

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
**The New Mexico Farm & Ranch Museum**  
**4100 Dripping Springs Road**  
**Las Cruces, NM 88011**  
**September 21, 2005**  
**9:00 a.m. – 5:00 p.m.**

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

Meeting called to Order at approximately 9:17 a.m.

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

Chairman Riordan – absent

Vice Chairman Arvas – present

Commissioner Henderson – absent

Commissioner Montoya – present

Commissioner Pino – absent

Commissioner Salmon – present

Commissioner Sims – present

**QUORUM: Present**

Vice Chairman Arvas will be presiding in Chairman Riordan's absence.

**AGENDA ITEM NO. 3. Introduction of Guests.**

Introductions were made by approximately 45 members of the audience. Ex-Game Commissioner Jennifer Montoya was recognized in the audience.

**AGENDA ITEM NO. 4. Approval of Minutes (August 22, 2005—Santa Fe, NM)**

**MOTION: Commissioner Montoya** moved to approve the Minutes of the August 22, 2005 State Game Commission Meeting in Santa Fe as presented. **Commissioner Sims** seconded the motion.

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

**AGENDA ITEM NO. 5. Approval of Agenda.**

**MOTION: Commissioner Salmon** moved to approve the Agenda for the September 21, 2005 State Game Commission Meeting as presented. **Commissioner Montoya** seconded the motion.

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

**AGENDA ITEM NO. 6. Consent Agenda.**

- Revocations
- Committee Reports

**Dan Brooks** I brought forward recommendations for revocation.

**MOTION: Commissioner Sims** moved to adopt the Department's/Hearing Officer's recommendation as presented on revocation and point assessment of the list of individuals for the period of time specified. **Commissioner Salmon** seconded the motion.

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

There were no Committee Reports offered.

## NEW BUSINESS

### AGENDA ITEM NO. 7. Amending 19.31.3.11, NMAC, to Define Criteria for Refunds, Donations and Transfers of Hunting Licenses under Certain Conditions.

**Presented by Dan Brooks** - The Department opened the rule to begin the amendment process at the August 2005 Commission meeting and requested final approval. This change is a result of legislation passed during the 2005 session. The law allows for the Commission to adopt rules related to the process for refunding, transferring, and donating hunting licenses.

**Vice Chairman Arvas** Would you give us an idea of how this item compares with surrounding states?

**Pat Block** Colorado has the most flexible policy and they refund upon request. In crafting this, we used a balance of common sense, compassion, and our ability to manage the process and minimize impacts on revenue.

#### **Public Comment:**

**Oscar Simpson** President of the NM Wildlife Federation. Would you explain the donation to non-profit?

**Dan Brooks** This language will allow anyone who doesn't want to, or hasn't had a chance to use their license, and the hunt is still upcoming, they can donate to a person that is qualified through a non-profit wish-granting organization, like Hunt of a Lifetime and Outdoor Dream, who deal with terminally ill children that have been diagnosed with some life-threatening illness. This doesn't actually disqualify an adult, but it does for the purpose of the 2 groups that we've brought forward.

**Pat Block** We've had circumstances where we had folks who were unable to travel due to the hurricane, but they had substantial financial means that rather than requesting a refund. When we told them about the donation program they donated to help someone else go on a dream hunt. However, the law is open on what the circumstances are but who gets those licenses is restricted to organizations that are approved by the Commission and these 2 were approved at the August meeting.

**Oscar Simpson** That was my clarification, making sure that we stuck only to wish-granting organizations instead of non-profit. I just wanted to make sure that's what we said.

**Commissioner Sims** The individual that's donating the license, does he donate the license to a non-profit or an individual in a non-profit? Who determines what individual gets that particular license?

**Dan Brooks** Because the language says they have to be qualified through the non-profit wish granting organization, it is that organization that brings the name to us. They write us a letter, they turn back the license to us and then we seek the Outdoor Dream Foundation or Hunt-of-a-Lifetime and they recommend 1-2 individuals, 1 may be an alternate because of the seriousness of their illness, then we'll generate the license. We have some flexibility on final approval because they have to be qualified. For youth, they have to have completed a hunter education class.

**Commissioner Sims** We're just choosing the organization, we're not choosing the individual?

**Dan Brooks** No, the Commission is not choosing the individual. However, the organizations have been chosen so we're just proposing this language because we feel it adds clarity to transfer, refund, and donation.

**Commissioner Montoya** I'm glad to see we're no longer going to be as rigid as previously. I'm sure the citizens and applicants appreciate the flexibility.

**MOTION: Commissioner Montoya** moved that the Commission approve the Department's proposed amendments to Section 19.31.3.11 of the New Mexico Administrative Code to define the criteria for refund, transfer and donation of a hunting license. **Commissioner Sims** seconded the motion.

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

### AGENDA ITEM NO. 8. Amending Rule and Boundary Changes for Elk Management in Game Management Unit 10.

**Presented by Brian Gleadle** - The Department requested amending specific portions of the Big Game and Turkey Rule, 19.31.8, NMAC, and the Boundary Descriptions for Wildlife Management Units Rule, 19.30.4, NMAC, for the 2006-2007 Season to reflect elk management objectives for Game Management Unit 10. Suggested amendments were included, but are not limited to, changes to hunt areas, changes in elk hunt codes, changes in public draw license numbers, and changes in private land authorization certificate numbers for Game Management Unit 10.

**Vice Chairman Arvas** Is that for all forest areas?

**Brian Gleadle** Just that habitat protection area. When you get into the rest of the forest down through the Zuni Mountains, Post Office Flats, and Mount Sedgwick those are not within the habitat protection area and those roads are not closed.

**Commissioner Sims** Are there any landowners present that this is going to affect?

**Brian Gleadle** No, not present today.

**Vice Chairman Arvas** You mentioned how extensive your public meetings were earlier but I understand you had a meeting with the public and with legislators in that area also?

**Brian Gleadle** Prior to public meeting, we met with the landowners and with legislators discussing the depredation issues and concerns in the area. Obviously, our goal is to make sure that we can achieve what we want management wise to address some of the depredation complaints and land-management issues.

**Vice Chairman Arvas** I'd like to make the public aware that this is a normal procedure the Department goes through whenever there are any changes. This has been a problem area as far as complaints in the past.

**Brian Gleadle** It has fluctuated through the years, but it's starting to peak.

**MOTION: Commissioner Sims** moved that the Commission approve the Department's recommendations as proposed to amend rule 19.30.4.9, NMAC, to create a portions of GMU 10 hunt area and rule 19.31.8.24, NMAC, to modify the available hunting structures in GMU 10 for the 2006-2007 elk hunting seasons. **Commissioner Salmon** seconded the motion.

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

#### **AGENDA ITEM NO. 9. Private Land Entry and Sportsmen Enjoyment Program Regulations and Conservation Access Fee.**

**Presented by Luke M. Shelby** - Regulations (19.34.7.1-11, NMAC) regarding the Private Land Entry and Sportsmen Enjoyment Program were presented to the Commission for consideration and approval. The program leases certain properties for hunting, fishing or other recreational access. A \$1 conservation and access validation fee is proposed in the regulations that will provide funding for the program.

**Vice Chairman Arvas** I'd like for you to give the audience an explanation as to how this came about. What the surrounding states have done and how New Mexico was brought in.

**Luke Shelby** Several western and mid-western states have a program where they lease hunting rights to public hunters but they lease access for hunting on private lands. With the Commission's approval, we entered into a pilot program September 1 of this year. The pilot program sought landowners that were interested in providing access to public hunters for a fee limited to quail and dove hunting opportunities. We have 6-8 landowners that signed up for the pilot program. We're paying them a maximum of \$1,500, \$500 per water source, \$1 per acre, not to exceed \$1,500. If a person comes into the main office or area office and they're interested in this program, we provide them a list and maps of where those places are. We've provided the landowners with signs, posted the signs ourselves in areas that are open for hunting on a private landowner's ranch as well as areas that are closed. We're expecting the program to be more popular next year now that we have funding. One of the areas most advantageous is negotiating access through private lands to large tracts of landlocked public land and that's where the program would benefit our hunters and anglers.

**Vice Chairman Arvas** The most common complaint from sportsmen is that they don't have anywhere to hunt and this was an attempt to solve that problem by having areas that haven't been available to the general public before. Private lands have a reputation for being of better quality.

#### **Public Comment:**

**Oscar Simpson** I'm President of the NM Wildlife Federation. The \$1 per license and that the license fee increase would help augment this program, is that not true?

**Director Thompson** The license fee adjustment from last session is for a variety of purposes. This program was not specifically linked to that, but the legislature required that a conservation and access fee be established specific for this program. Another thing of importance is to recognize that this program applies to an array of wildlife-associated recreation which includes Gaining Access into Nature, in the spirit of what the Commission has asked for that ensures that a broader array of public users are providing support for the kind of program that we put in place.

**Vice Chairman Arvas** I hope the Commission will consider this program as a banner-type program and when a program is good and successful, the money soon follows.

**Director Thompson** I recently signed off on 1 of the early agreements for access to 18,000 acres of private land for dove and quail hunting that had not been previously available and it was a real bargain price, \$1,000 for 18,000 acres.

**Vice Chairman Arvas** To also give the public some understanding, the State of Montana has 1,000,000 plus acres of land available under programs quite similar to this for hunting.

**MOTION: Commissioner Salmon** moved to adopt the Private Land Entry and Sportsmen Enjoyment program regulation as presented including the \$1 conservation and access fee to meet legislative requirements to complete an appropriation transfer and further implement the P.L.E.A.S.E. program. **Commissioner Montoya** seconded the motion.

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

**AGENDA ITEM NO. 10. Adoption of Proposed Amendments to the Private Land Elk License Allocation Rule, 19.30.5 NMAC.**

**Presented by R.J. Kirkpatrick** - The Department provided the Commission with a final proposal for approval to amend the Private Land Elk License Allocation Rule, 19.30.5 NMAC. The presentation summarized the public input involved in developing the proposal and illustrated the timeline for implementation of Private Lands Use System for elk.

**Vice Chairman Arvas** I'd like for you to comment to the public how the landowner license application process started. What was the purpose that New Mexico went to a landowner license?

**R.J. Kirkpatrick** In the 1980's, staff from the Department of Game and Fish recognized that many private landowners had elk on them. They didn't have any way to hunt them except pursuant to drawing processes. They felt that wasn't right so they decided they'd like to hunt on their properties, so they'd go see their local game warden and local game warden had permits in his back pocket. That came to some folks attention and they thought that was a bit arbitrary and capricious, so the Attorney General got involved and basically set down guidelines for how the Department would allocate private land elk hunting opportunity. State statutes direct the Director to issue elk hunting licenses/permits to private landowners, doesn't say much about how, and the Attorney General said it had to be biologically sound. We developed a mathematical formula in which that took place that we're trying to correct now and so we've moved into that system and over the years, it became prostituted, compromised, and manipulated in a variety of ways which have led to more frustration since the early 1980's to present. The only other issues we've recognized that have happened in various places in New Mexico are private properties where small scattered elk populations have moved on to private lands or GMU's where we don't formally manage elk. Currently the only mechanism those landowners have for hunting is through population reduction or depredation programs. That's caused the Department to receive increased depredation complaints to allow elk hunting to occur on properties. What we proposing in this new rule is language that will allow any private landowner in the state to approach the Department and negotiate elk hunting opportunity on their deeded lands. What we're doing in this new rule is defining what a landowner can appeal. A primary goal was to insure fairness and equity in how we allocate private land elk authorizations. A landowner should be able to appeal to the Department the number of deeded acres they own. When we identify landowners who have fraudulently represented acreage they own or state they can represent other landowners, or violated the terms of participation, the Department will give them due process but will recommend suspension of their participation.

**Commissioner Montoya** We separated 2 important programs that deal with private land and more specifically with elk. That is the P.L.U.S. Program as we know it now and the depredation program. They have 2 different and specific intents. One is landowners that want wildlife specifically elk on their property. Depredation is for those that don't want wildlife, specifically elk, on their property. L.O.S.S. started with good intentions but over the years, it's gotten messy and the initial intent was valid. It was to offer sportsmen more opportunity and at the same time allow landowners to better manage elk on their properties. The program became confusing and applied inconsistently. The intent of these rules is to make the program administratively efficient and user friendly which results in less frustration among landowners. That will lead to more opportunity for sportsmen. P.L.U.S. has positive connotations and it lends itself to what we're trying to do. This is an important program but still controversial because of how it's applied. It has become political so we purposely took time to ensure that there would be sufficient public input. We met with County Commissions, 1-on-1 meetings, 25 meetings in town halls, posted on the website, and published in

the newspapers. This week we've received a number of comments and recommendations that we change the language under "G". We received comments from quite a few landowners that an independent hearing officer would be adequate as the appeal process before the Area Chief, and if not resolved, go before a panel the Commission Chair would appoint of 3 Commissioners. The only change we should consider is that final recommendations should go before the full Commission to ensure that everyone is involved, but the initial panel should include the Director.

**Vice-Chairman Arvas** In my awareness of this process, I can't think of any other subject that has taken as much time to complete and has had as much public input as this amendment.

**Public Comment:**

**Bill Ferranti** I'm from the Torstenson Family Wildlife Center known as the Double-H Ranch. We fully support the program and we want to make sure the management goals for our whole unit are utilized inside and outside the core. Another concern is the permit allocation process. We hope the Department gets out to landowners throughout the state the number of permits that are going to be allocated to them so they know ahead of time where these permits can be sold.

**Vice-Chairman Arvas** R.J., would you comment in reference to each GMU and what the landowner can expect in terms of landowner licenses?

**R. J. Kirkpatrick** As far as the core occupied elk range that the Department describes in GMU's where we define a core, which encompasses or should encompass any major migratory corridors. We would include migration corridors and core occupied elk range. We've got until March/April to determine where that core line is. On the issue of letting landowners know in a timely manner how many authorizations they'll receive, there will be a base allocation which will be a fairly consistent number. Every property will receive the same base allocation during the course of the 2-year big game and turkey rule because those numbers are established by the Commission. They won't receive the authorizations themselves until early June every year, but they should have a sense of what the base is. They won't have a sense of a bonus or incentive authorizations until later in the process, but we'll make every attempt to make it consistent so that there is some marketing ability.

**Linda Schilling** Ron Shortes, Attorney for the Catron County Commission, unable to be here today would like to emphasize the importance of having a disinterested third party to mediate any appeals that a landowner might bring. In Catron County we've had a 96% success rate in mediated cases where a disinterested third party listened to the concerns of both parties. He also feels the cost of mediation should be split between the parties and that way the costs of a lawsuit may be avoided. He would like to request that the independent hearing officer be left in the regulations.

**John Boretsky** I'm the Executive Director of New Mexico Council of Outfitters and Guides. It's important that we have an idea of how many landowner permits are going to be available as early as possible. Our marketing season runs from January through March and by mid-March most of the marketing opportunities are over. We're talking a \$127,000,000 industry and the landowner permits play a very important part. I'm concerned about these permits outside the core area.

**Vice Chairman Arvas** There are lands that are not within our control within each management unit. So the Department has assured me that they will be establishing a working relationship with individuals that control that specific piece of property inside or outside the core unit. Would that be appropriate to say, R.J.?

**R. J. Kirkpatrick** The base allocation that properties may get will be known the day after the Commission adopts a big game rule.

**Vice Chairman Arvas** Which is when?

**R. J. Kirkpatrick** The big game rule is adopted in August or September for the following 2 years and they should have knowledge of base allocations in a timely fashion 6 months earlier than they've had the ability to know in the past.

**Vice Chairman Arvas** You'll be able to know in August what you're going to get the following year. Unless there's some fluke, that number will be consistent. That means your folks can market their product way in advance of January. I'm concerned about the core unit. The Department has to manage those areas outside the core just like they manage the areas inside the core. The Commission as a whole will be compliant with what the Department recommends.

**R. J. Kirkpatrick** The core is defined in this proposed regulation as, "that portion of land within the boundaries of a game management unit that is designated by the Department as containing the majority of routine and substantial elk

use. This shall be the area the elk management goals and subsequent harvest objectives are based on, but the language having to do with the majority of routine and substantial elk use should take into account any significant population logistics of migratory corridors. Meaningful broken off sub-populations should take into account all those areas." Our desire is for that core to expand so it's a flexible thing and we'll revisit the core annually or every other year pursuant to the big game rule.

**Oscar Simpson** I'm President of the NM Wildlife Federation. I didn't see any mandatory reporting requirements to track what's going on and who does what. Some landowners have been told it could take the unit-wide authorizations and consolidate those and then sell those permits. Is there any kind of tracking requirement?

**Vice Chairman Arvas** I'm confused as to what you mean by tracking?

**Oscar Simpson** Reporting of game animals taken and reporting where they sold their permits.

**R. J. Kirkpatrick** All authorizations issued to private lands will be unit-wide, unless requested by the landowner to be ranch only. So everything becomes unit-wide. As far as tracking which individual properties would receive bonus, incentive, or authorizations pursuant to being in a drawing as a small contributing property, the Department will have that knowledge and that distribution will be done annually. As far as tracking who ultimately converted the authorization to a license and harvest, that will be taken into account more effectively than is currently being done under a mandatory harvest program that we're in the process of developing and bring recommendations to the Commission within 6 months to a year.

**Vice Chairman Arvas** As you know, there's a published list of landowner permits, but this mandatory program will have all the facts before you and every animal that is harvested will be known to the public.

**Oscar Simpson** The only thing I potentially see is how do you track the resident vs. the non-resident, or is that a concern?

**R. J. Kirkpatrick** The quota of resident vs. non-resident doesn't apply to private land authorizations and nothing in this proposal will change that. The landowners can give away, trade, barter, or sell those authorizations to whomever. I think there needs to be more discussion on the language for the appeal process.

**Commissioner Montoya** moved to adopt the amendments to 19.30.5, NMAC, as presented by the Department to improve the private land authorization allocation process by simplifying calculations, streamlining enrollment, offering more choices for small land parcels, and distinctly separating depredation processes from this program, and under 19.30.5.13, Section G, NMAC, to add that the panel will be appointed by the Chairman of the State Game Commission, and that panel shall be representative of Commissioner districts and geographic areas that have elk range in the state. The alternative language wasn't that it would go to the entire Game Commission. The top conducted by a panel consisting of the Director and 3 Game Commissioners appointed by the Chairman of the State Game Commission and the findings of this panel would be final and then the panel would reflect Commissioner districts and geographic areas.

**R. J. Kirkpatrick** You want to say the findings of this panel shall be final?

**Commissioner Montoya** The reason is because this whole process was designed to be done in a timely fashion. If we go through the process of making recommendations to the full Commission that would delay the whole process. Do I need to restate the motion?

**Alvin Garcia** You don't, but you have a legal issue there, but let's have discussions concerning the final nature of the decisions of the panel.

**Alvin Garcia** A sub-committee of the Commission plus the Director will be making final decisions that the Commission has the statutory authority to make.

**Vice Chairman Arvas** Wouldn't the Commission ratify that?

**Alvin Garcia** It would be necessary to ratify those decisions so they would not be final decisions until ratified by the Commission. If they're final decisions, then you have an open meeting because you're delegating the authority to a sub-committee and its decision/policy making body. You would have to have notices, agenda, and open public meetings for each of these panel discussions. In fact, you might not have an easy, quick process. I would recommend that you don't have the final decision making be with a sub-committee or panel of the Commission. It would complicate matters.

**Vice Chairman Arvas** Alvin, this also precludes the fact that this panel may not be the same 3 Game Commissioners every time, depending on the geographic distribution of the appeals. Isn't that right? The panel can change, depending on the Chairman's desire.

**Alvin Garcia** Yes. The panel will change according to this based on the area and where you have your at-large Commissioners and the panel process there are affectively excluded from it because they don't represent a geographic area.

**Commissioner Montoya** R. J., the second to the last sentence, "Findings of this panel shall be final", would then be changed to "Findings of this panel will be presented to the full Commission for ratification." Let's have the attorneys debate that, and then I'll repeat it.

**MOTION: Commissioner Montoya** moved to adopt the amendments to 19.30.5, NMAC, as presented by the Department to improve the private land authorization allocation process by simplifying calculations, streamlining enrollment, offering more choices for small land parcels, and distinctly separating deprecation processes from this program plus, based on advice of counsel, Section 19.30.5.13, Item G, should read as follows: "All appeals will be made to the respective Area Chief. If an appeal is not resolved at the Area Chief level, the landowner may request a hearing conducted by a panel consisting of the Director and 3 Game Commissioners appointed by the Chairman of the State Game Commission. The Commission representatives and the panel should reflect Commissioner Districts in geographic areas of the change. Recommendations of this panel shall be provided to the Director whose decision shall be based on the panel's recommendation. The decision of the Director shall be final pursuant to 17-3-14.1, NMSA, 1978. All requests for hearings must be made no later than April 1 of each year. **Commissioner Sims** seconded the motion.

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

#### **AGENDA ITEM NO. 11. Comprehensive Wildlife Conservation Strategy Approval for Submission.**

**Presented by Bill Graves** - The Department noted significant editorial changes made to the Comprehensive Wildlife Conservation Strategy (CWCS) presented during the July 7, 2005 Commission meeting as well as subsequent additional citizen participation. The Commission was requested to approve the CWCS and authorize the Department to submit it to the USFWS for consideration no later than October 1, 2005.

**Vice Chairman Arvas** Would you give us some timeframes as to when this project was started by the Department?

**Bill Graves** The Department created the first core planning team in late August, early September of 2003. We began exploring potentials for partnering later that year. We presented it to the Commission in October, 2003. We embarked on efforts to develop the outline as to nature so we could inform the public and invite them to partner with us or at least review and give us some information.

**Vice Chairman Arvas** What if the Commission does go ahead and approve this document as presented, what does that mean in terms of possible changes after U.S. Fish and Wildlife Service obtains this?

**Bill Graves** This document is intended to be a "living document". Throughout, the U.S. Fish and Wildlife Service and International Association of Fish and Wildlife Agencies stress the importance of broadly involving all interests in our decision making. The opportunity continues. Once it's accepted, we can and are required to change this in accordance with new information or changing conditions. We have periodic review built in but we'll have several opportunities to participate in action planning and in the operational planning phase, project development, and location.

**Vice Chairman Arvas** A concern is the fact that most government documents have that feeling or bearing of once it's written and approved that's the way it will stay.

**Bill Graves** It's not intended to be that way and it's not intended to be binding in that sense, but rather responsive to what's going on.

**Vice Chairman Arvas** There's a statement in there on the first page that I'd like for you to explain regarding the Congressional language specifying that priority use for these funds be placed on species with the greatest conservation need. Who makes that decision?

**Bill Graves** That's left to the state and we work with our technical teams and a number of other wildlife and technical interests to review our list and get comment and it has evolved as we've gone through the involvement process to be what it is today.

**Vice Chairman Arvas** That also means that if 3-6 months from now another species is identifiable as a problem species, we can add that to it?

**Bill Graves** It doesn't even have to be a problem species. It could be something that's important recreationally.

**Public Comment:**

**Harold Namminga** U.S. Fish and Wildlife Service Fisheries Program Manager. The preparation and submission of strategies by all states are important for a number of reasons. First and foremost, New Mexico Department of Game and Fish remains eligible to receive funding from the State Wildlife Grants Program. The U.S. Congress mandated that states prepare these strategies by October 1, 2005, to remain eligible to receive these funds. Secondly, the Congress wanted to establish a collaborative grants program that focused on those species of greatest conservation need, yet consider the needs of all fish and wildlife. State fish and wildlife agencies saw this as an opportunity to demonstrate to Congress and the nation that by working together and all states preparing these strategies there's a demonstrated need for broad range fish and wildlife funding that was established in the 1930's that established a wildlife restoration program and in the 1940's in the sport fish restoration program. Finally, Congress wanted to see this program be a collaborative process involving all stakeholders and that each state has intensive and transparent public involvement.

**Commissioner Jennifer Montoya** I'm Director of the World Wildlife Fund Conservation Program. We see this program as extremely important to achieving stable wildlife populations throughout the state and we encourage you to approve the plan.

**Caren Cowan** Executive Director of the NM Cattle Growers, NM Wool Growers, and the NM Federal Lands Council. There have been tremendous strides in the area of grazing. One concern is that 6% of NM has legal protections for habitat fragmentation. We're concerned about the philosophy that indicates anything is better than private. We have concerns about what multiple-use land means. In conclusion, we appreciate everything that has happened over the last 6 weeks but this is still not a document that we fully support.

**Charlie Corbett** I'm a private landowner from Rio Arriba County and work for Nelson Consulting. It's a good document and something that should be attained.

**S. D. Schemnitz** Representing Southwest Consolidated Sportsmen. We encourage you to support and approve this excellent wildlife plan.

**Jon Boren** I'm an Extension Wildlife Specialist at NM State University. I urge the Commission to include representation of range professionals both in the forest service and Bureau of Land Management and also the universities.

**Joel Alderete** I represent the NM Farm and Livestock Bureau. We need to get away from species management and the Endangered Species Act. Given the way this document is written, we can't put our full support behind it.

**Oscar Simpson** President of the NM Wildlife Federation and we support this document and hopefully will make things happen.

**Representative William "Ed" Boykin** I'll be glad to help you in any way I can.

**Commissioner Salmon** In the June 23, 2005 draft, on page 33, under the Gila Watershed, there's no mention of the Arizona Water Settlements Act, signed by the President last December and anticipates the possible removal of up to 14,000 acre feet of water from the Gila River. In restoration of native fish in New Mexico, the economic recreation, cultural, and aesthetic contributions of the state's non-native fish shall be considered.

**MOTION: Commissioner Salmon** moved to approve the Comprehensive Wildlife Conservation Strategy for New Mexico and direct the Department to submit it to the USFWS no later than October 1, 2005. **Commissioner Montoya** seconded the motion.

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

## **AGENDA ITEM NO. 12. Discussion of Bear Harvest Management Perspectives.**

**Presented by Jan Hayes and John Boretsky** – Representatives of Sandia Mountain Bear Watch and New Mexico Council of Outfitters and Guides presented their perspectives on New Mexico bear harvest under existing zone management. Information offered for Commission consideration as more experience is gained under zone management.

**Vice Chairman Arvas** Director Thompson, do we start planning our 2006-2007 hunt, is that what is next on the agenda? When will the Commission start setting?

**Director Thompson** The next 2-year regulation cycle will begin in January and be operating throughout much of 2006 with respect to the public outreach development of recommendations.

**Vice Chairman Arvas** Are there regulations in place through 2006 then?

**Director Thompson** The regulation is in place until any changes that might come up.



**John Boretsky** I have 2 copies of the compilation of our studies that are for you and the Department that you can glean good out of. At the same time, Mr. Case is still on the clock and I'd like to offer his services to meet and discuss interest on the Department's part on what he found during this time.

**Vice Chairman Arvas** John, the only thing you said that R.J. might take offense to is that we don't have a management plan. I don't understand why you'd make a statement like that.

**John Boretsky** I don't believe we do have a bear management plan.

**Vice Chairman Arvas** R.J., do we have a bear management plan?

**R. J. Kirkpatrick** Not formally.

**Vice Chairman Arvas** We do have a plan though?

**John Boretsky** We all have a plan.

**Vice Chairman Arvas** R.J., we revisited that plan extensively 2 years ago, is that right?

**R.J. Kirkpatrick** (Inaudible)

**Vice Chairman Arvas** What this does, Director Thompson, it gives us not only food for thought but there should be an effort on the part of the Department to incorporate these 2 entities that we just had explain this to us prior to any recommendations the Department comes up with.

**Director Thompson** Mr. Boretsky is correct there isn't a formal bear management plan document. The harvest management in New Mexico currently is guided by the results of the New Mexico Bear Study and the regulations that were put into place in the fall of 2003. With respect to harvest management, there is an approach, a plan, but he's correct, there's not a document called the bear management plan.

**Vice Chairman Arvas** Is there any reason, Director Thompson, that we can't establish a management plan?

**Director Thompson** No, there's no reason.

**Vice Chairman Arvas** Then I would assure you that the Commission will strive to satisfy that.

**John Boretsky** This is 1 of the reasons that we went to private expense and a great deal of effort to put together. We realize that it is time consuming and expensive for the Department. We hope the information we've put together is unbiased that you can use and we hope that it will go toward the end of a formal bear management plan. With the research we've done and paid for can move forward on a formal management and long-standing stability.

**Vice Chairman Arvas** So what you're saying is that with this information that's available you feel capable of coming up with a recommended management plan for the Department?

**John Boretsky** Certainly.

**Vice Chairman Arvas** Jan, would you be in the same position?

**Jan Hayes** I understood we had a management plan. We worked long and hard to come up with this management plan based on a \$2,500,000 study. I cannot understand what the problem is. The only problem is that Mr. Boretsky doesn't like it.

**Vice Chairman Arvas** Director Thompson, you made the statement that we don't have a formal plan and what's the distinction between a formal plan and what we have in place now?

**Director Thompson** There is no document prepared by the Department that is titled "Bear Management Plan for New Mexico". However, there certainly is a very distinct bear-management approach which includes several aspects. One is use of the bear research and the entire regulation developed from that plan for zone-based bear harvest regulation. Separately, we have available in print how depredation and nuisance bears and those causing damage are handled. We have procedures, processes, and approaches in place. They simply are not all captured in a single document that is titled "Bear Management Plan".

**John Boretsky** I was part of that Bear Task Force with Ms. Hayes and it was our understanding that what we had done was develop recommendations for the 2-year hunting regulation which were recommendations that were carried to the Commission. I believe you were Chairman at the time, and it was proposed and it was accepted as a 2-year regulation. Mr. Director, when you look through the documents, a lot of what came out of the Bear Task Force is incorporated in there particularly in the use of zones, and sow quotas. At the same time we felt that it was lacking in some areas and in some areas that we were opposed to. What we've done is given you a broad overview of what's being used in the western states, some is in agreement with what we're doing, some is in conflict.

**Vice Chairman Arvas** What would you expect to happen if we do develop a management plan?

**John Boretsky** We feel that if long-term stabilized seasons included October through November 10, or whether they included year round, or spring hunt and fall hunt, whatever the decision would be, stabilizing and formalizing that would result in better management.

**Jan Hayes** I'll agree with him. We've had 1 year of this, we're into the second year. He's now asking for us to look at it again.

**Vice Chairman Arvas** Jan, it's appropriate then to make the recommendation to the Department that we start talking about the possibilities of developing a management plan. You'd be ready to do that?

**Jan Hayes** I'd like for us to finish this year and see what happens. How can we see how this is going to work if we don't give it time to work.

**Vice Chairman Arvas** We are going to finish this year.

**Jan Hayes** I'm not sure that 2 years will do it. We need some continuity to see where we stand, how to manage these animals and he's asking to change it.

**John Boretsky** It's interesting to note that we had this same discussion on the Bear Task Force except that Jan and I were on opposite sides of the chair at that time because we had a season in place.

**Vice Chairman Arvas** What we want the Department to be aware of is the fact that the Commission has concerns about a long-range management plan. What other big game species don't have a long-range management plan for?

**Jan Hayes** I believe we have a good basis and I'd be willing to work to get long-range management in place. We've worked 11 years to try to get good, decent management for this species.

**Vice Chairman Arvas** Speaking for myself, I would say that there will be efforts made in the future to develop a more comprehensive plan where everyone will be satisfied with the outcome than something we're doing as a stop-gap measure to either protect the bears or harvest more bears.

**Discussion item only.**

### **AGENDA ITEM NO. 13. Management Plan for the San Juan River.**

**Presented by Mike Sloane** - The proposed Management Plan for the San Juan River was presented to the Commission for their consideration and approval. The plan was developed in cooperation with anglers, local fishing guides, conservation groups and government agencies. The plan presents strategies to better understand the dynamics of the fishery while maintaining it as a "World Class" fishing experience.

**Vice Chairman Arvas** Who decides the flow of the river?

**Mike Sloane** The reason they're changing the flow is based on the Science Committee that was put together by several cooperating agencies.

**Vice Chairman Arvas** Are they in agreement?

**Marc Wethington** U.S. Fish and Wildlife Service, Bureau of Reclamation, 3 Indian Tribes, 4 states, is a large group of people working on native fish issues downstream. It's in conjunction with water in San Juan Basin. They're trying to continue to preserve native fish downstream.

**Mike Sloane** The decision behind this is to get the flows necessary downstream for the endangered fishes and still allow for water development, so there's a formula they're using for a gauging station downstream. You have to have 500 CFS, how much is coming in from the Animas, how much do we need to add from the San Juan to get to that flow, so they're trying to store as much as they can to allow for additional water development, but also meet those needs downstream.

**Vice Chairman Arvas** Which endangered are we worried about as far as fish?

**Mike Sloane** The Razorback sucker and the Pike Minnow.

**Vice Chairman Arvas** How are they doing?

**Marc Wethington** They've been stocking Pike Minnow in the San Juan for the last several years, some of those fish are staying in the system. They stocked Razorback suckers several years ago. They're seeing some natural reproduction so it's a long way before they know what's really going to happen with the Pike Minnow.

**Vice Chairman Arvas** Who owns the water that rolls through the San Juan?

**Marc Wethington** The Navajo Tribe is the biggest shareholder. The Jicarilla Tribe and it is part of the Colorado River Storage Compact, so there are different entities that have stakes in the water in Navajo Reservoir.

**Commissioner Salmon** Is that the case with the Brown trout below the dam largely self-sustaining where as the Rainbow trout are largely stocked?

**Mike Sloane** Yes, although there is some evidence that the Rainbows may also be reproducing but we've designed a study to try and determine the extent of reproduction, but yes that's the case.

**Public Comment:**

**John Boretsky** I'm with NM Council of Outfitters and Guides and the San Juan River Guide Association is affiliated with our council and we have been working with this. The Bureau of Reclamation says that going to 250 CFS will destroy 34% of the habitat. I heard that U.S. Fish and Wildlife was not happy with this recommendation and would not sign off on it and I have not heard what has occurred since then. Our efforts have gone from this Commission to the Legislature to Congressman Udall. We stand a chance of losing a tremendous sportsmen's asset in the San Juan Basin and it would be a shame to throw that away over a political squabble about water.

**Mike Sloane** What I have heard is that the BOR has a biological opinion that does accept the 250 CFS at this point, so we're expecting a record of decision with their decision to go to 250 as a base flow.

**MOTION: Commissioner Sims** moved to approve the Management Plan for the San Juan River as presented.

**Commissioner Salmon** seconded the motion.

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

**Mike Sloane** I just wanted to comment that we are opening our fishing regulation to comment. We've issued a press release with recommendations that we've received from the public and would urge public comment. Also, this Saturday, at both our Lisboa Springs Hatchery in Pecos, and Parkview Hatchery at Los Ojos we'll have open fishing and fish to be filleted.

**Commissioner Sims** Is Los Ojos where we're having the fire now?

**Mike Sloane** No, that's in El Rito.

**Commissioner Salmon** Those new fishing regulations would be on the website?

**Marc Wethington** Yes, I can give you the press release now and they are on the website.

**AGENDA ITEM NO. 14. Approval of Shooting Preserve Application for Red Canyon Ranch Shooting Preserve.**

**Presented by Brian Gleadle** – The State Game Commission considered approval of a shooting preserve license application from Donald and Carol Ansley for a shooting preserve to be located along the Red Canyon near Wagon Wheel, NM.

**Carol Ansley** The primary reason for putting in a shooting preserve is to complement our hunting park so that hunters who get their animal, and they're booked in 3-4 days, they have other things to do. This is not going to be our primary business and the birds will be contained and released within that rocky area. The rest of the land is for if the birds roam out of that area we can go and get them.

**Commissioner Sims** When you release those scaled quail and the chukars and they're not harvested by the hunters, what are the chances of survival through the season if they're not harvested?

**Brian Gleadle** Since we release propagated birds which are not typically from the wild population, the birds are fairly less active for movement typical to wild birds. In this particular canyon complex we have a high coyote and bobcat population, so we feel that any birds that are not harvested will sustain a fairly significant predation by natural predators.

**Commissioner Sims** What other game are you harvesting here?

**Carol Ansley** Elk and deer, and there are Barbary sheep.

**Vice Chairman Arvas** From Wagon Mound it's how far?

**Brian Gleadle** It's approximately 9 miles south of Wagon Wheel outside of Clines Corners. We are in possession of 2 letters from the Ansley's neighbors indicating that they are aware of the application and do not have any concerns of the preserve.

**MOTION: Commissioner Sims** moved to approve issuance of a shooting preserve permit to Donald and Carol Ansley contingent upon the applicant meeting the requirements of law and rule that regulate shooting preserves.

**Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM, NO. 15. Discussion of Oryx License Application Procedures.**

**Presented by Dona Ana County Associated Sportsmen (DACAS)** – A representative of DACAS presented perspectives about procedures related to application for “badged” hunts for oryx at White Sands Missile Range. Discussion related to stipulations and frequency under which interested hunters may apply. Perspectives from White Sands Missile Range staff were included.

**Steve Henry** I represent the Dona Ana County Associated Sportsmen (DACAS). The Commission promulgated a rule last year on oryx hunting where you created the badged hunt. The problem we have is that anyone can apply for population reduction hunts whether or not you have had a once-in-a-lifetime opportunity. The way the rule was promulgated last year for the badged hunt is that anyone that had already had a once-in-a-lifetime hunt cannot apply for the badged hunt even though it is a population reduction hunt. Once you go on that hunt, you can go again in 2 years. Our desire is that the Commission reconsider that to be consistent.

**Director Thompson** This is a new opportunity that was developed last year as an attempt to incorporate a different mechanism for hunting oryx in some parts of White Sands Missile Range. The restriction that was placed on this regulation/application process is that during any year individuals could apply only if they had an odd/even birth year matching with whether they were applying either odd/even year. That was in part at the request of the Commission to address concerns that had been raised about difficulties people saw in competition for licenses in any 1 year. Because this is a special kind of hunt that is only possible where a badged individual is involved, it was considered to be somewhat of a test case. I'll stress that we are in the first year of a test case and Mr. Henry is correct that as part of that test we're monitoring various aspects of this process. The first 1 is the number of applicants relative to the number of licenses available and we are delighted to say that there were more applicants than licenses. In fact, there can't be any of the problems that have been discussed here until the third year of this hunt and at that point it's marginally possible that as Mr. Henry said, we could run out of hunters. We presume people have played wait-and-see to see how this first year goes, but we won't know that until we're into the second application year. Ultimately, the intent is to get individuals into these areas and provide an opportunity to go with someone who is badged and presumably have a chance of killing an oryx. Initial indications this year are that part is also working. Mr. Henry indicated the number of people that are badged is that about 3,500 individuals who have up-range badged access to White Sands Missile Range. However, we don't presume that every one of those individuals is going to take a hunter some time. The fact that we're dealing with are that there are a relatively large number of individuals with badged access. We now have information on the number of people who are interested in this hunt and we have the hunt effectively underway and we're collecting that information. The Department agrees that it is appropriate to evaluate how these regulations work and consider whether or not there actually is a problem. Mr. Henry and the DACAS are correct that ultimately there could be problems such as individuals who could draw every second year and routinely do that. Those kinds of things do present some perception problems. Right now this was started as a test case to new regulation and thus far the intent is being met and to the degree that information confirms some of the concerns that Mr. Henry has raised, I believe that the Department is in a good position to make a recommendation to the Commission perhaps as early as the regulatory process that will be underway in 2006. At this point it's not possible for any of these problems to exist prior to the 2007 season.

**Vice Chairman Arvas** Luis Rios made a comment last night that he thought the population number in that area was about 500 and if the statistical average is as high as it is on normal oryx hunts, the problem will be pretty well resolved in 2 years. The intent of the Commission at that time this was presented was a definite concern on the part of White Sands in terms of the use of the badge personnel.

**Director Thompson** Not so much a concern but for this hunt to work, it requires that there be appropriate accompaniment and that a badged individual and at this point we're not aware there are any difficulties. The other thing that has developed is that there is an outfitting arrangement in place that there are opportunities for some people who engage in hunts on White Sands Missile Range including these hunts can have the services of an outfitted opportunity and someone who's familiar and it is possible Mr. Boretzky could comment on some of that.

**John Boretzky** Yes, we do have an agreement with White Sands Missile Range in which it's possible to outfit commercially, legally, and above-board on the range. We have never discussed how this affects the badged hunts.

**Doug Burkett** I'm with White Sands Missile Range. We don't currently allow outfitters to work with the badged oryx population reduction hunts because there's no way to insure that their personnel are badged correctly and have gone through the system. We now have 165 people with hunt badges. Out of that 3,500 population about 160 people are able to take folks up-range on those hunts.

**Vice Chairman Arvas** So there aren't 3,500 people, only 165?

**Doug Burkett** You not only have an up-range badge which gives you clearance to go up-range on White Sands Missile Range, you must also go through the process and have an up-range hunting badge and that population now is 165 people.

**Steve Henry** I agree with everything the Director said. The only thing I disagree with is that if you wait 2-3 years, people perceive a loss. The perception is they don't get to apply. We'd like you to reconsider changing that part for this coming year so there will be consistency in it not being a once-in-a-lifetime and all people can put in instead of it being a cross between the 2.

**Vice Chairman Arvas** If the main intent was that we want to create a greater hunting opportunity for those that have never hunted Oryx, then there's the possibility the Commission would consider, depending upon what the outcome of this hunt is to be non-discriminatory as we are now for the once-in-a-lifetime.

**Steve Henry** That's correct.

**Vice Chairman Arvas** So there's a possibility that the Commission might consider that the second year. We'll have to wait and see what the outcome of this hunt is.

**Steve Henry** The people that hunt on this badged hunt still get to put in for that at the same time that they're putting in for this.

**Director Thompson** It's not that we disagree with the points that are being made. I'm only suggesting that when this regulation was entered, it was presumed that it would at least run 2 years because at this point the individuals who have an even-numbered birth year have not been allowed to participate and in fact, before it is time for the Commission to make decisions for 2007, we will have the information regarding what has happened with the application process and your determination can be fully advised. I simply encourage you not to consider doing something too hastily regarding 2006. I believe we're in full position to do everything the Commission had intended by sometime in 2006.

**Commissioner Sims** What is the quality of animals compared to where they're hunting the once-in-a-lifetime on this badged hunt in the areas they're hunting now?

**Steve Henry** The people that are drawn off that waiting list are expected to shoot the first oryx they see, so it's not a quality hunt. People that are hunting in the other area on the 30-day period off the range, get to select the Oryx they want. That hunt has been successful except in a few locations like the Armendaris Ranch will probably have to shoot the first oryx they see.

**Commissioner Sims** Is this a more difficult hunt?

**Steve Henry** Generally it's more difficult. There are no roads. They have to get out and scramble around out in the desert and climb some ranges. I've talked to a few that have had to hunt a couple of days before they get an opportunity to kill an oryx.

**Commissioner Sims** The badged hunters that are taking these hunters, do they charge for their services?

**Steve Henry** Doug would say that they are not supposed to, but I don't know if they are or not. If they are, they're doing it unofficially [illegally].

**David Black** I work hand-in-hand with the data that comes in on these hunts and like Mr. Henry said, the quality of these animals is pretty decent, average with our trophy hunts. Some of the road areas and some of these hunt areas we have closed down. The hunting opportunity is getting tougher. You're not finding those roadside oryx so the name of this hunt is population reduction hunt and that's how we're running it now. Mr. Henry, you stated that we have 30 days to hunt. It actually comes to about 11 days of the month. Hunting is only on non-duty days so you're not actually able to hunt all 30 days.

**Vice Chairman Arvas** Are those days scheduled far in advance?

**David Black** They are but they change because of missions. You actually have to check the day before. You can show up on a Friday and find out that you're blocked out for that Saturday.

**Vice Chairman Arvas** That information is given to the Department?

**David Black** No, it's not. That either goes through me on the missile range or they have to call a message number that tells about roadblock or sometimes they'll show up at a gate and they're locked out for a couple of hours that morning.

**Vice Chairman Arvas** How do you feel? Is the hunt going to accomplish the purpose that you wanted it to?

**David Black** Definitely. We're running 99% success rate right now. It should be a once-in-a-lifetime hunt because at the end of this season it's going to be a tough hunt. If we get 60%-75% success rate in these mountain areas, we'll be happy.

**Commissioner Montoya** Director Thompson, why would we have to wait that long?

**Vice Chairman Arvas** Because of the birth dates.

**Commissioner Montoya** No, without the birth dates, you said 2-3 years?

**Director Thompson** It's not a matter of having to wait. I was indicating that you have the ability to address this during the 2006 regulation development period which would be for the 2007 fall period. I was making the point that this can't be a problem for anyone until 2007 because anyone holding a license in 2005 would not be allowed to hold 1 in 2006. We would then have consistently applied this for 2 years and you could consider making a change for 2007 next year when we have more information.

**Commissioner Montoya** It is a problem for those that can apply on an even numbered year. Next year 2006 is an even numbered birth date. The once-in-a-lifetime can't apply but others can.

**Director Thompson** That's correct. At this juncture the people who would be applying next year are ones who were not allowed to apply this year so I believe it might work advantageously to the Commission if you'd allow that 2-year cycle to have been experienced and still make a regulation change that applied in 2007 whichever way you may wish to do. It would not have affected anyone at that point except the people who are currently once-in-a-lifetime that are restricted from applying. If it's the Commission's choice to allow them to apply at a later date, I still maintain that could be done for 2007 with a no-harm, no-foul affect given what the original intent of the program was.

**Discussion item only.**

#### **AGENDA ITEM NO. 16. General Public Comments (Comments Limited to 3 Minutes).**

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

**Lester Gililand** I'd like the Commission to consider doing the bear next time to give the youth hunters the first 2 weeks of August before school starts for a youth-only hunt.

**Vice Chairman Arvas** That's fair. I'd advise you to give that request to the Department directly or through the area office.

**Glenn Landers** I'm representing Southwest Environment Center and here to express disappointment that you haven't taken a position on the proposed 1-year moratorium on new releases of Mexican wolves. This moratorium was originally proposed by Congressman Steve Pearce and I'd have a hard time characterizing it as anything other than a politically motivated-type proposal that has nothing to do with protecting or recovering the Mexican wolf. On the other hand, the U.S. Fish and Wildlife Service has had many good recommendations from scientists during the 3-year review and the 5-year review that would help recover the Mexican wolf and I think this Commission needs to get behind those suggestions and get behind good science and oppose the proposed moratorium.

**Vice Chairman Arvas** Are you disappointed with what this Commission has done for the Mexican wolf?

**Glenn Landers** I'm disappointed that you haven't voted to oppose the moratorium.

**Commissioner Salmon** I would be interested in knowing what the Governor's office might have to say about it. It was probably a political decision. It's a delicate situation and I'd suggest further input. I don't propose to make any particular recommendation 1 way or another other than to say personally I agree with you.

**Glenn Landers** Recommendations have been made by people who are more qualified than me or you. There are scientists who have examined the wolf re-introduction program and made recommendations as part of the 3-year and 5-year review and what I would hope is that you would support the science behind wolf recovery and oppose the politics behind the moratorium.

**Commissioner Salmon** On that particular issue and how the moratorium might affect the wolf program, I think before the Commission made any decision, we'd want to get presentations from both sides of the issue from the Fish and Wildlife Service in particular as to how they think the moratorium will affect the eventual success of the program. I did talk to Mr. Oakleaf about it. At 1 point, 1 of the Fish and Wildlife biologists was in Silver City and he was concerned about the moratorium too, but at the same time he said he thought there might be some options for further releases. The moratorium relates to wolves brought in from another area, pen-raised wolves and not necessarily wild wolves from other areas. In other words, we need to look further into this to see if we can finesse this in some way and continue to help the wolf.

**Glenn Landers** Let me encourage you to take the next step.

**Vice Chairman Arvas** Tod, isn't there a process? We interact on a daily basis with U.S. Fish and Wildlife on the wolf. Isn't there a process that we go through before that becomes an item for consideration?

**Tod Stevenson** Yes, it is and there's perception that the moratorium is a completely done deal. It's actually back up in front of the group that's managing wolves with the Directorate of all agencies as part of the 5-year plan review. The Department hasn't formulated nor have we provided a final decision or recommendation to that panel either way. We're in the process of talking about what the Department position would be. You are correct that will go through a broader process. There is a temporary hold before that decision is finalized that clearly has been made by the U.S. Fish and Wildlife Service, but I don't believe that's the ultimate decision until the review of the 5-year plan and other things that are moving through the recommendation process. Public input has been received. It was finalized 1-1 ½ weeks ago, and that's now going to be back to that bigger review committee to make assessments on determination.

**Vice Chairman Arvas** If I'm correct, Commissioner Salmon, they keep you advised on all these meetings?

**Commissioner Salmon** We had 2 special Wolf Task Force meetings in Reserve that I and other Department staff attended. Whether or not there'll be a third meeting we don't know.

**Vice Chairman Arvas** Who decides that?

**Commissioner Salmon** I think that's a decision from the Governor's office. Would you agree with that?

**Tod Stevenson** That's correct and regarding the task force which is a sub-set of that, there's been some assessment by the Governor's office recently. They're looking at information to potentially send with the folks on that task force. Whether it would be all of them come up with something that may go back to the task force for approval before it would go to the Governor's office for final recommendations to him we don't know.

**Commissioner Salmon** One thing that has come out of that task force is recommendations for a compensation program for wolf depredations that have some promise.

**Jean Ossorio** I'm a board member of the Southwest Environmental Center and a long-time Mexican wolf advocate. I have a document that might shed light on the implications of the moratorium. I did an analysis of what would have happened had this been in affect for the period July 1, 2004 until June 30, 2005. There would have been a 50% decrease in collared wolves in the wild and a delay in the infusion of genetically valuable animals into the wild population against the recommendation of many geneticists. When you combine this with a possible increase in poaching near 2003 levels, this could result in a very quick and serious setback in progress toward recovery numbers. My first request is that you take another look at this moratorium, get additional information to what I've presented here, and perhaps direct the Department to look into opposing moratorium and/or working for its rescission. Secondly, I'm concerned about poaching levels and ask that the Commission direct the Department look at beefing up law enforcement in this area.

**Tod Stevenson** The law enforcement is the emphasis of the U.S. Fish and Wildlife Service. Anytime our staff gets reports of violation, our staff acts on it immediately. Our staff is also doing education when they're aware that there are wolves in the area so when our folks are working elk hunts they're talking to hundreds and making them aware of that. We are aware of the law enforcement issue, we're very engaged with trying to assure that we're protecting those animals adequately. It's like any other type of wildlife violation where those things occur, we just don't have a lot of people out there on the ground. A lot of time there's not a lot of physical evidence for us to move forward with, but I want to assure the Commission members that we take that very seriously.

**Vice Chairman Arvas** I just didn't want the perception on the part of Ms. Ossorio that we're not involved and I can assure you we are. Sometimes it's hard to prosecute or to even catch the person committing the violation.

**Linda Schilling** I represent Ron Shortes, Catron County Attorney. Mr. Shortes wants you to know the wolf problem will not go away by ignoring it, and the carcass issue is a major stumbling block. The average loss of animal units per year is estimated to be approximately 3% of the total animal units on the grazing allotments. The majority of these losses may be from wolf kills, but Catron County ranchers estimate the loss between 400-1,000 animals in the last 2 years. Only 1/10 of those losses will be from other causes. If the U.S. Fish and Wildlife Service can find 1 out of every 8 animals killed, how is a rancher to do any better especially after coyotes have moved it and spread the remains?

**Steve Henry** The Dona Ana County Associated Sportsmen and other groups discussed with you and Department of Game and Fish administrators the potential of looking at some way to get people that are unlucky on some of the big

game draws to get some way that they are discriminated for drawing at some future year, some kind of preference system.

**Vice Chairman Arvas** We're willing to listen to any proposal from any group that might make our system better than what it is and Steve I'd offer a suggestion to get together with Director Thompson and figure out how to make this better.

**Oscar Simpson** I'm with the New Mexico Wildlife Federation. We'd like to encourage the Game Commission and the Department pursue a trophy antelope hunt season for Otero Mesa and to consider making a trophy hunt for a limited number of deer in the Valle Vidal, since you're opening it up for elk, bear, and if there's a deer in there you may have an option to shoot a deer, and to fix the youth fishing ponds at Shuree ponds.

**Lief Ahlm** We did have a youth pond on the Valle Vidal and because of problems with the dam, the Forest Service breached the dam and drained that pond and they tried to move the youth fishing into the lowest pond on Shuree. The lowest pond supports the overflow from the main pond, so we at 1 time designated what we call the frog pond which is a pond that over the last few years because it's been so dry hasn't supported fish. We've had public comment from individuals in the area that would like to bring youth opportunity back. Our biggest problem is the cost of repairing the old pond or finding a way of applying the water so that we have enough area to support both adults that fish there and have youth opportunity. We've talked to the Forest Service and provided information to the Deputy Director of the Department. The Forest Service owns all of those ponds and thus the ability to own those. It's being discussed, but like the rest of us, they don't have the money.

**Tod Stevenson** We've talked about this and we're getting basic numbers of what that might cost. It does look like it might be a significant amount of money but we're going to pursue that and try to get part of the information. We've visited with the Forest Service about some of our Sykes Act money. Director Thompson has visited with other folks to see if there are any other alternatives. We understand the importance to the public there so we'll pursue this further to see our options.

**Vice Chairman Arvas** Everyone's comments are appreciated, but since there's so much on everyone's plate I recommend that you put it on paper, send it, and expect a response from the Director or Department, or it's not going to happen.

**AGENDA ITEM NO. 17. Closed Executive Session.**

**No Executive Session required.**

**AGENDA ITEM NO. 18. Adjourn.**

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

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

**Meeting adjourned at 3:13 p.m.**

s/Bruce C. Thompson  
**Bruce C. Thompson**, Secretary to the  
New Mexico State Game Commission

12/16/05  
Date

s/Guy Riordan  
**Guy Riordan**, Chairman  
New Mexico State Game Commission

12/16/05  
Date

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