

Wildlife Management Division Rule Development

Private Land Antelope License Allocation
Proposed New Rule

August 28, 2010

NM State Game Commission Meeting

Albuquerque

Antelope Private Land Use System (A-PLUS)

History

- 1988 – Department implemented current A-PLUS
- 2007 – Department began A-PLUS rule development
- 2008 – State Game Commission directed the Department to develop a rule based on the following –
 - Sustainable harvest
 - Equity
 - Transparency and professionalism
 - Increased hunting opportunity if possible
 - Longer hunting opportunity and distribute hunters
 - Clear hunt options for landowners and incentives for public access

A-PLUS Taskforce

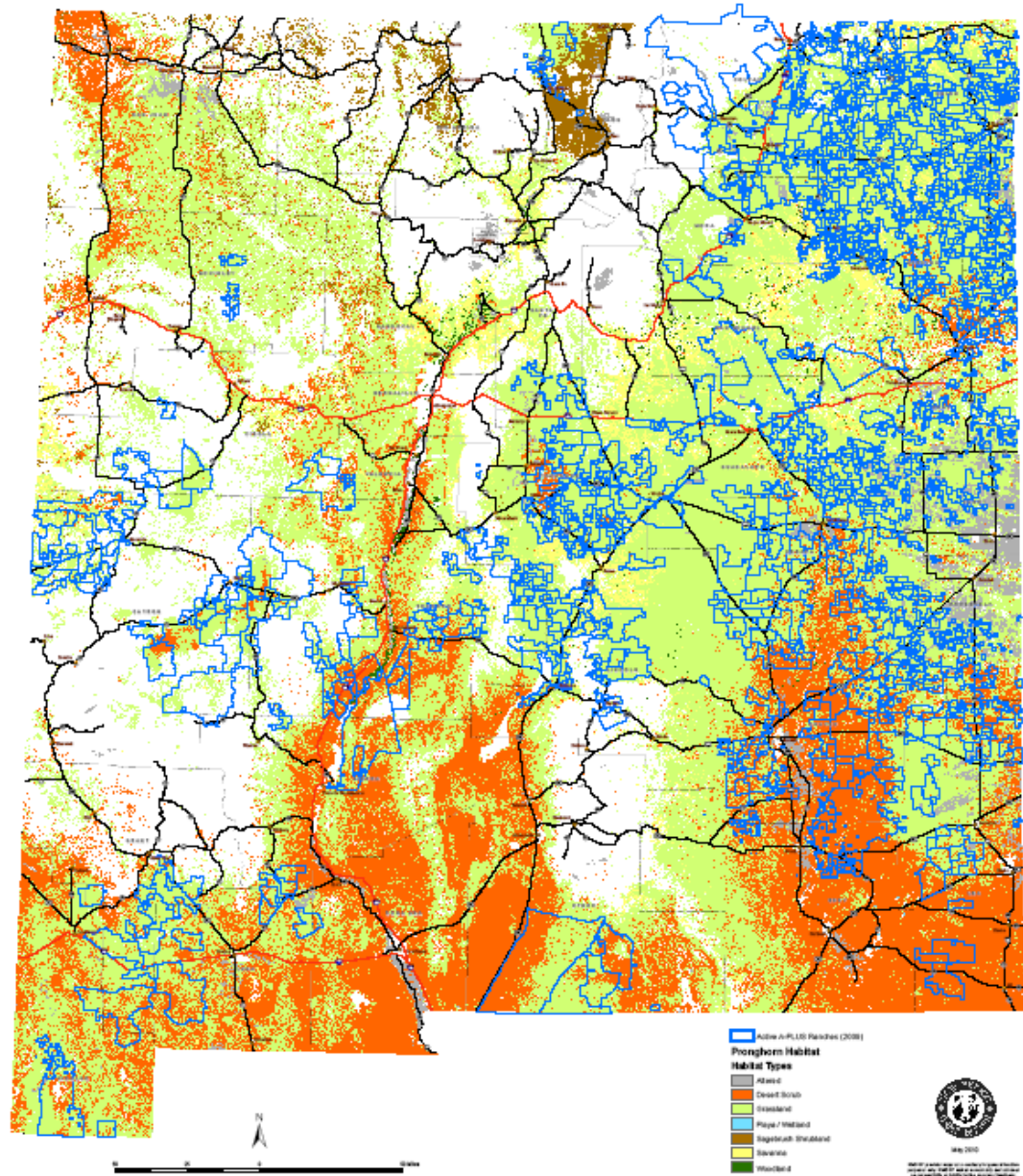
- Group of landowners and sportsmen identified as key stakeholders by the Department
- Three meetings with Department in June-July 2010 to discuss pronghorn management and development of A-PLUS and Pronghorn rules
- Contentious issue without resolution for some members of the Taskforce

Pronghorn Management

Sustainable Use

- Department developed a Pronghorn Management Plan – Spring 2010
- Fall 2010 – New surveys and modeling to determine population numbers and composition (bucks:does:fawns)
- Hunting opportunity (licenses and authorizations) based on managing herds at specific buck to doe ratios

New Mexico Pronghorn Habitat and Enrolled A-PLUS Ranches



License Allocation Proposals

- Option 1 – Department Preferred
 - A-PLUS Rule developed by Department and Taskforce
- Option 2 – No change – No A-PLUS rule
- Option 3 – Public Draw

Proposed A-PLUS (Option 1)

- Adjusts management of pronghorn from Antelope Management Units to Game Management Units (GMU)
- GMUs managed as:
 - Optimal Opportunity – Hunting opportunity for all bucks in excess of 20 bucks:100 does
 - Quality Hunting – Hunting opportunity for all bucks in excess of 40 bucks:100 does
- Up to 10% of the harvest limit will be removed for allocation under the Special Management Property provision

Proposed A-PLUS

Minimum Qualifications

1. The number of rifle and muzzleloader authorizations/licenses within each GMU will be divided by the enrolled public (state leased and federal) and private acres of pronghorn habitat
2. The resulting ratio (e.g., 1 buck per X acres of pronghorn habitat) will set the minimum number of acres of pronghorn habitat a ranch must have to participate

Proposed A-PLUS

License Allocation

- Ranch A – 100% private deeded land
 - All authorizations issued are transferable private land authorizations
- Ranch B – Split land status ranch
 - Authorizations and public draw licenses allocated based on the ratio of pronghorn habitat within that ranch that is on 1. private deeded land and 2. state leased or federal land and
- Ranch C – 100% state leased or federal land
 - All licenses allocated through the public draw

Proposed A-PLUS

Public Draw Ranches

- The Department has identified and will enroll state leased and federal lands as Public Draw Ranches that:
 - Are not currently enrolled in A-PLUS
 - Are legally accessible
 - Provide ~ 5 square miles to hunt pronghorn
- These ranches will be assigned public draw hunters
- Current estimate of an additional 100-150 public draw licenses statewide

Proposed A-PLUS

Special Management Properties (SMP)

- Ranches that provide unique contributions to the Department's pronghorn management goals of a GMU may qualify as a SMP
- SMP landowners must develop a pronghorn management plan in cooperation with the Department to determine hunting opportunities based on land status and unique contributions to pronghorn

Proposed A-PLUS

Other Lands

- Lands outside identified pronghorn habitat or within closed GMUs that provide sustainable hunting opportunities may enroll
- Licenses and authorizations will be issued at a ratio equal to the private deeded and public land acreage of that ranch

Proposed A-PLUS Summary

- Establishes a regulatory framework to allocate pronghorn hunting opportunity between private landowners and public draw hunters
- Increases public draw hunting opportunity through enrollment of some state leased and federal lands as ranches
- Relies on sustainable harvest objectives as outlined in the Department's Pronghorn Management Plan

Option 2 – No Change

- Current system would remain in place
- No regulatory standard by which to implement the system
- Inequitable treatment of landowners and hunters
- Inconsistent allocation of authorizations and public draw licenses from ranch to ranch

Option 3 – Public Draw

SCENARIO A –

All Antelope Licenses Issued through the Public Draw –

- Private land authorizations would no longer be issued as in the current system.
- Department would develop a system to comply with statute (17-3-14 NMSA 1978) that allows the issuance of one free pronghorn license to landowners that enter into an agreement with the Department to allow public hunting.
- Successfully drawn hunters may hunt –
 - All legally accessible public (state leased or federal) lands
 - Private land with written permission

Scenario A Department Analysis

PROS –

1. Landowners could generate revenue through access fees, guided hunts, etc.
2. Licenses allocated by application of the split pursuant to statute (17-3-16 NMSA 1978).
3. Landowners manage the level of antelope harvest on their private properties.
4. Landowners to decide who hunts and where they hunt on their private property.
5. Does not restrict licensed hunters to specific ranches.
6. Makes significantly more licenses available to resident sportsmen who won't or can't negotiate the purchase of authorizations from landowners under the current system.

Scenario A Department Analysis

CONS –

1. Concentration of hunters on legally accessible public land and overharvest in localized areas.
 - Future reduction in hunting opportunities.
 - Reduction in quality of remaining bucks in accessible areas.
2. Potential for hunters to lose access to land-locked public lands that are currently hunted.
3. Potential increase in trespass violations.
4. Eliminates landowner ability to generate revenues
5. May lead to significant increase in depredation complaints.
6. Reduction of the “no access fee” opportunity for public hunters to hunt on private lands as in the current system.

Scenario A Department Analysis

Financial

- This scenario assumes that all license opportunities will be distributed via the public draw system. Therefore, the Department is subject to distributing licenses in accordance with 17-3-16 NMSA 1978. This scenario would decrease the revenue to the Department by **\$180,779.00** annually due to a reduction in the number of non-resident license sales resulting from landowner authorization conversion.
- Fiscal impact to local communities is unknown, but is likely to be negative if fewer non-residents are purchasing goods and services in these communities.

Option 3 – Public Draw

Scenario B -

All antelope licenses issued through the public draw but license numbers limited by the amount of legally accessible public lands.

- Private land authorizations would no longer be issued
- Department would develop a system to comply with statute (17-3-14 NMSA 1978) that allows the issuance of one free pronghorn license to landowners that enter into an agreement with the Department to allow public hunting.
- Successfully drawn hunters may hunt –
 - Any legally accessible public (state leased or federal) lands.
 - Private land with written permission
 - Land-locked public (state leased or federal) land with written permission from the landowner/lessee controlling access to the public land.

Scenario B Department Analysis

PROS –

1. Landowners could generate revenue through access fees, guided hunts, etc.
2. Licenses allocated by application of the 78/22 resident versus nonresident license split pursuant to statute (17-3-16 NMSA 1978).
3. Landowners manage harvest on their private properties.
4. Landowners decide who hunts and where they hunt on their private properties.
5. Does not restrict licensed hunters to specific ranches.

Scenario B Department Analysis

CONS –

1. Significant decrease in the total number of licenses available due to exclusion of private land.
2. Concentration of hunters on legally accessible public land and overharvest in localized areas.
 - Future reduction in hunting opportunities.
 - Reduction in quality of remaining bucks in accessible areas.
3. Potential for hunters to lose access to land-locked public lands that are currently hunted.

Scenario B Department Analysis

CONS –

4. Potential increase in trespass violations.
5. Eliminates landowner ability to generate revenues and eliminates the potential for any hunter who is unsuccessful in the draw to secure a license through the current authorization system.
6. May lead to significant increase in depredation complaints.
7. Will prevent the Department from using sport hunting to manage pronghorn populations at reasonable levels throughout most of the state.
8. Reduces the “no access fee” opportunity for public hunters to hunt on significant acreages of private lands.

Scenario B Department Analysis

Financial

- This scenario assumes that only public draw licenses will be distributed. Therefore, under current license availability, only 1,680 hunting licenses would be issued. The loss in revenue to the Department for this scenario would be approx. **\$516,011.00**.
- Fiscal impact to local communities would be negative due to significantly fewer hunters needing to purchase goods and services.

Option 3 – Public Draw

Scenario C –

Public land licenses issued through public draw and private land only licenses available over-the-counter (Same as current deer licensing system in most GMUs)

- Private land authorizations would no longer be issued.
- Department would develop a system to comply with statute (17-3-14 NMSA 1978) that allows the issuance of one free pronghorn license to landowners that enter into an agreement with the Department to allow public hunting.
- Licenses for hunting public land issued through the public draw – Licenses valid on any legally accessible public land within a GMU or private land with written permission.
- Licenses for hunting antelope on private land only would be sold over-the-counter (unlimited number) – Licenses valid only on private deeded land with written permission.
- May result in the need to require mandatory harvest reporting for pronghorn in order to evaluate the impacts of private land over the counter licenses on populations.

Scenario C Department Analysis

PROS –

1. Simple.
2. Landowners can generate revenue through access fees, guided hunts, etc.
3. Public draw licenses split pursuant to statute (17-3-16 NMSA 1978).
4. Landowners manage harvest on their private property.
5. Landowners decide who hunts and where they hunt on their private property.
6. Licensed hunters not restricted to specific ranches.
7. Increased hunting opportunity on private land.
8. Any sportsman can negotiate permission to hunt private land and buy a license.
9. Eliminates much of the administrative oversight and complex participation requirements currently in place.

Scenario C Department Analysis

CONS –

1. May limit the Department's ability to regulate harvest numbers, up or down, on private lands.
2. Reduces the “no access fee” opportunity for public hunters to hunt on significant acreages of private lands that is afforded in the current system.
3. Concentration of hunters on legally accessible public land and overharvest in localized areas.
 - Future reduction in public draw hunting opportunities.
 - Reduction in quality of remaining bucks in accessible areas.
4. Hunters may lose access to land-locked public lands that are currently hunted.
5. Potential increase in trespass violations.

Scenario C Department Analysis

Financial

- Because this scenario distributes a portion of licenses through Over-the-Counter Sales, it is difficult to accurately estimate the fiscal impacts to license sales for this scenario.
- The Department cannot estimate what the impact to local economies will be due to the potential variability in OTC license sales.

Option 3 – Public Draw

Scenario D –

Allocate all licenses through the draw as private land only or public land at a ratio equal to the split of pronghorn habitat on private and public lands within each GMU.

- Private land authorizations would no longer be issued.
- Department would develop a system to comply with statute (17-3-14 NMSA 1978) that allows the issuance of one free pronghorn license to landowners that enter into an agreement with the Department to allow public hunting.
- 2 hunt codes for each hunt period established in a GMU – one for private land only and one for public land.
- Successfully drawn public land hunters may hunt any legally accessible public land or private land with written permission.
- Successfully drawn private land only hunters may only hunt private land with written permission.

Scenario D Department Analysis

PROS –

1. Landowners can generate revenue through access fees, guided hunts, etc.
2. Public land licenses allocated by application of the split pursuant to statute (17-3-16 NMSA 1978). Private land only licenses would not be subject to this.
3. Landowners manage the level of antelope harvest on their private properties.
4. Landowners decide who hunts and where they hunt on their private property.
5. Does not restrict licensed hunters to specific ranches.
6. Would allow the State Game Commission to control the maximum level of harvest on private land.

Scenario D Department Analysis

CONS –

1. Concentration of hunters on accessible public land and overharvest in localized areas.
 - Future reduction in hunting opportunities.
 - Reduction in quality of remaining bucks in accessible areas.
 - Reduction in hunt quality due to overcrowding.
2. Private land only hunters will no longer be permitted to hunt public lands.
3. Potential increase in trespass violations.
4. Private land only licenses are not subject to the statutory split, thus no increase in the number of resident hunting opportunities available through the public draw.

Scenario D Department Analysis

CONS –

- Reduces the “no access fee” opportunity for public hunters to hunt on significant acreages of private lands.
- Eliminates landowner ability to generate revenues from the sale of authorizations.
- Lost opportunity to negotiate permission to hunt private land and buy a license.
- May lead to confusion and result in some applicants applying for private-land-only licenses without having permission to hunt.

Scenario D Department Analysis

Financial

- The fiscal impact for this scenario is unknown as it is dependent on the number of non-residents that successfully draw private-land-only licenses. The Department estimates that this number will likely be similar to current number of non-resident license sales resulting from authorization conversions in the current system.

Public Comment

- 16 public meetings statewide – August 2010
 - 407 participants
- E-mail and letters – 25 individual to date
 - Option 1 – 8 support
 - Option 2 – 3 support
 - Option 3 – 12 support
 - 266 robo e-mails from NM Wildlife Fed.

Path Forward

- The Department's final recommendation on Group C rules will be posted on the Department website on August 31
- The rules will be presented for adoption by the State Game Commission at their September 30 meeting in Ruidoso