

**MINUTES**  
**NEW MEXICO STATE GAME COMMISSION**  
 Clayton Civic Center  
 124 North Front St.  
 Clayton, NM 88415  
 July 21, 2011  
 9:00 a.m. – 5:00 p.m.

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

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

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

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

ABSENT: None  
 QUORUM: Present

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

**MOTION:** Commissioner Bidegain moved to accept the Agenda for the July 21, 2011 State Game Commission Meeting in Clayton.

Commissioner Arvas seconded the motion.

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

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

There were approximately 85 members of the audience in attendance.

**AGENDA ITEM NO. 5: Approval of Minutes (June 9, 2011 – Las Cruces, NM).**

**MOTION:** Commissioner Bidegain moved to accept the Minutes for the June 9, 2010 State Game Commission Meeting in Las Cruces, NM. Commissioner Salopek seconded the motion.

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

**Eric Rominger:** A brief update on the Dry Cimarron herd transplanted in 2007-2008. In the fall census we felt that herd was between 60-70. There were 22 lambs on the ground, so our population estimate today would be between 80-90, one of the highest ewe/lamb ratios ever seen in NM. There were 25 adult ewes. That included a set of twins which is extremely rare in bighorn sheep. Despite the drought these sheep are in extremely good condition.

**NEW BUSINESS:**

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

**Presented by Dan Brooks** – The Department presented a list of 13 individuals to the Commission that met established criteria for revocation of hunting, fishing, and trapping license privileges. Reinstatement of Wade Richardson is requested. He was revoked and then he did contact the Department and subsequently we found out he was correct. He was only convicted on 1 of the 2 violations and it does not subject him to revocation.

**MOTION:** Commissioner Montoya moved to adopt the Hearing Officer's recommendations on the suspension, revocation and point assessment for the attached list of 12 individuals for the period of time specified and adopt the Department's recommendation to reinstate all privileges for 1 individual.

**Commissioner Maracchini** seconded the motion.

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

**AGENDA ITEM NO. 7: Adoption of Specific Amendment to Trapping and Furbearer Rule (19.32.2, 10.B10, NMAC) Dealing with Trap Ban on Gila and Apache Sitgreaves National Forests.**

**Presented by Tim Frybarger and Rick Winslow** – The Department provided a final recommendation for amendment to the Trapping and Furbearers Rule (19.32.2.10.B10, NMAC), and sought Commission adoption of the proposed rule regarding the furbearer trapping ban in the Gila and Apache National Forests. Governor Richardson issued an Executive Order and the Department banned trapping in the Gila until a study done by the U.S. Geological Survey in Las Cruces on the affects on the wolf population was completed, and basically said that regulated furbearer trapping in NM does not have a population level impact on the gray wolf population. The Department's recommendation is to eliminate the furbearer trapping ban in the Gila and Apache Sitgreaves National Forest. **(Action item)**

**Public Comment:**

**Barry Stewart:** I'm the wildlife specialist for Otero County. Otero County wishes to follow the recommendation and allow trapping in the Gila again.

**Howard Hutchison:** The Coalition of AZ/NM Counties felt that this was an ill-conceived idea. There were no impacts to the Mexican Gray Wolf Program and we fully support the rescinding of this rule.

**Travis Watson:** I agree with the Department doing away with the ban.

**Perry Harper:** I'm a professional trapper/guide, and I support the recommendation to end the trapping ban in the Gila.

**Robert Espinoza:** I'm Executive Director for NM Sportsmen for Fish/Wildlife. We're in support of the recommendation from the Department.

**Charlotte Salazar:** I'm President of New Mexican's for Pro-Active Wildlife Predator Management. We support the removal of the trapping ban.

**Caren Cowan:** I'm speaking on behalf of NM Cattle Growers/Wool Growers. We support the Department's recommendation and agree totally with what the Coalition of Counties said.

**Tom Rutherford:** On behalf of Safari Club International of Southern NM/Council of Guides/Outfitters/UUBar Ranch we support the Department's recommendation.

**MOTION:** Commissioner Arvas moved to accept the proposed amendment to the Trapping and Furbearers Rule (19.32.2, 10.B(10), NMAC), that eliminates the furbearer trapping ban in the Gila and Apache National Forests as presented by the Department. **Commissioner Bidegain** seconded the motion.

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

**AGENDA ITEM NO. 8: Adoption of Amendments to the Falconry Rule, (19.35.8, NMAC).**

**Presented by Dan Brooks and Chris Chadwick** – The Department provided final recommendations for amendments to the Falconry Rule, 19.35.8, NMAC, and sought Commission adoption of the proposed rule.

**Dan Brooks:** We've been in the process of looking at changes to the rule before the Commission for over 9 months. We're requesting repeal of the old rule, and the new one for replacement. The new rule will go in affect in 2012. **(Action Item)**

**Commissioner Hoffman:** Rules could be more stringent, but not less stringent than federal rules. In your opinion our rules will pass muster when they get to USFWS?

**Dan Brooks:** Yes. When Dr. George Allen with USFWS reviews our draft, that means it's close, and he's given it the stamp of approval, and he's not finding any problems with it.

**Public Comment:**

**Frank Bond:** We appreciate the Department's/Commission's support in its full spectrum of all the traditional values and means we have available. I urge passage.

**Paul Domski:** NM Falconers fully support passage of the new rule.

**Mona Valicenti:** Regarding the 90-day waiting requirement for taking the exam, if the candidate fails the exam, what's the reasoning behind that?

**Dan Brooks:** 90 days gives them a chance to go back and review. In the exam there's stuff about animal husbandry/nutrition/care/maintenance/hunting, so it gives them a chance to come back at a later time.

**Mona Valicenti:** You'd hope that somebody would review stuff before taking the exam again, but why the requirement of waiting 90 days? Is there a reason behind it besides giving them a chance to review the material?

**Dan Brooks:** My sense is that as an extremely professional organization they want to make sure somebody takes the time and doesn't test out again, and pass.

**Chairman McClintic:** Is your organization comfortable with the 90 days?

**Frank Bond:** Yes because we've been doing it that way since 1975. It's a complex exam. There are 2-3 questions that are difficult/close enough, but nevertheless, there's a lot in terms of the history of falconry and special technical terminology on biology/natural history/falconry terminology/falconry husbandry that makes it difficult. If a person has a difficult time getting to 80%, they are going to need some time. I don't have strong feelings one way or another, it's that we've lived with this for 30-35 years.

**Commissioner Hoffman:** Tell me the section that deals with hybrid raptors in the regulation. Are they fertile?

**Dan Brooks:** To summarize, now there is a requirement under falconry and it's specific. In the old rule, there was no discussion about that, so it tightens up the ability to utilize and fly hybrids. One of the things this rule addresses now under 19.35.8.14, a permittee wishing to release a raptor must notify the Department 10 days before the intent to release. You can see the intentional release of hybrid bird raptors is prohibited, so we're establishing some criteria how you can/cannot use them.

**Commissioner Arvas:** The person participating in falconry needs a permit? In order for them to have the permit, they have to take the test first? Do they come to Santa Fe to take the test, or can it be administered at any one of the offices?

**Dan Arvas:** Correct. We will administer. Master Falconers administer it as well. Usually, that's the best combination because the reality is that when people get into falconry, it's usually in the apprenticeship role, unless they come from another state and they're already established. The apprenticeship is best with a Master Falconer. It hasn't been a hardship taking the test in the past.

**Commissioner Arvas:** Your test is commensurate with other states? Are you considering reciprocity?

**Dan Brooks:** The reciprocity lies in the ability to move into our state and be established as a falconer. We already allow people to come here and participate. If you were in TX without taking the test to fly/hunt your bird in the sport of falconry, that's already established.

**Commissioner Arvas:** Do other states have a test similar to ours?

**Dan Brooks:** Yes.

**Commissioner Arvas:** Why wouldn't you want to give reciprocity to other states? Instead of the person having to come here to take our test, and he's already taken the test in TX/AZ, why would he have to take this one?

**Dan Brooks:** When you want to start the sport, you have to take the test and start your apprenticeship. If you move here, you can actually become a falconer, and there's an established process without that, so you can already do that.

**Commissioner Arvas:** I can see comparison between NM's licensing procedures. If you are going to have reciprocity, it makes easier for the person that has already accomplished that to be able to get his permit.

**Frank Bond:** If you take the exam in TX and your permit is issued in TX, that permit is good in whatever state in America. Similarly in NM, you take the exam 1 time, and that's when you start falconry as an apprentice. Once you've got that first permit, you never take the exam again.

**Commissioner Arvas:** That's been a common complaint from surrounding states about other licensing procedures, why we don't issue a license because they've already taken a comparable test in other states.

**Dan Brooks:** We do have that in place to accommodate those falconers.

**Commissioner Arvas:** If a person has a license in another state, you'll accept that and give them a permit?

**Dan Brooks:** Yes, that's part of the new language about non-residents and a temporary foreign visitor so we've tightened that up. We've made it as easy as possible/consistent with federal rules.

**MOTION: Vice-Chairman Salopek** moved to repeal rule 19.35.8, NMAC, Falconry December 31, 2011; and to adopt and implement this replacement rule 19.35.8, NMAC, Falconry with an effective date of January 1, 2012 as presented by the Department today. **Commissioner Bidegain** seconded the motion.

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

#### **AGENDA ITEM NO. 9: Management of the Artesia/Karr Farm and 7 Rivers/Brantley Wildlife Management Areas.**

**Presented by Michael Gustin and Matt Wunder** - The Department provided a proposal for management of Game Commission-owned and Bureau of Reclamation-owned properties in the lower Pecos River Areas. The Department currently manages the Karr Farm, 7 Rivers Farms, and Brantley Wildlife Areas in cooperation with the United States Bureau of Land Management. The Department also manages the Commission-owned Artesia Farm. **(Information item)**

**Commissioner Arvas:** Do we incur any liability from doing this other than what we already have?

**Matt Wunder:** I'm not particularly aware of any, but I defer to Jim Karp.

**Jim Karp:** Obviously this whole transaction is subject to development of agreements between the parties. We've made it clear that any agreements we enter into would not impose further mitigation obligations upon the Department/Commission. We don't want to take property that incurs more liabilities than assets.

**Director Stevenson:** We have significant liability currently because essentially the agreement to manage 7 Rivers, including the Karr Farm, has significant responsibilities with changes in BOR/USFWS requirements as far as use of water off that property that they happen to use to meet Interstate Stream Commission commitments with some water we would have had for 7 Rivers. Infrastructure work we were doing on 7

Rivers became part of that BOR property. They continue to maintain/own all that so everything we're doing became the ownership of BOR. This being Game Commission-owned property, we can manage that in a better way and also have flexibility for continuing changes for a variety of wildlife purposes.

**Matt Wunder:** As part of this property transfer, discussions we've had with BOR about which of the equipment/buildings and other facilities that the Department has during our tenure there will be transferred to the Karr Farm. In addition to picking up the Karr Farm there will be some facilities that we'll be bringing from 7 Rivers to the Karr Farm property.

**Commissioner Maracchini:** As part of our proposals for future use include are recreational hunting opportunities on Karr Farm?

**Matt Wunder:** Yes, that's one of the things that we're looking at. Keeping in mind that it's a limited-size area, and close to the Town of Artesia, we'd be looking at having hunting opportunities. I strongly advocate youth-hunting opportunities, and to the extent we can move beyond that in the sense that it'll meet our management objectives for the property, certainly.

**Commissioner Hoffman:** Is it a fair statement that currently the money for operating this comes from BOR who would transfer it to the Department?

**Matt Wunder:** Initially there was an agreement that BOR entered into with the Department for the management of 7 Rivers. That agreement was part/parcel with the deed the Department signed provided money from BOR to the Department. We operated under that agreement for a number of years, but discovered that they did not have legal authority to transfer those funds, the money stopped.

**Commissioner Hoffman:** That was in 2010, now, what percentage of the fiscal operating requirements did the BOR monies amount to?

**Matt Wunder:** About 50%.

**Commissioner Hoffman:** So the Department was doing 50% and they were doing 50%, and the total got it managed?

**Matt Wunder:** Right.

**Commissioner Hoffman:** So it's a fair statement to say that it quit giving us the money and gave us the property, then the budget requirements will go up by 50% for the management of that area by the Department?

**Matt Wunder:** Although we won't be managing the 7 Rivers property because agricultural production activities on 7 Rivers will cease so the work we were doing will terminate other than the actual management of hunting/recreation activities.

**Commissioner Hoffman:** What's it going to cost the Department to acquire this property per year on an operating basis? How much will it cost to operate this over what we are now spending?

**Mike Gustin:** I don't have actual figures, but the way that was laid out was that we had 2 budgets. We had 1 for the Huey, and 7 Rivers. 7 Rivers was a reimbursement agreement so we had to fund all the money, they would reimburse us half. Without that agreement in place we just moved that money to operate Karr Farm so there's no increase, loss of the available money to operate it won't change. We'll apply what we were applying to 7 Rivers to Karr Farm.

**Commissioner Hoffman:** They'll take over the full amount needed for 7 Rivers?

**Mike Gustin:** Nothing is going to happen at 7 Rivers. They don't want to farm it anymore. They're in a situation with Interstate Stream Commissions with water deliveries and they actually want to take water that was available for ag and put it in the river.

**Commissioner Hoffman:** So essentially there's no effective drain on increase in habitat expenditures based on acquiring this farm?

**Mike Gustin:** No. What we'll be able to do now is cost share with federal USFWS dollars and a 75/25 match, so fiscally it makes more sense too.

**Director Stevenson:** We're able to get \$.75 back on a \$1.00 from our federal grants where we were only doing this at a 50/50, so it was actually costing us more money than what it does on all of our other farms/wildlife areas to produce the same output that we would either way.

#### **AGENDA ITEM NO. 10: Adoption of the 2011-2012 Migratory Game Bird Rule (19.31.6, NMAC).**

**Presented by Barry Hale** – The Department presented final recommendations to the 2011-2012 Migratory Game Bird Rule, 19.31.6, NMAC and sought Commission adoption of the proposed rule.

**Commissioner Arvas:** The reason you reduced the Middle Rio Grande goose permits was?

**Tim Frybarger:** The feds only allowed us so many, so we cut back. We still exceeded the amount they gave us so we had to cut 20 permits.

**Commissioner Arvas:** Why wouldn't you want them to do a mandatory harvest report?

**Tim Frybarger:** We're going to encourage them to do one. We'd like it to be mandatory, but it's up to the Commission to decide whether to be mandatory or not. Even with the mailout surveys we've gotten by with 50% and that's been good enough for what the feds expect from us. We've been meeting the expectations. Granted, 100% mandatory survey would be the best survey, but it's a lot of work, too.

**Commissioner Arvas:** For whom?

**Tim Frybarger:** For us. If you make it mandatory, you almost have to make a penalty for those that don't do it. You can make it mandatory if you like.

**Commissioner Arvas:** It seems there's something lost in the process if we're going to make biological-type decisions if you don't have all the biological information, you can't make a good decision.

**Tim Frybarger:** Statistically, if you get 50% you don't gain that much by getting the other 50% most of the time. So, is it really worth the extra work to get that much better information?

**Commissioner Arvas:** For example, you reduced the number by 5? Now, you based that on 50% that you submit, or did you base that on check stations?

**Chairman McClintic:** Talking about Sandhill crane.

**Commissioner Arvas:** Sandhill crane permit.

**Tim Frybarger:** We cut the Sandhill crane permit numbers because the feds reduced the number of cranes we can kill. We had no choice, they took away 20 Sandhill cranes we could kill.

**Commissioner Arvas:** Did we argue with them?

**Tim Frybarger:** No. We knew it was coming because we'd been getting close for years and it finally caught up to us so we reduced it by 20 total, 5 per hunt.

**Commissioner Hoffman:** We've seen where they don't get big game licenses because they didn't turn in their harvest report. If you're really going to go to a more managed system, wouldn't it be better to have a mandatory harvest report. If you're going to a more managed system, wouldn't it be better to have a mandatory harvest report? You do it online isn't that a better management tool? I'm talking in general and also specifically in this particular case where we're at the absolute limit.

**Tim Frybarger:** Mandatory is always going to be better, you'll always get better numbers. But like I said, how much better is it going to be? Is it worth the extra work to get it 2% better? We don't manage these populations to that. We don't know there are 2,767,132 Sandhill cranes. It's all trend data, not an exact science, so we feel comfortable with what we've got.

**Chairman McClintic:** Of our mandatory harvest reports, what percentage forget to sign them or apply? Is it 1%, 2%?

**Tim Frybarger:** You mean for deer/elk, the mandatory ones?

**Chairman McClintic:** Yeah.

**Tim Frybarger:** It's probably closer to 20%.

**Chairman McClintic:** So, when we make it mandatory you fill out a harvest report, 20% of the people are not filling it out?

**Tim Frybarger:** Correct, and that's why we throw a lot of people out of the draw. They'll come back later and do it so that they can buy a landowner permit, because they still need to do their report.

**R.J. Kirkpatrick:** Mandatory harvest reporting is valuable for making management decisions where you have critical thresholds of harvest knowledge that you need. This Commission has voiced support for moving to mandatory harvest for other species. We started it with deer/elk/trapper reports and I think at some point not requiring free permits for Sandhill cranes. There are a couple of issues: 1) it's expensive to do mailings; we don't get 100% back what their harvest is because it's voluntary; and 2) under current rule, and a lot of it has to do with legislation introduced this year, and trying to simplify licensing for sportsmen, a guy gets a Sandhill crane permit and a license. He thinks he can go hunt, but he forgets you've got to have this free permit, and if he doesn't have the free permit, he's hunting unlawfully and there was the threat citations could be issued. So, we're trying to get away from creating/perpetuating a system that makes a legitimate sportsman unlawful because he forgot a permit that was free to begin with. We'll see whether our migratory bird hunters get us their harvest information online. Officers could have a card that's got the website on it. After we get our survey information back, we find we have X number of people hunting for example Sandhill cranes, and we didn't get about 10%-20% to tell us what they did, we'll probably come back with a modified recommendation to the Commission. We've got to do something to improve that harvest information, but this will probably work. Sandhill crane hunters are conscientious, and if our officers remind them in the field, can take harvest information as we're checking them.

**MOTION:** Commissioner Montoya moved to adopt the Migratory Game Bird rule, 19.31.6, NMAC, as presented by the Department and allow the Department to adjust if necessary to fit into federal frameworks. Commissioner Bidegain seconded the motion.

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

#### **AGENDA ITEM NO. 11: Adoption of Amendments to the Hunting and Fishing License Application Rule, (19.31.3, NMAC).**

**Presented by Alexa Sandoval and Patrick Block –** The Department provided final recommendations for amendments to the Hunting and Fishing License Application Rule, 19.31.3, NMAC and sought Commission adoption of the proposed rule. Changes to the rule were necessary due to statutory changes regarding public hunt draw resident/non-resident quotas that go into effect on April 1, 2012, the upcoming license year. The rule included a proposal to refund the game hunting license fee to unsuccessful applicants. **(Action Item)**

**Vice-Chairman Salopek:** We'd pull out the application fee and then later you could change it? During the December meeting I was for it, but I've changed because it's so complicated. You're locked down and you can't change hunt codes.

**Alexa Sandoval:** That's correct. This year, once you submit your application and choose to pay for it, you're done. You'll have your application fee, whichever game hunting license you select, and then the appropriate license fee. That'll be taken out immediately. You will not be able to change your application at that point. You'll be treated basically like we treat paper applicants.

**Vice-Chairman Salopek:** That makes it simple for you. What are the rules for handicapped? I've been looking at mobility impaired. On a handicapped hunt you see people sprint 50 yards to get off the road. I don't think that's right.

**Alexa Sandoval:** We have that conversation probably on a daily basis. There are 2 distinct levels of disability for the purposes of purchasing a license. The handicapped license we defer to those folks that are issued placards/letters from their doctors stating that they have some form of disability. That's acceptable for the purchase of handicapped licenses. For purposes of mobility impaired hunts, those folks go through a specific certification process. They have to submit an application to the Department which has to be renewed every 4 years, and that has a stricter requirement in order to receive the MI designation from the Department.

**Vice-Chairman Salopek:** Do they still have to go to their doctor?

**Alexa Sandoval:** It does have to be signed off by a doctor. We've taken the stance because we're not in the medical field, we will not override a doctor's opinion.

**Vice-Chairman Salopek:** You see enough of it and when you talk to the truly mobility impaired hunters that they can't draw, and when you look at some of the hunters that are doing it, I don't think that's right. I can see the legality of it being a nightmare for us.

**Chairman McClintic:** If the Department would bring some ideas to the Commission and we can try and tighten that up and we as a Commission/Department are more comfortable with people abiding with what the intent.

**Pat Block:** We'll do that. That's where the every 4-year renewal came from. That was our latest effort to make sure that we're doing our best to discourage/minimize and hopefully eliminate any abuse of the mobility impaired certification.

**Commissioner Maracchini:** Assuming I'm a small town, rural resident, don't use the computer much, and not into twittering/Facebook and those things. I walk into the hardware store to get my general hunting license so I can apply for a draw hunt, and then I don't draw and I don't want my license, what's the proviso? Do they have to send that small game license back, or do they say I just want out, give me my money back, and then they're still holding that paper license in their wallet?

**Alexa Sandoval:** For our draw application process, we will be requiring as we did last year, that those applications be submitted by the end of March. We do not release the sale of next year's licenses until April 1, so those who are going into the hardware store would not be able to purchase a game hunting license for the following year because we don't release those licenses to be sold by our vendors until April 1. So, if they were to go in and buy a game hunting license at that point, they would have done it in error because they would have been buying it for the license year that was about to end.

**Commissioner Maracchini:** But they'd still have to have one for the current year by the application deadline?

**Alexa Sandoval:** That's correct. What we're looking at doing this year is having an online application process which you're familiar with. We're attempting to go to a paperless program where we can accept telephone applications. Currently we're working with a vendor that'll be able to provide that service; so, those individuals who want to apply will either have to apply through our online/telephone system.

**Commissioner Hoffman:** What I don't see is that in addition to purchasing all these things, if they actually draw they have to purchase a habitat stamp. When does that process kick in?

**Alexa Sandoval:** As we do currently with our online system, you'll be able to elect to purchase those licenses at the time you apply for the license itself.

**Commissioner Hoffman:** If they don't get drawn, they still have to buy because we don't have a refund for the habitat stamp, correct?

**Alexa Sandoval:** This is where the devil is in the details. If you elect to purchase a game hunting license, or a game hunting license with a stamp package which includes your habitat management (HMAV) and your (HIP) permit, then you'll be offered the opportunity to receive a refund. If you buy the combination that has any type of fishing in it, you will not be able to choose to get a refund because those fishing licenses become valid April 1.

**Commissioner Hoffman:** I'm questioning this because in Representative Rehm's bill, that was one of the problems. People didn't know, so if someone didn't elect that and got a big game hunting license and went hunting in one of the forests and didn't have a Sikes Act stamp, they could get a citation, correct? Isn't there a way to say that if you draw, you'll be charged for the appropriate stamps?

**Pat Block:** No, because we don't know where people are going to engage in those activities. Everyone does not have to buy a habitat stamp, so we don't require that because it's not required for everybody/everywhere/everytime. That was one of the aims of Representative Rehm's bill, to make it apply to everybody/everywhere/everytime so there would not be that confusion. That bill did not pass so it's still now only required of those recreating on those federal properties. Since we don't know within any given unit whether some hunt the forest or trust/private lands, it wouldn't make any sense to require that.

**Commissioner Hoffman:** I'm not familiar with what you do, but I think there has to be some strong publicity that if you draw, or if you keep your game licenses and you're going to be on federal land, you'd better purchase the habitat stamp so that we don't run into the same problem and out of ignorance get a citation. It's our job to make sure that at least they have the information that they've got to have this.

**Pat Block:** We do have an opportunity to do that. At the last Commission meeting you asked me about that game license and my response was flip, so I wanted to give you the rest of the response—Marty and the PIO folks have been working on a campaign called "Use It" that's going to encourage people not to elect to get a refund on that license, but rather to keep it and show them some of the different things they can do with it, the opportunities out there for small game hunting even if you don't draw, so I think we can incorporate the reminders on habitat stamp into that campaign.

**Vice-Chairman Salopek:** Is that the simplest for the computers/system?

**Alexa Sandoval:** That is currently how that system works. If you do not submit your requirement, then you are ineligible to participate in the draw.

**Commissioner Arvas:** Are there any surrounding states that give refunds if you don't draw?

**Alexa Sandoval:** Yes, there are. AZ has a similar process where they will give you refunds with the exception of 1 of the game hunting, so you buy that license and you're done. They have a similar process but they don't refund for the game hunting, but they do for the license fees. I believe UT is the same way. The game hunting license is kept by the agency for the license fees it's refunded.

**Commissioner Arvas:** In AZ if I apply for a game hunting license which is a requirement to get a preference point, and I don't draw for that hunt, I can get that money back?

**Alexa Sandoval:** That's incorrect. The fee you pay, I believe it's called a basic hunting license is retained by the state agency. There's no refund issued.

**Commissioner Arvas:** What other states do what we do?

**Alexa Sandoval:** Maybe I misunderstood your question. We are the only one that will be giving the refund back if the applicant elects to do so.

**Commissioner Arvas:** What's the fiscal? Have we got stats so far for this year what the fiscal impact will be?

**Alexa Sandoval:** Because we've not been through this process, I'm not sure what the fiscal impact is although I believe Pat at the last Commission meeting felt that it may have about \$125,000-\$150,000 revenue loss to the agency. An update on SB 196 and where we are with it, we're working with IT Division to change our online application process. As soon as you enter into the online application process, you will be prompted to purchase your game hunting license. That will happen before you're able to apply for any of the species, so that's a major change. We will be moving oryx to Draw 2 because of some issues with being able to manage the game hunting portion of that application. It becomes very sticky financially and doing the tracking of that, so oryx will be moved to Draw 2, what we know is Draw 2, most people know it as the big game application process. That will mean that the oryx hunts for the months of April/May will be eliminated for off-range. I've worked with Jim in WMD and he did not feel that was an issue. He has spoken with both area chiefs in the southern half of the state, and they are in concurrence that eliminating those 120 permits will be all

right. Another thing we're working on is going to a paperless application process because if you apply on paper, we would then have to charge you for every single application for that game hunting license, so we're working with a vendor to use a telephone application process. It will not be a computer-generated application process. They will actually be speaking to a human which I've heard is one of the major concerns of folks we've talked to about doing a telephone application. Upon Commission approval, we are going to implement payments to where you pay and you're done. You will not be able to go in and change anything and that's true if you apply in January/February/March. Feedback we've received is that a lot of people don't like the fact that we're going to be charging their credit cards in January, but it's their choice to use a credit card, so we're going to put that process in place. We're also working with PIO with the understanding that there's going to be a large need for educating the public about how the application process has changed and why. Our upland game bird rule, which you passed several months ago, is a 4-year rule that we will most likely be coming before the Commission to clarify what licenses are valid for the purposes of hunting upland game because if you look at the current rule, it specifically talks about general hunting which is no longer a valid license type as of April 1.

**Public Comment:**

**Joel Gay:** Until we have a better idea of what the financial impact is going to be, hold off on any refunds. This is the first we've heard about losing 120 oryx tags and I don't know if there was a plan to shift those tags to earlier hunts and the idea we're losing 120 tags is ok. It seems that what the department ought to say to the Governor let's give this some time and figure it out before we go on this refund idea.

**Robert Espinoza:** Could you clarify oryx?

**Alexa Sandoval:** It's complicated. If we hold the oryx drawing before we hold the secondary big game drawing, and you apply for both and you request a refund based on your game hunting license, you then invalidate all of your applications for the second draw. In order to alleviate that, we had to move oryx into the second draw so that you buy your game hunting license and you're done with it. Now that we're moving oryx into that second draw, we will not be able to get licenses into the hands of hunters until prior to June 1. We wouldn't be able to get licenses into the hands of those oryx hunters for April/May.

**Robert Espinoza:** So in essence we'd lose 60 per month, correct?

**Alexa Sandoval:** Correct.

**Robert Espinoza:** Would the Commission be receptive to spreading those 60 out over the following 10 months so we don't lose those 60?

**Chairman McClintic:** This is the first we've heard of the 2, so we're in the same boat everybody else is. Let's go ahead and have a discussion and digest it. Naturally the last thing we want to do is take opportunity away.

**Robert Espinoza:** That would be my concern so if we could spread those 60 out over the next 10 months, we wouldn't lose those, but I can understand the reasoning.

**Chairman McClintic:** We'll certainly have some discussions about how to minimize the impact.

**Robert Espinoza:** SFW is definitely in support of issuing that refund.

**Alexa Sandoval:** Absolutely, it will be something that the applicant will have to acknowledge and have to accept during the application process. It would be my hope that people actually read what they're agreeing to on the application.

**Pat Block:** The Use It campaign is so people know what they're doing coming in, understand what decisions they're making, and what the impacts of those decisions are. Since Mr. Gay talked with the meeting with the Governor, what she said was she felt like it was not a slight fee increase for all hunters, it was a slight fee increase for all applicants including those who don't get to hunt anything. That was the inherent rip off, if you will, she felt was in play with that bill and that was at the root of her request that the Department come forward with this proposal.

**Chairman McClintic:** We're in a bad position here. We got blindsided by this 120 days because of internal issuing license. We have something we are going to have trouble voting on it. Is there a way we can vote on what's before us and eliminate the loss of the 120 oryx and bring that up at the next meeting, or how do you want to handle that?

**Director Stevenson:** You definitely could do that. If you choose to vote on what's before you right now, make an amendment to that motion to direct the Department to open the oryx rule and bring those 120 tags into part of the other hunt codes that are already set up in the oryx rule.

**Chairman McClintic:** Exactly. If we lose the 120 for April/May, the rest of the months that we hunt we can add 120 hunts to those other months?

**Director Stevenson:** That's correct.

**R.J. Kirkpatrick:** The 120 oryx licenses are off-range public draw licenses for April/May. The Commission will have to amend the oryx rule to modify where those 60 each month licenses live. Jim Lane has a variety of options we'll present to the Commission about where we put those 120 licenses. I don't think we're interested in eliminating but rather moving them to other timeframes, not only for this purpose but in discussions with a variety of folks that meet during those timeframes is troublesome.

**Chairman McClintic:** That's why we want to make sure that we're not voting in the loss of 120 oryx hunts.

**Director Stevenson:** We'll just add that to your approval on the motion and that way it'll automatically open that rule and direct us to bring that to the Commission as we're building that rule as to where we best absorb those for the rest of the year.

**Alexa Sandoval:** I wanted to clarify that portion of the discussion is an update to SB 196 and not affecting the motion for the rule.

**MOTION: Commissioner Hoffman** moved to adopt the amendments to the Hunting and Fishing License Application Rule 19.31.3, NMAC, as presented by the Department. **Commissioner Montoya** seconded the motion.

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

**Commissioner Hoffman:** Will this issue of 120 licenses be addressed automatically by the Department, or do we have to have a motion directing that?

**Chairman McClintic:** They will bring it to us and it will be open to public comment also.

**Director Stevenson:** If you wanted to make that as a motion that gives us that direction that we would open the oryx rule and that we would absorb the 120 permits will be fine as well.

**MOTION: Vice-Chairman Salopek** moved to open the oryx rule to amend the 120 licenses that we would be losing. **Commissioner Bidegain** seconded the motion.

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

**AGENDA ITEM NO. 12: Adoption of Amendments to Trapping and Furbearers Rule (19.32.2, NMAC).**

**Presented by Tim Frybarger and Rick Winslow** – The Department provided final recommendations for various amendments to the Trapping and Furbearers Rule (19.32.2, NMAC), and sought Commission adoption of the proposed rule.

**Commissioner Arvas:** The way you're presenting this today, everything that's been stricken/added/deleted, the assumption I'm making is that's the Department's recommendation.

**Tim Frybarger:** The stricken is original language and new language is underlined.

**Commissioner Arvas:** That's the Department's recommendations?

**Tim Frybarger:** Correct.

**Commissioner Arvas:** To do this correctly and with the Chairman's consent, we'd have to go through every section you've altered in some manner, to be sure that we understand what each one of those changes is?

**Tim Frybarger:** If you want to be completely thorough, yes.

**Commissioner Arvas:** You'd have to comment on every one of those changes as to the reasons to do this right?

**Vice-Chairman Salopek:** Instead of going through all this, why don't we go line by line? On the 5 out of state, where did that come from? Why go through all this when you have what was changed?

**Tim Frybarger:** It's clarification more than anything. Here's the heart and soul—we didn't have any pursuit season; the WMA's were closed. We're going to give the Director the authority to open them if he wants to. We're recommending a 5-bobcat limit for non-residents because we've never had any limits.

**Commissioner Arvas:** I'm concerned that if I voted in the affirmative for the suggested motion, I'd be voting on everything you've changed/alterd.

**Commissioner Maracchini:** Unless we amend it.

**Tim Frybarger:** Unless someone makes amendments to it.

**Commissioner Arvas:** What I'm saying is the process has to be looked at by Commissioners and they in their own opinion decide if they want to make that change or not.

**Tim Frybarger:** That's why we gave you a copy of that.

**Vice-Chairman Salopek:** It's been posted.

**Commissioner Arvas:** Am I correct in making the assumption that if I voted for the suggested motion, I'd have to vote for everything you've done in here?

**Tim Frybarger:** By voting you're saying you're going to approve what the Department has recommended.

**Commissioner Arvas:** If I'm not happy with an individual change the Department has made, I'd have to go back to that individual change specifically.

**Tim Frybarger:** Let's amend it right now rather than pass the rule and then have to come back. So if you want to discuss the 5 bobcats, let's discuss it now and we can make those changes.

**Commissioner Maracchini:** I'm perfectly fine with the system in place. If I, or any other Commissioner, want to make an amendment to the Department's recommendation, I'm prepared to do the same.

**Tim Frybarger:** As you know, the Commission has the authority to open the rule at any time. If you pass the rule and you see you don't like something, open the rule back up and let's fix it.

**Vice-Chairman Salopek:** I question the 5-bobcat for non-residents, but that being said, the 50 bigger traps moved back the bottom line that's going to help around campgrounds because it's a concern when people's dogs are caught. If we went to veterinarians in the state and asked them how many dogs they've worked on that have been caught in traps, I think we'd find there haven't been very many. So either somebody is not speaking the truth or their dogs aren't hurt that bad.

**Tim Frybarger:** Last year I had Rick [Winslow] get a hold of as many veterinarians as he could and ask them that very question. How many veterinarians did you get hold of, Rick?

**Rick Winslow:** I spoke to Mike Forsythe with the NM State Veterinarians Association. He e-mailed everybody and none of them treated dogs for a trap-related injury ever.

**Chairman McClintic:** We got trapped a while back about giving a blanket deal even though crossing out any additions/errors and you've explained, is that a lot of this is just changing language. It's not changing what was in here, it's just that it was poorly written to begin with, and you've been changing the language. The meat of what you're recommending is right.

**Tim Frybarger:** Correct.

**Commissioner Arvas:** So you're saying that there has been no major change from the original regulation with what you've got before us, or any change?

**Tim Frybarger:** Setbacks were 25 and we're saying 50 yards.

**Commissioner Arvas:** To do this correctly, we have to do it point by point. If I don't like any of the changes you make, then I would have to make a motion.

**Tim Frybarger:** You want to go through it point by point?

**Chairman McClintic:** Commissioner Hoffman, did you want to include any other amendments?



**MOTION: Commission Hoffman** moved to amend the rules as presented by the Department. I'd like to amend Rule 19.32.2.10, paragraph 5, to say that no landset shall be made within 50 yards of the edge of any public road or trail, including any culvert or structure located beneath it.

**Chairman McClintic:** We haven't had public comment. What I'm asking is, is there anything over the special recommendations? I'm not saying that you agree with the special recommendations. Is there anything that you wanted to add?

**Commissioner Hoffman:** If you want to change something, you have to make an amendment to the motion to change it, correct?

**Commissioner Arvas:** That's right.

**Commissioner Hoffman:** So, are you just talking about what's here, or what's in the document?

**Tim Frybarger:** I think what Jim is saying is, if you want to discuss it before you actually decide whether you want to do an amendment, let's go ahead and discuss point by point what we want to change and whether you agree or disagree, or if you want to change it and then we can go forward.

**Chairman McClintic:** I've got 35 people here, let's let the public discuss it first then we'll bring it back. If anybody wants to add anything, they'll have the opportunity to do that.

**Public Comment:**

**Bill Brockman:** I support the Department's rule changes with the exception of setback which I oppose.

**Howard Hutchinson:** I'm an officially registered lobbyist for the Coalition of Arizona/NM Counties. We support passing the proposed regulations/motion before you.

**Wesley Burris:** I'm past president of the NM Trappers Association and past Sportsmen's Director for Coalition of Counties. Basically, we support the rule as you've proposed it but we ask you don't change the setback regulations.

**Tom Rutherford:** I'm here on behalf of SCI-Southern NM. We generally support all the Department's suggestions. We endorse this letter from the Sportsmen and Landowner Coalition. Our immediate objection is setback requirements ought to remain as they are.

**Charlotte Salazar:** On behalf of New Mexicans of Pro-Active Wildlife Predator Management and our 3,200 members, we support the proposed recommendations; however, we do have concerns with the proposed setbacks.

**Robert Espinoza:** On behalf of Sportsmen for Fish & Wildlife, we generally support the Department's recommendation. We don't support increase in setbacks.

**Henry Brown:** I hope you don't change existing rules that affect trappers/ranchers' ability to trap on state/federal lands.

**Tom McDowell:** We support the rule as presented by the Department with the exception of setbacks.

**Ernie Current:** I'm past President of NM Trappers Asso. Conservation is one of our main concerns and professional big bobcat trappers care about the resource. People that come from out of state are taking opportunity away from people of NM.

**James Phelps:** I'd like to see a change in the trap check regulation from 24 hours to once daily.

**Frank Bond:** Consistent with what you adopted earlier with respect to falconry, I support the Department's proposal. I oppose any ban on trapping on public lands, and add falconry as a legal weapon type and adding shooting hours.

**James Casey:** I agree with the proposal except for setbacks.

**Burt Ancell:** I'm President of NM Cattle Growers and we support the Department's recommendations. We do have concerns about the setback rules.

**Dale Snipes:** I support the Department's recommendations but oppose the setbacks on trapping.

**Perry D. Harper:** I support the Department's recommendations and oppose the setback law.

**Caren Cowan:** I represent the Sportsmen/Landowner Coalition. We support the Department's recommendations with the exception of the setback rule.

**Brad James:** I'm President of the NM Trappers Association. I support the rule except oppose the trapping setbacks.

**Barry Stewart:** I'm a wildlife specialist with Otero County. Otero County supports the Department's recommendations with the exception of the setbacks.

**Travis Watson:** District 2 representative through NM Trappers Association. I support the rules but oppose the increase in setbacks.

**Fred Moore:** I'm spokesperson for NM Houndmen's Association. We support the Department's recommendations but oppose the setback rule. We support pursuit season for raccoons.

**Ben Creighton:** On the website there was an alternative to ban trapping on public land. How's that been eliminated?

**Tim Frybarger:** Yes, we're not recommending that.

**Ben Creighton:** With that goal the setback issue is very valid. I see no valid reason to set back more than 25 yards.

**C.M. Hammond:** I'm a member of NM Houndmen's Association and I'm in favor of the Department's proposal.

**Chris Hammond:** I strongly support the trappers and I'd like to have a pursuit season on raccoon.

**Chairman McClintic:** I want to know where the setback came from 25 to 50 feet, when every single e-mail I got wanted us to ban trapping on public lands. I didn't get a single e-mail that said all we want you to do is increase the setback from 25-50 feet. Where did you bring that up in your proposal that nobody in this state with all the e-mails/letters I've gotten asked me to increase the setback?

**Tim Frybarger:** It was nothing more than a compromise because we didn't want to ban trapping, but the majority of those complaints were dogs getting caught, they were too close to the road. If they can't see them it doesn't bother them as much and that's why we recommended out to 50.

**Chairman McClintic:** My point is nobody said I can live with trapping if we have that setback. I didn't get any of those for 3 months.

**Commissioner Bidegain:** How many reported dogs were caught?

**Tim Frybarger:** From what we heard, 3 this year.

**Commissioner Bidegain:** How many traps you estimate or are set out in the whole state?

**Rick Winslow:** There's no way to count them—1,133 people bought licenses, 40% of those were trappers v. hunters who buy a furbearer license. Each one of those trappers at 20 traps a piece, 25,400.

**Commissioner Arvas:** It concerns me that the Department would dwell on the setback when you didn't have anybody complain. Why would the Department put that in there?

**Tim Frybarger:** As I stated, it was nothing more than a compromise.

**Commissioner Arvas:** Who'd you compromise with?

**Chairman McClintic:** They weren't asking us for it is my point.

**R.J. Kirkpatrick:** Increasing the setbacks was a Department recommendation. It didn't come from public comment. It was a way to modify this rule which would hopefully minimize any dogs getting caught in traps because people who recreate/walk with their dogs typically are near roads. It was a Department recommendation to mitigate the potential of dogs getting in traps by moving them farther away from roads where people walk.

**Commissioner Bidegain:** Regarding the 3 dogs, were the setbacks 25?

**Rick Winslow:** [Inaudible]

**Chairman McClintic:** What he's asking is, were these dogs hooked within 25 feet or under?

**Rick Winslow:** No, the trap sets in both cases were legal, therefore, they were over 25 or they weren't close to a road as defined in the rule.

**Commissioner Bidegain:** So what are the chances of catching dogs at 50?

**Rick Winslow:** Also impossible to answer. The truth of the matter is this comes from people who don't have dogs on leashes. The dogs are running, there's a leash law in all counties in the state except for 4.

**Commissioner Bidegain:** What does that leash law state?

**Rick Winslow:** It's different in every county. What's interesting about where I got that was from the Animal Protection of NM website.

Basically, there are 4 counties—Quay/Mora/Guadalupe, the fourth I can't remember, that don't have leash laws. All other counties do. They basically don't say that a dog must be on a leash, it says that no pets can be unrestrained except on the cartilage of the person, basically on their property—behind a fence or on a chain within the property so it can't get off the property. Otherwise, they need to be on a 6-8 foot leash.

**Commissioner Maracchini:** Everything is done by perception nowadays. For many people perceptions become reality. All of us know that the urban perception about predators and trapping is completely different than what it is in the rural areas. There's very little acceptance in 90% of our public that live in Albuquerque and the other 4 major cities have about trapping. We've seen 2 neighboring states take away trapping on public lands. This Commission is not in the business of getting out of the trapping business. Current law requires us to have trapping seasons. My point is that you basically have to police yourself. You have to be careful about public opinion because any time that anybody that doesn't trap drives down a road and sees an animal struggling in a trap, it upsets them. To the best of your ability be cognizant of where you're setting traps, how often you check them because it can be taken away from you. You can take the authority to regulate trapping from the Commission, give it to somebody else, or do like AZ/Colorado/Alabama and several other states, and simply ban it on public land.

**Chairman McClintic:** We'll take all these issues separately. We'll have a simple vote, if the vote is YES then we'll use it, if the vote is NO we won't.

**1. Recommendation on year round pursuit season for raccoons (by show of hands):**

<b>VOTE:</b>	<b>For:</b>	<b>Commissioners Arvas/Bidegain/Salopek/Montoya/Hoffman/Maracchini</b>
	<b>Against:</b>	<b>None</b>
	<b>Abstained:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

**PASSED unanimously.**

**2. Recommendation on discretionary furbearer season (by show of hands):**

<b>VOTE:</b>	<b>For:</b>	<b>Commissioners Arvas/Bidegain/Salopek/Montoya/Hoffman</b>
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**Chairman McClintic:** Jerry, you're not going to vote?

**Commissioner Maracchini:** No, I'd like it to be discretion of the Commission.

**Chairman McClintic:** It is, that's what we're voting on.

**Commissioner Maracchini:** Does it not say Director?

**Chairman McClintic:** It says discretionary. It doesn't say Director.

**Tim Frybarger:** Jerry is right. The way we wrote it, it was at the discretion of the Director. Now, we can add in the Commission and/or Chairman.

**Chairman McClintic:** That's just another layer of government. Ok, it passed so we'll just move on.

Against: Commissioner Maracchini  
Abstained: None  
Absent: None

PASSED, 5-0.

3. Recommendation on 5 bobcat limit on non-residents:

**Commissioner Hoffman:** It's difficult to impose standards on one group and not another. Basically, all trappers buy trappers' licenses. If we want to impose some limit we ought to impose on everybody. If we don't want to impose limits, then we don't impose on anybody.

**Commissioner Maracchini:** I totally agree but not for the same reasons. Currently, we don't set bag limits on furbearers. We've got statistical data on recent survey of bobcat status across the U.S.

**Chairman McClintic:** If we do vote that 5 bobcat limit down, then we can have discussion on whether we're going to leave it unlimited or we want to put another number on it. It's going to be a vote one way or the other.

**Commissioner Maracchini:** Based on that, we do have quotas on non-residents for hunting licenses. I don't know if SB 196 addressed non-resident on trapping. Something to consider, if our resident trappers are concerned about non-resident trappers, maybe we should start considering a 10% quota on non-resident trapping licenses.

**Chairman McClintic:** We don't have the authority to do that. That would have to go through the legislature.

**Vice-Chairman Salopek:** Looking at this I was torn between it but listening to people today, one of the things anti-trappers push is the exploitation of the cats. If there's exploitation of our resource, to me it's sustainable and let's make sure we keep it sustainable.

**Tim Frybarger:** We do recommend it because 2%-4% of licensed trappers are non-residents. Of those 2%-4%, they take 12%-15% of the annual bobcats, so it's disproportionate take. Can we withstand that number of bobcats? Absolutely.

**Commissioner Arvas:** Do we have any other species with a bag limit for non-residents? Why would you want to be discriminatory for non-residents?

**Commissioner Montoya:** A situation we had many years ago and I talked to attorneys about this where we set aside bighorn sheep license for non-residents. We got sued and lost that part of it. After discussing with the attorneys, they were comfortable with this situation so I dropped the legal part of it. I asked about problems with bobcat populations to limit this. In fact the bobcat population needed additional protection, I'd probably say yes, this is a good thing but non-residents are coming and they're taking those cats. I agree, but I can't see that limit for bobcats for non-residents. Why are we doing it, it's not necessary.

**Chairman McClintic:** All in favor of the 5 bobcat limit on non-residents:

VOTE: For: Commissioner Dick Salopek  
Against: Commissioner Arvas/Bidegain/Hoffman/Montoya/Maracchini  
Abstained: None  
Absent: None

FAILED to pass, 1-5.

4. Ability to set bag limits:

**Commissioner Hoffman:** In rule, who has the ability, Commissioner or Director?

**Tim Frybarger:** The Director with concurrence of the Chair.

**Chairman McClintic:** That's just in case of an emergency.

**Tim Frybarger:** If there's an issue with disease or whatever, if something comes up.

**Commissioner Hoffman:** Those kinds of critical issues are spelled out? It's not just the ability to set a limit?

**Tim Frybarger:** No, there are specific guidelines. It's the same thing we put in the antelope rule and all the other rules, the Commission can change it.

**Vice-Chairman Salopek:** If there's a huge decrease and we've got to stop something, right?

**Tim Frybarger:** Correct.

VOTE: For: Commissioners Hoffman/Montoya/Maracchini/Salopek  
Against: Commissioner Bidegain  
Abstained: Commissioner Arvas  
Absent: None

PASSED, 4-1, Commissioner Arvas abstained from voting.

5. Include crossbow and legal weapon types:

**Commissioner Maracchini:** I'd like to add falconry.

**Tim Frybarger:** Mr. Bond asked that we add falconry as a legal weapon. It would include crossbow and falconry in legal weapon types.

**VOTE:** For: Commissioners Arvas/Bidegain/Hoffman/Montoya/Maracchini/Salopek  
Against: None  
Abstained: None  
Absent: None

PASSED unanimously.

6. Increase legal distance from campgrounds and boat-launching areas to one-half (1/2) mile:

**VOTE:** For: Commissioners Arvas/Bidegain/Hoffman/Montoya/Maracchini/Salopek  
Against: None  
Abstained: None  
Absent: None

PASSED unanimously.

7. Increase distance from land sets, from roads and trails for body-gripping, snares and foot-hold traps with jaw spreads over 5 inches to 50 yards:

**Commissioner Hoffman:** After we vote, is there opportunity to amend that?

**Chairman McClintic:** At the next Commission meeting if they voted for it, they can request reconsideration of the vote.

**Commissioner Maracchini:** My understanding is that if we say no to this, it stays the same.

**Chairman McClintic:** That's correct.

**Commissioner Hoffman:** There's no way at this point to amend it?

**Commissioner Maracchini:** Don't have to.

**Commissioner Hoffman:** To change that point?

**Tim Frybarger:** I think what he's saying is, so you guys vote and let's say you vote it down, then I think Commissioner Hoffman would like to say can I go ahead and amend it to 25 yards or something else, other than what's in the original.

**Commissioner Hoffman:** About 90% of people who trap use traps less than 5-inches. So that means that 90% of traps could still be set within 25 yards from the road. That's what trappers tell me. Fundamentally, if that's true, then basically we're not changing a thing and we're going to have the same kinds of issues with the urban public that we have now. I agree the Department's perception is more important. This is a social issue and therefore, if we're going to do something we need to make all land sets 50 yards from those trails at least. The point is that basing it on trap size effectively doesn't change anything. I agree the Department's goal that if you're going to decrease the interactions of people and their dogs with trappers/traps, you need to increase the distance between roads/trails/traps. Traps should be set to 50 yards needs to be voted on. Again, the perception is we're increasing the setbacks, the reality is 90% of the time we're really not.

**Chairman McClintic:** Did you have a question about over 5 inches? Did you want to eliminate that?

**Commissioner Hoffman:** I want to eliminate the 5 inch requirement.

**Chairman McClintic:** Any trap?

**Commissioner Hoffman:** Any trap land set. That's what I would like to do.

**Chairman McClintic:** So what we're going to be voting on is everything the way it was except we're going to eliminate the language over 5 inches and it's going to be any trap.

**Commissioner Maracchini:** The motion wasn't seconded.

**Chairman McClintic:** It's not a motion. We've haven't gone to accepting all of them yet. We're just voting on which changes we're going to keep and what changes we aren't. So everybody in favor of increasing setback distance from landsets from roads and trails, for body gripping snares and foothold traps period to 50 yards? All in favor if the new regulation to increase it to 50 yards, raise your right hand.

**VOTE:** For: Commissioners Hoffman/Salopek  
Against: Commissioners Arvas/Bidegain/Montoya/Maracchini  
Abstained: None  
Absent: None

FAILED to pass, 2-4.

8. Define legal shooting hours:

**Tim Frybarger:** We already have shooting hours for hunting and trapping, so we should add falconry. So, define legal shooting hours for hunting, trapping, and falconry.

**Chairman McClintic:** All those in favor of defining the legal shooting hours as presented, including falconry, raise your right hand.

<b>VOTE:</b>	<b>For:</b>	<b>Commissioners Arvas/Bidegain/Hoffman/Montoya/Maracchini</b>
	<b>Against:</b>	<b>None</b>
	<b>Abstained:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

**PASSED, 5-0**

#### **9. Change trap check requirement:**

**Chairman McClintic:** Tell us what the change in the trap check requirement is rather than just say change it.

**Tim Frybarger:** Right now it's once every 24 hours and we want to change it to once a day.

**Chairman McClintic:** So a guy could check his trap at 12:08 today the 21<sup>st</sup>, and then on the 22<sup>nd</sup> at 11:59 he could check it and be legal?

**Tim Frybarger:** Currently that's the way it is.

**Chairman McClintic:** That's the way it is now? No, I thought it was within 24 hours?

**Tim Frybarger:** With just the per day check you could check it today at 10:00, tomorrow you can check it all the way up to 11:59.

**Chairman McClintic:** So, you're changing it back to where it has to be within 24 hours?

**Tim Frybarger:** No.

**Chairman McClintic:** That's what I just said. You confuse me.

**Vice-Chairman Salopek:** What you're doing is what you changed on the bear. Bear used to be 48 hours so if I bought it on Tuesday at 5:00 at WalMart, I could not start to hunt until 5:00 Thursday. Now I can buy the bear tag at any time Tuesday, and Thursday I can start hunting that morning. It's not the 48 hours, it's a 2-day rule. This is the same thing. It's 1 day, not 24 hours. I could set a trap at 7:00 or leave here, set it at 1:00 this afternoon, and I could check it tomorrow at 7:00 in the evening?

**Tim Frybarger:** Yes. We just want to change it to a calendar day. Check it once a calendar day.

**Vice-Chairman Salopek:** It's simplifying it?

**Commissioner Arvas:** How enforceable is that recommendation?

**Tim Frybarger:** Well, probably just as enforceable as it is every 24 hours. There's no doubt, it's hard to enforce.

**Vice-Chairman Salopek:** What you're doing is taking the trappers and not making them illegal because they'd didn't check it in 24 hours?

**Tim Frybarger:** Right.

**Vice-Chairman Salopek:** You're taking away being able to write a ticket. That would be petty again?

**Tim Frybarger:** That's correct.

**Chairman McClintic:** How many tickets did you write last year on trappers?

**Dan Brooks:** I won't be able to answer that. It's minor. A couple of years it was a dozen or so, but that's only an estimate. If you want the exact number I've got to look it up.

**Chairman McClintic:** No, that's fine. Just curious. We're back to change trap check requirements. All in favor of the change, raise your right hand.

<b>VOTE:</b>	<b>For:</b>	<b>Commissioners Arvas/Bidegain/Hoffman/Montoya/Maracchini/Salopek</b>
	<b>Against:</b>	<b>None</b>
	<b>Abstained:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

**PASSED unanimously.**

#### **10. Illegal to destroy, disturb or remove any trap or trapped wildlife:**

**Chairman McClintic:** That's not for the trappers, that's for somebody that walks up on it.

**Commissioner Maracchini:** The term/word wildlife is inconsistent. It should say furbearer.

**Chairman McClintic:** Could it be a dog or a cow?

**Tim Frybarger:** He's right. We should change that to furbearer.

**Commissioner Hoffman:** Basically, based on the problems we have shouldn't we also include any legal trap, which means identified trap? If people set illegal traps, there's no reason somebody can't pick it up if it doesn't follow the trapping regulations. There are no rules somebody can't pick it up. If it's legal it has a number/tag on it or it should.

**Director Stevenson:** It would be difficult because what that is going to allow is to actually pull those traps out of the ground and do things we're trying to prevent. Clearly if their dog got caught in it and it didn't have a number, is to get hold of staff and they come and investigate it, and rather than them pulling it, if it doesn't have any numbers it's not going to help identify who put it on the ground to start with, so I would

not suggest that you change that but you change it to disturbing trapping. I understand the concern, but I'm not sure how you accomplish that as not tampering with traps and then pull part of them out of the ground.

**Chairman McClintic:** Mr. Hoffman, do you want us to take the vote?

**Commissioner Hoffman:** No, it's all right.

**Chairman McClintic:** Raise your right hand to illegally destroy, disturb or remove any trap or trapped wildlife.

<b>VOTE:</b>	<b>For:</b>	<b>Commissioners Arvas/Bidegain/Hoffman/Montoya/Maracchini/Salopek</b>
	<b>Against:</b>	<b>None</b>
	<b>Abstained:</b>	<b>None</b>
	<b>Absent:</b>	<b>None</b>

**PASSED unanimously.**

**Tim Frybarger:** The last 2 were the landset that I was telling you we didn't have in rule.

**Chairman McClintic:** Yeah, that's changed. Let's go back to the 5 bobcat. It was stated by several Commissioners that they don't agree with restricting non-residents. They weren't happy with 5. They may want to put another number to it on a trial basis, or they can restrict that. It's like it was in the past that they have the ability to trap as many cats as they want.

**Commissioner Maracchini:** I recommend no limit. I don't want to be forced into having limits for weasals/fox or anything else.

**Chairman McClintic:** So, if anybody wants to put a limit, so far I don't have anybody wanting to do that.

**Vice-Chairman Salopek:** I'm looking at exploitation. Let's go 10 for out of state. I don't think I've heard from legal counsel. If it's discriminating against out of state, but you know what I live in NM. I heard enough today where exploitation has to be seriously considered.

**Chairman McClintic:** So we have Commissioner Salopek with 15.

**Commissioner Bidegain:** 25. I'm throwing that out

**Vice-Chairman Salopek:** Change it to 25 out of state, that's fine.

**Chairman McClintic:** Ok, we've got 2 Commissioners that are okay with 25 out of state, non-resident. We've got 4 Commissioners besides myself. Does anybody else want to support the 25? [No response] Sorry fellows, didn't get there.

**Tim Frybarger:** So we're going to leave no limits?

**Chairman McClintic:** No limits. These are all the specific recommendations that were brought to us. We voted every one of those. It's on the record. Now, Winslow, you have all those changes written down so read to us what we're going to vote on.

**Rick Winslow:**

1. Year round pursuit season for raccoon PASSED.
2. Discretionary furbearer season on wildlife management areas, PASSED; Commissioner Maracchini VOTED AGAINST.
3. 5-bobcat limit, DID NOT PASS.
4. Ability to set bag limits, PASSED; Commissioner Arvas ABSTAINED.
5. Include crossbow and falconry in weapon types, PASSED.
6. Half-mile setback from campgrounds and boat launching areas, PASSED.
7. Increase setback distance for landsets, DID NOT PASS, and stays at 25 yards.
8. Define legal shooting hours and add falconry, PASSED.
9. Change trap check requirement to once per calendar day, PASSED.
10. Illegal to destroy, disturb or remove any trapped wildlife, PASSED.

**Commissioner Hoffman:** Basically, what we've defeated was that all traps have to be 50 yards from trails and roadways, correct?

**Chairman McClintic:** No, no, we just defeated the setback. In other words, it's 25 yards, it's staying at 25 yards.

**Commissioner Hoffman:** I don't think that's right.

**Commissioner Hoffman:** I wanted to include all land sets to be set to 50 yards and that was defeated.

**Commissioner Arvas:** You were more concerned about the 5 inches than you were the 50 yards.

**Commissioner Hoffman:** I said all land sets, right? So if that is defeated, then the Department recommendation becomes what the Department recommends. Is that not correct?

**Chairman McClintic:** It becomes exactly like when we eliminated the new bag limit for non-residents. It just goes back to existing rule. Existing rule is 25 yard setback.

**Tim Frybarger:** That is correct.

**MOTION:** **Commissioner Arvas** moved to adopt the changed proposed amendments to the Trapping and Furbearers Rule (19.32.2, NMAC) as presented by the Department. **Commissioner Bidegain** seconded the motion.

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

**MOTION:** **Commissioner Hoffman** moved that the Department of Game & Fish develop a trapper education program based on the best management practices of the International Association of Fish & Wildlife Agencies. This trappers' education program would be species specific and tailored for NM

trappers; and moreover, successful completion of the trapper ed program would be required to obtain a trappers license. I would like to ask the Department to come forth with recommendation on development of trapper education programs.

**Chairman McClintic:** Under our current rules, can we get that at our next Commission meeting to have a vote, or R.J., are we involved with that rule the 30+ whatever it is?

**R.J. Kirkpatrick:** Yeah, as I understood Commissioner Hoffman's motion, we can come back to the next Commission meeting with the details of what something like that would look like, what the limitations are, what the timeframes may/may not be able to be, but sure, we can come back with it fleshed out.

**Chairman McClintic:** So discussion, but we couldn't have a vote?

**R.J. Kirkpatrick:** We have to adhere to the current renewal policy and so we've not vetted that for any amount of time.

**Chairman McClintic:** So we could discuss it. I can tell you to bring it to us at the next Commission meeting in language and then we can discuss it, and then we can bring back for a vote?

**Commissioner Maracchini:** I disagree. I want that to be developed (inaudible) certain, run by the NM Trappers Association and not by the Department.

**R.J. Kirkpatrick:** Let me make sure I understand because we've had some discussions about this issue offline. Commission can put in place rule that requires fulfillment of it and the motion could be restated to direct the Department to work with National Trappers Association or whatever entity you want it to develop the course or however you want to do that.

**Commissioner Maracchini:** We run a Hunter Education Program right now and it takes a lot of time/effort. I would agree working in cooperation with NM Trappers Association in developing, but I think it would be far more beneficial and meaningful the trappers themselves develop their own program which already exists in the National Trappers Association anyway, and went ahead and follow that without orders by the Commission.

**Chairman McClintic:** Bob, are you happy with that?

**Commissioner Hoffman:** First of all, could we have a second to my motion?

**Chairman McClintic:** It's not a motion. We don't need a motion.

**Commissioner Hoffman:** I made a motion.

**Chairman McClintic:** But it's not an agenda item, so we can't have a motion. It's a recommendation to bring it to us as a motion.

**Commissioner Hoffman:** In talking with some of the people in the Department, you can do this online so they can pass these tests online. The Wildlife Society has recommended this trapping test for trappers and the best management practices are based—criterion that we want to have instilled are criteria for the best management practices which include animal welfare, efficiency, selectivity, practicality and safety. Those are the foundations of best management practices for the trapping work that is being done by the International Association. Those are the kinds of things which I'd like to see trappers at least be aware of to the point where they could pass a course.

**Commissioner Arvas:** We don't want to get into any problems with the Open Meetings Act as far as any administrative actions that are taken by the Commission. I suggest you send a letter to the Director with your request. We can't act on anything in terms of a motion.

**Commissioner Hoffman:** Could you explain why I was told by the attorneys that this would be the appropriate time to make that motion?

**Chairman McClintic:** I've been informed we can't use the term motion, but what we can do as the Commission, is direct the Department to bring it back to us as an item with a motion to act on.

**Commissioner Hoffman:** I'd like to request that the Department develop a trapper education program based on the best management practice developed by the International Association of Fish & Wildlife Agencies. This program would be species specific and tailored for NM trappers. Moreover, successful completion of the trapper ed program would be required to obtain a trappers license. I would like to request that the Department look into developing such approach.

**Chairman McClintic:** Commissioner Maracchini, are you okay with that?

**Commissioner Maracchini:** Yes. I guess there'll be time for discussion at the next Commission meeting.

**Chairman McClintic:** That's correct. All in favor of directing the Director/Department to do what Mr. Hoffman just asked let's have a show of hands. Commissioners Salopek/Hoffman (2) raised their hands. Can't do it, we just have 2 people.

#### **AGENDA ITEM NO. 13: Fiscal Year 2013 Budget Request Development.**

**Presented by Alexa Sandoval and Patrick Block -** The Department provided a short presentation on FY 2013 Budget development, and sought initial Commission input into the budget development process.

**Commissioner Maracchini:** This is worrisome in that if we go flat budget, including vacant employee positions, we're going to end up building a cash balance and then the Legislature coming back and saying what are you doing with all this extra money, you're not spending. I'm hoping there may be an opportunity for the Commission to have discussions with the Governor's Office because obviously overall budget problems we're having even though the Department does not receive any General Fund money and this does not help the state budget. If we're talking about being flat or losing positions that took several years to get and we can't fill, down the road this could have significant implications to the Department. If we're ordered to do it, we've got to do it, but perhaps there's an opportunity to get the Department's funds. Even when you look at that depredation fund that starts to flatten out, that's less funds we'll have available to spend on those issues also.

**Commissioner Arvas:** I hope you highlight major changes in the budget proposal because it's hard to go through that unless they're standing out.

**Pat Block:** What we submitted on capital outlay on July 1 was a 5-year plan. There has been no request made. We won't do that until the Commission approves that at the August meeting. That was just a planning document. The official request will go in once Commissioners have told us what the official request is.

**Alexa Sandoval:** If Commissioners have any input at this point, I'll take that into our budget development process because we will be wrapping that up within the next 2 weeks.

**AGENDA ITEM NO. 14: Open Gate Program Review and Proposed FY 2012 Fee Schedule.**

**Presented by Cal Baca and Aaron Roberts** - The Department provided an overview of the Open Gate (Private Land Access) Program and proposed program goals for FY 2012 and a proposed fee schedule for Commission comment.

**Commissioner Montoya:** None of this has taken place anywhere that we can compare it to in NM? It's just a program we're starting in the next year or 2?

**Cal Baca:** No, sir, we've actually been employing this program since 2005. This program is not unique to NM. There are 27 states nationwide that have an access program which the state wildlife agencies pay private landowners for access for hunting/fishing on their property, or access through their private property to allow land locked areas of public land. Aaron has done extensive research over the last 3-5 years to pull in and around specifically western states which are more similar to our situation to build this payment schedule.

**Commissioner Montoya:** Other than this particular program, is there some that we've initiated in NM similar to this? Have we paid for access in the past?

**Cal Baca:** We have been paying for access on certain properties in NM through the Open Gate Program since 2005.

**Commissioner Montoya:** How many?

**Aaron Roberts:** We have 30 properties enrolled in the Open Gate Program.

**Cal Baca:** The reasoning for going to a payment schedule is we're having higher interest from private landowners to participate in the Open Gate Program.

**Commissioner Arvas:** Is there flexibility in this or is it a cold/hard fast rule?

**Cal Baca:** We're proposing this would be the payment schedule we would use. We have built in flexibility based on the habitat quality, and the potential to get higher payment rates as they engage with us to do habitat improvement specific for the species they're doing, so it's based on what we're paying now and other states are doing, and then the ability to work with the landowner to get to a higher payment rate, but trying to impose a cap as to how much we pay per property.

**Commissioner Arvas:** Do I remember seeing a brochure with lands listed?

**Aaron Roberts:** Properties we have enrolled in the Open Gate Program are all listed on the Department's website. Under the section within the hunting page for private lands programs and there's a link that lists all the open gate properties.

**Commissioner Arvas:** So in your estimation, how successful do you think this is?

**Cal Baca:** It has taken time for us to be able to implement it to its full potential. We're at the stage of seeing benefits of the program for the few landowners who have participated over the past few years. We are starting to have more interest in participating.

**Commissioner Arvas:** We haven't spent all of our resources ever in any 1 year in this program, have we?

**Cal Baca:** No, we have not.

**Commissioner Arvas:** What's the number we have on hand?

**Aaron Roberts:** For 2010 we spent \$160,000 on 30 properties.

**Commissioner Arvas:** What do we have on hand, in the fund?

**Aaron Roberts:** We're appropriated \$250,000 per year through the sale of HVAV licenses.

**Commissioner Arvas:** Do you bank the difference?

**Aaron Roberts:** The difference goes back into the Game Protection Fund.

**Commissioner Arvas:** One concern was that we need to have some sort of marketing effort, and hunter opportunity not being afforded as a result of the fact we can't get more people involved.

**Cal Baca:** We've had a marketing campaign started. We've developed a brochure that explains the programs that we sent to all participating landowners in landowner programs in their annual mailings. That has generated some interest from some of our antelope hunt lands owners to come into the small game aspect of the Open Gate Program. We've marketed it through the Natural Resource Conservation Service/Soil & Water Conservation Districts through their local meetings as a tool to be able to gain hunter access from those participating landowners in their Farm Bill programs to help offset some of their Farm Bill match requirements by also allowing for us to get hunter access. We've also worked through the local area offices/district officers to engage with some of our private landowners to explain to them the different opportunities through the Open Gate Program. That's the extent of our marketing opportunities to landowners wanting to participate, but have increased awareness of the program since 2005.

**Commissioner Arvas:** How do we track hunter response? Do we know how many people hunt these areas?

**Aaron Roberts:** We do not have a system currently in place that has the capability to track the amount of use or hunter response from persons who have participated in activities on these properties.

**Commissioner Arvas:** But you're working on that?

**Aaron Roberts:** We are. We're currently developing and looking at different options to employ that type of system.

**Commissioner Hoffman:** The budget of \$250,000, does that come from the Game Protection Fund?

**Aaron Roberts:** That money comes from sale of the Habitat Management Access Validation. Every person that buys a license in the state, is required to buy one \$4 Habitat Management Access Validation per year, and we receive approximately \$1 out of the sale of each one of those Habitat Management Access Validations.

**Public Comment:**

**Joel Gay:** NM Wildlife Federation is a strong proponent of this program.

**Commissioner Hoffman:** How many acres do the 30 properties amount to?



**Aaron Roberts:** We've created access to approximately 100,000 private deeded acres. Another component of the Open Gate Program is that we work with private landowners who might control access to inaccessible areas of public land. We've also gained access to approximately 50,000 acres of inaccessible public land.

**Director Stevenson:** On top of that, lakes like Bonita Lake that belong to the City of Alamogordo, we're paying lease agreements to them.

**MOTION:** Vice-Chairman Salopek moved to accept the Open Gate payment table as presented by the Department. **Commissioner Bidegain** seconded the motion.

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

**AGENDA ITEM NO. 15: Proposed Amendment of Guide and Outfitter Registration Rule, (19.30.8, NMAC).**

**Presented by Dan Brooks** – The Department provided an overview of a draft proposed amendments to the Guide and Outfitter Registration Rule, 19.30.8, NMAC, and sought Commission comments in order to develop a final rule recommendation.

**Public Comment:**

**Jess Rankin:** What Dan is proposing is a good idea, but I've visited with other outfitters about this, both members/non members, and we don't feel this goes far enough.

**Dan Brooks:** To clarify, currently on the application the individual/outfitter can have refund sent back to outfitter. We actually did require that a hunter must go with their outfitter and couldn't go with anyone else. We had an attorney come before the Commission and argue that the rule was burdensome/overly restrictive. The Commission does have the opportunity to do that but I think in the end we need to be careful because the outfitting business is a fluid business. Some years they get a lot of clients and other years they don't get many and they like to switch clients back/forth. If the Commission's direction is to have me look at that, I can look at restricting that but there are pros/cons to that.

**Chairman McClintic:** If Jess Rankin came into the Department tomorrow morning and wanted his number changed, can you do that?

**Dan Brooks:** I don't know. I think I would be able to change it, but I'd have to integrate others with expertise and we've got to discuss the best way to do it.

**Chairman McClintic:** But it would be simple if he thought people were using his license?

**Jess Rankin:** They can do that. A couple of hunters told me they drew on their own. I was suspicious so I got printouts from the Department and I saw their name on there and saw they'd drawn an outfitter pool. I called Rhonda Holderman and got the outfitter number which was mine.

**Commissioner Hoffman:** You could make this recurring. An outfitter re-ups each year?

**Jess Rankin:** A new outfitter's license is \$500.

**Commissioner Hoffman:** Yeah, but at that point couldn't you be issued a number for that year?

**Jess Rankin:** Yeah. I'd be in favor of having my number with a letter in front of it, and if that letter changed every year, we'd never have to worry about anybody using our number without our permission.

**Chairman McClintic:** Commissioner Hoffman is saying that when you go renew your license, it automatically prints out a new number.

**Jess Rankin:** It'd be good if we could keep the same number with a letter in front of it and the letter change every year.

**Scott Bidegain:** Why couldn't they just have them sign a form. Give them the number and he can send a form that's already signed.

**Dan Brooks:** Half the time this is occurring, we're talking about 100-100,000+ applicants. One thing I'm reluctant to do is create another piece of paper, especially when you start talking about signatures because quite frankly, I wouldn't know your signature from another signature. There may be some things we can look at and I'll propose looking at ways that may help us with security measures but I'm reluctant to make it a signature and another piece of paper.

**Pat Block:** Please recall we've talked about hopefully doing away with paper applications and having people apply online. Also, quite often one person with permission of other applicants will apply for several people, but hopefully we're not going to rely more on paper than we have to and hopefully less if things go well.

**Vice-Chairman Salopek:** Jess is one outfitter that voices his opinion, but there are quite a few outfitters don't seem to have the same concern. If we have a 10% pool now, I don't see how if they put in with an outfitter, they have to be with that outfitter. I think outfitters' names should be on that license with them and if it's not, they're kicked out of being able to hunt, unless both outfitters, the one he drew with and the one he/she switches to.

**Commissioner Hoffman:** Your point is that you have to have a contract, that's one of the things you're going to demand?

**Dan Brooks:** That's what I've moving towards, yes.

**Commissioner Hoffman:** So they have to sign a contract with an outfitter, so before the draw comes there should be a contract in place for all hunters for that outfitter, is that a fair statement?

**Dan Brooks:** Yes, that's what I'd like to see.

**Commissioner Hoffman:** So at that point which can be fairly quickly before the draw, a list of outfitter clients with signed contracts could be submitted and only those names could be matched with that outfitter's number. Seems to me computer use can do this.

**Dan Brooks:** It's not a bad idea, but here's where that goes. That isn't us, the Department, that submits those names. It would have to be the outfitter and whenever there's a deadline for an outfitter and it's missed it means business. So that would be a burden that they would have to accept so I don't mind exploring that but I see a double-edged sword there.

**Commissioner Hoffman:** If you're in business and somebody is stealing your client base, it's in your own best interests to say these are the people I have contracts with. If they don't do that, then they have to be prepared to accept that some other people will use their number and draw in the pool if they have a chance.

**Dan Brooks:** I will be looking for support on the day of the deadline.

**AGENDA ITEM NO. 16: Proposed Amendment of Barbary sheep, Oryx and Persian Ibex Rule 919.31.12, NMAC) to Create a Hunting Opportunity for Up to Three Oryx Authorizations for Qualifying Wounded Warrior Project Participants.**

**Presented by Tim Frybarger and R.J. Kirkpatrick** - The Department presented a summary of a proposed draft amendment to the Barbary Sheep, Oryx, and Persian Ibex Rule (19.31.12, NMAC), to allow the issuance of up to three Oryx authorizations to the Wounded Warrior Project for distribution to persons injured while serving in the United States Armed Forces. The Department sought Commission comments in order to develop a final rule recommendation.

**R.J. Kirkpatrick:** We thought we could deal with the issue of the 120 oryx licenses that came up earlier today, and Jim Karp and I looked at it and we won't be able to incorporate it into this issue. (Discussion item.)

**Public Comment:**

**Robert Espinoza:** I'd like to see the Commission/Department explore as many as possible. I also offer support from Sportsmen for Fish/Wildlife.

**Tim Frybarger:** I know you said maybe we should give 6-7. If the Commission wants to do a different number, that's up to you. We came up with 3.

**Chairman McClintic:** Let's do 3 this first year. If we want to revisit it for next year and provide the resources, but take into consideration that we have taken opportunity away the past 2 years.

**AGENDA ITEM NO. 18: [Did Not Consider] Closed Executive Session.**

**AGENDA ITEM NO.19: Update on H Bar V Conservation Easement Purchase.**

**Presented by Jim Karp and Matt Wunder** - The Department provided an update on the purchase of a Conservation Easement on the H Bar V Ranch using conservation easement purchase funding available through a legislative appropriation to the NM Energy, Minerals, and Natural Resources Department, and the State Wildlife Grant Program. (Action Item)

**Commissioner Hoffman:** The primary purpose of a conservation easement is to protect against development. Is this land currently open to public hunting? The 80,000 are federal acres, right?

**Matt Wunder:** That's correct.

**Commissioner Hoffman:** Are these 4,900 acres open to public use now?

**Matt Wunder:** Not that I'm aware of. It's private deeded property so the landowner does have control of access.

**Commissioner Hoffman:** Will it be open to the public for use for hunting with the conservation easement in place?

**Matt Wunder:** A conservation easement in and of itself does not interfere with either the landowner's decision to allow people on that property for any reason that wouldn't violate the terms of the conservation easement, so he could let hunters on there. My understanding is that he currently does have a hunting operation that does hunt on his deeded land.

**Commissioner Hoffman:** So basically if as allowed by the conservation easement is it a fair statement to say that this person who owns this property could get \$2.4M in funds--\$540,000--part of which come from the Department, the State Wildlife Grant, and that's funded by hunters, yet public hunters would not have ability to access that land?

**Matt Wunder:** State Wildlife Grants are actually programmed within the federal government that provides grants to states through the USFWS.

**Commissioner Hoffman:** So it's not hunters' money?

**Matt Wunder:** No.

**Commissioner Hoffman:** It's Department administered money?

**Matt Wunder:** The money is allocated to states on a formula basis that incorporates both the population of the state and the acreage in that state. That determines the annual appropriation for states.

**Jim Karp:** The ranch is currently is in the process of enrolling in ranch-only. Under the terms of this proposed agreement, the Department and the landowner would negotiate and agree to certain additional hunting opportunities which would allow public hunting on the property.

**Commissioner Hoffman:** If there's no significant public access to this land, I'd not be in favor of it because what we want to do is get people on land. Do we have due process to do that? This is an opportunity to get public access for public hunting for 5,000 acres roughly.

**Jim Karp:** The purpose for which the money was appropriated was not for public access, it was for conservation.

**Commissioner Arvas:** The new members on the Commission might be interested in you drafting a work piece showing the Commission all the same type of easements the Department is involved with along with locations.

**Matt Wunder:** We can do that. I'm aware of one I've been involved with since my coming to the Department and others that pre-date my association with the Department, but I can provide those easements.

**Public Comment:**

**Nelson Shirley:** I represent Badger Creek Corporation which is incorporated in NM. We operate the H Bar V Ranch and I'm here to answer any questions you might have.

**MOTION: Commissioner Salopek** moved to approve the acquisition of a conservation easement on the H Bar V and Hay Vega Ranches on the terms presented by the Department with the condition that access to the easement property will be subject to future agreements between the landowner and the Department to accommodate appropriate hunting opportunities. This agreement would be subject to approval by the Chairman or his designee. **Commissioner Arvas** seconded the motion.

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

**AGENDA ITEM NO. 17: [Did Not Consider] General Public Comments (Comments Limited to 3 Minutes).**

**Public Comment:**

**Cooper Moore:** I want to express concern with bear population. The hunt dates originally were April 1-15 not a bear to be found.



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

**August 25, 2011**

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Date

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