

M I N U T E S  
 NEW MEXICO STATE GAME COMMISSION  
 San Juan Community College  
 4601 College Blvd. – Room 7103  
 Farmington, NM 87402  
 May 29, 2008  
 9:00 a.m. – 5:00 p.m.

**CONTENTS:**

AGENDA ITEM NO. 1:	Meeting Called to Order .....	1
AGENDA ITEM NO. 2:	Roll Call.....	1
AGENDA ITEM NO. 3:	Introduction of Guests.....	2
AGENDA ITEM NO. 4:	Approval of Minutes (April 11, 2008 — Santa Rosa, NM).....	2
AGENDA ITEM NO. 5:	Approval of Agenda.....	2
AGENDA ITEM NO. 6:	Revocations .....	2
AGENDA ITEM NO. 7:	Hunting and Fishing License Revocation (19.31.2, NMAC) .....	2
AGENDA ITEM NO. 8:	Guide and Outfitter Registration (19.30.8, NMAC) .....	2
AGENDA ITEM NO. 9:	Proposed Change to 19.31.10, NMAC, to Limit the Number of Hooks that Can be Used on a Portion of the San Juan River System .....	3
AGENDA ITEM NO. 10:	Proposed Establishment of a Black-footed Ferret Population on Vermejo Park Ranch, Colfax County	6
AGENDA ITEM NO. 11:	State Game Commission Final Approval Sought for 2009 Habitat Stamp Program Projects	7
AGENDA ITEM NO. 12:	Presentation of the FY 2008 3 <sup>rd</sup> Quarter Depredation Report .....	7
AGENDA ITEM NO. 13:	Update on the Upland Game and Waterfowl Rule Development Process .....	7
AGENDA ITEM NO. 14:	Petroleum Development Review Procedures and Oil and Gas Subcommittee Report	7
AGENDA ITEM NO. 15:	Current Status of the Open Gate Hunting and Fishing Access Program .....	7
AGENDA ITEM NO. 16:	Briefing on Status of Bighorn Sheep Restoration in the Dry Cimarron River Drainage of NE New Mexico	7
AGENDA ITEM NO. 17:	General Public Comments (Comments Limited to 3 Minutes).....	8
AGENDA ITEM NO. 18:	Overview of the Private Land Deer Conservation Incentive Program and Future Plans	12
AGENDA ITEM NO. 19:	Draft Recovery Plan for 2 Riparian Rodents listed as Endangered under the Wildlife Conservation Act (§17-2-40.1 NMSA, 1978).....	13
AGENDA ITEM NO. 20:	Status of Aquatic Nuisance Species Management Planning in New Mexico .....	13
AGENDA ITEM NO. 21:	Review and Revision of the Department Strategic Plan.....	14
AGENDA ITEM NO. 22:	Preliminary Budget Planning Discussion.....	14
AGENDA ITEM NO. 23:	Legislative Initiatives Discussion for 2009 Session.....	14
AGENDA ITEM NO. 24:	Proposal for Developing Increased Shooting Opportunities.....	15
AGENDA ITEM NO. 25:	General Public Comments (Comments Limited to 3 Minutes).....	17
AGENDA ITEM NO. 26:	Closed Executive Session. ....	17
AGENDA ITEM NO. 27:	Notice of Commission Contemplated Action.....	17
AGENDA ITEM NO. 28:	Naming Recently Acquired Conservation Areas .....	17
AGENDA ITEM NO. 29:	Status of Department Efforts Regarding OHV Safety and Related Statutory Matters.	18
AGENDA ITEM NO. 30:	Land Conservation Appropriation Update and Action as Needed.....	19
AGENDA ITEM NO. 31:	Adjourn .....	19

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

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

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

Chairman Arvas – present  
 Vice Chairman Salmon – present  
 Commissioner Buffett – present  
 Commissioner McClintic – present  
 Commissioner Montoya – absent

Commissioner Simpson – present  
Commissioner Sims – present

QUORUM: present

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

Introductions were made by approximately 80 members of the audience.

**AGENDA ITEM NO. 4: Approval of Minutes (April 11, 2008 — Santa Rosa, NM)**

**MOTION:** Commissioner Buffett moved to approve the Minutes of the April 11, 2008 State Game Commission Meeting in Santa Rosa as presented. Commissioner Salmon 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 Sims moved to accept the agenda for the May 29, 2008 State Game Commission Meeting. Commissioner McClintic seconded the motion.

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

**NEW BUSINESS:**

**AGENDA ITEM NO. 6: Revocations.**

**Presented by Dan Brooks** – The Department presented a list of individuals that the Commission considered for revocation that met established revocation criteria. Eight individuals requested a hearing related to wildlife violations.

**Chairman Arvas:** What happens when someone receives a citation?

**Dan Brooks:** They're subject to revocation.

**Salmon:** Repeat offenders receive aggravated points?

**Dan Brooks:** Correct.

**Commissioner Sims:** They have a right to a hearing? They are mostly criminal trespass and that's a 30-point violation. They didn't know they were 1 year, 18 months or mitigating circumstances for illegal killing of a deer. We don't have to agree to all of these or nothing and if we commissioned hearing officer what happens?

**Dan Brooks:** We have the latitude to adopt the whole list or only the ones they desire or review the whole record so you can make a decision.

**Commissioner Sims:** If it involves trespassing on private land they can mitigate.

**Dan Brooks:** Revocation actually have points. We're considering trespass and doing something like that. Tell me your desires to accomplish.

**Dan Brooks:** Page 9 there are 7 where there was mitigation. Behind those is listed actual recommendation and the Commission has the latitude to review those and make a decision or come back later.

**Chairman Arvas:** I recommend we see next agenda item.

**MOTION:** Commissioner Sims moved to adopt the Department's and Hearing Officer's recommendations on revocation and point assessment for the list of 126 individuals for the period of time specified, excluding Zachary Flowers, Nathan Green, Richard Hidalgo, and Gerardo Pacheco. Commissioner Salmon seconded the motion.

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

**AGENDA ITEM NO. 7: Hunting and Fishing License Revocation (19.31.2, NMAC).**

**Presented by Dan Brooks** – The Department summarized public comment received since this rule was opened in November 2007. The Department is recommending to amend this rule to assist management and conservation efforts to ensure compliance.

**Discussion item only.**

**AGENDA ITEM NO. 8: Guide and Outfitter Registration (19.30.8, NMAC).**

**Presented by Dan Brooks** – The Department summarized public comments received, made recommendations for amending guide and outfitter registration to include but not be limited to administrative fees for liability insurance compliance, and requested Commission adoption of a rule amendment.

**MOTION:** Commissioner Salmon moved to amend Outfitter and Guide Rule, 19.30.8, NMAC, to clarify registered outfitter replacement, to provide administrative fees for processing non-compliance with insurance documentation requirements, and to clarify qualifying hunter education. Commissioner Buffett seconded the motion.

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

**AGENDA ITEM NO. 9: Proposed Change to 19.31.10, NMAC, to Limit the Number of Hooks that Can be Used on a Portion of the San Juan River System.**

**Presented by Mike Sloane and Marc Wethington** – The Department proposed limiting the number of hooks that can be used on a single line while fishing the San Juan River between Navajo Dam and the Hammond Diversion. The proposal is based on the high level of use this stream segment receives and the concurrent need to protect the resource as well as significant public interest.

**Marc Wethington:** I'm the Fisheries Biologist for the San Juan and this is an overview of the San Juan River. San Juan River trout fishery is a destination fishery. We have anglers approximately 200,000-250,000 hours spent every year fishing the San Juan River in the Special Trout Waters alone. Approximately 60%-70% of these anglers are from out of state. Most all of them practice catch/release fishing techniques. At this time there are about 30 licensed outfitters with as many as 100 guidecards out and on some busy days on the San Juan River there are close to 100 guides working at 1 time. It's estimated to generate about \$20M-\$25M a year for the state, and a few years ago we developed a management plan and within this management plan we set goals to try to obtain. One is a catch rate of a fish an hour, 5% of the population being 20 inches or larger, and then just a quality fish, a fish that appears healthy and vigorous and that the majority of our anglers are satisfied. We do a fair amount of survey work every year and over the last 10 years we've averaged about 1.1 fish per hour catch rate. That's actually to the net. Anglers report about 7.5% of the fish they catch are 20 inches or longer and we're looking at specific strains of rainbows that will provide that memorable experience that have better growth potential, certain physical characteristics that these anglers are looking for. About 91% of anglers are satisfied with the fishery. With this work we're trying to mitigate lower flows and provide a quality fishing experience for the anglers.

**Commissioner Simpson:** Under endangered species, what's required for the flows for the endangered species?

**Marc Wethington:** That's not my expertise, but they're trying to maintain a certain target flow downstream of Farmington between 500-1,000 CFS. This target flow below Farmington is a combination of the San Juan River and the Animas River when they come together. What they're trying to do is maintain this flow during the summer months. So if the Animas is up, they need less water out of the San Juan, and if the Animas is very low they need more water out of the San Juan to make up the differences.

**Commissioner Simpson:** Quality waters below Navajo Dam I've heard that BLM/Bureau of Reclamation is going down to 200 or less CFS, is that correct, and how does that affect the fisheries?

**Marc Wethington:** Actually the base flow that was in the Environmental Impact Statement and in the San Juan River Biology Committee came together and the base flow of 250 CFS was set several years back. We've seen 250 CFS a couple of times so far for fairly short durations. Is it positive for the fishery, no; is it the end of the fishery, that's not the case either, and that's the reason we're trying to implement some of these other things to mitigate those circumstances.

**Commissioner Simpson:** In March I talked to several sportsmen who have been noticing numerous changes since 2002 and a huge increase sediment flow. How are you working with Bureau of Reclamation to make sure that we don't keep channelizing from State Parks/BLM all those activities and arroyos dumping sediment directly into the San Juan River and how are you working/not working or is there any cooperation with the Bureau of Reclamation to keep those flows high enough to keep that sediment down?

**Marc Wethington:** Actually with flows that release out of Navajo Reservoir there's very little leeway and little flexibility in those flows. Because of Endangered Species Act issues certain flows have to be released period. What we're doing is working with State Parks/BLM/Bureau of Reclamation on ways to mitigate some of these arroyos/tributaries that dump sediment into the San Juan River. Most of these arroyos have been dumping sediment since the beginning. What we're looking at with these reduced flows you don't get quite as much of that sediment to move downstream and they do cause problems. We've looked at everything from trying to alter the channels to building catchment basins. The geology of the surrounding area makes it extremely difficult because it's very steep, it's all sandstone and there's very little to slow that water down. One of the arroyos that's been fairly contentious over the past several years was re-routed to protect a parking area and restrooms. Several years ago they were building new restrooms that had been flooded 2-3 days within 1 week, they built a pre-existing berm back up to keep the water out of the restrooms. In 2007 we excavated material that had been dumped into the specific area to try to mitigate some of the sediment that had been deposited. Since then we haven't had any big storm events that pushed a lot of material down that flow and the channel has been somewhat re-routed. It's going through some vegetation so at least it slows down before it hits the

river channel, but we haven't had any big storm events. When we do they'll deposit sediment back into the river in that area again.

**Commissioner Salmon:** When the flow rate has been dropped to 250 CFS, which is below the ESA requirement, has there been any response from USFW Service against the low flow rate? Has there been any mitigation or contention?

**Marc Wethington:** When they drop it down to 250, they're adding the San Juan and the Animas together west of Farmington, so if they drop the San Juan to 250 it means the Animas is 300-500, enough to make up the difference. That's when they would go to 250. It's basically to conserve water but they still have to maintain that 500 CFS.

**Commissioner Salmon:** Below the confluence?

**Marc Wethington:** Below the confluence and they have USGS gauging stations at Shiprock/Four Corners where they take an average of 3 of the 4, they have 4 of them, they take an average of 3 of them to try to make sure that flow stays above 500.

**Commissioner Salmon:** This combined flow in the ESA requirement, as it is maintained serves to benefit the trout fishery by keeping the flow rate up to where it can reduce the sedimentation, is that correct?

**Marc Wethington:** No, there really was in this within the Endangered Species Act and with the fish that made it through downstream, the trout fishery didn't play much of a role—the flows down there to my understanding are to conserve endangered fish. They looked at a base flow to maintain the fishery. There are people who wanted to go much lower to conserve water for water development, so the 250 is not the best flow for the San Juan but it was better than some of the other options that were originally looked at.

**Commissioner Salmon:** I don't know the geography very well but the quality waters are above the confluence?

**Marc Wethington:** Yes. The base of Navajo Dam is probably roughly 30 miles to the confluence so the river has changed drastically by the time it gets down there. It's much warmer, there are many tributaries that are depositing sediment into the river by the time it gets to Farmington.

**Chairman Arvas:** I received 3 lengthy letters: 1 from Andreas Novak, 1 from Nancy Mills, and 1 from Vincent de la Vicencio and those will be entered into the official record, but they're too lengthy to read at this time.

**Mike Sloane:** We're here to discuss a proposed limit on the number of hooks that can be used on the San Juan River. This issue came to our attention based on some public comment. Our biologist and field folks felt they were a valid concern. As we dug deeper we looked at information we have to try and assess the potential for this being an issue. In the first 4 miles of the San Juan River, which is special trout water, there is a population estimate of about 70,000 fish, an average of 250,000 hours of anglers fishing, and if you go through the math assuming that for every 1 fish landed about 2-3 get off, you come up with every fish being hooked about 1.1 times per month. As we looked at it, you have a potential for a string of hooks somewhere between 24 inches and 40 inches with multiple flies on it, fish get caught on the first fly somewhere on that 2-foot of hooks hanging behind that can foul hook the fish. We feel it was a concern and we developed 2 options. One option would be to limit the number of hooks to 2 within the special trout water. The barbless requirement would still be in place, single barbless hooks only 2 in the quality waters. That's the first 4 miles the most productive and most heavily fished segment of the river. The other alternative is to cover the entire 15 miles of trout water within the San Juan River. There's a Hammond diversion and at that point we also have the Hammond Wildlife Area where drift boats can take out. The thought was that protecting the entire trout fishery below the special trout water you would continue to allow barbed hooks and treble hooks but only 2 of those. The scientific literature seems to indicate that there isn't much difference between a barbed hook or a non-barbed hook and between treble and regular hooks. Those are the 2 proposals—the special trout water only or all the way down to the Hammond diversion which would include our wildlife area right above the diversion. We put this out in an e-mail to all of the people that had previously commented on the statewide proposal as well as I made sure to include NM Trout and Trout Unlimited given our last discussion. We got a number of responses—15 supporting the special trout water only; 22 supporting including from the dam to the diversion; that also included Sportsmen for Fish and Wildlife and 2 in opposition—1 which was from NM Trout.

**Carlos Chavez:** I'm a concerned fisherman from Gallina. The San Juan gets better every day. Barbed hooks are the key. Every barb needs to be pinched. All the damage you see is a barbed hook/treble hooks and the people to check them. I've been out there 12-13 years and have never been checked. Could you require rubber nets? I don't see signage. I don't think limiting flies is something that is as important as you're trying to make it sound.

**Art Martinez:** I'm an outfitter on the San Juan River. A lot of the problems we see are the barbed hooks. We need to eliminate using barbed hooks. When we have barbless hooks the majority of the time the fish will get rid of that fly. Also, a lot of times when a mesh net is used the fish get in it and start rolling and twists itself in the line and a lot of them don't care and if the line breaks they throw them into the water. We need to inform the public about handling the fish and taking care of the fish, and making sure that the barbed hooks are pinched.

**Larry Johnson:** I'm the owner of Soaring Eagle Lodge and a representative of the San Juan River Guide Association. We are in full support of the rule change. Our personal feelings are that we'd like to see it go all the way down to the

Hammond diversion since the San Juan River is such an asset to the state, but if that's going to be a deal breaker we'd like to see that it's absolutely a new rule for the proclamation for at least the quality waters. This river is under a lot of pressure not only from these types of practices but from the re-operation Navajo Dam through the BOR which these flows are going to change, and anything that we can do to protect the economic impact of these fishermen coming into our state creating a boom for the local economy. I have a copy for the Commission of an economic impact report that was performed by NMSU-Las Cruces by Dr. Nick Ashcroft in 2003 and at that time just the outfitter/guides business had a direct impact of \$25.5M with an indirect impact to the state of close to \$40M, and that was over 6 years ago so that figure has gone up. Commissioners, I implore you to support the Department in its rule change at least for the San Juan River.

**Michael Williams:** I live in Navajo Dam right on the banks of the San Juan and I work in the community of Navajo Dam. My work as a chef is directly dependent upon the numbers that Mr. Sloane and Mr. Wethington have presented which is 65%-70% of all the anglers that come to Navajo Dam to fly fish the San Juan are from out of state. This is a tremendous economic boom to our community. My livelihood depends on that economic boom to equal and increase on a yearly basis. We recognize that we fly fish for the challenge of the sport as well as the beauty that it surrounds. There are other issues such as sediment but the regulation for the proclamation is not about sediment it is about limiting the number of hooks. We do know that other states have done this for years with success. States that have done this have demonstrated that they attract high-dollar anglers from other states. This is what we need in Navajo Dam. We also need the Commission to go to the legislature and get funding, either re-occurring funding or special funding to help with these other projects as well as enforcement. Barbless hooks are in the Proclamation for special trout waters and yes people do not do that. There could be a funding issue attached to enforcement but my concern today is to make sure the Commission understands the economic impact that attracting high-dollar anglers to the state and to the special trout waters on the San Juan River is important and taking the lead of declaring that this is a special fishery in NM, 2 hooks only will set in place future anglers within our state to understand why this is special trout water. If you are a reader of fly fishing materials/books/periodicals they specifically point to the San Juan River's quality waters as 1 of the top fisheries in the world. In the winter it is listed as 1 of the 3 best fisheries on the planet. I encourage the Commissioners to look at this as a serious issue and the impact it has.

**Steve Velasquez:** I'm from Gallina and I don't believe putting a limit on hooks is a good idea and it's been top quality waters since the 1960's. I think the net is the most important thing. At times you get inexperienced persons and they get caught up in there and I think the nets are more important than the hooks.

**Rick Hooley:** I'm a guide/outfitter with Rocky Mountain Anglers, Inc. I've been guiding approximately 20 years and my clients and I see damaged fish every day. I support it.

**Robert Espinoza:** I'm Executive Director of Sportsmen for Fish and Wildlife and we're in full support of limiting the 2 hooks. We polled several of our members and we'd like to support the entire length.

**T.J. Massey:** I'm with San Juan River Outfitters. For the last few years I've noticed a lot of things on the San Juan, a lot of fish with 1 eye, missing mandibles, line marks on their bodies where the line rips their scales off, but I'm in 100% support of the 2-fly rule.

**Mark Clark:** I represent myself and I'm in support of the 2-fly limit. The primary technique of fishing is nymph fishing where we're subsurface. Often those hooks are broken off and we're not able to assess where that fish was hooked. The math is there, the more flies on the more fish are going to get foul hooked.

**Tim Chavez:** I'm an outfitter. This is an incredible resource to the San Juan River. I strongly support 2-fly proposal and I strongly support the 2-hook proposal. We land a fish a lot of times we get them in the net and they'll twist and turn and I've often joked that I wish I could develop a spray that you could hit them with to knock them out for a second to get the hooks out, but the problem is that a lot of times there's a roll in the net and that's where these multiple hooks will impale them. It's a matter of sportsmanship and ethics and I talk to a lot of people that come from all over the world and I've got a lot of input on this in our store and I support limiting to 2 hooks all the way down the river.

**Commissioner Simpson:** Marc [Wethington], in the quality waters, is there any difference from 70,000 within a 15-mile area?

**Marc Wethington:** No, that's not right. As I explained, there are about 70,000 in the first 4 miles.

**Commissioner Simpson:** That's what I need to be clarified. In a 10-year average, what was it?

**Marc Wethington:** Actually it's 1.1 fish per hour and it goes back further than that, but it's been about 1.1 fish plus/minus .10 of a fish since about 1990.

**Commissioner Simpson:** Has that number of fish changed since 2002?

**Marc Wethington:** Plus/minus maybe a little bit but not much.

**Commissioner McClintic:** Mike Maurer who is President of NM Trout from Albuquerque and I've had several discussions, and they were totally, whatever their reasoning, against this rule. They didn't believe they were properly notified before the meeting in Santa Fe. They had reservations and I've had several meetings with them before this

and we have gotten them to come around with a caveat to support the 2-fly, provided it's in the 4-mile stretch of regulated water, also provided that there are some studies. They just want to make sure that we may need to go down to 1 fly and 1 hook. If multiple flies damage the fish, obviously 2 hooks are going to damage them more than 1 hook. It's a question of where does the regulation stop if we do the full 15-miles of the San Juan where do we take it from there. Do we go to the next stream and some people love to fish with 3 flies, 3 hooks. I recommend that the people in the audience and to fellow Commissioners, that if we stuck with the 4-mile stretch for 1-1.5 years and revisit it and did some hard studies because we have a lot of different issues on the San Juan than the 2 hooks I think that's a compromise to where we have 1 side, very few people that are in favor of not having it at all, we have another side that wants it limited just to the 4-miles stretch of regulated water, and then we have another group that wants the entire 15 miles. We can compromise to where at least we've got a majority of people satisfied that we are making progress. I think if we go for the whole 15 miles, we're going to have a faction of anglers and a faction of fishermen that are going to be very disappointed. I think this is a lot better than what you got in Santa Fe and I support the second provision that we do limit it to 2 barbless flies/hooks, for the quality section of 4 miles of regulated.

**Commissioner Salmon:** Marc [Wethington], is there any information on how many people actually use 3 or more flies in the quality waters?

**Marc Wethington:** Specific numbers, no. It's a trend we've seen increasing over the past few years. Three-5 years ago, I didn't see anyone doing it and it became an issue. Five years ago I didn't know anyone fishing 3 flies.

**Mike Sloane:** Another point I'd make is that we also know that there is at least 1 trout club in the state that has paid someone to teach them how to use 3 flies, so it's an increasing trend.

**Commissioner Salmon:** At a hearing in Silver City I spoke with Arnold Atkins, who is an official with Trout Unlimited. I notice they're not here today, but he said Trout Unlimited took a vote and they're officially neutral on the issue. He would not oppose the restriction of 2 flies in the quality waters. He wanted me to pass that along.

**MOTION:** **Commissioner McClintic** moved to amend the Manner and Method Rule, 19.31.10, NMAC, to limit the number of hooks to 2 that may be used while angling on the San Juan River Special Trout Water. **Commissioner Sims** seconded the motion.

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

**AGENDA ITEM NO. 10: Proposed Establishment of a Black-footed Ferret Population on Vermejo Park Ranch, Colfax County.**

**Presented by Dustin Long, Biologist, Turner Endangered Species Fund** – Turner Endangered Species Fund (TESF) has operated a breeding facility for the federally endangered Black-footed Ferret at the Vermejo Park Ranch near Maxwell, Colfax County, since 1998. Since 2005, TESF has done "pre-conditioning" of ferrets in enclosed prairie dog towns on the ranch to prepare the animals for release at reintroduction sites outside of New Mexico. The species formerly occurred across much of New Mexico but has been extirpated in the state. TESF proposes to modify its ferret project to allow animals to remain free-ranging for indeterminate periods of time to further assess the potential for the locale to support a self-sustaining population of ferrets that will count toward federal recovery objectives.

I'm a biologist with the Turner Endangered Species Fund for 10 years. I manage the Black-footed Ferret, Black-tail Prairie dog and Gunnison Prairie dog work at Vermejo Park Ranch in northeastern NM. The purpose of this talk is to inform you of our intentions to release and establish a black-footed ferret population on Vermejo Park Ranch. The black-footed ferret is an endangered species because it is 1 of the rarest mammals in North America. It's North America's only native ferret. It's nocturnal and lives about 3 years. It's an obligate predator of prairie dogs. A brief history of the ferret program at Vermejo Park began in 1998 with construction of some outdoor ferret pens that we use to pre-condition black-footed ferret for release outside the state. Once they were released they were free to roam around the prairie dog colony. The fence that was up was actually to keep the coyotes/badgers off but the ferrets could move between it. After being out between 1-3 months of pre-conditioning on an actual prairie dog colony, we recaptured the animals and sent them off for release outside the state. The ferrets will remain there year round and from the fall of 2008 through spring of 2009 we'll monitor the ferrets for survival and dispersal patterns. In the spring, we'll determine survival rates and estimate kit production and at that time we may request more ferrets from USFWS Service to be released that fall. The 10-A1A Permit we're using to release the ferrets is a research permit and it was used by TESF for the 2005-2007 temporary releases. It's a temporary permit which expires in 5 years but it can be extended.

**Discussion item only.**

**AGENDA ITEM NO. 11: State Game Commission Final Approval Sought for 2009 Habitat Stamp Program Projects.**

**Presented by Dale A. Hall** – The Department forwarded to the State Game Commission for approval, recommendations made by 5 regional Citizen Advisory Committees concerning the Habitat Stamp Program's 2009 and 2010 habitat improvement project lists.

**MOTION: Commissioner Salmon** moved to accept the tiered list of 2009 and tentative list of 2010 Habitat Stamp Program projects as recommended by the Citizen Advisory Committees and presented by Department staff.

**Commissioner Sims** seconded the motion.

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

**AGENDA ITEM NO. 12: Presentation of the FY 2008 3<sup>rd</sup> Quarter Depredation Report.**

**Presented by Barbara Coulter** – The Department presented the FY 2008 3<sup>rd</sup> Quarter Depredation Report for approval. The report described numbers and resolution of depredation complaints in accordance with 19.30.2.11, NMAC, and summarized recent notable depredation events.

**MOTION: Commissioner Salmon** moved to accept the Fiscal Year 2008 3<sup>rd</sup> Quarter Depredation Report as submitted by the Department. **Commissioner Buffett** seconded the motion.

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

**AGENDA ITEM NO. 13: Update on the Upland Game and Waterfowl Rule Development Process.**

**Presented by Tim Mitchusson** – The Department presented the Commission with prospective changes that have been developed to date for the Upland Game and Waterfowl rules. These changes included the proposal to move the migratory bird species (dove, teal, and Sandhill cranes) that currently reside in the Upland Game Rule, to the Waterfowl and Migratory Bird Rule.

**Discussion item only.**

**AGENDA ITEM NO. 14: Petroleum Development Review Procedures and Oil and Gas Subcommittee Report.**

**Presented by Bob Jenks and Luke Shelby** – The Department of Game and Fish recently designated liaisons and established an interagency coordination protocol with the Bureau of Land Management to evaluate the potential consequences to wildlife and habitat resulting from proposed oil and gas leasing activities, and requests for exceptions to seasonal restrictions in specially designated areas. The relative effectiveness of coordination efforts to date was presented. Findings from specific Department reviews were also reported. The State Game Commission Oil and Gas Subcommittee offered perspectives to the full Commission.

**Discussion item only.**

**AGENDA ITEM NO. 15: Current Status of the Open Gate Hunting and Fishing Access Program.**

**Presented by Aaron Roberts** – The Department presented to the Commission the current status of the Open Gate Hunting and Fishing Access Program. This report included the total number of enrolled properties, the number of properties currently under negotiation, and the access opportunities each represent. The Department also summarized funds expended to date for obtaining access for hunting, fishing, and wildlife enjoyment activities. Further direction was sought from the Commission.

**Discussion item only.**

**AGENDA ITEM NO. 16: Briefing on Status of Bighorn Sheep Restoration in the Dry Cimarron River Drainage of NE New Mexico.**

**Presented by Darrel Weybright** – In August 2007, 35 Rocky Mountain bighorn sheep were released in the Dry Cimarron River Drainage. To date, approximately 33 remain alive and in the vicinity of the release site. An augmentation is proposed in August 2008 from the Wheeler Peak Wilderness. These bighorn are monitored weekly from the ground and monthly from the Department aircraft. We've been working with the State Land Office to improve the habitat there. We've been on the ground several times looking at projects to thin the denser piñon/juniper habitat. Those open habitats are important for bighorn sheep. They need to be able to see those predators. Ensuring we have good habitat is 1 of the more important things we do.

**Commissioner Sims:** Follow up on the habitat improvement for the cedar, the state is pretty well involved as well as the private landowners. It's successful and the community is excited about it and the media will do a big article. The Highway Commission has contacted us and actually where the sheep have moved off into an area that's a cross

between state/private land and the Department of Transportation has worked with us and we've donated land for a pull-off parking/viewing area and should be a nice thing for tourists.

**Chairman Arvas:** Darrel do you have a time certain for that augmentation?

**Darrel Weybright:** Yes, it's mid-August—the 13<sup>th</sup> or 17<sup>th</sup>.

**Commissioner Salmon:** Do you anticipate that this herd will be part of the mountain lion control program that you had to use occasionally with some of the other herds?

**Darrel Weybright:** Yes, it already is. We have a contractor that we pay to look for mountain lions, but also on the mortalities. One of those ewes was a lion kill and he has removed 2 lions and then 1 lion was removed by sport harvest to date.

**Commissioner Simpson:** One thing I suggest is we're going to have an opportunity for GAIN, but it would be nice if you would show an aerial view of where this is but also some scenic pictures that would give everyone what is involved, what kind of habitat, what we're dealing with, so next time if you could.

**Darrel Weybright:** It's in that very northeast corner. It's this side of Oklahoma/Colorado.

**Commissioner Simpson:** With a map—where's Dry Cimarron and some pictures?

Discussion item only.

#### **AGENDA ITEM NO. 17: General Public Comments (Comments Limited to 3 Minutes).**

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

**Leroy Kaufman:** I notice we've changed the private landowner bow tag that we have to get permission from the landowner, then go fill out a form, then send it in to Santa Fe and come right into the public draw. Why even get the landowner's permission if you are going to go through all that to fight against the regular Commission to get a tag when the general draw? I go to the rancher, he gives me permission to hunt on his property, I buy the tag, I go hunt on his property, now I'm thrown into the general draw. Why?

**Luke Shelby:** This is in relation to deer hunting on private land?

**Leroy Kaufman:** Yes.

**Luke Shelby:** You're saying that you have to go into the draw for deer hunting on private land?

**Leroy Kaufman:** That's what it says in the Proclamation.

**Brian Gleadle:** When private land hunting for deer went into the new system, it was basically over the counter and all the public hunting went to draw. In Units 4 and 5-A, that went a different direction in that landowners were being inundated by folks purchasing licenses without having permission and then coming out and hunting where they didn't have any place to hunt, so they would end up on private land. What happened in Unit 2 is the first year we went to the new system, the private land hunting was still over the counter, folks could go to any licensed vendor and then go hunt that private land with written permission from the landowner. What happened in Unit 2 is the first year we ran into a huge number of issues with people getting permission from landowners, going to hunt on that property, you'd have 8-9 hunters showing up on that property, the neighbors adjoining that property felt that there were public safety issues and they took those to the San Juan County Commission. The County Commission was very concerned about how that was playing out from a public safety issue, and so when we talked about hunting options we had in Unit 4 and 5-A, they liked having that ability to say that we're going to remove out of the over-the-counter session, still have the landowners have that ability to identify which hunters were going to hunt on their property, and so therefore, they would receive the application directly from the landowner. We've tried to set the permit numbers high enough to meet demand so that as long as the hunters are getting those applications, most of those hunters are drawing a license, so it doesn't go into the big general draw pool where you're competing against every public hunter, but you are having to go through a process to limit the number of people that were raising concerns and public safety issues for the San Juan County Commission.

**Kevin Herbst:** I'm from Los Lunas, and I represent the newly formed Alliance of Like Minded Waterfowl Hunters. The group is concerned over potential regulatory changes that might adversely affect not only the quality but the general availability of hunting opportunities in NM. We look forward to working with the Department/Commission on each of these proposals as considered. Our focus will be community involvement/hunter education, including ethics/habitat preservation and restoration/youth programs having a direct impact on NM waterfowlers. The waterfowlers are concerned that maybe that the information/statistics are 10-15 years old when there was an issue. With rising costs to limited big game opportunities it's not surprising to many of us that there's been a surge in waterfowl hunting on our rivers/lakes/WMA's. We ask the Department/Commission to look for ways to increase hunting opportunities prior to implementing regulatory limitations. Please don't let the voice of a few affect the opportunities of many. As mentioned earlier, there's been a surge and the surge of first-generation waterfowlers has come from such channels as internet/outdoor t.v. programs/promotional videos. This is hardly the place that we want our fledgling waterfowlers to get their history. Because each of these venues is filled with trying to fill a 30-minute t.v. spot, sell the product, so the



onus is on us to educate the new waterfowling community. Recently I was told that the distribution of existing waterfowl ID pamphlets was not the responsibility of the NM Department of Game and Fish. I was shocked and I ask that we include the waterfowl ID pamphlets that are existing with the current waterfowl proclamation. I welcome the opportunity to work with all entities having a can-do attitude, the collaborative effort of all is the only way that we can manage all the expectations. The Alliance of Like Minded Waterfowlers is enthusiastic/educated/ready to build a strong lasting relationship.

**Sean Gallogly:** I live in Valencia County/Bosque Farms. The restrictions on waterfowling within the Rio Grande Valley will greatly affect many people. Safety is a great idea, but the voices of maybe 2-10 people when you look at Albuquerque/Los Lunas, that's 1 of the greatest populations in the state. We're talking about closing/restricting that area. By restricting that the numbers are going to drop even more. Eventually, if we keep closing down all these privileges, we won't have anything and where does it stop. We love wildlife, we love the sport. I don't think we should keep giving and get nothing in return.

**Oni Miller:** I'm from Valencia County. There's been word that possible closures or safety zones are going to directly affect us the upcoming seasons. There was a mention earlier, about a home that is off the river that has been receiving reports from the sheriff's department saying they're getting showered with pellets. This home is in Los Chavez which is approximately 175 yards from this island. In the regulation it states very clearly 150 yards from any occupied residence. Are we going to bend over backwards and make 1 person happy and what does it do for the sportsmen? Safety is of primary concern but our love for the sport is also there. On the Dark goose issue, we'd like to get some current information on bird counts and personal opinion—Dark goose in the Middle Rio Grande Valley, there are more goose there than anywhere else in the state. Whether it's because of the Middle Rio Grande Valley I don't believe that because of the closures and limitations. Like anything else, it's our responsibility to abide by the laws and the limits you give us.

**Sheldon Smith:** My wife and I are lifelong trappers. I'm Vice President of the Four Corners Fur Council and our goals are to teach young trappers how to trap. We've got 3 schools coming up this summer as well as we've got 3 scholarships to give. How will the suit between USFS/US Dept of Interior affect trapping to make us take the lynx that have come into the state and protect them? Everytime we have something protected it seems we lose some of our rights. We've lost our coyotes. Deer are doing great. How will the lynx affect the state?

**Chairman Arvas:** Director Thompson will answer your question at some point.

**Larry Johnson:** I'm the owner of Soaring Eagle Lodge on the San Juan River. We saw Dale Hall's presentation on habitat improvements around the state and the wonderful job they did on the fish improvements on the San Juan River. When I look at that funding and if NM is similar to national, they're probably selling close to 9-2 fishing to hunting licenses and when we see the amount of work being done around the state to the credit of our Department it's predominantly done on the hunting issues. I'd like to recommend that as I travel around the world, my favorite place to fish is NM, but a lot of these special waters do have a special stamp where you'll actually pay for a habitat improvement for that specific area and those monies are earmarked and go directly into that river/stream/lake or whatever they're going to improve. I'd like to give the Commission a little food for thought and see the San Juan River Basin continue to improve not only in it's habitat and river, but bringing people to our part of the state to help the economy in San Juan County.

**Tillie Gutierrez:** I'm from Farmington and I'm representing my Mom, Eloisa Gutierrez who lives in La Jara, NM, which is in Unit 6. The number of elk there are escalating and there are problems with some of the ranchers and the elk are eating their crops and their alfalfa, but what I want you to know is that those elk are there from March through this morning. The last few years we haven't received any landowner permits at all. This year we got 1 for antlerless elk in Unit 9 for November on muzzle loader and bow. Now that's not going to help us in La Jara where the elk are and I don't want this problem to escalate to what's happening with the antelope in the northeastern part of the state. I want the Commission to address that and give us more landowner permits instead of the outfitters/out-of-state hunters that are coming in and taking over. I've been told by an outfitter that since we have a small contributing ranch of 200 acres, that we'll never get any more landowner permits because we're not big enough. I think the little guy deserves landowner permits, but the outfitters are taking over and outside hunters are coming in and I understand it's a big revenue issue for the state, but you have to consider the lifetime residents.

**Chairman Arvas:** The man you probably need to talk to is Brian Gleadle as he's the Area Supervisor for that area.

**Art Martinez:** We brought up a problem 2 years ago in Game Management Unit 6-A and 6-C. We had major concerns with structure of the unit. In 2006 we asked to realign 6-A, 6-C from east to west instead north to south, or re-establish Unit 6 back to Unit 6. The problem with 6-C is that it's a small area to hunt. A majority of 6-C has 770,000 acres, but the majority of it is Los Alamos Lab area/Bandelier/Santa Ana Pueblo Indians, so we don't have much hunting area so as soon as you put a little pressure on that elk herd, they migrate into Unit 6-A or Valles Caldera. In 2006, we submitted letters/petitions with concerns about this unit. This year we're submitting numerous

letters/petitions/facts/figures. We've been patient since 1998 and the NM Department of Game and Fish politically motivated began killing as many elk as possible in Unit 6-C. This hasn't worked. It'll never work the way the unit is now. The solution is to re-align the unit or make it the way it was. Don't let political pressure influence decisions on managing our elk herds. We don't need to kill our elk herds off. Another problem I see is abuse of landowner permits. As the lady was saying, she has 200 acres which is probably all alfalfa and she doesn't get any landowner tags or very few. Landowners in Unit 6-C that have political clout exterminated all the elk on their land and forest land, but they still receive 56 landowner tags for 3,600 acres. I think that's a problem that needs to be addressed. Landowners in this area are not big landowners. A lot of them are less than 200 acres, don't have alfalfa, but they are not compensated for damages from elk, and as this lady said, you see 20-100 elk eating on her alfalfa which they use to feed their cattle during the winter. They can't survive. I suggest that the Department check actual damage to all these landowners and compensate them, not just because you have 200 acres of trees/dirt/rock you're given 2 bull tags and someone that has 200 acres of alfalfa is given 1 cow tag. This is not right.

**Chairman Arvas:** You've picked the right year. This is the year we set the 2-year season dates and the same man Tillie is going to talk to is the same man you need to talk to.

**Carlos Chavez:** If you look at numbers of the tags, you'll see it's totally biased or just not fair. A lot of landowners have 10-15 acres of alfalfa and they obviously deserve at least 1 bull tag. When Unit 6 was Unit 6-1, the tags were valuable. You'd read in a magazine that Unit 6 is a viable elk unit in NM. Now you might read about Unit 6-A, but you can't get tags for 6-A. With Unit 6 you've implemented certain strategies, we suggest you implement the same strategies in Unit 6-C. It's something that needs to be looked at. We've been looking at it since '98 and the numbers of the elk in the Valles—we bought the Valles Caldera—99,000 acres, the elk have gone down since we bought it, so there are a lot of issues but we wanted to bring it up to the Commissioners because we're going to be sending you a lot of stuff about this. It's a good unit we think we can save if we all get in on it.

**Steve Velasquez:** I represent myself and my father in law, Cosme Chacon. We have approximately 80 acres of alfalfa we use for our cattle/horse operation. We have heavy elk use on our land. We only get 1 permit and a lot of the time it is a permit to Unit 9 which I feel is a bogus permit. It's not worth the paper it's written on. It takes daily mending of fences, we have 20-30 head of elk in there. I understand the Department wants to make 6-A a quality trophy area which is fine, we just don't agree with the landowner permit issue. I think everyone deserves a fair share. I'm for boundary changes and against unlimited licenses in Unit 6-C.

**Caren Cowan:** I'm speaking on behalf of NM Cattle Growers/Wool Growers/Federal Lands Council. First, I want to formally state that these 3 organizations would like to be part of whatever stakeholder task force is set up on the depredation rules and regulations. We feel we need to be involved. Nobody can defend what happened to the antelope in Colfax County, but on the other hand 1-2 egregious incidents shouldn't result in landowners across the board being penalized. This country is based on free enterprise and private property rights and if we can't protect those private property rights, you're not going to be able to protect wildlife. Most of the wildlife lives off water owned by private landowners and the habitat improvements that we do. They benefit from virtually everything we do on the land so we need to pay attention to that. I want to commend the Department on the plan that was in the Albuquerque Journal today in Roswell. That's a measured approach and it approaches the situation and takes care of it. Obviously with the targeted goals mentioned in the newspaper we should have done this a long time ago and that's why we're working on a big number now and that's happened throughout the state. We've got some serious problems we need to address in terms of elk. We've got landowners in the Gila that are getting permits for units far away from wherever they are and I know the private landowner system has opened up and we want to be part of that because the system is broken at this point according to the landowners that are members. Finally, we talked about the Open Gate Program. If we want to have an Open Gate Program that's successful and we want to work with landowners, we've got to approach this in a different manner. We're the people that provide the habitat and we do want to work together, and programs like Open Gate can work, but not under the scenarios we've seen discussed recently before this Commission.

**Kent Salazar:** President of NM Wildlife Federation. I'm here because of headlines in the newspaper in Roswell, that we're going to reduce the antelope population in Roswell by 1,000 animals, but I find out that wasn't true after speaking with Department personnel. We need more open communication, more people need to know about what's going on not only in that immediate area, but throughout the state. I was pleased to find out that there is a very comprehensive plan going on and I didn't know about that. I think that we should have known about that. We'd like to see things like population transfers/open gate programs/increased opportunities for hunters, and youth hunters, and handicapped hunters in these types of situations. I'd like to see that we no longer incentivize depredation complaints. I think it creates problems. The sportsmen would also like to be part of the task force that's working on this issue. I'd like to hear from the Director if possible about the situation to clarify some of these issues that I think I misunderstood when I read the newspaper.

**Director Thompson:** Caren Cowan and Kent Salazar made a good point. The article in the Albuquerque Journal this morning authored by Jeff Jones, and as is typical has done a good job. Unfortunately, the article is only about a piece of the larger purpose and process and this has been something that has emerged over a number of months in the Roswell area. Very briefly, it covers about 250 sections of area, 90%-92% primarily private land, and the Department is attempting to take a more creative approach in dealing with a variety of conflicts and public interest. That approach includes in part reducing and managing the population of antelope and to some degree deer in the area, but it also stresses doing that through a variety of tools, not just hunting but also the use of things like capture and relocation, the prospect of using various kinds of at least temporary barriers to re-direct animals away from conflict areas. Ultimately we will develop a cooperative partnership between the Department of Game and Fish/local landowners/agricultural producers/sportsmen that are interested in hunting pronghorn and mule deer and that approach would establish a flexible system to use a combination of private/public/youth hunters to accomplish a reasonable and appropriate reduction in the number of pronghorn/mule deer. That's the harvest management side. Using a set of existing policies/practices/regulations over a 2-year period, with appropriate periodic cross-checking to determine to what degree a pre-established objective has been met. The need for this has come about because that particular area over a period of years has changed from being more rural to now being somewhat rural but also having ex-urban residential development, a lot more roads, a change in agriculture that now involves more irrigated agriculture. I think what we're going to be striving for hearing the comments today is to ensure that people are ultimately more informed via the Department releases of information, working with the media and many of you to ensure there is a full recognition of what this approach is. As I say, that is being creative working with a variety of people to ultimately achieve a population management objective that's consistent with that particular relatively small area of the state and fully embracing sportsmen interests, agriculture and landowner interests, and others. So I invite everyone to stay tuned, we obviously have some additional perspectives to build an awareness among the entire public. We thank Kent for asking this question on behalf of the NM Wildlife Federation. I'd simply point out that I was quite pleased to hear that Caren Cowan from the perspective of Cattle Growers/Wool Growers/Public Land Council saw merit in what it is we're doing, so I think we're on the right track. We probably need to interact a little more effectively.

**Chairman Arvas:** I can assure you you're going to be hearing more and more about what you read about in the morning paper and this is of keen interest not only to the Department, but obviously to the Commission.

**Robert Espinoza:** I'm the Executive Director of the Sportsmen for Fish and Wildlife in NM. I commend the Department/Director/Commission on the approach about being more open. That's probably 1 of the biggest things I hear is about having to read things in the paper so the general public/sportsmen read negativity into that which casts a bad light on all of us. We'd like to be part of that Depredation Committee as well.

**Mrs. Ross Garcia:** We have a ranch 5 miles north of Cuba. The allocation of elk permits reduced on our ranch which is a cattle/alfalfa ranch, from 16 in 1998, to 1 in 2008 and we have herds of up to 100 elk and not only since March, but since December. The elk are all around the ranches. We'd like some type of compensation not only to replace the alfalfa we're losing for our cows, but also for the damage they create to our fences/fields/water sources. Last year we had quite a few out-of-state elk hunters that of course were happy, they had beautiful trophy elk that they took home and we got 1 elk permit. I'd like to see that changed with some type of compensation.

**Ross Garcia:** I took Department personnel to show them our place. When he got there he looked at it and said you do get a lot of elk. Look at all the droppings in the alfalfa fields. I asked him what about my fences, they're all torn out. He said yeah, but what you've got to do is plant on the outside of the alfalfa field so the elk will stay out there. I said I don't get it and he said yeah, you've got to get rid of some of the stuff outside then they won't jump the fence. I asked him for more permits but he said I can't do anything about it because you're a small claim. I said can you give me the definition of which 1 is big which 1 is small. I've got 650 acres, my neighbor has 30 acres, he gets 1 permit and he's got rocks/trees and I've got alfalfa and I get only 1 permit. I don't think it's fair.

**Gene Attardi:** I'm owner of Maximum Muzzleloading Products in Farmington. This is to address the youth hunting opportunities in the state. What I've provided you with is 2007-2008, and 2008-2009 statistics and how many tags were available for youth and how many youth applied. Of course, the 2008-2009 application statistics weren't available but on the front page you'll see there were 1,701 total tags for youth only if you minus 22% maximum non-resident cap on that, that leaves 1,326 for the kids that live in the state. On the second page you'll see 2007-2008 there were 1,461 and you'll see the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> choice applicants there were 10,800. What I'd like everyone to think about is the number of kids hunting nationwide is falling, and the number of hunters that have the most money are the baby boomers and then the younger generation gets older, we don't have enough kids to replace the people that are leaving. Unlike in the east we don't have 5 months of deer hunting where you can shoot 13 deer a year so the kids are limited on what they can hunt. I'd like to see more youth hunting opportunities. Without the kids there are no more hunters. Without the youth coming up and more kids being introduced there are no more hunters, and if there are no kids there's no Department because everyone that's on the Commission in the next 20 years will probably be retired and there will be

youth coming up behind you and if we don't have them, then we all just disappear. I've got some information from Jennifer Morgan with the Hunter Education Program that we had a total of 10,660 kids under 18 in the last 3½ years alone go through the program so we just added almost 11,000 kids to our hunting population, yet the opportunities are becoming less. My proposal is to open deer hunting back up over the counter for youth only. I know this is going to affect some success rates, however, they're not guaranteed success rates but they are guaranteed that youth will be in the field. The second is this can also work hand in hand and solve a problem would be to generate a lot of the depredation complaints and funnel those into a youth program. I know we have antelope/elk complaints and everyone is complaining about everything. There are a lot of hunting opportunities that could be taken away from some of the adult hunters and focus back in on the youth hunters to give them a chance to be in the field. Theoretically, a kid can take hunter safety at 10 years old and never draw a tag in this state, ever. He can get to be 19 and never have drawn a tag the way our system is set up, so the kids take the class, the next thing you know he's out of high school and unless his parents can afford to take him to Colorado/Texas, he could theoretically never draw. There are some turkey units in most of the states that are over the counter, so if they so choose they can turkey/small game hunt, but no big game guarantees that they'll be able to have that opportunity. I think we're forgetting who is coming up behind us. If we don't have youth we don't have anything and a 10%-15% success rate for these kids to be out in the field I think is horrible.

**Chairman Arvas:** I'd like to comment at this is time to the general public that this is the time of year that you need to get involved. This is the time of year when we're having our big game setting meetings. You need to go to those meetings and get your input to the Game Commission. As far as youth, I'm very much interested in youth myself and I can tell you that what you're saying is true. Youth is the future of hunting. This Commission in the last couple of years has tried to increase the number of youth hunting opportunities. It's 1 of those things where you have to try to do the best you can with what we've got.

**AGENDA ITEM NO. 18: Overview of the Private Land Deer Conservation Incentive Program and Future Plans.**

**Presented by Barry Hale** – The Department presented a description and brief history of the Private Land Deer Conservation Incentive Program. This presentation included some of the on-the-ground progress to date as well as changes that have been implemented to improve the overall program and encourage additional participation by qualified landowners. The Department sought guidance from the Commission on how to proceed in expanding the program.

**R.J. Kirkpatrick:** There are probably 4-5 things we can do to enhance the program and enhance the interest in it with the ultimate goal of making more deer habitat. Our field personnel can be more pro-active in identifying properties that haven't come to us but personnel in the field know there are properties out there doing good things for wildlife, so we could be more pro-active in approaching those properties. The Department is becoming more engaged in NRCS programs and the dollars do matter so as we become more effective working with NRCS and private landowners, funding opportunities and influencing what those projects/activities are through NRCS, this program can become more bountiful that way. There has been discussion and it's actually in our strategic plan about setting up an annual deer habitat/management workshop where the Department basically puts a place together and we invite participating landowners or anyone that's interested in deer management once a year to a roundtable discussion about who's figuring out how to do what, what's working, maybe the Department provides him with new cutting-edge stuff, seed source information, implement information, etc. The Department could also be more pro-active in presenting. We've had discussions with Farm Bureau/Cattle Growers venues/annual conventions, a variety of places it'd behoove us to probably set up a booth/presentation where more people are hearing it. The Wildlife Management Division is close to completing a deer habitat management pocketbook. It basically takes some of the more complex and scientific language and gives information.

**Commissioner Simpson:** Seems there are a lot of subjective measures. How much of this is quantified v. subjective?

**Barry Hale:** Most of this is subjective. Trying to come up with a universal standard on how much habitat needs to be treated to make this work is difficult, so yes we have left a lot of subjectivity into it, but we're all biologists/scientists so we feel we have at least the background to make some judgments.

**Commissioner Simpson:** When there's a chain of command disagreement between field staff, what kind of override or right do you have to say this landowner deserves it? Is there a resolution system set up? Who signs off on this program?

**Barry Hale:** There's not a formal system in place. Outside of a few occasions we've not had that disagreement. What we've tried to do is look at what the differences are and tried to blend those and if we need to, obviously the Director has some authority to direct us on what to do given certain circumstances. There's no formal appeal process established at this point.

**Commissioner Simpson:** How much monitoring, is there any monitoring/studies on your end or their end that is a requirement in order to do this?

**Barry Hale:** As far as the number of deer, we rely upon them. We don't survey private land which is where this program lives, but we do go out on an annual basis. In the agreement that they sign with us, they agree to a certain amount of habitat work—100 acres of this/burning 2,000 acres/ planting this many acres—that does get evaluated annually. That's where a lot of that data came from.

**Commissioner Salmon:** You mentioned coyote control. Is that control being done by the Department and secondly, a man earlier mentioned a mange epidemic affecting the coyote population, is that local or is that affecting coyotes statewide?

**Barry Hale:** Regarding the second question first, I don't know as far as the mange and it's effect personally. I've heard of that, but as to what it's doing to the coyote population I can't speak firsthand. With regard to your first question on predator control, that's done entirely by the landowner.

**Chairman Arvas:** I'm concerned about the decreasing number of ranches in terms of involvement, I think you need to be as flexible and creative as possible to make this program expand. I think this Commission is supportive.

**MOTION: Commissioner McClintic** moved to prioritize and expand the Deer Incentive Program. **Commissioner Sims** seconded the motion.

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

**Chairman Arvas:** Next year I'd like to see more ranches in terms of levels of involvement and I'd like to see more geographical distribution of ranches in all the areas instead of 2-3 of the areas.

**Barry Hale:** I have a graph of the current distribution but I didn't want to overburden you.

**Commissioner McClintic:** I'd also like to see who contacts you and who we contact, and if we have insight to the program, if you're saying we need to contact 3-4 ranchers a month and try and have a meeting with them and see if we can talk them into the program, or are you sitting in the office waiting for ranchers to contact you and saying I'd like more hunting opportunity, I realize I have to increase my habitat?

**Barry Hale:** By and large as far as the pro-activity that you're discussing, on some of the ranchers we know we've approached or that work with us, they have either self-identified with the ability to bring other names in or if we feel they have the ability to set something up to where we can work with them, we'll be more than happy. If we do some of these other forms that R.J. indicated, I think contacts can be set up. Last year we did have 2 meetings. We had 1 in T or C where we had about 25 people, some of those leads are being pursued. About 1 year ago I gave a presentation at a mule deer management seminar in Ruidoso where there were close to 200 and those were primarily landowners along the eastern side. Unfortunately, at least contacting me from that, I didn't receive any calls. Whether they went to the areas specifically, I'm not sure of that.

**Chairman Arvas:** I'd also like to recommend that you try to integrate/coordinate your activities with the Open Gate access program. I think you can feed on each other in that respect and hopefully you'll do what Aaron said he does, is get your conservation officers in the field to come back with leads so that you can follow up.

**AGENDA ITEM NO. 19: Draft Recovery Plan for 2 Riparian Rodents listed as Endangered under the Wildlife Conservation Act (§17-2-40.1 NMSA, 1978).**

**Deputy Director Jenks:** If you will recall at the last Commission meeting, the Commission voted to table this matter. Due to unresolved legal and procedural questions regarding this recovery plan, Department staff recommend that you not remove this item from the table.

**Chairman Arvas:** We'll do as you ask.

**AGENDA ITEM NO. 20: Status of Aquatic Nuisance Species Management Planning in New Mexico.**

**Presented by Brian Lang** – Department staff briefed the Game Commission about ongoing efforts to facilitate management planning and action coordination statewide to diminish prospects of non-native aquatic species being introduced into New Mexico. This work in part involves the "Stop Aquatic Hitchhikers" program. Further Commission direction was sought to address this significant resource threat.

**Commissioner Salmon:** With either of those 2 mussels, do they have any natural predators or does anything feed on them?

**Brian Lang:** Yes, in their native waters they're primarily fed upon by water birds, diving ducks, and there are fish that will eat mussels, but it's not an active feeding mechanism.

**MOTION: Commissioner Buffett** moved to support the Department's Aquatic Invasive Species planning process.

**Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 21: Review and Revision of the Department Strategic Plan.**

**Presented by Bill Graves** – The Department has initiated the annual review and revision of its 5-year strategic plan as a component of the FY 2010 Operating Budget request process which must be completed by September 1, 2008. As it has been 5 years since a major revision was prepared, this year's update represents a more substantive effort. The Department presented an overview of the process and timeline for completing this task.

**Chairman Arvas:** Bill, is there anything you need from the Commission?

**Bill Graves:** Not at this time. This is information so that you will understand the process. We'll be sharing the draft plan with you in late June. We want to complete that in late June so you'll probably hear from us in mid-June and we'd appreciate any comments any of you may have on the plan.

**Discussion item only.**

**AGENDA ITEM NO. 22: Preliminary Budget Planning Discussion.**

**Presented by Patrick Block** – In preparation for development of the Department's Fiscal Year 2010 Budget request, the Department provided a synopsis of the Fiscal Year 2009 Operating Budget and appropriations for Capital Improvement Projects. The discussion included information relative to revenue projections, fund balances and potential program expansions. The Department also sought Commission guidance on budget priorities, areas of emphasis, and any desired changes in the budget request that the Department will present to the Commission in August.

**Chairman Arvas:** Sometime between July/August meetings, if you can give us a simple analysis of what we did in 2007 in relationship to what we're doing differently in 2008 so that we can see if we're going to be spending more money, where we're going to be spending more, and obviously from that point on the Commission will be able to decide if that budget is as good as it should be for what the Commission deems important.

**MOTION: Commissioner Sims** moved to direct the Department to continue development of Fiscal Year 2010 budget request and provide the Commission with an update at the next meeting and a final recommendation for the August meeting. **Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 23: Legislative Initiatives Discussion for 2009 Session.**

**Presented by Pat Block and Luke Shelby** – This item was an opportunity for the Commission, Department, and public to provide input on items to be addressed during the 2009 Legislative Session. The Commission provided direction to the Department regarding potential legislative initiatives to develop and pursue through the appropriate executive agency process for the 2009 Legislative Session. As opposed to an even numbered year, 2009 an odd year is a 60-day long session. During a short session subjects are limited to finances on the Governor's Call and previously vetoed legislation, in a long session anything goes.

**Luke Shelby:** Some things presented at the next legislative session, as in 2008, we'll be presenting our Operating Budget, any capital project requests that the Commission approves, and any real property transactions. To refresh your memories, last year we had 1 expansion position that we were approved to go forward with, but also included a \$400,000 and Special General Fund appropriation for the warm water hatchery, and we also got re-authorizations to General Fund appropriations. That was particular to the Pecos Canyon, they appropriated about \$300,000 for a planning effort, didn't need quite that much money and we convinced them to leave that money for us to use for other things in the Pecos Canyon.

**Pat Block:** One of the things we talked about in the budget presentation was capital outlay to help stimulate thoughts for next year's request. We had 9 capital projects requesting almost \$13M, received \$200,000. We received \$100,000 from the General Fund for a dam safety assessment of the McGaffey Lake and the same amount for a similar task at Laguna del Campo near the hatchery in Rio Arriba County. Some of the things we requested capital funding for and did not get were warm water hatchery, replacement of the aircraft, actual repairs on Commission-owned dams, and any other projects, some areas we've identified as potential topics for the 2009 session and for the upcoming interim.

**Luke Shelby:** They include modification of depredation provisions. A couple of sessions ago we had success with our non-game fish regulatory authority giving the Department/Commission a limited amount of authority regarding the take of non-game fish and impacts on game fish populations. We had some success on getting through penalty assessment violations but in the end died, so we'd like to re-visit that. A discussion we need to have with the Commission is about our funding priorities, whether we go forward with capital requests based on our track record the last few years, not having been successful with our capital requests, and also some increase authority regarding the bond fund.

**Pat Block:** I mention the interim because we will try to be more involved with the interim committee process. We have spoken to the deliberations of some interim committees, namely Water and Natural Resources Interim Committee,

which is comprised of House members from the Agriculture/Water Resources Committee and Senate members from the Conservation Committee. They begin meetings in June so I'm going to try and meet with Rep. Nunez who is chairing the interim committee. I can at least tell him what we've talked about, what we hear from the Commission, and figure out if there are any opportunities to make progress on some of these issues so we don't start from scratch.

**Chairman Arvas:** We need to appoint a Legislative subcommittee, then identify some of the legislative initiatives that they recommend for consideration. From that point on you see where we're at and take the next step.

**MOTION: Commissioner Simpson** moved to direct the Department to initiate development and assure appropriate review by the Commission's legislative subcommittee, and provide for further Commission deliberation at subsequent meetings. **Commissioner Salmon** seconded the motion.

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

**Tanya Maestas:** The motion can be directed for the Department to continue development of the legislative items as presented before them.

**Commissioner Simpson:** That means expand the budget—legislative stuff that we're going to work on. We've identified at prior meetings with Director Thompson—oil and gas/depredation.

**Pat Block:** Perhaps those were the following items.

**Chairman Arvas:** That's right. Well, let's not tie our hands.

**Commissioner Simpson:** I know but I'm just throwing it out so they know what to expect.

**Commissioner Salmon:** That's not part of the motion.

**Commissioner Simpson:** I know but that's just on top.

**Chairman Arvas:** No, let's go ahead and put a period after "subsequent meetings". That'll leave an opening for other legislative initiatives.

**Commissioner Salmon:** I'll second that.

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

#### **AGENDA ITEM NO. 24: Proposal for Developing Increased Shooting Opportunities.**

**Presented by Martin Frentzel** – The Department provided the Commission with a proposal to initiate a Department-administered program to encourage youth participation in shooting activities and hunting. Initial implementation may be possible in FY 2009 with further development incorporated in the FY 2010 budget planning process.

**Commissioner Sims:** Have we looked into having other people help us with this endeavor? Like the traps and stuff. Maybe in the northeast area we could go through the Whittington Center, in Albuquerque through the Trap Club, maybe purchasing this equipment?

**Marty Frentzel:** We can do that. It's a matter of how versatile you want to be. Some of the facilities like in Roswell where there is no public shooting range, so we would be dependent on the facility there, but if we do want to have traps we'd want to make sure we'd have traps anywhere. We would buy the equipment. I'll keep you posted on the development of the program if that's what you want.

**Chairman Arvas:** What I thought we were going to do is explore surrounding states. There are other states in the surrounding area that have programs. Arizona is probably the best 1 around at this point. Texas has a program. FY'09 when would that be?

**Marty Frentzel:** That'll start on July 1.

**Chairman Arvas:** So what you're saying is that you're going to have something in place to begin by July in terms of a program, and you've had enough of a review of the surrounding areas to make up your mind what kind of program you want?

**Marty Frentzel:** Yes. Ultimately it would be nice to develop a more expanded shooting program, but if our goal is to develop licensed buyers, watch someone progress from a shooter into a license buyer, the camp would be the most expedient route that we've seen so far.

**Chairman Arvas:** As Commissioner Sims stated, there are private/public clubs geographically distributed throughout the state. I think they just opened up a new 1 in Artesia. There's 1 in Albuquerque/T or C/Silver City. I might be in agreement initially. What kind of funding were you thinking about?

**Pat Block:** Right off the bat, none. What we talked about at the Santa Rosa meeting was in the direction that you're speaking of now and developing something that would be incorporated into the next budget request. What we received as guidance from the motion was to come back at the next meeting with a program that could be implemented within the next fiscal year. What Marty has done is tried to take an initial step. The camp concept is largely based on what we learned they've done in peer agencies, and we figured this is a way we can get going with something while we build the more fully realized program into the budget request. Anything we do will rely heavily on local clubs/volunteer instructors, and that's a key piece.

**Commissioner Sims:** If we look at the motion, and we're open to pursue those within our motion. In the motion it does allow for those things.

**Marty Frentzel:** To develop those shooting programs like the scholastic clay program, you're going to have a core group of coaches who have self-identified and are qualified to coach shotgunning and that's going to take us some time.

**Chairman Arvas:** NRA has over 50,000 shotgun instructors.

**Commissioner Sims:** In Hobbs trap shooting is involved with 4H and 2 other youth groups that are in place to do that. 4H is big into this and they're statewide in most communities. Like I said, the motion interacts with that philosophy.

**Chairman Arvas:** The only thing I see lacking at this point is that it's nice to have the thoughts of where and how you're going to do it, but before you can do either of those 2, you've got to have the people to do it. The promotional aspect here is important and how you approach that in terms of advertising, what we have to offer, and what we'd like to see develop is important. You feel you can do this between now and July?

**Pat Block:** The fiscal year starts a month from Saturday, but what we're talking about is something that would happen within that fiscal year, so sometime between July and June.

**Chairman Arvas:** So why don't you give me a gut feeling as to when you'll be prepared to present the program in terms of an announcement? When are we going to be ready to go to the public?

**Marty Frentzel:** If this small game type of camp is what you want us to do in the coming fiscal year, probably August would be the earliest we could pull this together.

**Chairman Arvas:** In your estimation, this camp is the simplest/easiest/fastest way to get started?

**Marty Frentzel:** I think it is. I think we have existing hunter education instructors that would help us do the rifle positions and the shotgunning and we could grow it from there, but we're at zero now. Pat and I went to Arizona in April and they've been running shooting ranges for 58 years and yes, we are a little behind them. Their staff really dwarfs ours but if the goal is for us to get something on the ground as quickly as possible and build on it, this is the route we thought would work.

**Chairman Arvas:** The only thing I will ask is that sometime between now and August, you come back with something like a brochure that you're going to present to the public because that's how it's going to get going. In the latter stages, if we decide to adopt the Scholastic Trap Program, that will come at its own time, but we have to get started. That's basically what the intent is. I'd be happy with just a start. If you find in your deliberations that the camp isn't exactly what you want, I think the Commission is flexible enough in its desire to do what you think will work.

**Marty Frentzel:** That's what we are trying to find—an expedient way to get a shooting program started.

**Commissioner Buffett:** I was excited and I was thinking, can I enroll in that camp? I was a camp counselor, and it's a lot of work to run a camp. It's very impressive that this has gotten pulled together already, but maybe it's just a day camp.

**Marty Frentzel:** This was supposed to be a weekend camp which is no more than we do now in Hunter Ed, only with the shooting element involved. Then as we expand this, we think this is doable. It would be a summer program that would involve shooting. That is what I thought and if you want us to develop promotional materials, make sure we're all on the same page, we can do that and get back to you in August.

**Commissioner Buffett:** I wouldn't want to see us biting off too much, too early.

**Chairman Arvas:** That's what I'm concerned about too. I don't want this to fail because we run out of money or anything along those lines. Do you have any feelings for the budget proposal for this?

**Marty Frentzel:** We have some money set aside now.

**Chairman Arvas:** How much do we have?

**Marty Frentzel:** We have about \$30,000. That was supposed to go into Archery in the Schools, but there's some discussion now about using some of the capital money that was appropriated for archery ranges to supply that need and that would free up \$30,000 in the coming fiscal year.

**Chairman Arvas:** Well that's more than enough to get this thing off the ground in my estimation.

**Director Thompson:** It may seem like there's some struggling and that's appropriate because Department staff came prepared today to respond to what the motion was which was to propose an approach. That approach is not fully lined out and I'm uncomfortable that a specific set of dollars is being described because this item was intended to identify if this met the Commission's interest. I think we need time to develop what would be done and how. If that meets your pleasure, we can build in the interest in the outreach types of materials and so on, but I'd hope with your indulgence we'd be careful about solidifying specific numbers today.

**Marty Frentzel:** If there are other locations you'd prefer we work at, that's fine.

**Chairman Arvas:** I'm open to your suggestions, but they are available. There will be an interest in all those areas to do that. In response to Director Thompson's feelings, the number has been mentioned so I'm going to remember that number and we'll definitely go from there.



**MOTION:** Commissioner Sims moved to adopt the Department's recommendation for developing a Department-administered shooting program in select areas of the state, using available funds in Fiscal Year 2009 and expanding the program in the 2010 budget request. The agency should use existing properties and facilities to the extent possible, and develop additional facilities only when funds and public support are available. Commissioner Simpson seconded the motion.

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

**AGENDA ITEM NO. 25: General Public Comments (Comments Limited to 3 Minutes).**

**Public Comment:**

**Bill Ferranti:** We're looking at habitat. We do a lot of stuff as far as Thompson Canyon. There's a 200-page report on what we've been seeing since we burned in 2006. There are some monitoring reports that are sitting around that people have access to.

**AGENDA ITEM NO. 26: Closed Executive Session.**

The State Game Commission adjourned into Closed Executive Session to discuss litigation, personnel, and acquisition or disposal of real property or water rights, and pursuant to Section 10-15-1(H)(1), NMSA, 1978, and to discussed matters related to the determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated regulating procedures and conduct as per 19.30.8, and 19.31.2, NMAC. If in the Commission's determination an individual shall be served notice, he or she will be afforded an administrative hearing following 19.31.2, NMAC.

**MOTION:** Commissioner Buffett moved to enter into Closed Executive Session pursuant to Section 10-15-1, NMSA, 1978, of the Open Meetings Act in order to discuss litigation, personnel matters, and acquisition or disposal of real property or water rights. Commissioner McClintic seconded the motion.

**Roll Call Vote:**

Chairman Arvas – yes

Vice-Chairman Salmon – yes

Commissioner Buffett – yes

Commissioner McClintic – yes

Commissioner Montoya – absent

Commissioner Simpson – yes

Commissioner Sims – yes

Motion carried unanimously

Chairman Arvas entered into Open Session and stated that the record reflect that no action was taken during the Closed Executive Session, but several items were discussed by Legal Counsel and the Director.

**AGENDA ITEM NO. 27: Notice of Commission Contemplated Action.**

Presented by Dan Brooks – The State Game Commission met in Executive Session and determined, if necessary, to direct the Department to send a Notice of Commission Contemplated Action to any outfitter or guide that evidence and information indicate may have violated regulating procedures and conduct or any other matter contrary to 19.30.8, NMAC, or Section 17-2A-3, NMSA, 1978.

**MOTION:** Commissioner Salmon moved to accept the Department's recommendation and send a Notice of Contemplated Action to the registered outfitters discussed in Executive Session. Commissioner Simpson seconded the motion.

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

**AGENDA ITEM NO. 28: Naming Recently Acquired Conservation Areas.**

Presented by Luke Shelby and Matt Wunder – Department recommendations provided for Commission approval to name 2 recently-acquired wildlife areas using the special land conservation appropriation. One area is situated in Roosevelt County and 1 area is situated in Grant County. The 2005 Legislative Session appropriated \$5M from the General Fund for wildlife and land conservation projects. Since that appropriation the Commission has approved 5 projects of which 2 are subject to naming in this agenda item. The first is the 168-acres previously known as the McCauley Tract in Grant County on the Gila River, north and west of Silver City, and the former Lewis Ranch, south and east of Portales. The 168-acre property previously known as the McCauley Tract in Grant County on the Gila River represents a significant cooperative effort among the Game Commission/Nature Conservancy/NM Department of Game and Fish to conserve/protect/manage important riverine/aquatic/riparian resources in the Gila

River system. A notable local feature on this property is the old iron bridge across the Gila River. To recognize the process by which the property was acquired, the ecological system where it is located and local history, the property is recommended to be named the Gila River Iron Bridge Conservation Area. The next property is the 5,286 acres previously known as the Lewis Ranch in eastern Roosevelt County. This property represents a significant expanse of high-quality native prairie grassland/treble/habitat and interspersed sand hills with important wildlife occurrence including occupied prime lesser prairie chicken habitat. To recognize the ecological setting and values, and the conservation purposes identified in its acquisition, the property is recommended to be named the Sand Hills Prairie Conservation Area.

**MOTION:** Commissioner Salmon moved to approve naming 2 recently-acquired properties using the special land conservation appropriation, as **Gila River Iron Bridge Conservation Area** for the Grant County property, and **Sandhills Prairie Conservation Area** for the property in Roosevelt County. Commissioner Buffett seconded the motion.

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

**AGENDA ITEM NO. 29: Status of Department Efforts Regarding OHV Safety and Related Statutory Matters.:**

**Presented by Dan Brooks** – Department staff provided the Commission a brief overview of ongoing efforts regarding Off-Highway Vehicle (OHV) statutes and related safety and enforcement actions in New Mexico. Training and enforcement activities of Department Conservation Officers were summarized with respect to Sections 66-3-1001 to 66-3-1020, NMSA 1978, which dictate OHV-use restrictions on public lands. The summary also described interagency committee actions related to these statutory responsibilities. The Off-Highway Vehicle Safety Board was established and there were new laws and rules and that came into effect. It has 2 emphasis—1 is safety and especially focuses on juvenile safety and the other is public land, and public land permitting and registration. The only other thing is that the Off-Highway Vehicle Safety Board makes recommendations on restoration habitat trails that have been damaged, or recommendations to create new trails. They have an annual budget of \$213,000. We participate on the board, the director or his designee. Tourism is the 1 that controls the money. There's a Senate Joint Memorial that the Department is participating in with NM Energy, Minerals, and Natural Resources and it's going to be exploring some of the economic/social/environmental impacts of off-road vehicle use with the Range Improvement Task Force. Tourism is also going to be participating in that. One other effort going now is that the Forest Service is doing a Travel Management Plan and although our laws are a little different, probably within the next couple of years, we'll probably see more of a dovetailing with some of our laws and some of the Forest Service's effort because there's a lot of local and regional interest. OHV's use has increased over the years and they're having an impact, so a lot of people are concerned.

**Chairman Arvas:** Is this as restrictive as it seems to be?

**Dan Brooks:** There are a lot of restrictions on OHV use especially for juveniles. If you were looking at the restrictions that are placed on operating, the majority of them are on juveniles. The Commission has its own restrictions on taking vehicles off road, and that includes all vehicles. I'm not sure what you're referring to.

**Chairman Arvas:** What I meant is G [new], or is that the old Section G--use of vehicles and roads in hunting, is that new or is that old?

**Dan Brooks:** That's a Commission rule. That is actually old.

**Chairman Arvas:** How about Section H?

**Dan Brooks:** Section H has been around quite a while too.

**Chairman Arvas:** So nothing is new, other than for juveniles?

**Dan Brooks:** That's right. What I've done is given you a smattering of the OHV law, but I wanted to make sure the Commission was aware. You've had your own rules in place as well that dictate the use of vehicles in hunting. That's been around for a while.

**Commissioner Buffett:** We had to rush through this because there are a lot of impacts on habitat related to OHV's that we need to understand, but I was confused by the statement about the restrictions on youth because I understand that NM has 1 of the lowest age limits. We allow 6 and over to ride in OHV's. Is that true?

**Dan Brooks:** That is correct. That actually was a rule passed by the Off-Highway Vehicle Safety Board and I will tell you that it generated an enormous amount of controversy.

**Commissioner Buffett:** The National Association of Pediatrics says it should be 16 and we're 1 of the lowest states, right? So what does the OHV Board that we are involved in? What sort of role do we have in re-visiting that?

**Dan Brooks:** The Director or his designee. Mark Watson is his designee, and in the very near future could bring that up as a board member and see if they want to re-visit that. The thing to do would be to review the minutes of that meeting when that passed and probably understand the issues and concerns that the Board had when that was

passed because as I recall, there was a lot of controversy generated. The industry and recreationists that have OHV's believe that that's ok, especially if it's size appropriate, while others don't.

**Commissioner Buffett:** It is a big law enforcement issue though for the whole state in trying to keep track of what OHV's are doing on our public lands, right? We don't have the capacity to currently enforce OHV travel, do we?

**Dan Brooks:** The conservation officers have received training in the OHV laws and we do enforce them. Now, when you say we don't have the capacity, that depends on what your expectations of our enforcement level is. I can't tell you that we're going out and doing that 24/7. That's not happening because they are conservation officers and they have all their other duties, but we do enforce the law.

**Director Thompson:** Commissioner Buffett requested this item and while there may be some carryover questions you might have, we certainly stand prepared to handle those. I'd also mention that there is an interest in seeing the OHV Board shift some of its focus to some of the more conservation-oriented aspects of the act, and we did just recently make a re-designation. Dan did a heck of a job for 3-4 years, but Mark Watson has been designated because we're going to put a different person in place to begin to serve that transition of purpose. I thought that would be important for the Commission to know.

**Discussion item only.**

**AGENDA ITEM NO. 30: Land Conservation Appropriation Update and Action as Needed.**

**Presented by Jim Karp** – The Department presented an update of the status of projects approved for funding under the Land Conservation Appropriation. Recommendations for any related Commission action were provided relative to project status on the day of the Commission meeting. Two of the 5 transactions authorized by the Commission under the \$5M land conservation appropriation have not closed. Both the Silva and the Rio Abajo acquisitions were to have closed in June of 2008. Neither will close at that time. Accordingly, the Department is recommending that the Commission extend the closing date of each of those transactions and recommends that the closing date to the Rio Abajo transaction be continued to on or before June 30, 2009, and the closing date of the Silva transaction be changed to on or before September 25, 2008.

**MOTION: Commissioner Simpson** moved to extend the closing of the acquisition of the Rio Abajo property in Valencia County to on or before June 30, 2009. **Commissioner Buffett** seconded the motion.

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

**MOTION: Commissioner Salmon** moved to extend the closing of the acquisition of the Silva property in Cibola County to on or before September 25, 2008. **Commissioner Simpson** seconded the motion.

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

**AGENDA ITEM NO. 31: Adjourn.**

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

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

Meeting adjourned at 5:50 p.m.

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

\_\_\_\_\_  
July 23, 2008  
Date

\_\_\_\_\_  
s/Tom Arvas  
Tom Arvas, Chairman  
New Mexico State Game Commission  
Minutes Transcribed by: Katie Gonzales  
MyDocs\Minutes\Minutes 2008\Minutes -5-29-08 (Farmington)(Detailed)

\_\_\_\_\_  
July 23, 2008  
Date