

**MINUTES**

**NEW MEXICO STATE GAME COMMISSION**

New Mexico Junior College – Bob Moran Hall/Multi-Purpose Rm. 111-114  
5317 Lovington Highway  
Hobbs, NM 88240  
December 3, 2009  
9:00 a.m. – 5:00 p.m.

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**AGENDA ITEM NO. 1: Meeting Called to Order.**  
Meeting called to Order at 9:00 a.m.

**AGENDA ITEM NO. 2: Roll Call.**  
Chairman McClintic – present  
Vice Chairman Buffett – present  
Commissioner Arvas – present  
Commissioner Montoya – present  
Commissioner Salazar – present  
Commissioner Salmon – present  
Commissioner Sims – present  
QUORUM: present

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

**MOTION:** Commissioner Arvas moved to accept the agenda for the December 3, 2009 State Game Commission Meeting. Commissioner Montoya seconded the motion.

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

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

Introductions were made by approximately 45 members of the audience.

**AGENDA ITEM NO. 5: Approval of Minutes (September 24, 2009 – Las Cruces, NM).**

**MOTION:** Commissioner Montoya moved to approve the Minutes of the September 24, 2009 State Game Commission Meeting in Las Cruces as presented. Commissioner Buffett seconded the motion.

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

**NEW BUSINESS:**

**AGENDA ITEM NO. 6: Updates and Miscellaneous.**

**Commissioner Salazar:** I don't believe that the State Land Commissioner made a statement that we were in favor of that land swap on White's Peak as reported. I was not aware of it and I'm sure the Chair was not either. I want to make sure it's clear on the record that we did not approve of, and we were not aware of it at the time.

**Commissioner Buffett:** Many constituents from northeast NM have contacted me. I've grave concerns that there was no public outreach. A land exchange of this magnitude should have had meaningful public outreach.

**AGENDA ITEM NO. 7: Revocations.**

**Presented by Dan Brooks** – The Department presented a list of individuals that the Commission considered for revocation that met established revocation criteria found in 19.31.2, NMAC. Today I'm bringing forward 411 individuals for the Commission's consideration for revocation. That's in your packets under Agenda Item 7. The first candidate has to do with being a registered outfitter that doesn't have proof of his statutorily required commercial liability insurance and has been a Commission concern for sometime. The 410 remaining individuals listed are those that have received penalty assessment citations and those individuals chose to commit to turn money in to us and were allowed to continue fishing. They never did pay us and by Commission rule they are also eligible to be revoked. We've brought them before you should any of them in the future pay us, they can be removed from the list. **Action item.**

**Commissioner Arvas:** Since the first of the year, how many revocations have taken place?

**Dan Brooks:** Probably an estimate of 200 each meeting. I'm not comfortable answering that at this time. I can research that.

**Commissioner Arvas:** The concern I have is the fact that the numbers are humungous. Whenever you have 411 individuals drop out of what you might say is the ability to purchase license, that's of grave concern to me. I don't know the answer or how we can eliminate these revocations. Isn't it of concern to you and the Department that there are so many people being revoked every year?

**Dan Brooks:** Yes, of course, it's of concern, but I point out that these particular individuals that fail to pay penalty assessments and are mostly individuals that are actually encountered at the lakes that aren't your typical angler/sportsmen/hunter. These are people that probably don't have any tradition/history of buying a license and they happen to pick up a fishing pole and there's a game official asking for their license. In this particular instance I don't think it's completely representative of our core constituents/license buyers, so this is different.

**Commissioner Arvas:** How many people that have revocations ever come back and pay those penalty assessments?

**Dan Brooks:** It'd be an estimate but probably 10%-15% maybe of these individuals once they get to revocation. We actually have around 40%-50% payment rate.

**Commissioner Arvas:** That's an enlightening discussion on something I'm sure is of concern to other because 411 people with one stroke of the pen is a lot of people.

**Dan Brooks:** Yes, it is. I point out that we do these in blocks because we have only one person that oversees the revocation program so they'll block these up in a package at a time and so it might be misleading because this doesn't happen constantly over every month, this is a block of work that has come to you.

**MOTION:** Commissioner Salazar moved to adopt the Department's recommendations on suspension, revocation, and point assessment for the attached list of 411 individuals for the period of time specified. Commissioner Sims seconded the motion.

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

**AGENDA ITEM NO. 8: Depredation Report.**

**Presented by Jim Lane** – The Department reported the total number of depredation complaints filed, resolved and pending with the Department in accordance with 19.30.2.11, NMAC, for the 1st Quarter of Fiscal Year 2010, and complaints that completed one year. The First Quarter of FY-10 we had 152 complaints filed with the Department, 92 of which were resolved. The remaining 60 are unresolved and intervention is ongoing. The top five species are bear (39%); raccoon (28%); beaver (10%); deer (7%); and cougar/elk came in with 5% of the complaints each.

**MOTION: Commissioner Montoya** moved to accept the Fiscal Year 2010 1st Quarter Depredation Report as submitted by the Department. **Commissioner Arvas** seconded the motion.

**Commissioner Sims:** Are the bear complaints centered in one area, and where would that be?

**Jim Lane:** We did have quite a bit of activity around Los Alamos, but other than that I can't tell you that we had a real center of complaints.

**Commissioner Sims:** Most of the bear complaints are bear that are coming into populated areas?

**Jim Lane:** Yes, into populated areas, getting into garbage, getting into cat/dog food.

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

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

**Presented by Leon Redman** – An application has been submitted by the EZ Hunt Club for a shooting preserve in accordance with Sections 17-3-35 through 17-3-42, NMSA, 1978, (Regulated Shooting Preserve Act), and 19.35.3, NMAC, Shooting Preserves. The property manager intends to release pheasant and chukars onto the preserve if approved. The property is comprised of 320 contiguous acres of private land. Department staff have inspected the property and found no signs of native upland game birds. Conservation officers in the area have inspected and found the property to be a suitable temporary holding habitat for propagated game birds. The shooting preserve, if approved, will provide increased hunting opportunity for the area. The property managers that adjoin the EZ Hunt Club Shooting preserve were contacted in reference to the proposed shooting preserve. Mrs. Romans was one landowner that had objections. She complained there'd be too much shooting around her property. Her property is approximately half mile from the location of the shooting preserve. There are several houses but the closest house to the shooting preserve is approximately three miles away.

**Chairman McClintic:** Are the people that applied for this here?

**Leon Redman:** No.

**Chairman McClintic:** When's the last time you spoke to them?

**Leon Redman:** I have not specifically spoken to them. The staff from the Southeast Area has spoken to them several times.

**Commissioner Salmon:** I'm unclear on deeded acreages. Is it possible to have any public acreage within a shooting preserve, or is it always entirely deeded acreage?

**Leon Redman:** To my knowledge it has to be private, deeded property.

**Commissioner Sims:** When you spoke with Ms. Romans and she objected to the shooting preserve, she's half a mile away and it's clear that they still have to abide by type of firearms, they're not going to be out there shooting rifles, and this half mile is well out of range?

**Leon Redman:** Correct. The concern she had to my understanding is that she has cattle in the area and that there would be people shooting around her cows.

**Commissioner Sims:** And the Department feels positive that half a mile was a well enough buffer for that?

**Leon Redman:** Yes, sir.

**Commissioner Arvas:** What problems do we have with shooting preserves as a rule?

**Dan Brooks:** Shooting preserves overall operate smoothly. The majority of the problems come with trespass and others trying to get on them thinking a Mecca, a place where you can go and shoot an unlimited number of birds.

**Commissioner Arvas:** As far as all the planted birds, there is some migration of those birds from the private property over to public property?

**Dan Brooks:** About 3-4 years ago, the Department sent out a questionnaire to all the shooting preserve owners and the responses we got back from them was there's about 99% mortality. Only one shooting preserve owner from the survey said he thought his birds survived for any length of time beyond a 2-week period. They're raised in captivity although they are wild by nature birds, they're instincts are somewhat dulled so we don't think there's much survival at all. I don't think there's much migration out of those areas.

**Commissioner Arvas:** We do have a policy that we need to make aware of how many birds are planted?

**Dan Brooks:** That's correct. They do an annual report.

**Commissioner Salazar:** Is the fencing between Ms. Romans' property and this preserve in good condition so that there's no migration of her cattle?

**Leon Redman:** I was told that the fence is in good condition and there wouldn't be any cattle trespassing back/forth.

**Commissioner Salazar:** Are there any stipulations about maintaining that fence for the preserve, or is it Ms. Romans' responsibility?

**Leon Redman:** No, the shooting preserve is not required to be fenced, it's recommended that it be fenced.

**Public Comment:**

**Oscar Simpson:** I represent the NM Wildlife Federation. Has the Department ever monitored the reporting requirements, disease outbreaks at these preserves?

**Dan Brooks:** We're not aware of any disease outbreaks at this time that come from shooting preserves.

**Chairman McClintic:** We don't have inspection/quarantine on birds brought from out of state to be planted?

**Dan Brooks:** We could work with the proper authorities like the Departments of Health/Ag should we feel that's necessary. That has not arisen thus far with shooting preserves. Shooting preserve animals are disbursed in that area to be hunted. Mr. Chairman may be referring to game parks because some of the animals are held closely in breeding facilities. Where animals are held closely there is more likely to be disease.

**Commissioner Salazar:** Is there any requirement that they report any disease if they see a die-off?

**Dan Brooks:** Yes, there is no current requirement in the shooting preserve rule. **Action item.**

**MOTION: Commissioner Arvas** moved to approve a shooting preserve on 320 acres of the EZ Hunt Club in Torrance County, as presented by the Department. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NO. 10: Prospective Amendments to the Hunting and Fishing License Application Rule (19.31.3, NMAC) to Remove Certain Public Draw Restrictions.**

**Presented by Alexa Sandoval/Patrick Block** – Based on public comments and discussion at the September, 2009, State Game Commission Meeting, the Commission considered amendments to the Hunting and Fishing License Application Rule that removes the application restrictions for recipients of public draw pronghorn antelope hunting licenses and deer or elk licenses designated as quality or high-demand hunts in the prior year's hunt drawings (19.31.3.8, NMAC). The Department proposed removing restrictions for the quality/high-demand for deer/elk/antelope, and removing anything to do with the quality/high-demand restriction. There were approximately 1,600 public antelope licenses issued last hunting season, and of approximate 35,000 deer licenses issued, 7,500 were designated as quality/high-demand, and approximately 6,300 for elk that were either quality or high-demand. The Department is recommending rescinding the three subsections. **Action item.**

**Chairman McClintic:** When you're talking about rescinding, what you're saying is we're going to eliminate if you drew this year you couldn't apply next year?

**Alexa Sandoval:** That's correct. It would remove any restrictions for the quality, high-demand for deer/elk and then any restriction on antelope.

**Commissioner Sims:** When you say that feedback you got was about 50%-50%, what were the main concerns on either side of that and were they the same?

**Alexa Sandoval:** Actually, some people think it's extraordinarily unfair because they want to keep going back into the pool, and then others think that it's very fair, so it basically surrounds the opportunity to go and get another license.

**Commissioner Sims:** Were the complaints on either side of that from any specific reason? Was there a reason that was a hot spot on this or some that were and some that weren't?

**Alexa Sandoval:** Not that I'm aware of. There wasn't one really particular hot spot.

**Pat Block:** One that comes to mind was that since the rule in place now would allow you to apply for hunts for deer/elk that were of the standard designation, one that we heard from a lot of folks that would have been subject to the holdout is likely to hunt in a certain area, many of them close to home. They were saying that with this in place they'd have to go apply someplace else that they're not familiar with, don't know, that they don't necessarily want to go. On the con side, probably a recurring theme was that this doesn't have a huge impact. There are still going to be lots of people that don't draw even with the holdout in place. There were fairly consistent themes.

**Chairman McClintic:** Of all the people I met and talked to it seemed that the biggest negative was coming from the bow hunting community.

**Pat Block:** If you look at the percentages of hunts that are designated as quality, there are more bow hunts with that quality designation than there are with other weapon types in that holds for both deer/elk so we did get that as well.

**Commissioner Sims:** How do you perceive this is going to affect our percentage of out-of-state/in-state draw if we remove the quality/high-demand?

**Pat Block:** I don't expect it to vary greatly in the places that are already popular with non-resident applicants the quota reaches it's cap. In the other places they aren't filling the maximum quota of 10% for non-guided, and 12% for guided non-residents. We did hear a concern from outfitters that this would impact their ability. Some of them have returning customers that because they do apply where the quota has not traditionally filled, they're able to hunt the same area every year, so that was a concern from the outfitters.

**Commissioner Sims:** You don't see that to be a big sway?

**Pat Block:** Not one way or the other, no sir.

**Commissioner Arvas:** Are you convinced that the argument that the every-other-year factor does not improve a person's chance in terms of the draw? Do you accept that?

**Pat Block:** Yes and no, and it depends on the hunt. If you have a hunt where there are 10-20 times as many people who want it as licenses you have to give out, then removing that 1/10 still leaves 9/10 and any new people that may apply there is some credence to the argument that it's affixed to where everybody gets to go hunting now. There will be certainly some hunts where

you say your odds are 2-1 where there are about twice as many people who want the license, then sure it would, but it really runs the gamut from really long odds on those hunts to those 2-3 to one where it would make a difference so overall none of these schemes whether it's a holdout/ birth year related/bonus point/preference point, none of them get you to the point where everybody gets to go hunting.

**Commissioner Arvas:** So your position is that on the HD hunts there are more people applying for those than we actually have licenses for to start with every year, and not necessarily the same people obviously get drawn every year, but there seems to be a cyclic thing where you might have one person draw a license on consecutive years just by luck.

**Pat Block:** There's enough that if you look at statistics in probability—if you have enough people flipping a coin, you're going to have the one that comes up heads 10-20-100 times if you get a big enough pool.

**Commissioner Salazar:** This was a move by the Commission to try to increase hunter opportunity and I think that's going to come up again and again. Is the Department looking long term if there's some type of research we can do to increase odds or make it better for the resident hunter to do that?

**Pat Block:** You just said two things that may not necessarily go together—increase odds and make it better for the hunter. You could have 5 or 10-day hunts, you could have 45-minute hunts, and everyone gets to go, but that doesn't necessarily make it better. That's the balance you're trying to find. Enough of a hunt to make it a quality experience for those to take part, but satisfy that demand at the same time. Bighorn sheep where the scarcity of the opportunity compared to the desire/demand for that opportunity are so far out of whack you don't think so. Another analogy is you go to the racetrack and you only bet the long shots you're not going to cash in on many horses. If you bet the long shots, you bet some even money sometimes, you're going to win sometimes but it may not be as thrilling a victory so a lot of it is what the applicant's preference is. It all comes down to the individual and what their priorities are.

**Commissioner Salazar:** This is going to come up again and we need to look at the best way to sustain the resource, making the hunter opportunity a good process, and also maintain the Department.

**Public Comment:**

**Robert Espinoza:** I'm Executive Director for NM Sportsmen for Fish and Wildlife. To echo that we have the fairest draw in the system that does allow an individual to draw a quality, high-demand hunt every year or every three years. I recommend removing this regulation. There are various ways to increase hunter opportunity.

**Oscar Simpson:** I'm with NM Wildlife Federation. We support the Department's recommendation to eliminate the quality, high-demand rule. This rule has not been thoroughly aired to the public or there's enough public education.

**Chairman McClintic:** I disagree with you that we didn't have enough public comment on this.

**Kim Chesser:** I'm not a hunter and I'd like a brief explanation about what we're talking about. I don't understand what we've got now vs. what we're changing.

**Chairman McClintic:** We have an excess of 150,000 applications for 47,000 hunt permits. We always have a huge backlog of people that want to hunt that don't draw and don't have the ability to hunt. We're trying to increase availability for hunts with the resource we have maintaining that level of the resource. Last year we adopted the idea that if you applied for a quality, or a quality/high-demand hunt and drew it, you were not able to apply the next year. At the same time that you apply for a hunt you put your fee for the license up front because we have a 60-day turnaround from the time we apply for our hunts to the time that we issue our hunts. We've had a lot of issues with that as far as people pay the \$9 on the internet with their credit card and by the time the 60 days are up and we pull their deal, all of a sudden their credit card is cancelled, they're over their balance or whatever, and it's a nightmare for us. We also believe that I got arguments from people that it's putting an undue burden on us, and if you don't have the money to pay for the license if you draw, don't apply. The general public doesn't like that rule with the every-other-year, and you have to sit out. People that buy our licenses make the rules, we don't. Unfortunately, since I've been on this Commission we seldom hear the good things. A lot of organizations that represent sportsmen/hunters believe we need to reverse what we did last year and go back to the way it was.

**Kim Chesser:** If I understand you right, the method in place you've got to sit out a year after you draw, but every other year the opportunity should be higher that you'd get drawn, correct?

**Chairman McClintic:** If you drew that particular hunt, the person that didn't draw would have a better opportunity this year that didn't draw last year because all those people that drew last year would have to sit out this year.

**Kim Chesser:** So, if you sit out one year you're back.

**Chairman McClintic:** Yeah, but you're only sitting out on the quality/quality, high-demand hunts, but the issue that's been brought up is a valid issue. If you take all these people that only apply for the quality/high-demand hunt and because they can apply this year for the quality/high-demand, you throw them into the regular hunts. Whatever we do for this side is going to complicate the other side, and they have a valid point. Some of these people may not apply for a regular hunt, but a lot of them would.

**Commissioner Salazar:** It's critical we get public input. When you and your fellow Commissioner come to watch our process is a key component to weigh these issues and then as a Commission we decide what to do.

**Commissioner Arvas:** How difficult would it be to track the QHD hunts the number of people that have multiple draws?

**Alexa Sandoval:** It would actually not be very hard to track. It's a matter of compiling that data on an annual basis, but we'd be able to do that from this point forward. With the institution of the CIN, that makes the process easier. To go back historically would be somewhat more difficult.

**Commissioner Arvas:** I think that as the Commission we're going to support this, but I'm concerned that 50% of the people you've talked to is that this every-other-year thing might be the way, so I'd like to ask the Department track this from now on and tell us how many multiple drawings for a single individual you have for QHD hunts. It seems 50% that had the more vocal effort are the ones that get their way, but I'd still like to know and to satisfy the other 50% that didn't agree, that this isn't the fact.

**Alexa Sandoval:** Yes, we can do that and Pat just advised me that they actually did do that—a complete merge of all that data and we'll provide that to you.

**Pat Block:** We did that about three years ago. What you got was a classic bell curve—you had very few people that went seven years without drawing, you had few people that drew seven years in a row, less than 1%. Then the unlucky six times lucky six times was a little more, and as you got to the middle where that high point in the curve was most people draw one or two years in a row and that was about it, then it really dropped off after that.

**Brandon Hunt:** I'd like to see the QHD draw come to an end. While the intentions of the QHD rule may have been noble, here are several reasons I believe the rules doesn't make sense: 1) the elimination of successful applicants for the following year may be a minimal increase for the odds of the remaining applicants based on the Department's draw odds report 2008-2009. If one compares posted odds to calculated odds, if the rule had been in place, the draw odds increase at best by 1% for those better units—Gila/Lincoln/34/36. Regardless of weapon type, or resident/non-resident status, the benefit to unsuccessful applicants does not seem worthwhile when compared to reducing the odds of previously successful applicants to zero; 2) a large portion of the successfully drawn hunters who become ineligible for quality/high-demand hunts would likely apply for standard hunts. The increased applicants could cause many of the standard hunts to become high-demand hunts further exacerbating the problem as fewer standard hunts remain available for previously successful applicants; 3) a higher percentage of archery/elk/deer hunts are classified as quality or high-demand rather than rifle/muzzleloader. The quality/high-demand rule does not affect all weapon types equally and unfairly discriminates against archery hunters; 4) based on NMDGF draw odds report 2008-09, some of the quality archery deer hunts have left over tags which makes no sense to eliminate successful applicants from the pool the following year when there aren't even enough applicants for the number of tags. In summary, why is it necessary to increase the unlucky applicants' odds by a minimal percent at the expense of infinitely penalizing the lucky applicants to zero. How much fairer can we make the current system? Why mess with that when everybody can equally be put into the draw?

**Garth Simms:** I'm representing the NM Council of Outfitters. It's our position that we ought to do away with this every other year rule in order to allow those people to come here every year. We don't like that every-other-year rule. We want to keep those hunts used for the benefits of hunters/license fees for the Department. I want to take issue with Mr. Block said comments were about 50%-50% on the size of the C-unit. In your agenda briefing you point out that 58% want this to be reserved so I think it's heavier to be reversed.

**Commissioner Arvas:** Do you think the QHD rule as stated originally wouldn't fill those hunts? To me it seems unlikely that there may be different non-residents coming.

**Garth Simms:** The anecdotal information has restricted some of their ability to sign up those clients.

**Commissioner Arvas:** Isn't it true that the outfitter that specializes with non-resident hunters usually has a block of applicants because chances of him having every hunter that comes every year obviously aren't great. So he has a huge number of applicants and isn't it true also that in some of our quality HD hunts that that's one of our problems. We have this block of applicants that are non-residents that are applying for that hunt?

**Garth Simms:** That's correct. There's no guarantee that hunters that want to come back every year can come every year because he may not draw, but what happens with a lot of those outfitters is that they will put hunters in a draw. If they don't draw they'll move over to private land permits so they can come every year, so they need that pool of applicants in order to fill out all their available hunts.

**Pat Block:** The briefing document did have a number of 58%, but since this item is a rule change, that document was prepared 60 days ago. We didn't stop listening 60 days ago and so the comments have about equalized in the time since early October. Indeed it says 58% in the briefing documents, overall comments we've received up through yesterday is about half-and-half so we wanted to make sure you understood why those numbers look different but they're both correct.

**Commissioner Arvas:** Does that imply that the 60-day rule impedes the Department's ability to come up with accurate figures?

**Pat Block:** It will lead to some disparity between what is published and yet we'll do our best to bring the most contemporary information to the Commission. Those documents indeed do become dated by the time you get to a Commission meeting if they're 59-60 days old. I don't know that that necessarily impedes it, but it's something we have to keep in mind that someone from the public could pick up a document and get something that they feel is contemporary information that really is dated. It's something we need to keep in mind.

**Jess Rankin:** I'm an outfitter/sportsman. All archery deer hunts that you allow in January are called quality hunts and some of those hunts are under subscribed now. With decrease in the number of applicants by having to put the license money up front, if

you take all the people that had that tag last year out, what's the Department plan on doing with those left over tags? Would they go in the fire sale and be available to anybody or would they still be available to those who didn't have a quality/high-demand tag the year before?

**Alexa Sandoval:** Yes, the latter would be true. If you had held a QHD the previous year and you went into our secondary sale system, if you'd held a QHD or antelope which we never put to secondary sale, but you would not be eligible to purchase that license.

**Jess Rankin:** I'm sure you're going to see a lot of archery deer tags be unused if we stay with the system we've got now because no one will be eligible. The people that want them won't be eligible for them. I have clients that come elk hunting with me archery every year whether they draw or not with a unit-wide landowner permit, but they also want to hunt deer in September at the same time. Since that tag would also be good in January even though they don't hunt in September, they wouldn't be eligible to hunt deer the next year, so you're going to have a problem with left over archery deer tags.

**Chairman McClintic:** You're suggesting you're in favor of us rescinding that rule?

**Jess Rankin:** That's correct. I have friends that like to bow hunt for deer in January, but one reason they do is because they get drawn every year because that's not a hard hunt to draw. Archery deer hunt is not hard to draw in these general areas. If they can only hunt every other year it's going to force them to hunt with rifle which they don't want to do.

**Alexa Sandoval:** We did recognize the issue that Mr. Rankin brings forward. If you don't decide to rescind the entire rule we have Agenda Item No. 11 which specifically does eliminate certain pieces of that.

**MOTION: Commissioner Sims** moved to approve the amendments to 19.31.3.8, Sections O, P and Q, as presented, to remove the every other year application restrictions for public draw pronghorn antelope hunts and deer or elk hunts classified as quality or high demand. **Commissioner Salazar** seconded the motion.

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

**AGENDA ITEM NOS. 11 and 12: (Were Not Considered).**

**AGENDA ITEM NO. 13: Adoption of Amendments to New Mexico Hunter-Trapper Reporting System Rule (19.30.10, NMAC), and the Hunting and Fishing Application Rule (19.31.3, NMAC) to Modify Trapper License Purchasing Eligibility.**

**Presented by Jim Lane** – The Department presented prospective amendments to the New Mexico Hunter-Trapper Reporting System Rule, 19.30.10, NMAC, Sections 19.30.10.9 C, and 19.30.10.10 A that required trapping license holders to submit their furbearer harvest report in order to be eligible to purchase a trapping license for the following year. The Department also provided, for Commission consideration, prospective amendments to the Hunting and Fishing License Application Rule, 19.31.3, NMAC, Sections 19.31.3.2, 19.31.3.6, and 19.31.3.8, to add language that requires trappers to purchase their licenses from only Department offices or website, thereby enabling the Department to confirm they submitted their harvest report prior to vending them a new license. Out of the furbearer working group came several recommendations. As a Department with an apparent need to increase the participation of trappers in the reporting requirement with animals they harvest. The current rule does not have the teeth necessary for trappers/furbearers to report what they harvest. Department can/will use data gained by increasing the requirements of reporting and making the penalty harsher. The Department proposes amendment of 19.31.10, NMAC, to require furbearers/trappers to submit their furbearer harvest reports prior to purchasing their trapper license in a subsequent year, and also proposes amendment of 19.31.3, NMAC, to require trapper license holders to purchase their license only from a Department office or via the internet. The second recommendation is to confirm that they have indeed reported their harvest prior to them being issued a license. **Action item.**

**Commissioner Salazar:** How many furbearer licenses do we give out per year?

**Jim Lane:** It has varied over the years but it runs 3,000-4,000 per year.

**Commissioner Salazar:** Is that going to be a significant problem to come to the offices or to do it on the internet? Are there any issues with processing these through the internet?

**Alexa Sandoval:** No, there's not. Actually it's a fairly simplified process and they can do it from home.

**Commissioner Buffett:** I agree with this proposal. Is there any intent to have this obviate the need to open up the overall trapping rule next year?

**Jim Lane:** No, this is purely to increase the data gathering capability of the Department to make informed recommendations for furbearer harvest.

**Commissioner Arvas:** Isn't it true that there have been complaints by some members of the public that the trappers were not reporting their harvest numbers?

**Jim Lane:** Yes, sir.

**Commissioner Arvas:** How flagrant is that?

**Jim Lane:** Last year's reporting requirement was at about 68%. I'd like to see that in the mid-90's, so we have data that are lacking.

**Commissioner Arvas:** So what we're doing is streamlining the effort for the Department to come up with better harvest numbers so we can eliminate the concern that there are a lot of trappers that aren't reporting?

**Jim Lane:** Yes, sir.

**Commissioner Salmon:** I was on the working furbearer group and both sides of the issue representative of trappers groups were not enthusiastic about trapping but both sides agreed that this would be a beneficial change to get better harvest reports and would both protect trapping and the individual species involved so we know exactly what we're taking in, so it was approved at least unofficially by both sides who attended the meeting.

**Jim Lane:** That's correct. In my 15 years of dealing with furbearer issues this is probably the first time I've had both sides of the table agree on anything, so it was a good move.

**Public Comment:**

**Rep. Candy Ezzell:** Under Agenda Item No. 8, are the depredation complaints increasing/decreasing/staying the same as compared to prior years?

**Jim Lane:** They seem to be stable over the last few years.

**Rep. Candy Ezzell:** We heard again the complaints before the Water/Natural Resources Interim Committee from people in northern NM regarding elk. My concern is are these complaints being addressed from the private landowners especially? Whenever I see farmers that are having their total crops decimated by the state's wildlife and they are continually asking for help from the Department, I'm concerned why there is nothing being done. I'm also concerned whenever I hear these particular landowners in northern NM, we need help. I may only own 20 acres, I have 80 head of elk coming on to my fields at night. Whenever a person's ability to be able to make a living has been hindered to that extent, there have to be some solutions. I hope the various departments throughout the state are astute enough to be able to help these landowners. I serve on the Executive Council of National Assembly of Sportsmen's Caucuses and that's a statewide body that's part of the Congressional Sportsmen's Caucus. I want to let folks know that through legislative efforts and what I submitted to the NASC, NM did receive the Heritage Award. That's a big honor. I was surprised when I was at the annual meeting in Idaho and some of the things they cited were our actions to stop the infestation of quagga/zebra mussels. In particular the feral hog bill which I carried and NM is to be commended for things like that. We have to protect our natural resources. I'd encourage all of you to attend our Water/Natural Resources Committee meetings and stay abreast of the issues we're faced with whenever we do have meetings. It's the private landowner more often than not that's providing water/feed to wildlife. Wildlife doesn't know that seven tons of alfalfa I'm putting out there is for my cattle. The landowners more often than not are being impacted by the Mexican gray wolf. The dollars being poured into that program make me sick. There's not a rancher over in that area that has been compensated for their loss. Whenever I hear comments and certain organizations say it's the ranchers' problem why they're having problems with the Mexican gray wolf, and their solution not to attract them is to burn the carcass or blow them up with dynamite. I'm bothered by some of these special interest groups. Folks, take into consideration the overall picture and the problems going on in each particular district.

**Commissioner Salazar:** Thank you for your work on the Natural Resources Committee and we need to work together on a lot of these issues and as a former rancher I know there can be impacts from wildlife. The issue with depredation bill was we're trying to get a tool there and I know it didn't work out this time but we'll continue to develop a process where we can work with the ranchers/landowners. There's a time when we have drought in certain areas of the state and people that are taking care of the land have an issue with this, but so does wildlife. I hope we can reach a compromise that will work for everyone.

**Rep. Candy Ezzell:** When the Department presented it's bill, Director Stevenson will tell you that I became very agitated because when I found out that as far as any depredation went, that would only apply to cultivated lands the way that bill was presented.

**Director Stevenson:** That was a point I never did have a chance to get back into the conversation on, but the mountain lion take when we're talking about predators applied to all different properties. What we were talking about was fencing. If we were going to take an action to fence that would only be for cultivated crops, and I apologize when you brought that issue up, I didn't have a chance to get back in right then/there to clarify that.

**Rep. Candy Ezzell:** The area I live in what's happening is a lot of the farmers were having major problems with deer/pronghorn antelope. They've gang fenced all their cultivated/farm land. Within one mile from my house, that entailed close to 2,800 cultivated acres, so now the burden of this particular problem is going to be on me. Sometimes I wonder if the Commission is not taking into account that that pastureland is also my livelihood. What is going to happen whenever that burden is put back on my as a rancher to be able to make a living on my deeded land whenever I have herds of 300-400 head of antelope that are consuming my pastureland which is my growing crop and that's the ability I have/will not have to be able to feed my cows. Therein lies the concern. We do have a good Department in our area and they do respond to our needs, but sometimes their hands are tied.

**Oscar Simpson:** I represent NM Wildlife Federation and we fully support the Department's recommendations for the trapping rule and we fully look for a thorough review of the trapping rules.

**Kim Chesser:** We need to make it the easiest we can for people to trap. Everybody that wants to set a trap is doing some good by eliminating some of the predators.

**Commissioner Sims:** When we first went over this we had the trapping organizations present. The trapping organizations were behind this. I think we're actually reflecting something in the trapping organizations.

**MOTION: Commissioner Buffett** moved to accept the proposed amendments to the New Mexico Hunter-Trapper Reporting System Rule, 19.30.10, NMAC, and Hunting and Fishing License Application Rule, 19.31.3, NMAC, that will require trapper license holders to submit their furbearer harvest report in order to be eligible to purchase a trapper license for the following license year and require purchase of trapper licenses ONLY from Department offices or via the internet. **Commissioner Salmon** seconded the motion.

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

**AGENDA ITEM NO. 15: Hunting & Fishing – Manner & Method of Taking Rule (19.31.10, NMAC), Hunting on Public Land with a Landowner License.**

**Chairman McClintic:** At this time I'm going to put Agenda Item No. 14 off until we get done with Agenda Item No. 15, then come back to No. 14. I've been inundated with e-mails/calls which I consider slanderous to me. We have a policy that on a rule change we'd give 60-days' notice. There's a question that we may not have accurately given the 60-day notice. There's a question that on the 30-day we made changes from a discussion to an action item. I don't want to get into semantics, but I'm not going to bring that to a vote, I'm not even going to bring it to a discussion. What I'm going to do because I'm very irritated/agitated and speaking for me, I'm tired of certain factions in this state believing that private landowners should be admonished, that they're the enemy, that they're not sportsmen. It's nonsense as far as I'm concerned. If we make a rule that a public hunter drifts on to private land because that private land wasn't properly posted, that if he knowingly didn't know he was on private property, that we shouldn't take his animal, we should write him a ticket. All I'm saying is we're going to be fair/balanced, and the same should apply if a gentleman with a private landowner's tag is hunting someplace and drifts on to BLM because it isn't properly posted, he shouldn't be penalized where the public land guy is. I'm not going to listen to this. We can bring it up at another time, but I am going to direct the Department that I want it to be an equal playing field. Whatever we've made rule for people that drift from public land on to private, I want the same rule to apply for private people that drift on to public. Dan, explain exactly what we did that a lot of people believe that public landowners that hunt on private land have a pass, and that's not accurate.

**Dan Brooks:** When you ask me to clarify what we did, are you talking about the previous rule that the Commission adopted in March?

**Chairman McClintic:** Yes.

**Dan Brooks:** The Commission adopted a rule in March under 19.31.10.18, unlawful taking and killing of game and fish. There were three provisions: one had to do with a person going on to posted, private property and that would equate then to unlawful taking if they were taking or attempting to take game or fish; the next one had to do with private property and the owner withdrew their consent or denial; and the last one was if the public had knowledge that they were on private property and didn't have the consent of that owner. Those were the three provisions the Commission adopted in March.

**Commissioner Salazar:** Whenever when we come up with a rule like this, we have open discussion and these are the issues we need to hammer out as a Commission, work and openly discuss these and play both sides, then we'll weigh it. If we need to set this off for a while, that's ok with me, but these are the types of things that we as the Commission need to work on and discuss, and work through.

**Chairman McClintic:** That's what I'm doing, that's why we're not taking a vote, unless the Commission wants to override me and have a vote and not direct the Department.

**Commissioner Salazar:** I thought you were saying that there wasn't going to be discussion, nor vote on this.

**Chairman McClintic:** There's not, unless there has to be. If the rest of the Commission thinks I'm doing something wrong by directing the Department be equal in this state whether they're hunting public/private, come after it. We'll have a vote and if you have four votes that tell me that this isn't then I'll direct the Department the way you want it.

**Commissioner Montoya:** I'd like to postpone this and move it to a time of your/Director's choosing and place on the agenda another time. It'll present more opportunity for those that want to have more input.

**Commissioner Salazar:** I agree with that as well.

**Commissioner Arvas:** Regarding the handout from Mr. Olona/Mr. Schudlich/Mr. Turrey/Mr. Moan, I consider myself a senior member of this Commission for a term of about 15 years. When I looked at this the first thought that came to my mind was I'd better go get an attorney because this made me feel like I didn't understand what I was reading when it comes to wildlife/resource. I've attempted to work closely with the NM Wildlife Federation throughout the years. When I began my last term I did have the opportunity to work with NMWF and we got the access program into place. As of late, however, I've had to defend the NMWF not only to my constituency, but to my fellow Commission members. There has been a wall that's been built up between the private landowner/public hunter, there's also been a wall built up between NMWF/Department/Commission and

feel the impact of that. I feel all this is a deterrent to what I'm supposed to be doing. I've also been offended by some of the innuendos and some of the criticisms that the Executive Director, Jeremy Vesbach, has presented about the Department/Commission. Most recently sent out Tuesday night, and if anyone can read this and not be offended, because I was offended. The Chairman should be offended because he was pointed out and criticized. I've lost all my confidence in what the NMWF was supposed to be doing which is working with not only it's constituency and membership but also with the Department/Commission. As a result of that I'd like to publicly rescind my membership in NMWF. This is painful for me to do but it's something I feel I have to do.

**Commissioner Sims:** On the same note, last night I was informed that NMWF, Jeremy Vesbach, had made the comment that we were going to do Agenda Item No. 15 in Hobbs, NM, and that the purpose of that was that I could get my cronies to come in and support this and run everybody out. I want the NMWF to understand something—the reason I'm on this Commission is to be fair/balanced, and to represent the sportsmen, to represent everyone involved in the wildlife aspect arena. The last thing I need is to have any goons/cronies come in and support my ideas. I will take my lumps from the people that I support, and that's not them.

**Commissioner Buffet:** As an appointed volunteer, Commissioners, it's our role and we need to be prepared for robust debate/dissent/discussion. This letter from various groups including Quail Unlimited/Sportsmen for Fish & Wildlife/NM Council Trout Unlimited/Wildlife Federation is legally complex, but I don't find it offensive. I think it's a completely legitimate role of advocates/stakeholders to provide differing opinions.

#### **AGENDA ITEM NO. 14: General Public Comments (Comments Limited to 3 Minutes).**

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

**Oscar Simpson:** I represent NM Wildlife Federation. Open/transparent dialogue pros/cons are what this is about. For my comments today, I think the White Peak land trade needs to be reviewed. I'd like to see the Commission/Department ask for SLO to postpone those land trades and look at this thoroughly and review the process. This is an inside deal and I'm going to categorize that because of the process it went through and the lack of public input.

**Commissioner Sims:** When you say it's an inside deal I don't understand.

**Oscar Simpson:** Other than minimal public notice, there was minimal information offered, the legal descriptions of those land trades were not very widely done, there were no public meetings.

**Commissioner Sims:** I don't know how that translates to inside deal, that's why I'm asking.

**Oscar Simpson:** Pat Lyons said we're not supposed to have competitive bids on state land development in Las Cruces, an area almost equal the size of Las Cruces.

**Commissioner Sims:** Does this involve White's Peak is what I'm asking. I'm asking specifically about White's Peak.

**Oscar Simpson:** White's Peak needs to have public transparency, good/adequate maps showing what's going on, what the appraisal said because appraisals were done by the landowners that want to have the trade done. We need to have independent evaluation of those land appraisals to see we're getting equal value, what's at stake, and get public input on land trades. We're asking for transparent process instead of going through minimal application/advertisement saying here are the lands we're going to trade and us having to go get open records requests, and look at date/evaluation and not having enough time to give some viewpoints on this. Traditionally these lands have been used by hunters/fishermen/recreationists for hundreds of years, there's been continuing conflict, the Supreme Court said that Hwy 192, the state road going through there, was a state right-of-way. Pat Lyons says we didn't honor the Supreme Court decisions, so those are the kinds of things we need to air.

**Chairman McClintic:** Director Stevenson, what's the Department's position on this?

**Director Stevenson:** We're working with the Governor. The Governor has come out opposed to this trade and believes there needs to be more public process. We will continue to work with the Governor's/Attorney General's Offices on this issue, but from a Department standpoint, we have not inserted ourselves into this process, nor have we had a formal request by SLO to do that. I'm not aware of any of that coming to the Commission.

**Commissioner Salazar:** This Commission was not made aware as the Land Commissioner said that we're not involved in this recommendation for this trade?

**Oscar Simpson:** Yes.

**Commissioner Salazar:** I want to make that clear because the Land Commissioner came out and said that we were, and the Department was also not involved in this, nor were they notified.

**Oscar Simpson:** I made the request that you consider getting involved and looking at what's going on and giving the public some opinions/evaluation of wildlife for hunting/fishing resources by getting involved in the process.

**Commissioner Salazar:** Are you aware that as the Commission/Department we have limited involvement because the Land Commissioner's ability to run that Land Office. What's gone on here is that the Department has stepped forward and said we were not brought into this process, we're not part of this, the Governor has stepped forward as state government, our boss, and said he does not agree with this and I think that's a strong statement. We go along with that because he's our boss, but I wanted to make that clear. We have parameters and we're limited on making comments.

**Oscar Simpson:** Evaluating what hunting/fishing opportunities are lost/gained by these land trades would be a valuable component because the Department could give some opinion on it.

**Representative Candy Ezzell:** Yes, there needs to be transparency. We're looking at issues we're experiencing as Rep. Wallace brought up problems we're having with Valles Calderas. To leave that open to public hunting there was a bill presented last year and it passed all committees. It did not pass because of a directive sent from the fourth floor. If we leave that to where hunters can have access to Valles Calderas, I'd recommend you write in support of if you feel the urge to do so to have public hunting in that particular area because it has to self-sustain, otherwise it'll go back to the feds. Can you give me the timeframe on that?

**Chairman McClintic:** 2015.

**Rep. Candy Ezzell:** It has to be self-sustaining in this timeframe we're talking about. We were notified by the Cadastral Service of BLM whenever they showed up and proceeded to cut the chain entering on my deeded land, and then proceeded to drive off road all over my deeded land looking for monuments so they could do a survey. The Army Corp of Engineers because they got stimulus money were going to build a fence to encompass their area so public hunters would know where they were. I'd still be required to pay the lease. At a BLM meeting they did not understand that even though we paid the lease, our cattle wouldn't be able to access this property because of the fence they were going to build. The stimulus money the Department could be utilizing to help the state's wildlife is now being utilized to the point that wildlife will probably not be able to access these areas. It's not creating more jobs as purported, but I still have to bear the brunt of what some agencies in their rulemaking are implementing. As an elected legislative official, I'm sick/tired of rulemaking by various agencies to fit the needs of particular agencies.

**Robert Espinoza:** Along the lines of what I've heard regarding the Wildlife Federation, I apologize first because I've not seen/read the letter. Based on comments, I'm upset and I apologize to the Commission for our name being on that letter. I was contacted by our President, Tim Turri, regarding that and all we agreed to was support that the Commission did not give the 60-day public notice. I didn't realize our name was going to be put on anything that was derogatory to this Commission. I think the Commissioners know our position, our support of the Commission/Department, and we would never support something that's derogatory to the Commission. I beg the Commission's apology that our name is on that even though I haven't read it, but based on comments it was offensive and I can assure you I'll be having a serious conversation with Jeremy Vesbach/Wildlife Federation regarding any future support of the Federation.

**Commissioner Salazar:** I didn't take it as offensive. Before you make comments you should read this. I think there are other things going on. It's difficult to be a Commission and hear negative comments constantly.

**Robert Espinoza:** Regardless of what's in the letter, all we agreed to sign was in support of the Commission not giving 60 day public notice.

**Chairman McClintic:** Do you want to clarify? You work for the Wildlife Federation.

**Commissioner Salazar:** I'm the Regional Director for the National Wildlife Federation. The NWF oversees a number of affiliates in the country. We have 46 in the various states and I oversee AZ/CO/NM.

**Commissioner Montoya:** I wanted to comment on behalf of individuals unable to attend this meeting with concerns for those individuals that hunt in Unit 2 using roads that traverse through the Jicarilla Apache Nation. I called Dan Brooks regarding calls from individuals hunting deer in Unit 2 to clarify state law/Department regulations, how carrying firearms were regulated. It appears state law/Jicarilla Apache Nation laws differ. The Jicarilla's are a sovereign nation and they're entitled to have their own regulations/laws and we have to abide by them if we're going to be within their boundaries. There are discrepancies with how an individual can carry a firearm. I wanted to request the Department make all individuals aware that hunt in those units that use highways through the Jicarilla Apache Nation what these regulations are because there were a lot of weapons confiscated, citations issued, fines levied in Tribal court on individuals that didn't think they were doing anything that was against any state law, unaware that Jicarilla Apache Nation laws were different. The case in point is the Jicarilla Apache Nation has a proclamation called a Non-Tribal Member Hunting Proclamation. One information item is that it's unlawful to possess a loaded weapon on the Jicarilla Apache Reservation if you don't also possess a valid Jicarilla hunting permit. Ammunition in the chamber/magazine/detachable clip constitutes a loaded weapon. Individuals hunting deer, and there's heavy traffic on Hwy 64, in the Caracas area in Units A, B, and C happen to go through the Jicarilla Apache Nation boundaries. The Jicarilla Apaches had roadblocks and individuals that had been hunting had put away their guns and packed their things and going home, or in some instances were going to the hunting cite and as they were being checked if it's unlawful with state law to have a loaded weapon, and I don't know if you can have a clip installed in the rifle or not, but most people will also have a bullet carrier on the butt of their gun and they'll usually have 6-8 extra bullets in there. Under state law it's not illegal to carry that at all times, you don't have to remove that bullet carrier, but the Jicarilla rules, not in their proclamation, but in the way that they interpret their own rule is that, that is a violation if you have that bullet carrier. So, there were individuals that lost their guns or had to pay citations, I'm trying to inform you that we as the Commission/Department could assist those individuals that are going through these roadblocks that they be aware that they could potentially be cited and cost them a lot of money. They have to take time off from work. If they're not in Tribal court on the day they're scheduled, their weapon has been lost. Most hunters have weapons

that cost \$600-\$800 plus the scope and to lose that much on something you didn't think you were doing illegally, is a bit much. I'm encouraging everyone that has been successful in applying for a license, drawn a license that we include on our information sheet along with that notice, that they need to be aware of this. Maybe a copy of the Tribal proclamation so that they're aware that while they're on Tribal land they'd better adhere to Tribal rules because there are numerous people that will be impacted. One roadblock in one day sent 50 people to Tribal court with infractions that potentially cost a lot of money, all the time thinking they hadn't done anything wrong.

**Commissioner Salazar:** Do we have in the Proclamation that when we're hunting on other lands we should be aware that they need to contact those people?

**Chairman McClintic:** Is that gun rule consistent on all Tribal lands, or is it applicable just to the Jicarilla's?

**Dan Brooks:** These incidents are occurring exactly how Commissioner Montoya said. It's primarily the Jicarilla Apache Nation. Other tribes are inconsistent, they have their own laws/rules. This one has been around for a while, and we've received several complaints and it's inconsistent with state law. State law allows individuals to have a loaded gun in your vehicle, and it can actually be concealed, provided you're not prohibited from possessing it if you're a felon.

**Commissioner Salazar:** Do we have a notice to make sure to check with local entities in the proclamation?

**Dan Brooks:** I think there's a vague notice.

**Brian Gleadle:** There's no current comment in our RIB that identifies that as an issue. All licenses that are authorized to Unit 2 holders whether for elk/deer, do receive a separate mailing either by us or the Forest Service to identify roads and it'd be very simple to put that language in and provide that information to those individuals.

**Commissioner Montoya:** I do respect the Jicarilla Nation and their right to protect their interests. I imagine there's a lot of poaching in there and they have to control/limit that. I think with additional information to what's in the Proclamation everyone needs to be aware of what those regulations are. I think a lot of people aren't even aware of when they've entered/leaving Tribal lands.

**Bernard Ashley:** I recently submitted an application for import of species for our museum and it was denied. I'm Director of the Chiricahua Desert Museum, current President of the International Herpetological Symposium, and in the past board member of Michigan Society of Herpetologists. We're attempting to bring in venomous species from out of state, and a lot of these species are native to the state. One roadblock we've not been able to surmount with the Department is that there's a rule on the books, 19.35.7.13, NMAC, which states that certification from an accredited veterinarian that any venomous reptile has been de-venomized. My request would be that at the very least the Department is given the authority to allow certain individuals/institutions the ability to bring venomous reptiles into the state without being de-venomized. We think the diversity of our wildlife is a major asset to the state and we'd like to help people appreciate the beauty and the importance of some of our less well-known and misunderstood species. We want to ultimately provide a world-class exhibit that will draw people from all over the world to our little corner of NM.

**Chairman McClintic:** Mr. Brooks can explain to you, but this is a rule/law.

**Dan Brooks:** This is the importation rule which was passed several years ago and that provision is in the rule. During the last 1½-2 years, the Department has been taking public comments and working so that we can address part of this.

**Commissioner Salazar:** I remember discussion to stop cruelty and private individuals from harboring venomous snakes and causing problems with release. We can craft something that would exempt professional museums, but the whole idea was so that these animals wouldn't get released, they wouldn't injure the public and it wouldn't be cruel to run these roadside exhibits along the highways. I'd urge you to make a modification that would allow professional museums/schools like this to operate and bring in snakes without de-venomizing them.

**Joe Rivera:** I want to commend the Commission for taking a stand on the White's Peak issue. It's a hot topic statewide because of what it stands for. I'd like the State Game Commission to consider scheduling Commission meetings to spread out and include the south.

**Chairman McClintic:** I thought we'd been doing a great job of trying to get our meetings around the state.

**Joe Rivera:** I'd like to ask Director Stevenson to give us a brief explanation on how the unitization procedure works within the Department? A unitization procedure effectively is a land trade where the Department/landowner has trespass issues/game law violations, and he trades access to some private land he has for some state trust land elsewhere where the problem is.

**Director Stevenson:** That happens in the Roswell area primarily. We've got different places where either access is a problem, and in some cases go into an agreement with BLM/SLO/landowner to potentially change some of the things on state land/BLM land, treat that as private property, and at the same time take private property and allow hunters to use those. They are actually giving better ability/ access for the hunter to get on to that part of the country that in some cases wouldn't be able to access otherwise, and giving him a bigger chunk of country to hunt on.

**Joe Rivera:** Is there a stipulation on that because I understand when I tried to get information out of the Roswell office that they didn't have a written set of guidelines.

**Director Stevenson:** We definitely have a written kind of contract that we go into that we have on those and I'd be glad to provide that to you.

**Joe Rivera:** I was told that it has to benefit the landowner/sportsmen. I was told that some of those agreements turn out rather well for sportsmen, but by the same token some of them primarily address trespass issues. I guess the bottom line is can the public be made aware so it's not one-sided.

**Director Stevenson:** It does. It's kind of a two-way street. Leon Redman is here along with other staff from the southeast area. If the two of you get together before you leave today and get information back/forth. We'd like to have your participation as far as whether it's working/not working.

**Joe Rivera:** I'm sure people/sportsmen would rather be able to reach some sort of compromise because what ultimately happens is that the section of state trust land that's in question winds up behind private property that wasn't traded for.

**Commissioner Salazar:** This past week the U.S. Congress/House and Natural Resource Committee heard a bill called Flip Fud that's Federal Land Transaction Facilitation Act which basically allows for the sale of federal lands that are outholdings in checkerboard areas to be sold for inholdings that benefit the Department/USFS. That's being re-introduced so it's a positive bill and it falls right in line with what you're talking about. Sportsmen were represented at that meeting.

**Joe Rivera:** Sportsmen are never going to have access to those anyway.

**Commissioner Salazar:** It's a win-win because it's voluntary on both sides and when they're properly identified, it benefits everybody. Those things are going forward.

#### **AGENDA ITEM NO. 16: Transfer of Turkeys to Sandia Pueblo.**

**Presented by Jim Lane** – Pueblo of Sandia requested a transfer of 30 Merriam's turkeys from the State of New Mexico to Sandia Pueblo. The Pueblo of Sandia would like to implement a Turkey Management Program proposing that they would implement a trapping operation in a location approved by the Department, and would capture 60 turkeys. The first 30 would be transplanted onto public land in New Mexico in an area approved by the Department, and 30 would be transplanted onto Sandia Pueblo. In return, the Department would receive the first 30 birds trapped off of their lands for us to put in the Guadalupe's to supplement our stocking efforts with Merriam's. There is the capability for that population to expand and to give public/private hunters opportunities that don't exist currently in the Sandia Mountains. **Action item.**

**Commissioner Sims:** Tell us what the project is now in the Guadalupe's with the turkeys and how that's going?

**Jim Lane:** The project we have in the Guadalupe's we're currently working with the ranger district to improve habitat for turkeys/elk/mule deer. We're also looking to supplement those Merriam's populations to get the turkey populations up to what we feel are sustainable for long-term hunting, and have turkeys in the Guadalupe's, and it's going well.

**Commissioner Salazar:** On the release cites I notice that most are along the Bosque by the river on the Sandia Pueblo and that we only had one in the foothills. I know these birds are going to spread out even on Santa Ana, but why were these cites specifically chosen? Is it because of the habitat or could we have more in the foothills?

**Jim Lane:** Those cites were selected based on the habitat components. Good habitat around that area for them to raise their polts, good roosting habitat and a lot of nesting cover, so those cites were some of the best that were on the Pueblo.

#### **Public Comment:**

**Oscar Simpson:** On behalf of the NM Wildlife Federation we fully support this recommendation.

**Timothy Smith:** I'm with the Pueblo of Sandia and the specific cites in question were selected in the foothill area because it's good habitat. It's more free-range motion for the birds to actually inhabit the area because of civilization encroachment due to our south border. Once these birds are released I don't want them to go in someone's backyard and become someone's big chicken basically. That's why only one cite was selected in the foothills and there are multiple cites in the Bosque area because there are multiple habitats/water resources for turkeys in the Bosque.

**MOTION: Commissioner Montoya** moved to approve the proposed transplant of the requested Merriam's turkeys to the Pueblo of Sandia and the relocation of 30 Merriam's turkeys to a location as determined by the Department. **Commissioner Salmon** seconded the motion.

**Commissioner Montoya:** Other projects where we've had these kinds of transplants have been successful and there's a lot of benefit to put them in these historic cites, then they also end up going beyond the boundaries, i.e., Santa Ana's are going into Sandia and vice-versa and into the other Pueblos and outside of the Pueblo jurisdictions, so it's beneficial to have as many places as we can have where these turkeys can thrive.

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

#### **AGENDA ITEM NO. 17: Proposed Changes to the Fisheries Rule, 19.31.4, NMAC.**

**Presented by Mike Sloane** – The Department presented initial prospective changes to the Fisheries Rule, 19.31.4, NMAC, that have been developed from public interaction, formal public input, and Department discussions over the last four years. The Department also provided a timeline for finalizing the development of amendments and ensuring a new rule is presented to the Commission for adoption prior to March 31, 2010 when the current rule expires. The reasons these changes are being proposed because the current four-year rule is set to expire on March 31, 2010, the Commission needs to adopt a new rule prior to that expiration date. In terms of public involvement, the Department has gone ahead and had six public meetings around the state.

Probably the most controversial proposal that's out there is to ban felt-soled waders as of March 21, 2011. That proposal comes from a desire to limit the potential spread of aquatic invasive species such as rock snot/whirling disease. The process forward will be to draft a new rule based on the Commission discussion/direction today, allow public comment in advance of final posting, compile that comment, adjust the final rule, post it, and then hopefully have a Commission meeting at which that rule would be adopted not later than the 10<sup>th</sup> of March in order to get the rule published in the New Mexico Register and get it in place prior to expiration of the old rule.

**Commissioner Salazar:** As a Commission, can you give us any scientific background/investigations you've done into felt soles and why you felt you wanted to move this way?

**Mike Sloane:** We've recently found rock snot/didimo in the Pecos. We know we have whirling disease. There are four studies that indicate that there is a higher risk with felt soles than other materials in terms of their ability to move those things around. It seemed that given the passage of aquatic invasive legislation and interest in trying to reduce that, the fact that it's in most of the states surrounding us it made sense to be more pro-active and get ahead of it. Is that the only type of equipment that could move it, no; is that the highest risk, maybe.

**Commissioner Salazar:** When we've talked about invasive species before this was an issue that came up, but I'd hope we'd have better correlation with rock snot in fishing spots. Education would be a big component and they'd all like to see that. I'm up in the air about felt soles because of the impact to the general public and it's effectiveness. I think we need to move toward that but I'd like to see more data.

**Mike Sloane:** I can post these studies on the web for folks to look at. The idea of making it in March, 2011, was to give folks time to wear out the current set and need a new set rather than do it right away, but I understand that it'll be an impact to many people.

**Commissioner Arvas:** I'd like to see something more final on the felt soles in terms of a conclusion on your part. I don't know how many people were present when you came up with 50-50 even split?

**Mike Sloane:** I based that on the response we had from the public meeting as well as e-mails received. I think we had 7 for and 9 against.

**Commissioner Arvas:** That's what worries me when you talk about 50-50 splits and you've got 7-11 people involved instead of the multitude of people that own waders that do fish.

**Mike Sloane:** That's the traditional issue in fisheries is we had six public meetings, two of them were attended by people. I sent out 200 e-mails and we got 13 responses. It doesn't generate a whole lot of interest even when we want to reduce the bag limit.

**Commissioner Arvas:** Well I guarantee that when you tell people that they have to buy a new pair of waders, then they're going to take it personally.

**Mike Sloane:** I have yet to figure out how to get the bulk of the people to respond. We certainly get organized angler groups to respond, but I don't think they represent a high percentage of the total number of anglers.

**Commissioner Arvas:** What would convince me more is if you'd look around at the surrounding states where they have the same problem we have and see what their approach to this is.

**Mike Sloane:** We've called around and what we found is that there are no other states, other than Alaska and Alaska has banned felt soles in the southeastern portion of the state. Other states are talking about it internally but they haven't actually acted on it. New Zealand has banned felt soles.

**Commissioner Arvas:** I understand the felt-soled boot is safer in terms of walking in the streambeds?

**Mike Sloane:** I've always worn rubber soles. Many anglers feel the felt sole is safer because it gives a better grip.

**Commissioner Arvas:** Why did you get the rubber sole?

**Mike Sloane:** It's what I've always worn.

**Commissioner Arvas:** I'd like a broad evaluation on your part because that's what we depend on. I don't think 50-50 is very impressive when there are 11 people responding.

**Chairman McClintic:** If you can prove to this Commission that we definitely have a problem with felt soles, that we're transferring diseases to other streams, then if it's something that's going to hurt our environment/resource, we will ban it. What I don't want is have everybody throw their felt sole waders in the trash. I want you to show me where it's proven science, not rumor/innuendo. If you can prove to me that we're damaging our environment with felt soles, and 80% of people are against removing them, I'll vote to remove them.

**Commissioner Salazar:** Folks think there are other things that can transfer diseases as well. We need to get some knowledge on that, and we'll act on it. We need to move right away with education and we urge you to do that.

**Commissioner Salmon:** When you talk about limiting terminal tackle, do you have a specific set of rules in mind?

**Mike Sloane:** For all of our special trout waters, unless they're designated otherwise, it's barbless flies/lures.

**Commissioner Salmon:** On the Black Canyon regulation change proposal, in one place you refer to an unlimited take of Brown trout and it seemed in another place you refer to an unlimited take of non-native fish. Is it Brown trout/Rainbows?

**Mike Sloane:** I was trying to create a category of waters where we had unlimited removal of non-native fish in each of these streams. In Cabresto it's primarily brook trout, Vermejo it's brook trout, Black Canyon is Brown trout, but it would allow if other species eventually got in there in one fashion or another it would allow for take of those as well.

**Commissioner Arvas:** Define terminal tackle.

**Mike Sloane:** Terminal tackle is what hooks lures that that you're using to actually catch fish.

**Commissioner Salazar:** Is there a policy about stocking types? If we have a predominantly native breeding trout, are you going to be stocking natives or in other areas where we have a combination there are no barriers, is that open to those triploid Rainbows, what's the policy on that?

**Mike Sloane:** We're in the throes of formalizing that. We've been converting several hatcheries and are going to convert the rest to all female triploids in an effort to avoid conflicts with native fish. We're moving to not stock within ten kilometers/six miles of an existing native fish population we're trying to protect assuming there's no barrier. If there is a barrier, then we could stock triploids closer than that below the barrier. We've not formally created a policy to that affect, but that's the strategy we're working towards.

**Commissioner Salazar:** Have any idea when you'll come forward with something like that, when we can expect that?

**Mike Sloane:** Certainly we can work on that and have something for you this spring, and that'll also fit with the USFWS to review all of our stocking and having a formal policy will help them get over the hurdle of our stocking.

**Commissioner Salmon:** Is there any consideration being given to converting some of these hatcheries to native trout only rather than non-native Rainbow trout?

**Mike Sloane:** Seven Springs Hatchery has been converted to Rio Grande cutthroat trout only. We've talked about doing that at Glenwood Hatchery. The concern we have is native fish only spawn once a year so we'd only have eggs once in order to meet the numbers we traditionally stock. I don't think we can do that with native fish. I've also been unable to get a firm commitment from USFSW to provide those eggs on a regular basis in order for us to raise Gila trout. The best approach at a place like Glenwood might be to add production space and dedicate that to Gila trout while we continue to raise Rainbows separately. Into the future as we begin to stock more recreational waters with Rio Grande Cutthroat, we could put those into one of the other hatcheries where we're raising Rainbow and if they got mixed it wouldn't be as big a deal, but until that time where we're not needing those fish for restoration we're probably stuck with Rainbow at most of our facilities.

**Commissioner Salmon:** The other side of that might be with the native fish to employ catch-'n-release only or a very limited take to try to improve habitats to try and get improved natural reproduction.

**Mike Sloane:** That's certainly a good idea, but at places like Lake Roberts/Bill Evans/Bear Canyon I don't think we're ever going to get to that point and if we want to maintain those as fisheries, we're going to have to stick with Rainbow trout.

**Chairman McClintic:** I agree with Commission Salazar that there are other approaches to be taken before we make a snap decision to remove felt soles.

#### **AGENDA ITEM NO. 18: Closed Executive Session.**

The State Game Commission adjourned into closed Executive Session, pursuant to Section 10-15-1 (H) (1), (7), and (8), NMSA 1978, to discuss matters pertaining to litigation, possible acquisition of additional lands for conservation and habitat purposes, disposal of surplus land, and the determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated regulated procedures and conduct as per 19.30.8, NMAC, as listed on the agenda.

**Director Stevenson:** We've got one outfitter, as we typically do as far as notice going to them, that we do in Closed Session, then we'll come back and take action in Open Session.

**MOTION: Commissioner Montoya** moved to enter into Closed Executive Session pursuant to Section 10-15-1(H)(1), (7), and (8), NMSA, 1978, of the Open Meetings Act in order to discuss matters related to litigation, possible acquisition of additional lands for conservation and habitat purposes and disposal of surplus land, personnel issues, and the determination of sending "Notice of Contemplated Action, for outfitter and/or guide registration to any identified individual(s) that may have violated regulated procedures and conduct as per 19.30.8, NMAC. **Commissioner Salazar** seconded the motion.

#### **Roll Call Vote:**

**Chairman McClintic – yes**

**Vice Chairwoman Buffett – yes**

**Commissioner Arvas - yes**

**Commissioner Montoya – yes**

**Commissioner Salazar - yes**

**Commissioner Salmon – yes**

**Commissioner Sims – yes**

**Motion carried unanimously.**

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

**AGENDA ITEM NO. 19: Notice of Commission Contemplated Action.**

**Presented by Dan Brooks** – The State Game Commission, after meeting in Closed Executive Session, determined, and directed the Department to send a Notice of Commission Contemplated Action to any outfitter or guide that evidence and information indicated may have violated their Professional Code of Conduct or other matter contrary to 19.30.8, NMAC, or Section 17-2A-3, NMSA, 1978. The Department feels we've got enough evidence/information in reference to the outfitter we discussed for Code of Conduct violation and we ask your consideration to allow us to initiate the Notice of Commission Contemplated Action and start the hearing process. **Action item.**

**MOTION: Commissioner Salazar** moved to accept the Department's recommendation and send a Notice of Contemplated Commission Action to the registered outfitter(s) discussed in Executive Session. **Commissioner Sims** seconded the motion.

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

**AGENDA ITEM NO. 21: Proposed Modification of the Draw 2 Application Deadline.**

**Alexa Sandoval:** In regard to the Department proposal to modify the application deadline for Draw 2, during the September 24, 2009 State Game Commission meeting we changed the deer permit to a deer license. That now requires that a person who draws for a deer license in the 2010 license year will be required to only carry a license and not a permit and the license. Because of this change, the Department will be offering online resident deer applicants the ability to purchase a general hunting and fishing or a general hunting license and that's due to the fact that the deer license is included in that general hunting portion of our combination licenses.

**Chairman McClintic:** I received calls/letters from the guides/outfitters in the state. Their biggest concern is that they're scheduled at these shows and the additional time that they have to get clients to apply for licenses. I understand that to move the fishing license up rather than have the March 31 date, rather than the April date which would cure all their concerns would require legislation.

**Alexa Sandoval:** Right now our license year is set by state statute—March 1 to March 31.

**Chairman McClintic:** So we'd have to go to them to get that moved.

**Alexa Sandoval:** If there was a contemplated action for moving the license year, yes, it'd have to go to the legislature.

**Director Stevenson:** We're struggling with trying to figure out with our application process trying to keep that fair for everybody, especially for that resident hunter who wants to apply for these combination hunts. We talked about different ways to accomplish that and this is the cleanest we came up with knowing that it was going to impact some guides/outfitters and how unhappy some of our other customers would be. We haven't come to that adequate balance with what the concerns are but at the same time what we're trying to do is limit a risk of having a significantly more complex draw system where potentially we're going to have mistakes. We talked to Garth/Jess this morning with the same kind of comments you had and we talked about a few options. Those are on the table and may make this more complex as we go through this process and it wouldn't necessarily be what we'd advocate but they may be workable. One is if an individual who applies and wants a combination hunt goes into that process knowing that they've got to do that prior to the March 24 deadline, if they want to have a fishing license, but it does not treat them equally to the rest of the folks who can change their application all the way up to the end of that process. That's potentially an option that you need to be aware of, but you also need to be aware that it doesn't allow that equitable treatment all the way through the end of that application process for those individuals. That may be where that middle ground is but it's one that the Commission/Department need to talk about more. It changes as we go through that process and that's where our concern is that we're trying to get away from and make this as equitable as we possibly could for that resident hunter to take advantage of this combination license through this procedure for the first time.

**Vice-Chairwoman Buffett:** I agree with the merit of trying to preserve that discount buying the combo, but I wonder if the timeline of March, 2010, if we might end up having more of a public relations problem if people don't find out about it in time v. the discount. How are we going to go about letting people know about the change?

**Alexa Sandoval:** We've had discussions around that understanding that if we do change that deadline, what will be the reaction to 160,000 people that submit their applications and while we've not gone out and done formal public assessment of what the thoughts are, most people truly go by the Proclamation. They look at the deadline date and they go by what's in the booklet. We'd also have a media blitz. We've identified with PIO how we'd make it public knowledge that that deadline date has changed. We recognize that some people know it's the first Wednesday in April, but for a majority of people I've talked to informally they don't keep that this date is for sure the one deadline they need to pay attention to. They refer to the Rules/Information Booklet every year. I believe if we put a media blitz on and we reach out to as many different sportsmen's groups/individuals we now have the capability through our IT System to be able to e-mail every single person who applied online last year, so we'd be able

to contact them. We'd also be able to use every media available to us so we do recognize that that's a possibility for an issue but I think that's something that's surmountable and we can get word out adequately.

**Director Stevenson:** Part of that question is would there be some merit in holding off doing this?

**Vice-Chairwoman Buffett:** I wanted to know if the idea is still good, but maybe implementing it with more lead time would be something that the Commission/Department thought would be a good idea.

**Pat Block:** That would be problematic in that we've gone through the rule amendment process to change the deer permit from a permit into a deer license for 2010, so the potentially unintended or less than intended consequence would be that there would be no availability for the combination licenses and the money savings associated with them. My concern is that the reaction to that would potentially be worse than the confusion created. The reason we went to the deer permit was when we went to the statewide deer draw that limited customers' availability to purchase those combination licenses and realize those savings both from the public perspective and from the legislators who create those license types and set those fees. We were criticized as having accomplished a fee increase without changing the law by doing that, so I think if we were to keep the rule in place as a license rather than a permit, but not allow people to avail themselves of those discounted licenses, we'd have a problem.

**Vice-Chairwoman Buffett:** I'm reassured the Department has weighed costs/benefits of discount v. confusion.

**Chairman McClintic:** Because we have two different deadlines—March 31 for fishing license, April 7 for the hunt—if somebody applied for their deer license and had a fishing license, we'd discount that deer license \$10, so they've got the savings. If they don't have a valid fishing license that they purchased March 31, then they'd pay the full fee for the deer license. Would that solve the problem?

**Alexa Sandoval:** It'd be something we could do if we had available at the time a person purchasing that fishing license.

**Chairman McClintic:** No, when they purchase their deer license?

**Alexa Sandoval:** I'm understanding they'd be able to then change their fishing license into a combination deer license.

**Chairman McClintic:** No, I think we'd be right back where we'd have two separate licenses. We'd have a deer license and a fishing license rather than the combination.

**Alexa Sandoval:** That would be correct but then we'd have to go through a statute change in providing the discounted difference in the combination license fee and then the fishing license fee, depending on who you are and what you qualify for. You'd set up a whole other set of license that would have to be issued, so that'd have to go through the legislative process. That would make it more complicated particularly because we're dealing with 200 vendors across the state that do that via paper and not through the computer and inevitably it creates more problems.

**Commissioner Salazar:** Are there any economic benefits to the Department for this in efficiency or processing times? There are benefits for the hunter/public.

**Alexa Sandoval:** I don't see where the Department is going to gain/lose with doing this combination license other than the fact that those people have come and worked with the Department and said they want to apply for the combination license and we have them there and they then purchase the combination license at that time v. making an application for deer, walking away from the Department, and then maybe they buy that lesser combination license in the future. We are capturing the potential for license sales up front v. hoping that they'll come back to the Department via vendors or through our online system.

**Commissioner Salazar:** Are there any savings in time for making draw results and going through the draw process? Is it faster, do you use less staff time?

**Pat Block:** There could be those benefits as well because you're covering this all in one purchase transaction rather than the special hunt application and the license purchase through a vendor to have to deal with. My speculation is that a few more people will buy a license who are going through the draw, not drawing and not buying anything. You may indeed sell them a small game/fishing license that you'd not have otherwise because it's a good bargain. Another piece is that for anyone of those people that would not have been a license buyer that become a license buyer they are counted in our federal funds certification because they are now an additional person so there is a significant benefit on the federal aid side as far as the NM slice of pie when they divie up that pie among the 50 states, so those are some of the advantages in making sure people have this opportunity.

**Commissioner Arvas:** If we go the recommended route, we don't have to worry about legislative intervention? If we don't go your route, we're going to have to go through the legislature?

**Alexa Sandoval:** If we do not move back the deadline, then what we're going to do is charging those resident deer online applicants at the time they submit their application and they'll receive the authorization number at that point. It's a more restrictive process that will be in place.

**Commissioner Arvas:** Whatever the Commission decides today, it's subject to approval by the legislature and for whatever reason don't agree, we're out of luck.

**Pat Block:** None of the things we'd do today would require legislative change. What we've been doing is think of different ways to do this like altering the current license year/changing the license types would require legislation but we're not contemplating anything like that today. It would potentially be to move the deadline into March or if the deadline remains in place, that'd take some of the flexibility that changing it would give to the deer applicants and it'd also set up that disparity where deer applicants

would be paying the full fee ahead of the other folks and they'd not be able to go back in and make changes to an application once it's submitted, which has been one of the things we've heard from customers. One of the appealing attributes of our system is that if they decide they want a different hunt/time or to go on to a different application with others that they do have that ability, that would be limited without moving the application period back.

**Director Stevenson:** As we go through this, if we stay with April 7 deadline, and we still allow the combination license, the only way we can accommodate those people would not be able to fish until the 10<sup>th</sup>-12<sup>th</sup> when we could get that audited and then get a fishing license approved. Another option that we might consider if we stayed with the April 7 deadline we allow all the flexibility in the system, we then charge after we got the audit process done and we charge that credit card by the 15<sup>th</sup>, I don't know what the timeframe would be, but what the issue would be that those folks would still be able to get the combination license but they wouldn't be able to go fishing on April 1 and that's what we were trying to achieve.

**Chairman McClintic:** So they'd lose 10-12 days?

**Director Stevenson:** Right, but that might be something that the Commission wants to consider. We hadn't discussed that but it'd be workable. Also, it's a bit of a penalty for those folks that might want to go fishing April 1 but it still allows them to get that combination license and us stay within the process without changing things and charging it at other times.

**Pat Block:** I wouldn't call it a penalty. We talked about how people prioritize their decisions and how there are trade offs and it would potentially be that they want to save \$9-\$41, it may be worth lacking a week of fishing season to save that money and that would be one of those prioritization decisions people would have to make. That would allow the charges to occur at the same time as it does with other species.

**Public Comment:**

**Jess Rankin:** I'm a hunting outfitter from Roswell. I can't emphasize how detrimental this change in application deadline will be to the outfitting industry. By taking away two weeks of advertising, it's going to devastate the outfitting industry. I wonder if it's worth losing \$10. It's overkill to try to save resident hunters/sportsmen \$10 when it can cost me/others our livelihoods. We need as much time as we can get to market our services.

**Oscar Simpson:** Representing the NM Wildlife Federation. This is a complicated issue and the Department needs to accommodate the outfitting industry/residents and make it a working scenario.

**Representative Candy Ezzell:** I have concerns as a landowner. We don't receive our permits on the number of antelope permits we will hold until May.

**Pat Block:** That would be a problem that's occurring now. We're talking about a two-week move from April 7 to March 24, so that conflict wouldn't get any worse, but it's already a problem.

**Alexa Sandoval:** The number of landowner permits that are authorized under the A-PLUS System are separate from the public draw process so they're an independent as far as the process is concerned.

**Chairman McClintic:** When do we let Representative Ezzell know how many permits she's getting?

**Representative Ezzell:** It's in May. As far as our public hunters go, we had a couple out of California hired an outfitter to guide them this year. They were a no-show, but they had hired an outfitter.

**Garth Simms:** I understand the responsibility of the Commission/Department to accommodate people who want to buy combination licenses, but to reiterate what Mr. Rankin said about impact on the outfitting industry. In this state outfitters' business is down 50% from a year ago. Understand that the Department gets over half it's license revenues from out-of-state hunters, and over half of those out-of-state hunters are outfitter licenses, so that's a big hit to the Department. The outfitters haven't had an opportunity for input so we'd suggest that you leave this year's application deadline as is, and next spring/summer when outfitters have the opportunity for input and see what can be done to make this system work up to/including going back to the legislature for statutory changes.

**Robert Espinoza:** Is the combo license set in statute? Is it tagged with the deer permit? How old is that statute?

**Alexa Sandoval:** Yes, the combo license is in statute, and yes, it's tagged with the deer permit.

**Pat Block:** Licenses have been in existence for a long time so the general hunt to others that are only a couple of years old like the combination small game/fishing or junior/handicapped license, so it runs the gamut.

**Robert Espinosa:** We're trying to work on something that was implemented several years ago when deer licenses were over the counter. It made sense then, but now that it's a draw, there are not many deer hunters that will be affected or take advantage of it. If it's regarding deer, why isn't it elk/antelope, etc.? I think the Department is working on something that needs to be addressed to the current situation/arena. I echo Mr. Simms sentiments, and based on what Director Stevenson said this is far too complicated to address. Let's get more input and look at it based on the current situation and offer a combination license that makes sense is our recommendation.

**Chairman McClintic:** We'd be in a jam if we left everything is what you're saying?

**Alexa Sandoval:** We'd place those restrictions on the online resident deer applicants. If we were to implement something that Director Stevenson had recommended, we could do that where we would charge them after the current deadline of April 7, but what I'd like everybody to be cognizant of if we did do that, we would not be able to release the draw results until June, so if we leave the deadline where it is but we charge them afterwards they'd lose 10 days of fishing opportunity. We'd not be able to

move draw results into May, they'd still be in June timeframe. We could easily do that, but I want everybody to be aware that we would not be able to do the May release on draw results.

**Chairman McClintic:** The only way you can release draw results is to move the date back?

**Alexa Sandoval:** That's correct. It takes us about 5-6 weeks to complete all our audit processes including data entry and then verification of funds and hunts codes.

**Director Stevenson:** After discussions today, the potential of still providing that combination license but keeping our deadline this year as April 7, and make it explicitly clear to our customers that if they want to go fishing, they're not going to be able to get a combination license, but us to be able to get a combination license and then miss out 10-12 days of license capability opportunity that first week, week and a half in April, may be the best compromise that this Commission can consider at this time. Once again, it's not where we necessarily wanted to be but it may be the better compromise than trying to move this up. We'll work to get a better mechanism as we go to next year that better accommodates this issue and gives us more time.

**Chairman McClintic:** What you suggested is a good suggestion and I'd recommend we go along with that.

**Pat Block:** I believe if we're not going to move the deadline we do not need to take any action.

**Director Stevenson:** I believe we get it in the Proclamation and those that want to partake in that combination license know what the issue is this year, they've got a week and a half, two weeks, that they'll not be able to participate first part of April.

**Commissioner Salazar:** Mr. Rankin and the outfitters, this sounds like a good compromise but it also means that you have to step up and get this information out and adapt and get ready for that change if we bring it back later. Get advertising out earlier, adjust your shows, because this is a good compromise and I hope you take advantage of it.

#### **AGENDA ITEM NO. 22: Discussion of Shooting Sports Initiatives.**

**Presented by Pat Block** – The Department provided a summary of efforts and activities associated with the development of shooting sports initiatives sponsored or supported by the Department. This is a brief update and over a couple of past budget cycles we've been talking about doing more in the areas of shooting sports. The Federal Aid and Wildlife Restoration Act is a federal excise tax that's levied at the manufacturer level on weapons/ammunition. Weapons/ammunition are sold for purposes of hunting but also for purposes of target/sport shooting and other non-hunting shooting activities but they still pay the excise tax. There was a summit put on by the National Shooting Sports Foundation which is the trade association for all the firearms/ammunition manufacturers and they brought all the states together to talk about programs out there and successes with some of the ones we saw that seem to be working well. We have good opportunities to partner and not start from scratch. There is structure in place through the County Extension Agent so we want to work within what's already going on there to hopefully strengthen those programs.

**Commissioner Arvas:** AZ has between 3,000-4,000 youth shooters, Arkansas has 4,000. It's a nationwide trend and basically says that finally game and fish departments across the country have realized that if you don't get these kids early you're not going to get them at all. With this kind of program in place, and with the help of the Department, I think we've got a great future as far as the youth shooting program. I was President of the Amateur Trap Shooting Association, and through their cooperative efforts they brought the Department up to speed in terms of demands we've given them in terms of insurance but also any written materials. NRA will provide all written materials at a basic cost. I told the Department/PIO that anything we need to get this going is worth the price because to be able to get that young shooter out there instead of getting them lost to something else, is an amazing thing.

**Commissioner Salazar:** I echo those comments. If you haven't been to Outdoor Expo you need to go. This not only goes to the sport of hunting/fishing but also it directly affects youth.

**Commissioner Salmon:** Along with the importance of shooting is the connection to importance of getting youth hunting. I've read that most of the downtrend in hunting has come in small game hunting. Big game hunting is still in demand so we need to place our emphasis on getting new hunters particularly when you consider that small game hunting is cheaper/easier/simpler/more variegated than big game hunting.

**Commissioner Arvas:** A statistic you might want to hear is that in the last 10 years we've gone from about 20M licensed hunters down to 13.2M. That's a significant drop. There are varied reasons for it.

**Pat Block:** To echo and amplify those sentiments, that's precisely why we're looking at shot gunning/small game and another thing both within the agency and there's a new hunter/angler/shooting sports participation committee at WAFWA. We talked about small game hunting being the one thing you can still pick up and do. We talked about deer has gone to a draw/what we're doing to help people draw and those that put in 1-5 years without a draw, if you're trying to hook somebody on a new sport having them have to apply multiple times before they can ever go out and do is not going to hook them.

#### **Public Comment:**

**Representative Candy Ezzell:** We participate in the youth antelope hunt. The neighboring ranches put together 100 sections for youth to do the youth antelope hunt. Once again, we had 100% success rate as far as our harvest. What better way for them to see firsthand with somebody from either the agency/Safari Club International, but let's let youth participate especially those that might be from a single-parent home. If they're able to go out in the field with somebody with experience to harvest an

animal/dress it out/cut it up/consume it instead of having a depredation hunt that does nothing more than slaughter animals especially in the economic times we're in now.

**AGENDA ITEM NO. 23: Discussion of Impacts to Deer Management Objectives and Hunting Opportunities Resulting from Recent Modifications to GMU 5-B and 51 Boundaries.**

**Presented by Brian Gleadle** – The Department discussed reports that recent changes to the boundary between GMU's 5-B and 51 may not achieve deer management objectives for the area. In northern NM, specifically in the Canjilon area north of Abiqui Lake and south of TA, Units 5-B and 51 have been east/west partners for many years. Prior to the change both units were almost identical in size except for about 6,500 acres.

**Commissioner Montoya:** I'm concerned because a lot of our focus in this area had been deer. In Unit 51 from 1999-2002 and the former 5-B was closed to any deer hunting and the intent was to try to bring the deer herd back because it has the potential to provide good habitat for deer. That's demonstrated with the success rate. The concern has been that elk do quite well on their own but deer populations in the north pose a bigger challenge to bring those deer populations back to where we'd like to see them. It appears it's not as much of a challenge in the southern part of the state. There appears to be more of a deer population than in the northern part of the state. In these units it's been more difficult to bring the deer populations back for many reasons. In the last big game rule when we consolidated 1/3 of 5-B into 51, we were looking at elk and how to manage them. We lost focus on the impact that would have to the deer herds. I'm familiar with this area and that's how I ended up bringing this before the Commission. Unit 5-B used to be 15 licenses for the draw and five for youth. This year with the consolidation there were 200 licenses for that area and they all tended to flock toward 5-B because that's better deer country especially as they're getting ready to move into the wintering pasture in October-November. It definitely is winter range for deer and elk, but more for deer. The problem is that we have too many hunters in what used to be 1/3 of 5-B instead of scattering throughout 51 which became larger. They were concentrated in what used to be 5-B and I think we're going to be quite surprised when the harvest data starts coming in that there are many hunters that were successful. I'm hoping they didn't devastate the herd. The lack of law enforcement for some reason the worst in some hunters was coming out. There were reports that some hunters were shooting at doe. A lot of carelessness occurred during the hunt especially when elk/deer were concurrent because there were way too many people for the size of that area. We've set precedence in Unit 2 that we can have elk hunts over a unit wide area and we hunt elk in Unit 2 for 2-A, 2-B, and 2-C. What we do for deer because we see that as good deer area and Unit 5-B is not far from there, the Jicarilla separates it and the Jicarilla have good deer herds that go in/out of Tribal lands. We see that this lends itself well if we could figure out a way to do sub-units so that deer would not be hunted unit wide in what is now 51. Elk could but deer might be restricted to lesser numbers as in 2-C which we consider to be trophy area. I think we reduced that to 50 licenses whereas 2-B might have 450 on any given hunt, but 2-C we created a couple of years ago. We lowered that to about 50 I believe, maybe fewer than that. This area lends itself well for a consideration of the same type we have in Unit 2. I'd also like to see more law enforcement priority especially for deer hunts. I know the river makes a natural boundary, but I've seen deer cross the river easily. The river especially because the flow is cut back middle of October, that flow is so low that anything can get across, the river doesn't hold back elk/deer from crossing because they have trails all through there. I don't know what remedies could be placed midway through the big game rule. If there are any remedies for this next hunt which is still part of the big game rule in place, and also ideas/input for the next big game rule over the summer. We'll be able to develop more ideas that we can implement into the big game rule, but currently we're in the middle of one big game rule that would make it difficult to change boundaries/numbers of licenses/draw opportunities, but if there's anything we can do to remedy this situation.

**Brian Gleadle:** You raise a lot of good points. Some of the changes, especially the 20% change we talked about, that's easily done without any rule change whatsoever, but when we start getting into sub-units/hunt timeframes, that involves multiple rule rules/regulations, much more difficult to enact especially within a short time period if we want to get into affect for next hunting season. We do, however, have the ability to institute the natural change which is 20% rule, or even then if we went one step further and gave the 60-day consideration, and if the Commission reduced the total number of permits, but left the hunt structure/are as it is, it gives you that ability without changing 3-4 different rules and getting into place and then it gives the northwest/northeast areas and WMD the ability to sit down and look at this issue in it's entirety as to hunt timeframes/overlap with elk/deer seasons/private land deer licenses/number of people on the ground/law enforcement capacity or the sub-unit. It gives us more flexibility and ability to look at the whole issue as a whole instead of rushing in with something small that might create a bigger issue. The 20% reduction gives us that authority right here/now between the Chairman/Director. We have the ability to recognize issues that you see on the ground and move toward getting a better rule in place as we develop the new regulations.

**Commissioner Montoya:** I agree it's difficult when we have a big game rule in place, but as we work toward developing the next cycle which we'd be expected to approve in September of 2010, that's when we can take the rest of these recommendations into consideration. The last comment I'd like to make is that the other problem that is evident is the amount of private land. I didn't realize there's more private than public. That's also something that needs to be monitored more closely. In Unit 4 you monitor it by requiring that applications be submitted and there's some control. I think that allows the Department to monitor applications

per ranch. In Unit 51 and now the new consolidation with 5-B there's no monitoring. If a two-acre piece of property wants ten licenses, they're not denied. Closer monitoring is required so that there's no abuse. We need to continue that system because landowners definitely play a big role in maintaining these deer populations and insuring they're protected. The only thing we need to watch out for is the abuse.

**Brian Gleadle:** You're correct, and where that abuse occurs is I know what he knows. I'd hate to say it's the landowners who are abusing that. In Unit 4 when we've implemented this it wasn't necessarily a landowner abuse system as much as since these licenses are over-the-counter purchases through a vendor, anybody can walk into a Wal-Mart and purchase this license over the counter. It's the expectation that then they go out and receive the written permission from a landowner to hunt on that property. We all know that where the abuse was occurring before was those licenses weren't being requested for permission, they were going wherever they wanted. That might be some of what's going on. The difficulty is knowing but within the time period of now to developing the new regulation I think we should be able to get a better handle on where some of those concerns are and implement those strategies.

**Director Stevenson:** Besides the 20%, the law enforcement issue we don't need Commission direction to do that so Brian/Dan/Directorate and staff will figure out a strategy to increase that effort next year knowing that we had some of the situations arise issue.

**Public Comment:**

**Vice-Chairwoman Buffett:** Pat [Block], at the July Commission meeting I requested a public section on the website that describes the methodology/timeline by which we rule make on specific species, whether it's every two years or the permanent rule, or which is which, and I'd like to know where that's at?

**Pat Block:** We started developing a matrix. I believe you mentioned, or someone mentioned, a similar process in place in AZ, so we did look at that and what we saw was not quite what was described to the Commission. I don't know that we've done a lot with that. Let us get back to that and get it going. We let that slip through the cracks and I apologize.

**Vice-Chairwoman Buffett:** So by the next Commission meeting we can see an unveiling of that proposal?

**Pat Block:** We'll give it our best shot.

**AGENDA ITEM NO. 24: General Public Comments (Comments Limited to 3 Minutes).**

**Public Comments:**

**Oscar Simpson:** When you develop the schedule for next year we'd like to have weekend/evening State Game Commission meetings to give the public opportunity to attend/input.

**Larry Gehrke:** On June 22 when I found out whether I drew out on elk/deer tag, I got a tag for the Colin-Neblett. I found out that it's such a low success rate I called the Raton office and asked why and they told me it's due to the difficulty of the hunt. I went into a rancher's place next to Eagle Nest and I asked have you seen any elk in the area. He said they were bugling all September long but he said right up until the state came in with a helicopter at the end of September not another elk in the area. I'm thinking either the Colin-Neblett is either the worst game management area, or the best example of aerial elk drive that I can think of.

**Lief Ahlm:** The Colin-Neblett is difficult to hunt. As far as us being in there with a helicopter driving out animals, we don't do that. Stuart Liley from the Department had a helicopter flying on the Valle Vidal for our fall elk surveys that occur right on top of the rut between the end of the bow season and the first part of the elk season, but those were not flown on the Colin-Neblett, they're flown on the Valle Vidal. The Neblett is one of those places that if you hit at the right time, when the weather is right, it can be good and it can be bad. It's weather dependent. If it's been wet in the early part of the season, it's real good, if it's been dry, the elk aren't in there. If you hit it after the snows are right, they're in there so sometimes it's the timing of the hunt. Sometimes the first/second/third hunts are good some years, and some years it's not good at all, but it's not considered a place of high success.

**John Terey:** Why non-residents equal in the draw on bighorn sheep? I've since learned it's a political can of worms. Is the Commission going to actively pursue changing the law?

**Chairman McClintic:** Usually what the Commission does is it gets direction from the Department. This is the first I've heard of it and now that it's on the table and a matter of record and minutes, we can look at that and have a discussion item at one of our next meetings, and we can hear pros/cons from the Department why we should/shouldn't change it.

**John Terey:** Is there a legal precedent that would keep the Commission/legislature from changing that?

**Director Stevenson:** This is actually out of a federal lawsuit and we are trying to seek clarification from our Attorney General's Office.

**Dan Brooks:** Several meetings ago we discussed this but the Court has ordered us not to apply any limitations/quotas to bighorn sheep/ibex/oryx. That's from Turk v. Gordon. Ladd Gordon was a Director back in 1978, later we came forward in 1997 which was right after the legislature gave us the quota law which is the 7822. We asked the Court to lift that, they did not, so that's where we are now. Since then the Director has written the Attorney General's Office and asked them to review it. At this time there's nothing for the Commission to do. We're bound by the Courts and we're looking at a legal argument that the Court

needs to reconsider, so right now we cannot apply the quota to bighorn sheep/lbex/oryx. That's a judicial decision and goes beyond the Commission's power, and it even goes beyond the legislative branch.

**Willis Rivera:** We're forming two new associations--NM Muzzleloaders Association for Mule Deer, and the NM Rifle Association for Mule Deer, but I was the only one able to attend today. We want to lead a coalition to separate the mule deer hunt and the rifle hunt. I understand that some time in the summer next year you're going to make the decision for the next 2-3 year. I know folks in Roswell/Artesia/Carlsbad are tired of having to deal with the rifle hunters on their scouting trips and the chaos. Maybe the muzzleloader hunt can be set to the third week of October, and I know the rifle hunters want to see the hunt start on the first Saturday in November.

**Commissioner Salazar:** I encourage you to work with the SE Area Chief, Leon Redman, to work on that issue. We always encourage the public's input.

**Representative Ezzell:** Director Stevenson, back during the summer we were at a meeting in Angel Fire. It was posed to you by Senator Asbill in an article we'd seen in a hunting magazine, NM does rank in the top ten in the nation as far as elk. Were those numbers posted in that magazine incorrect?

**Director Stevenson:** They definitely are.

**Representative Ezzell:** When we put the math to it, the elk population v. the number of licenses issued v. the number harvested was totally out of balance. Why are we doing this whenever the population numbers are that high and the harvest was so low?

**Jim Lane:** The population estimate was right about in the middle of what we think the population is in the range, so the population estimate in that article was correct. The other two numbers reported, the number of licenses sold and the number of elk killed, were off by a factor of ten, so they were 1/10 of the actual kill, almost to the animal, so somebody missed a zero on both of those.

**Representative Ezzell:** We are required by statute as private landowners to have our land posted, and that statute states every 500 feet. We cannot be out there 24-7 making sure that some mischief-maker, might be out there shooting up our signs, tearing our signs down, but we do make an effort to post our deeded land. I want to know if it's fair that the public hunters with permission get to hunt the entire ranch while the private hunters are limited to private land within the ranch, and how are the hunters expected to know what is private and what is public, because within our ranch boundaries we do have some public land, so are we supposed to put our signs up within our ranch designated that as soon as they step over this imaginary line that they are now on public land? All of our hunters are tax payers. On another topic, there's one gentleman who always comes to your State Game Commission meetings. I'd like for you to know that he stands in direct opposition to what me and my entire family as hunters/fishermen beliefs, his beliefs are not the representation of what we believe in as far as rules/regulations and management of the state's wildlife go. One other recommendation I'd like to make is we're getting earlier and earlier on our hunts. In the southern part of the state the first deer hunt in my particular area was the latter part of October. Hunters are running the risk of having that meat spoil. We're also taking our biggest bucks, especially during the rut, and those are the ones hunters want to go after, so we're relying on our inferior bucks to breed the does back whether it's pronghorn/mule deer. NM is recognized for the superior hunting aspects that our lands do offer. Do we want to kill off our biggest bucks during the rut? Mr. Sloane spoke earlier about changes to the fishery rule. He made a comment I thought was amusing—he said he received a comment from the Environmental Department. That's not always a good thing. They have caused more harm his state recently. Whenever we were discussing the mussle issue at the Silver City meeting, one way to do away with the mussels was to spray them with heated 409. The Environment Dept. stepped up and said oh, no, we might have an environmental hazard then. Some of the things they do can be a detriment to the state.

**AGENDA ITEM NO. 25: Adjourn.**

**MOTION:** Commissioner Arvas moved to adjourn. Commissioner Buffett seconded the motion.

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

Meeting adjourned at 4:32 p.m.

s/  
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Tod W. Stevenson, Secretary to the  
New Mexico State Game Commission

February 25, 2010  
\_\_\_\_\_  
Date

s/  
\_\_\_\_\_  
Jim McClintic, Chairman

February 25, 2010  
\_\_\_\_\_  
Date

New Mexico State Game Commission  
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