have seen sheep for about a decade and more percentage of rams have come into the area. Last year there was a top end of 15 to 17 rams on the mountain at one point.

Commissioner Hoffman: Have you had to make lion control efforts for that herd as they have for the Fra Cristobal area?

Mark Kossler: Stated he has not, no. He added that lions are a factor but not to the extent as in the Fra Cristobals. Mr. Kossler added that in working with their neighbors they desire to create a seamless hunt experience between ranch land and neighboring lands with unhindered access.

Commissioner Bidegain: What is your deer population there?

Mark Kossler: Mule deer surveys continue to show increasing numbers.

Commissioner Espinosa: thanked Mr. Kossler and the ranch's contribution to the success of having sheep on the mountain.

Larry Caudill: Supported these efforts in 1995 and supports them today. He acknowledged the investment in wildlife by Ted Turner. His concern with private land permits is that there is not a public set-aside. This system proposed today is incredibly equitable in comparison to "the norm," stating it is reasonable, appropriate, and equitable.

Billy Vigil, Rio Castillo Cooperative Livestock Association: Supports the agreement, supports the sheep restoration program, and supports the herds moving across owned lands. The association sees the population and land as a continuous area for the herds.

Commissioner Montoya: does the association have any plans to place domestic sheep on the land?

Billy Vigil: No. The association is limiting the number of cattle in competition with elk. No, no sheep.

Brandon Wynn, NM Wildlife Federation: Fully support private landowner bighorn sheep with the 50-50 split being most sensible. Appreciate private landowner contribution and good to see a good relationship between Department and private landowners. Concern is access by hunters, which you have already addressed; appreciate the number/type of licenses. Non-resident tags, yes, support the Department's work on the quota issue.

Commissioner Arvas: Can you give us the same endorsement on the antelope program?
Brandon Wynn: Not authorized to state such, however restated fairness of 50-50 on sheep.

Jess Rankin, Outfitter: Supports the additional hunting opportunities. Outfitters and guides do not want a quota on non-resident, ratio and cost is deterrent to nonresidents as residents can get them cheaper.

Tom Waddell, Ranch Manager, Armendaris Ranch: Mr. Waddell acknowledged the 16-year contribution of the ranch to the recovery of sheep population on the Fra Cristobal range – contribution by Mr. Turner of financial support, professional support, labor, lion management, provision of water and food. The new team mission moves to maintain the population of the now delisted sheep, hunting accessibility, and opportunities. Dynamic agreement allows moving forward in financially feasible management of sheep and lion, hunters and landowners.

Garret Veneklasen: Have you all seen the agreement between the landowners and the Department as commissioners?

Chairman McClintic: No.

Garret Veneklasen: Commissioner Arvas you had asked about the correlation of A+ and this proposed agreement. Suggest the Commission to establish guidelines on policy and rule to avert A+ issues in the future, also suggest Department establish written rules regarding motorized privileges on private lands, suggest standardized rules on scouting making it clear to hunters before accessing private land. Mr. Veneklasen is in support of the program.

AGENDA ITEM NO. 10: Final Proposed Amendments to the Elk Rule and the Hunting and Fishing License Application Rule to Modify Eligibility Requirements for Youth Encouragement Elk Hunts. (Action Item)

Presented by Darrel Weybright – The Department presented final proposed amendments to 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 expand the eligibility requirements for youth interested in applying for Youth Encouragement Elk Hunts. (Action item)

Mr. Weybright: Explained the rules are too restrictive and the proposal amends two separate regulations. Over the past three seasons, the Department has discovered that only unsuccessful youth to apply for the elk encouragement hunts. Structure now consists of the first 14 days of the application process will be for the unsuccessful draw participants and the remaining days will be open to all youth that do not have an elk license. Propose modifications to hunt numbers by unit to better match the harvest to the herd goals thereby increasing license sales to youth – selling all 2, 025 licenses available this fall.

Commissioner Salopek: What we are doing for our youth is just huge. I am sure were monitoring our harvest to ensure not over harvesting, but what we are able to do for youth is just amazing watching kids have a chance.

Commissioner Hoffman: Does the data show that most all licenses sold are sold in the first 14 days?

Ms. Sandoval: That is correct. Sales are in the first day to two days and then drop off dramatically.

Commissioner Hoffman: So the 14 days is enough to give people opportunity to act.

Ms. Sandoval: Is sure.

Commissioner Hoffman: I am sure you know we will get letters that say 14 days was not enough, but as long as we have data on our side, I will not worry about it.

Mr. Weybright: the final hunt is around Christmas time, and we yet have some 700 licenses left.

Public Comment:

David Walker: Strongly supports these changes and thanks the Department and the Commission.

Chairman McClintic urged the Department to publicize the licenses that are left and time left to apply.

Motion:

Commissioner Thomas Salopek moved to adopt amendments to the Elk Rule (19.31.14, NMAC) and the Hunting and Fishing License Application Rule (19.31.3 NMAC) as presented by the Department.

Second:

Commissioner Hoffman seconded the motion.

Vote:

6-0

Yes:

Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Thomas Salopek, Game Commissioner Bill Montoya, Game Commissioner Robert Hoffman and Game Commissioner Robert Espinoza

No:

None

Abstained:

None

Absent:

None

Unanimous. Passed.

AGENDA ITEM NO. 11: Discussion of Options for the Future Allocation of Habitat Stamp Funds. (Discussion Item)

Presented by Ken Cunningham – The Department will present various options to consider for the future allocation of Habitat Stamp Program funds and seek Commission input and guidance on desired process to finalize a new allocation system. (Discussion Item)

Mr. Hall and Mr. Cunningham: In 1991, the habitat stamp program (HSP) was initiated, and five regional boundaries were developed. The Department presented five funding options for the commission’s consideration.

Option 1) Percentage of HSP funds distributed to the regions, based on amount of BLM and Forest Service (FS) land in each region. Option 2) Deer-elk-pronghorn hunters and angler use per land status. Option 3) Deer-elk hunter use per land status. Option 4) Federal leadership option. Option 5) Best proposals: one representative and inclusive statewide group of stakeholders appointed by the Commission would convene to rank all

current habitat improvement proposals on a multi-year basis. Presentation included pros and cons to each option.

Mr. Cunningham: The FS supports merit-based option with input from local sportsmen. The BLM supports the same but with ability to plan 3+ years out for budgeting requirements.

Mr. Hall/Cunningham: Explained responses from sportsmen, 32 responses, 5 group responses equaling 37 responses out of 160 thousand stamp purchases. Most results came from the southwest region. Mr. Cunningham summarized that Options 1-3 are problematic in that the formula assumes that land is equal and do not accommodate all sportsmen (anglers and pronghorn). He asserts Option 5 is the most supported by the agency. In closing, changes suggested are time-sensitive having progressed through 2013 proposals but to change using Option 5, he would need direction from the Commission in time to implement by April 13.

Discussion:

Commissioner Arvas: Noted the 20-year stamp program and that throughout the years, modifications have been minimal up until landscape project theme there have been no real problems and now that it is a mandate, we see increase in our number of stamps. He supports at this time not making dramatic changes today but do need to start a process to look at all factors involved and points made. Why would land mass be a greater component than sportsman dollars?

Mr. Hall: The land mass component came from public comment/response in previous hearings and meetings, and weighted averages of species hunters.

Commissioner Arvas: If we made no changes would we have more dollars because of these stamps being sold, what would be wrong with that?

Mr. Cunningham: Understood that there was a directive to find an alternative.

Director Lane: Agency integrating implementation to come more in line with federal program/partners, meet the request of commission, and get more bang for the buck back to sportsmen. This is to improve implementation of programs.

Mr. Hall: This is one way to make a good program better.

Commissioner Arvas: Agree to making a good program better but if a redistribution of funds sportsmen are putting into the program without consideration of the fact that they are the ones we are doing all of this for may not be as appropriate as it sounds.

Commissioner Hoffman: Presented a summary of letters from groups and agencies supporting Option 2. He discussed logic of the formula(s) for options presented, the CACs in Option 4, and stressed the importance of public involvement with their input on projects. Regarding Option 5, he stressed this previous exercise did not work. He asserted six points: first to keep the advisory committees in place, second that funds must be distributed to all of the five regions, third that there has to be a formula that is flexible and defensible put in place to allow distribution of the money. I think option 2 is a good formula. Four, that the funding in each region must be open to competition between the agencies. Five, that there should be no allocation based on land mass in a region for any kind of distribution, every proposal being equal in terms of quality. Six that landscape planning should be encouraged in each region and particularly Sikes Act money should be encouraged to be used as matching funds so that the sportsmen get more bang for their buck in projects in their region. Those six points in my opinion are what we should be moving forward with and these are best exemplified in Option 2.

Commissioner Espinoza: Regarding April, question to the Chairman, does this have to be decided upon today?

Chairman McClintic: No.

Commissioner Espinoza: In response to Commissioner Hoffman and other comments, I hear 'do we really have the best program?' We have a great program, lots of space to make it a phenomenal program. I think we should take a step back and look at ways to improve it. Have we engaged all of the stakeholders? I do not know if we have. Would there be any reason not to look at it over the next coming months?

Commissioner Salopek: does not want to continue to review. Supports Option 2 or 5.

Assistant Director Kirkpatrick: Most work needing done is in the SWA CAC right now.

Commissioner Salopek: Expressed concern that his area (or generally the southern portion of the state) would not getting funding.

Assistant Director Kirkpatrick: Acknowledging options have pros and cons and clarifies moving dollars where they do need to go and will act upon the Commission's guidance on direction.

Public Comment:

Stephen Henry, WTSA: Please consider Option 2 as your choice as a commission. Does not support Option 4 or Option 5, as the Federal agencies budget would benefit insignificantly versus what is significant to the state budget.

Garrett Veneklasen, Public Lands Coordinator, Trout Unlimited: Trout Unlimited wholeheartedly supports Option 2. Organization fully supports the program and supports growing the fund.

Susan White: Not an angler or hunter, but is concerned about wildlife. Supports the Commission and agrees with Commissioner Hoffman and Commissioner Espinoza that more study be given.

Roberta Salazar-Henry, Chairman, SW CAC: SW CAC instrumental in moving this issue, and reminded all that there has been much discussion and opportunity for public input. SW CAC supports the program and the fund.

Bill Merhege, Deputy State Director, Bureau of Land Management (BLM): BLM will not support any particular option, but will support whichever option the agency chooses.

Citizen involvement is best. BLM's wildlife budget is not boundless, and yet BLM will match the state's funding, three years forward.

John Crenshaw, Board of Directors, New Mexico Wildlife Federation: Supports Option 2. NMWF sees pros in credit to anglers, maintaining regional CACs, and public involvement from each region. Do find merit in Option 5

Oscar Simpson, Chairman, New Mexico Backcountry Hunters and Anglers: Supports Option 2, and Commissioner Hoffman's points as relevant, conservation, and the \$10 increase.

Ernest Taylor, Biologist and on behalf of Director of Wildlife, SW Region FS: The SW Region supports the state-side competition but wants to see portion of funds remain at the local levels, crediting the good working relationships established locally.

Bob Tafanelli, SW CAC: Supports Option 2. Asked the Commission and Department to please look at the program every five years with new data, collect it frequently.

Chairman McClintic restated for the Commission that there are commissioners who would like the item deferred to the next meeting and would hear a motion about that, and clarified that there was differing information about this item being for discussion or for action. If that motion to defer does not pass, then a motion to act on one of the other options could be heard.

Motion: Commissioner Espinoza moved to defer the item to the next regularly scheduled meeting.

Second: Commissioner Arvas second.

Vote: 4-2. A show of hands was requested.

Yes: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, and Game Commissioner Robert Espinoza
No: Game Commissioner Thomas Salopek, and Game Commissioner Robert Hoffman

Abstained: None

Absent: None

Passed.

Motion: Commissioner Hoffman moved the Department be directed to develop an option for the Sikes Act fund based on Option 2 with any amendments or changes warranted by input received from constituents. Motion was deferred to counsel, and Attorney Valicenti assured motion appropriate.

Second: Commissioner Salopek seconded.

Vote: 2-4

Yes: Game Commissioner Thomas Salopek, and Game Commissioner Robert Hoffman

No: Game Commissioner Tom Arvas, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, and Game Commissioner Robert Espinoza

Abstained: None

Absent: None

Failed.

Chairman McClintic reconvened the meeting at 1:36:53 p.m. following noon break and began by welcoming and introducing Mr. Chuck Franco, New Mexico's first gentleman.

AGENDA ITEM NO. 12: Update on H Bar V Conservation Easement (Information Item)

Presented by R.J. Kirkpatrick – The Department provided an update on the potential purchase of a Conservation Easement on the H Bar V Ranch using conservation easement funding available through a legislative appropriation to the Energy, Minerals, and Natural Resources Department (EMNRD), and federal funds from the State Wildlife Grant Program.

Discussion:

Assistant Director Kirkpatrick: Summarized background, history, costs and benefits, and the source of funds.

Commissioner Hoffman: What are the total private acres in these two properties (4,959 Hay Vega and H Bar V easement in NM)?

Mr. Nelson Shirley, ranch manager, was asked to the microphone to assist in answering questions.

Chairman McClintic gave background on Commission review of the easement language and review of issues resolution.

Commissioner Hoffman: In NM, deeded ground is just less than 5 thousand acres, and Spur Lake 1,500 thousand acres in surrounding grazing lease AZ; the total allotment is approximately 80,000 acres.

Commissioner Hoffman: What does 'legal lots of record' mean?

Mr. Shirley: This ranch was put together from a number of separate properties.

Commissioner Hoffman: The easement would include all of the legal lots of record.

Commissioner Espinoza: ...Sportsmen may be afforded access...does that mean you are opening the property to hunt.

Mr. Shirley: Our intent is to continue under ranch-only authorization. Purpose of easement is conservation easement; lengthy discussion of hunting in area, wildlife use of the area, and benefit to hunters.

Commissioner Espinoza: Are the dollars funds that can be spent elsewhere?

Assistant Director Kirkpatrick: Reviewed costs and land value of easement acres.

Commissioner Espinoza: Lands are in GMU 15 and the number of licenses in unit 15; this commission entrusted to make decisions affecting the entire state. Is it the best use of dollars for the state?

Assistant Director Kirkpatrick: Discussed whether money could be used or moved somewhere else, as they are specified or designated sources of funds. Only the EMNRD dollars could be repurposed.

Chairman McClintic: The State Wildlife Grant could be applied to any other grant.

Assistant Director Kirkpatrick: Yes.

Assistant Director Pat Block: Explained if this agency did not use the funds EMNRD money would revert to their projects (restoration and conservation easements, state parks lands).

Commissioner Arvas: Discussed 'may' versus 'shall' in current easement language.

Assistant Director Kirkpatrick: As an agency we are cognizant that it is may versus shall.

Mr. Shirley: May and shall govern the type of recreation on the land; emphasizing again, a conservation easement not a complete public access easement.

Commissioner Hoffman: Wildlife most benefiting from the easement is elk, is that a fair statement?

Mr. Shirley: Reviewed numbers of other species hunting, so yes, that is the opportunity for hunters.

Commissioner Hoffman: Made example of Rocky Mountain Elk Foundation (RMEF) easement whereby criteria includes: critical winter range, critical calving areas, critical migration, and critical riparian habitat. He does not see the "criticality" of this easement justifying it for easement.

Mr. Shirley: Also sees this easement for development of deer and upland habitat inclusive of control burns without presence of nearby housing projects. He discussed the ranch's provision of water in comparison to natural water and its benefit to wildlife and the ranch's cattle management in cooperation with neighbors.

Commissioner Salopek: Grazing is done on all private property, right?

Mr. Shirley: Yes.

Commissioner Salopek: My question is what are the odds of this not going to another hunting project?

Assistant Director Kirkpatrick: Reviewed use of dollars and projects, which include habitat enhancement and riparian use. Securing the private property from adjacent subdivision as a whole is to the benefit of wildlife and hunters thereby are better served.

Public Comment:

Brandon Wynn: Supports the easement, is in favor of it as a sportsman.

Chairman McClintic: suggested that the Commission does not desire to do the deal, or we work with the Department to work on the language with Mr. Shirley to make it agreeable to all parties. He is open to suggestions from the Commission.

Commissioner Montoya: Wants more time to review the language and be more comfortable with it.

Commissioner Espinoza: Agrees with Commissioner Montoya and acknowledges the good work Mr. Shirley has done especially with water and in setting precedence for future easements.

Commissioner Hoffman: Confirms grazing cattle is chief business and provision of water is for cattle making the benefit to wildlife ancillary.

Mr. Shirley: Is not suggesting he is not in the cattle business...if the FS land, which is the public hunting area, is mistreated then the resources are not there and cattle and wildlife are not going thrive.

Commissioner Hoffman: If the cattle are not in the pasture, do you leave the water on?

Mr. Shirley: Absolutely, windmills are running even when cattle are not in the pasture.

Commissioner Salopek: How much time has been spent with attorneys and we are considering sending this language back to the drawing board to change maybe one or two words. I like it and you have answered a big question Mr. Shirley in that you leave water on for wildlife. Leaving the water on is huge in the dry southwest. That is the biggest easement we could ask for.

Commissioner Hoffman: Appreciates that Mr. Shirley is providing water development on 80,000 acres not just 5,000 and that the water is left on, benefiting all 80,000 acres.

Motion: Commissioner Hoffman moved we accept this agreement with Mr. Shirley and the Game and Fish Department as written.

Second: Commissioner Salopek seconded.

Vote: 2-4

Yes: Game Commissioner Robert Hoffman and Game Commissioner Thomas Salopek

No: Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Tom Arvas, and Game Commissioner Robert Espinoza

Abstained: None

Absent: None

Failed.

Discussion:

Again, the wording discussed. The need for legal review and respecting Mr. Shirley's timeline in accomplishing completion of the agreement with other agencies involved. Commissioner Espinoza reminded all that Chairman McClintic is authorized to complete the agreement and had opened the item to discussion today for further input from the commissioners. It was agreed the Chairman would work with the Department, attorneys, and Mr. Shirley to change the language acceptable to all, submitting for attorney review and progress by December 31.

AGENDA ITEM NO. 13: General Public Comments (Comments Limited to 3 Minutes).

Susan White: Thanked the Commission and is pleased with the easement. Concern is the cancellation of NM Wildlife television program and asks the Commission to reconsider cancelling the program.

Chairman McClintic: Yes, it is cancelled but is doing a new RFP for televising. It is not cancelled indefinitely.

Michelle Briscoe, NM Wildlife Federation: Thank you again for not selling the Marquez. Sportsmen have been surprised the application process is fully paperless and is concerned that people in rural areas will trouble with this. Federation is helping hunters.

Director Lane: Shared that multiple sites around the state are set up to assist hunters, publications include the information, and there is a call center to proxy for applicants.

Brandon Wynn: Regarding online applications, his credit card company bounces the number of my children's applications in all six species.

Ms. Sandoval: Suggests not submitting all applications in one day, or to call the credit card company to alert them to the multiple charges.

Brandon Wynn: Second item, there is a wrinkle unique hunting opportunity for auction sheep tag, there appears to be an implication the auction hunter is required to hunt in multiple areas, please review and clarify.

Oscar Simpson: Declined.

AGENDA ITEM NO. 14: Adjourn.

<u>Motion:</u>	Commissioner Hoffman moved to adjourn.
<u>Second:</u>	Commissioner Arvas seconded.
<u>Vote:</u>	6-0
Yes:	Game Commissioner Robert Hoffman and Game Commissioner Thomas Salopek, Game Commissioner Scott Bidegain, Game Commissioner Bill Montoya, Game Commissioner Tom Arvas, and Game Commissioner Robert Espinoza
No:	None
Abstained:	None
Absent:	None
Passed.	

Meeting adjourned at 2:44:24 p.m.



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

2/23/12

 Date



 Jim McClintic, Chairman
 New Mexico State Game Commission

2-23-2012

 Date