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Alto, NM

MINUTES REGULAR MEETING NEW MEXICO STATE GAME COMMISSION Inn of the Mountain Gods, 287 Carrizo Canyon Road, Mescalero, NM 88340 Thursday, June 21, 2012, 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 9:03 a.m. by Chairman McClintic.

AGENDA ITEM NO. 2: Roll Call.

Secretary Director Lane called the role:

Present: Commissioner Tom Arvas
Commissioner Scott Bidegain
Commission Chairman Jim McClintic

Commissioner Thomas Salopek
Commissioner Bill Montoya
Commissioner Paul Kienzle
Commissioner Robert Espinoza

Absent: None
Quorum: Yes

AGENDA ITEM NO. 3: Approval of Agenda.

Chairman McClintic asked the Commission to approve the agenda.

MOTION: Commissioner Bill Montoya so moved.

SECOND: Commissioner Thomas Salopek.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 4: Introduction of Guests.

Chairman McClintic introduced and welcomed Representatives Yvette Herrell, and Candy Spence Ezzell. The audience introduced themselves and the organizations they represent.

Chairman McClintic and Director Lane lead attendees in thanking and congratulating Brian Gleadle, Chief of Northwest Area Operations, who is retiring from the Department.

AGENDA ITEM NO. 5: Approval of Minutes (April 5, 2012, Gallup, NM).

MOTION: Commissioner Tom Arvas so moved.

SECOND: Commissioner Bill Montoya.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 6: Reservation of Two Elk Licenses for Non-profit Wish-Granting Organizations.

Presented by Law Enforcement Division Assistant Chief Chris Chadwick – The State Game Commission considered reserving two elk licenses, each for a qualifying individual, plus an alternate for each individual, whose name has been submitted following the criteria established in Section 17-3-13.5, NMSA, 1978. This action item allows the Commission to approve the reservation and issuance of two elk licenses, for seriously ill hunters under the age of 21. This year's cooperating organizations are Catch a Dream, and The Outdoor Dream Foundation. These licenses are valid September 1 through December 31, 2012, any legal weapon may be used, and the hunters are allowed to hunt anywhere elk hunting is open. The bag limit is either sex license.

Discussion:

Commissioner Espinoza: what is the process for selection? Is it up to the individual organizations? Mr. Chadwick: Yes, the Department rotates between the organizations, they select individuals through their organizations ensuring all qualifying criteria are met and license fees are paid. Commissioner Espinoza: Is there anything that gears applicants toward NM residents? Mr. Chadwick: unsure at this time, however if applicant is a non-resident, non-resident fees are paid by the organizations. Commissioner Arvas: please tell the Commission and the public how the Department interfaces or interacts with these organizations. Mr. Chadwick: at the bigger level, we contact the organizations, we facilitate the process, help direct to hunt locations i.e., Valles Caldera.

Commissioner Arvas: can you tell us about their success rates? Mr. Chadwick: is unsure but estimates that it is high, because it is a very long hunt period; considerations are of course the endurance of the participants.

Public Comment:

None.

MOTION: Commissioner Thomas Salopek moved to accept the Department's recommendation and reserve an elk license for each of the two applicants to be sponsored by the non-profit wish-granting organizations, or their alternates, should the primary individuals not be able to participate in the elk hunt.

SECOND: Commissioner Scott Bidegain.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Game Commission, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 7: State Land Office Easement for Hunting, Fishing, and Trapping.

Presented by Assistant Director R.J. Kirkpatrick – The Department presented a final draft State Land Easement effective upon signature of the Director and the Commissioner of Public Lands, through June 30, 2013. The Department sought Commission approval for the Director to sign the easement and present it to the State Land Commissioner for his signature.

Substantive changes from the draft/previous agreement include:

- Dates – Commissioner only considering another 1-year easement
- Language to clarify the easement only allows for entry upon, not guaranteed, access to State Lands
- Language that allows for reduction in annual cost in recognition of habitat enhancement expenditures by the Department
- Language that allows the Commissioner and the Director, in consultation with a lessee, to allow for camping in certain circumstances; Mr. Kirkpatrick explained under the previous easement the lessee had ultimate control in determining if camping was allowed or not.
- Prohibits attachment of ground blinds to water developments and infrastructure; Mr. Kirkpatrick explained public comments received assert that the placement of ground blinds prevented livestock from drinking. Both agencies do not believe this is the case, but do believe it inappropriate for sportsmen to tie ground blinds to or brush-in physical improvements around water-development site infrastructure. He then read this portion of the language from the easement document.

Mr. Kirkpatrick introduced John Romero, assistant state land commissioner. Who is also available for questions.

Discussion:

Commissioner Montoya: have we worked with the State Land Office to alleviate the access problems we have had in the past? Mr. Kirkpatrick: Yes, we continually work with the land office to do that, and he gave example of landowners locking gates, roads, and locations. He emphasized the Open Gate program effects as a tool and the efforts of the land office also.

Chairman McClintic: what was the reason for the one-year term of the easement is that standard or something that varies? Mr.

Kirkpatrick: Yes, I believe under previous State Land Commissioner, this easement had been a 5-year easement and that Commissioner was comfortable with that. When Commissioner Powell came into office, he needed more time to discuss with their constituent lessees and sportsmen groups by end of next year anticipating longer term. However, time has not allowed the land office to complete that effort at this time. With that accomplished, Commissioner Powell would entertain a longer agreement term.

Public Comment:

Representative Cindy Ezzell: has landowners/lessees who are concerned about their water appurtenances, and gave example of a landowner finding a blind tied to the float on a water tank. Sportsmen need to think about what they are doing and keep in mind that the ranchers who have leased the land, are paying a fee and have right to have livestock on the property. In discussing the greater Roswell area, yes, there is checker-boarding issues with lessee's rights, but still, remember who pays for the lease and those improvements.

Jeremy Vesbach, NM Wildlife Federation: expressed thanks to the Commission for the transparency on this issue, have received good briefings, and there are positive changes in it, and hope the Commission does sign it.

MOTION: Commissioner Tom Arvas moved to approve the Director, as secretary to the State Game Commission, sign and forward to the Commissioner of Public Lands for full execution, the State Land Easement for Hunting, Fishing, and Trapping as presented by the Department.

SECOND: Commissioner Robert Espinoza.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 8: Commission Consent for Director to Initiate Investigation of Peregrine Falcon.

Presented by Deputy Director Dan Brooks – Pursuant to 17-2-40 NMSA, the Department seeks Commission consent for the Director to initiate an investigation of peregrine falcon and to make a recommendation on the potential for delisting this falcon from the state's list of threatened and endangered species.

Deputy Director Brooks presented the topic, explaining that New Mexico currently views the peregrine falcon as threatened, but the US Fish and Wildlife Service (USFWS) has delisted the species in 1999. Deputy Brooks gave a short history of the listing of the species, Department research, NM goals in numbers of individuals and pairs, and begin thinking about delisting it. Under the Act, with the consent of the commission, the director has authority to conduct an investigation to delist, with full report back to the Commission upon completion of the lengthy, comprehensive study.

Discussion:

None.

Public Comment:

None.

MOTION: Commissioner Montoya moved to approve the Director conduct an investigation on the status of peregrine falcons in New Mexico.

SECOND: Commissioner Scott Bidegain.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 9: Fiscal Year 2014 Budget Request Development.

Presented by Administrative Services Chief Alexa Sandoval – The Department provided a presentation on Fiscal Year 2014 Budget request development, and a proposed modification to performance-based budgeting program structure because of ongoing Department reorganization efforts.

Ms. Sandoval presented areas of emphasis in this topic stating:

- The overlying theme for the fiscal year 2014 budget request will be to provide services in the most efficient manner possible.
- As we implement programmatic changes, complete full evaluation of budget affects to maximize cost savings as much as possible.
- New Mexico Department of Finance Administration instructions require the Department maintain a "flat" budget, and
- Other emphasis items as indicated by Commission.

Ms. Sandoval outlined her discussion of Capital Projects, Operating Budget, and Expansion Requests. The Department is not increasing the budget with the exception of the expansion request; that dollars are being moved between programs as they are redefined with the reorganization – field operations into the Law Enforcement Division, and alignment with Chapter 17. Ms. Sandoval summarized by stating the most change between last year's budget and this year's is the movement between Field Operations P716 program and Conservation Services Program P717. The budget proposed to the Commission is \$38.7 million that includes the expansion request to the Governor includes five Full Time Equivalent law enforcement officers and five Conservation Education program leaders at a cost of approximately \$900,000 to the Department budget annually.

In regard to capital projects: Ms. Sandoval summarized approximately \$15M in total FY 2014 capital projects: dam safety, ABQ office building, water pipeline at Seven Springs, etc. Ms. Sandoval explained that it is actually good that cash balances are decreasing – this shows that the Department is spending the dollars into programs, as is the expectation of license buyers. Largest, the Game Protection Fund, which supports the majority of the Department's operation, is also declining to the minimum cash balance. This fund sustains inconsistent revenue as license purchases happen over the calendar year. In future years, discussion will be required regards revenue generation. Ms. Sandoval closed by outlining the next steps to completion.

Discussion:

Commissioner Salopek: where in the budget, and this is also a question for our representatives; is the money for payment of lawsuits? Mr. Sandoval: At this time, they are currently funded against the sportsmen's license dollars under emergency procurement through the State Controller, Department of Finance and Administration.

Public Comments:

Representative Ezzell: regards P717 procurement of habitat, please explain, because I have a real problem with the state or any state or government agency owning any more land. Ms. Sandoval: what we are looking for on procurement is not more land but sustaining and growing the open gate program to create access to lands, and we're looking for any program that opens opportunities for the licensed buyers for the state. It is not necessarily procurement of lands per se, but the opportunities as in easements or benefit to sportsmen.

Representative Ezzell: the reason that I bring that up, I know that in the past prior Directorship had worked to obtain more water rights. I have a problem with that, we are reliant upon our farmers to be able to provide food, and feed sources and if the Department of Game and Fish is purchasing water rights, I think there is a problem there. Good management is always everyone's best interest, but it should not take away from citizen's ability to make a living, and the producers also provide feed for wildlife, there is a problem there. And Commissioner Salopek, if New Mexico ever does anything about tort reform I would jump all over that in a heartbeat. We tried that last year and the other side of the aisle made sure it didn't happen because they want the ability of a certain entity of our BAR Association to continue to their way of life, and I'll leave it at that.

Commissioner Salopek: I need to clarify, it is the Arizona (out of state), not the New Mexico outfitters that are suing us and it is settled.

Jeremy Vesbach, New Mexico Wildlife Federation: commends the Department for putting forward the request to the Governor for an increase in services, I think that is something sportsmen will welcome in the field. Has the Department done an analysis of the lost revenue from the Game Commission's decision to do refunds following implementation of SB196. When that was voted on, it was clearly stated if there was a negative financial impact to the Department that that decision would be reconsidered, and given FY2016 approaching pretty quickly I think it is something the Commission ought to take another look at and at least get the facts in front of them.

Ms. Sandoval: when you look at the financial analysis of the refunds of the game hunting combo, that is something we are going to have to live through the entire license year to understand what that means to an individual. If they elected for that refund for the big game hunt yet they decide in October to go bird hunting, it will have an impact and we need a full year of data to begin to give you real numbers. We are in the process of putting some information together for doing an analysis, as we do every year, with what our revenue does for big game hunts, and I am in the process of doing that now. As far as the impact of refunding to those folks who are unsuccessful, in order to be accurate in determining what kind of impact, we will have to wait until the license year is over because there may be people who wanted a refund but then later purchased to go bird hunting, etc.

Jeremy Vesbach, New Mexico Wildlife Federation: I want to keep encouraging the Commission to keep an eye on that because the Legislature did take a very close look at keeping revenue neutral and on the positive side of neutral and part of the reason to go that way was something the Department has been looking into it brings in more federal matching funds. The other issue regards lawsuits, I hope that the agency will also consider, I don't have any idea of what decisions were made

why, but the Attorney General's office can represent the agency, something to keep in mind, if we're concerned about license dollars.

AGENDA ITEM NO. 10: Web-Based License Proposal for License year 2013-2014.

Presented by Administrative Services Chief Alexa Sandoval – The Department provided a conceptual look at moving to a web based system for game and fish license sales for implementation April 2013.

Ms. Sandoval emphasized this conversation begins only a discussion today on moving to web-based sales for those licenses that are issued now throughout the state at our various vendors. Web-based sales are a continuation of the Department's paperless effort, to allow Vendors to be part of the online system to make a sale to a licensed buyer with no special equipment required – user name and login, and simplifies the time involved in issuing a sale. The benefits to the 177 vendors state-wide include: a reduction in expenses to the vendor with removal of merchant credit card fees, and removal of surety bond because they are no longer holding state money, no opportunity for lost or stolen licenses, no sale of inappropriate licenses to sportsmen – system only offers what the hunter is eligible for, and easy, simple, month-end reconciliation generated by the system. Additionally, there are no shipping fees, there are no special equipment requirements, there are no special security measures, and there is the future ability to sell all Department licenses – A-PLUS and E-PLUS are to be available.

Benefits to license buyers include: the accurate data capture, available customer purchase history, a wider selection of licenses types to purchase locally, it prevents erroneous duplicate purchases, only appropriate license from vendor is sold, the vendor will be able to accept credit cards or checks, and the vendor will be able to offer future assistance with draw applications.

Benefits to the Department include capture accurate license information, link to the law enforcement revocation and parental responsibility act listings, linked to hunter harvest reporting system for all license sales, immediate revenue recognition, management of paper system is eliminated; saves on production and data entry costs, allows more local businesses to become vendors, and saves Department labor and fiscal resources.

Ms. Sandoval summarized the business processes that still need addressed include: how to handle voided licenses because system is web-based, the collection of cash for payment is an issue; payment of the \$1 vendor fee/license document to vendors, payment will happen but payment process needs to be identified; elimination of specialized carcass tag, validation of license information, use of "card readers" to collect license buyer any payment information.

Regards vendor acceptance, Ms. Sandoval stated all 177 vendors have been surveyed; many are willing to beta test the system. Only small number (10) vendors have expressed opposition.

Discussion:

Commissioner Salopek: when a license is lost, hunters now have to get to an area office to replace it, does this now mean we can get to the local store to get that replacement? Ms. Sandoval: yes, that is what we are looking at, maybe not year one, but definitely by year two of the program. Commissioner Salopek: appreciated the improvements in this last draw and he got very few complaints, and he supports this program. Commissioner Espinoza: said he is excited about the system, supportive. Is concerned about fraud and looks forward to hearing about security. Commissioner Arvas: is the software expenditure going to be more? Ms. Sandoval: actually, no, the system is built. The developers are working on the pages for access, but the system is there, no an additional expenditure. Commissioner Arvas: are the area offices going to see a reduction in customers? Ms. Sandoval: yes, true once we get the special hunts app process in place. Commissioner Salopek: appreciates the shopping cart/game bag approach. Chairman McClintic: wants to ensure that vendors/applicants who are not feeling disenfranchised, that they will get the computer support they need to purchase their licenses. Ms. Sandoval: absolutely, we fully recognize these feelings, we have information center, and phone sales support available.

Public Comments:

James Smith, Alamogordo: states the handicapped licenses should be reduced from the current price to something for manageable for handicapped. As they are now Mr. Smith believes only the rich can afford them because the handicapped on fixed incomes and social security cannot afford the +\$90. Mr. Smith also states the number of elk licenses should be increased because he believes there are more elk in the Sacramento Mountains. Commissioner Salopek: I believe you called my office; I pursued answer to your question. Be assured you are not the only person with concern about the mobility impaired license fee. I agree that our impaired and senior fee schedule needs reviewed. I think it is on everyone's agenda, it is mandated by the legislature, but we are in support of reduction. Mr. Smith: okay, then what about upping the number of elk

licenses? Director Lane: we have a big game rule cycle that will be coming back around where we make recommendations to the Commission about license numbers specifically for elk and deer, during that time it will be appropriate for us to entertain changing up and down across the state of New Mexico. We have set in motion a four-year path at a time where we have specific management strategies that we address through license numbers, license sales, and hunter harvest. We are about midway through that cycle right now so in about one year we will be presenting license recommendations to the Commission. In about another year we will be discussing changing license numbers across the state. Assistant Director Pat Block: I would add that the last time we did change license fees was in the 2004 legislature. It took effect in 2005 and when we did go through that fee setting process, we did not increase any of the fees for handicap licenses. We have created a couple of new types of licensure in effort to be sensitive to the economics of folks of limited means, we did hold the line on those fees and are willing to look at what else we can do.

AGENDA ITEM NO. 11: Proposed Amendments to Bear Management and Habitat Protection.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks the Commission's approval to proposed amendments to the bear portion of the Bear and Cougar Rule (19.31.11 NMAC) and Habitat Protection Rule (19.34.2 NMAC) to address Department management objectives.

Director Lane introduced and welcomed Mr. Baca in his new role in the Department as Chief of the Wildlife Management Division.

Mr. Baca identified the changes to the bear management portion of the rule as proposed to the Commission for action today: to remove depredation and road kills from harvest limits, remove sub-zones and renumber zones for clarity and simplicity, to move the Valle Vidal spring bear hunt from April 1-15 to April 15 – May 15, and to extend this rule for another year, and modify the Habitat Protection Rule (19.34.2 NMAC) to allow access to spring bear hunters to closed area of Valle Vidal.

Discussion:

Commissioner Salopek: is the quota system still in place for both male and female bears? Mr. Baca: yes, the rule enacted two years ago is still in place these suggested changes will make it easier to manage for the hunters and the Department, and to maintain the harvest limits for all of the zones. Commissioner Salopek: supports this plan and wants to ensure the quotas do not change. Mr. Baca: Correct. What we are doing in the proposal to remove road kill and depredation out of the hunter harvest limit fits better with the management program and supports a hunter-managed system. The limits in place are based on hunter harvest, and not other mortalities or depredation. Commissioner Salopek: and is the 20 percent up or down still in effect? Mr. Baca: Yes.

Public Comments:

Laura Schneberger, Rafter Spear Ranch 6L6A president, Winston, NM: from the Black Range of the Gila National Forest and has been involved in wildlife issues for several years. It is becoming more impossible for us to get by where we are at with the current bear situation we are experiencing. When you can take a 10-mile ride through a couple of canyons on your ranch and actually lay eyes on five separate, different bears, something is not right. Of course, we have also seen a change in the number of bears since the recent Waldo fire and now White Water/Baldy fire. We have lost hundreds of thousands of acres of habitat for bear and all of our neighbors are seeing multiple bears on them. I have a member from Hillsboro who has lost almost all of his calf crop each year for the last two years. And for us, where we're at west of Winston, if we did not stay out all day every day we would be losing our calf crop as well. What we are seeing is a multitude of huge boars making the rounds through our cattle. This year has not been so bad but the numbers have been tremendous because we have been prepared and we weren't just completely overwhelmed and shocked because we had it last year and the year before and the year before that. What we think we are seeing is a multitude of boars, we don't see a lot of cubs with their mothers anymore. Occasionally that would be a treat that you would see when you were out, we don't hardly see any baby bears and we believe the boars are killing the baby bears. We think the habitat has been seriously limited but we also think that there has been an overpopulation explosion in the bears in the last 10 years. What's going to happen is that with the loss of habitat from these fires these bears are being driven into other ranching areas. What we would like to see in the Gila is an experimental spring bear hunt. We discussed this with some of you fine gentlemen in January and it was agreed to by our members who were at the meeting that we would really like the Commission to consider for a minimum of 2 years an experimental spring bear hunt in the Gila. We would also like to see an extended population limit that can be taken by hound hunters. Last year the bear hunt was shut down early, I mean the quota is so low and I'm really glad to hear you are removing the problem bears from the quota that is going to help a little bit. I know it is going to help a little bit; there are a lot of things going on in the background. I don't really know how we're going to get this bear situation under control but the bears are going to regulate themselves.

Those bears are killing the little bears; they are making life hell for the mother bears. Everything has left those huge areas that are burned. This Department really needs to sic some scientists on this situation and see what to do. We'd appreciate that. Charlotte Salazar, New Mexican's for Proactive Wildlife Predator Management (mission is to promote public safety and reduce negative human/predator conflicts by advocating proactive wildlife predator management in New Mexico), Las Lunas, NM: In the last 10 years we have seen an increase in bear populations, depredation road kills, and human attacks. The Department has been tracking these alarming trends and the negative impacts on the balance of the ecosystem, health of the predator population, farmers and ranchers way of life and public safety. I praise the Governor's appointment of new Commissioners as well as the selection of Jim Lane as the new director of Game and Fish. These bold changes in leadership and Department policy proved essential last year as NM experienced one of the worst droughts on record resulting in substantial increases in unhealthy predator activity in human populated areas. With levels dangerously on par with last year's levels, the Department now is recommending slight changes to the rule and we support these changes. In addition to the proposed changes we would like the Commission to put on the table spring bear hunts as they will help address problem bears early in the season before campers and recreationists hit the woods. An example of this was just last week was a girl scout attacked by a bear up in Los Alamos while asleep in her tent. These changes will not only isolate unhealthy bear activity and remove them from the total harvest, they will overall reduce predator populations thus relieving stress on the ecosystem. They will help wildlife to better survive lean drought years, promote overall health to predator populations, reduce depredation, and overall improve New Mexico's wildlife and outdoors for visitors as well as New Mexicans to enjoy. Education and public awareness are essential, but responsible wildlife management cannot be overlooked, it is necessary and we need address the public safety risk in the state right now.

Caren Cowan, Sportsman and Landowner Coalition-Northern New Mexico Safari Club, the Southern Chapter of the New Mexico Safari Club, the Houndsmen, the Trappers, the New Mexico Chapter of the Wild Sheep Foundation, Farm Credit, Farm Bureau, New Mexico Cattle Growers' Association and New Mexico Wool Growers Incorporated Sportsmen for Fish and Wildlife and the Guides and Outfitters: We are here today to support the Department's recommendations. We believe that they are scientifically based, that they are sound and as we continue to manage I think that we will get to some of these other areas like spring bear hunts and those sorts of things that need to happen. This increase of bear population is not just happening in New Mexico – it is nationwide. If you listen to the news, a bear rang the doorbell at a home and when the lady opened the door the bear was there. She credited her dog with saving her life. When they are coming to the doorbell, we have a problem and we appreciate your addressing it.

Chairman McClintic: We do have another side to this story that thinks that we are over hunting our bear population. I did not get but two letters and I don't think I got any more than one email. We are very open-minded people here, even though a lot of people like to believe that we are not. But it bothers me that a lot of people take the time out of their busy day with your groups to come here and talk about an issue and the other side, people representing that we're over-harvesting our bear population, did not take the time to come down here to speak publically to us or be on the record with us so that we could look at the issue. I just wanted to bring that point up because it does bother me.

Mr. Baca: When we put this out for public comment we only received 20 responses to the bear and cougar rule changes. Four of those were for the proposed changes, 15 were against any changes, and 1 was against all hunting period. Other emails received during this process were not related to this specific rule. They have had their ability to be heard and their comments were taken into consideration in preparing our presentation to you today. Commissioner Salopek: Adding to that, I was more shocked two years ago we were getting up to 50 emails a day on the cougar and bear. Now, I got maybe two or three. It is disheartening not to have the other side here, but I know with our Department using scientific research, I know I'm making the right decision in how I vote.

MOTION: Commissioner Tom Arvas moved to accept Motion 1 to accept the amendments by the Department including the duration, manner and method, bear hunting season and entry hunt portion of 19.31.11 NMAC Bear and Cougar Rule, and Motion 2 to accept the amendments as presented by the Department to 19.34.2 NMAC Habitat Protection Rule.

SECOND: Commissioner Bill Montoya.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 12: Proposed Amendments to Cougar Management.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks Commission approval to proposed amendments to the cougar portion of the Bear and Cougar Rule (19.31.11 NMAC) to address Department management objectives.

Mr. Baca identified the changes to the cougar management portion of the rule as proposed to the Commission for action today: to remove depredation and road kills from hunting harvest limits, impose a year-round season statewide, allow for a two-cougar bag limit, extend the rule one year, and change the management of Zone P to stabilize or reduction that population.

Discussion:

Commissioner Montoya: what GMU is Zone P? Mr. Baca: Zone P encompasses GMUs 56, 57, and 58 in the NE portion of New Mexico and the reason for the request to change that management is because of Dry Cimarron bighorn sheep herd development, to protect from predation in that reintroduction site. Commissioner Arvas: I have received email, perhaps we all did, there seems to be some misinterpretation of the Director's ability to change rules, did you receive anything, or hear about that? Mr. Baca: not in the emails that we received, no sir. Commissioner Arvas: Director Lane did you hear anything about that at all? Director Lane: yes, I did, there was some concern expressed about and a misinterpretation of the intent about my ability or anyone who sits in the director's seat to allow trapping of cougars on public lands. As you all know, for literally over a decade, maybe more than 15 years now, we've been actively trapping when necessary, cougars, have been hiring snares men to go out to catch and kill cougars where we are trying to grow bighorn sheep; where we have cougars that are taking our bighorn sheep populations the wrong way. That has been shown to be extremely effective in growing our bighorn sheep herd was the management action that resulted in us delisting Desert bighorn sheep off the endangered species list. So given the successes, we would like to continue doing that. As a director, I looked at all of our rules and that is one of the ones that was not as clean as it ought to be. In fact, if you read it to the letter of the law, we were acting inappropriately by doing that because I did not have the authority in law to allow that trapping to occur on public land, just on private land. This is simply a cleanup to get us in line with what we have been doing and bring the law in line with our management actions. Commissioner Arvas: that is what I got the email about. I am glad you made that a matter of public record. Commissioner Espinoza: to clarify on Zone P limits, is that going to be in line with the other sheep areas? You say stabilize and reduce, are you looking to reduce that lion population up there, is that correct? Mr. Baca: that is correct. We are implementing the same type of cougar management that we do in any of our bighorn sheep areas and in zones that have bighorn sheep in them. Commissioner Espinoza: commends the Department for how this was put together, I didn't hear too much about it except the two-cougar rule, and I support that as well. Chairman McClintic: give us a brief explanation of the Department's belief in two-cougar bag limit and how that benefits harvest goals. Mr. Baca: over time, the Commission has heard many presentations regarding the cougar harvest limits and heard many public comments regarding the fact that we never reach harvest limits in many of our zones. There is a history with the two-cougar bag limit we did institute that from 2002 through 2008 in GMUs 29, 30, and 34, and in bighorn sheep areas like the Peloncillos. During that period, only 10 individuals utilized the option of harvesting the second cougar. When you look at opening the opportunity for folks to buy that second cougar carcass tag, not many individuals take advantage of that historically. However, it does give us the ability in those areas where we are working to stabilize or reduce the populations to be able to meet those management objectives by allowing those hunters in the areas, to be able to take more than one cougar. This helps with achieving management guidelines and habitat sustainability.

Public Comment:

Laura Schneberger, Rafter Spear Ranch 6L6A president, Winston, NM: We do support a year-round cougar harvest. This is an excellent way to help stabilize our houndsmen and bring up young upcoming houndsmen learning a long forgotten skill. With the cougar population, being what it has been I think that it can support that and I'm glad to see you taking this initiative. The two-cougar bag limit is good a good start. Commissioner Montoya: asked Laura, regarding a comment from her neighbor (Mary Catherine Gray (sp)), who is upset about the Commission even moving in this direction. Ms. Schneberger doesn't believe that her neighbor actually sees what is in her own backyard, because there are so many out there. Commissioner Montoya: the reason I bring it up is because we have two different opinions here and yet, its in the same area. Which way do we jump? Ms. Schneberger: I do understand where you're at but I do know, and most everyone who is out there on horseback, on foot or hunting or have been accosted by bears. All we can do where we are is stay on the road or horseback and make our presence known. Ms. Schneberger, have to keep Mary Catherine in mind, but I don't think she does a whole lot outdoors. Chairman McClintic I would also like to put on record Mary Catherine is with the Sierra club, and again I would like to say I did not hear from her and she had an opportunity, would have loved to have heard her side at this meeting.

Caren Cowan, Sportsman and Landowner Coalition, NMCGA, NMWGA: we support what the Department does, we are moving the right direction and we have members from all over the state. We're the people that live out there every day and what they do to our private property.

Charlotte Salazar, New Mexican's for Proactive Wildlife Predator Management: the last time we were here in Ruidoso, the proposed harvest limit was much much higher than what is currently on the books. If you're looking at opposing sides: one that says kill all the cougars, the other that says let them all roam free, how do you decide for which side is best? Number one, you look at the science. You look at the Department's science and look at exactly what they are tracking and they will flat tell you that cougar sightings are way up. That is a very dangerous place to be. They don't like to be seen. What I'm asking you here today is look at the science, they are not proposing extreme measures and on the environmental side, they are not even proposing to decrease the population of cougars in the state. Right now with the current harvest limits if they meet those limits, they will still be growing cougar populations in the state. Now getting to those harvest limits, it's essential the Department starts reaching those limits and then look at they may be too low, I know you're not addressing that right now, but they may be too low. Let's get a handle on this situation before it's out of control and before we continue to have attacks like we saw in the past. We don't want to go in that direction, that's not progress. If that's progress, call me old fashioned. Let's do the right thing here today.

Commissioner Arvas: Can explain how we determine harvest limits? Mr. Baca: those harvest limits are based on a lot of different things that we use. Within our modeling we determine what is the prime cougar habitat across New Mexico, and then we take into account what that habitat can sustain over the year. Mr. Rick Winslow, bear and cougar biologist: explained the models used in bear and cougar population estimates. We have determined across the state, by game management unit, how many potential cougars could be in an area and then we have determined what would be a sustainable harvest in each one of those areas.

Commissioner Kienzle: I too have received the email comments regarding the director's authority on trapping. Let me say that it is normal for a legislature to delegate power and authority to agencies and commissions and likewise it is normal for a commission to delegate power to a director. If a director goes rogue for whatever reason, there is a way to pull back on that, but this is a normal everyday function of government – it's the way things work. That gives me no cause for concern.

MOTION: Commissioner Bill Montoya moved to accept the amendments as presented by the Department including the duration, adjustments of licenses, application requirements, manner and method, and hunting season for 19. 31.11 NMAC Bear and Cougar Rule.

SECOND: Commissioner Scott Bidegain.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 13: Proposed Amendments to the Open Gate Rule.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks Commission approval to proposed amendments to the Open Gate Rule(19.34.7 NMAC) to eliminate application deadlines and clarify use of approved payment matrix.

Mr. Baca summarized changes to facilitate ease of management. Goal is to continue to work with private landowners to improve private land habitats for wildlife and hunters, incentive measures to landowners – example of dove hunting property in a change of farming practices, use of herbicides, etc. Mr. Baca also gave examples of allowances for special accesses.

Discussion:

Commissioner Kienzle: I had occasion to visit with a few landowners since our last meeting about open gates and allowing access by public hunters and what I took away from that was the major impediment to entering into open gate agreements and allowing access by public hunters was the fact that the private landowner does not get the same liability protections as the State of New Mexico gets under the tort claims act and other things. I don't know if that is right or wrong so, is tort liability, and those kinds of things, built into the access agreements or is the private landowner subject to whatever the normal tort rules might be? Mr. Baca: yes, this is built into the agreements. The way that the law read is that if the landowner does not receive any consideration from a hunter for access to that property and is receiving that consideration from a public entity (the NM Department of Game and Fish) the liability protection in the tort acts claims is the burden of the Department. If in the instance

where they do enter into an agreement with NMDGF for access for dove hunters but then enters into a private treaty agreement with say, deer hunters, that is where confusion does come into play. For the dove hunters the liability protection does still cover them, however the private treaty does not offer the same to the deer hunters, it would be the burden of the landowner. Commissioner Kienzle: since landowners think they are not protected, we might go out of our way to let them know that they are protected under the circumstances that you have described. There seems to be misinformation or lack of information about what kind of protections they get. Mr. Baca: that is something we are very conscious of, it is in all of our marketing information as one of the landowner benefits and I know it is the first thing we discuss when engaging in a conversation with a landowner because that is a huge thing. We will continue to assure that this message gets marketed as much as possible to ensure that they understand that there is some liability by entering into an agreement with the NMDGF. Commissioner Salopek: what is the budget and is there flexibility if we get more landowner interest? Mr. Baca: the habitat access management validation generates \$250k for this program. The reason why we asked to implement the payment schedule was to be able to plan for that where we are not paying one or two landowners the entire amount and not be able to take in more landowners over time. Yes, the payment schedule does help based on habitat evaluation and per acre rate to limit payments and allow flexibility to add landowners in over time. As this program is starting to expand, we are expending the majority of our budget and with this habitat incentive program; we could very well spend that \$250k quickly—within one fiscal year. An evaluation is being done to expand funding to the program when warranted. Commissioner Montoya: in regards calls he gets for access center around off range Oryx hunts. Need to approach and work with the area landowners with an agreement or payment for access to BLM and State land. We have an area of approximately 50,000 acres on NE side of the missile range that is not available for public hunting because of small areas of private land where access is not allowed. Mr. Baca agreed. Commissioner Salopek: include John and SLO in that discussion. Director Lane says it is an access issue for that property that we have been working on for well over a year and a presentation at the meeting in August will address the issue.

Public Comments:

Caren Cowan, Sportsman and Landowner Coalition, NMCGA, NMWGA: we are discussing access with these landowners, please include people from Lincoln County in these discussions, people are upset in Lincoln county because of what they have been told. This is something we need to get on and resolve.

Representative Ezzell: I want to stand up in support of what you've just done with bear and cougar management. Direction for cougars is a step in the right direction.

Jeremy Vesbach, New Mexico Wildlife Federation: supports this program, good that it is growing. Supports increased activity for landowners and cited other state's acre-enrollment, and Idaho's open enrollment and he cautions that what is a good short term solution is not a long term solution to opening land-locked public lands, example is the White's Peak area. When the program was first started, we talked about using the land-locked portion on long-term, 99-year leases, permanent easements only to land-locked public land. It was a short term solution for a road up there and now the Department's payment for the road up there, it was a short term win-win, hunters got there, landowners got payment it's now being used by the landowner to claim that the road is private. The Department had not done any analysis to determine whether it was public or private, it was just a good way to do things, so I think you need to be cautious there on short-term solutions that are actually creating more of a long-term problem.

Commissioner Arvas: on the payment of incentives for habitat improvement is that in the form of landowner permits? Mr.

Baca: No, sir that is a payment per acre based on the type of habitat improvement that we are engaging them in.

Commissioner Arvas: so are we doing any more incentive for habitat improvement in the form of landowner permits? Mr.

Baca: not through the open gate program. Commissioner Arvas: did we used to? Mr. Baca: not through the open gate program, but in our E and A Plus and private land deer incentive programs we do have reward mechanisms to reward the habitat improvement based on the level of usage increase in agreement with the management plan for that property.

MOTION: Commissioner Bill Montoya moved to accept changes and amendments to 19.34.7 NMAC Hunting and Fishing Access Program as presented by the Department.

SECOND: Commissioner Thomas Salopek.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 14: Proposed Amendments to the Antelope Private Land Use System (A-PLUS) and Pronghorn Antelope Rules.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks Commission approval to proposed amendments to the Pronghorn License Allocation System Rule (A-PLUS, 19.30.12 NMAC) and to the Pronghorn Antelope Rule (19.31.15 NMAC) to address implementation concerns and adjust deadlines.

Mr. Baca summarized changes to this rule as: remove specific deadline dates, administrative changes and fixes to participation and allocation sections, unit-wide licenses and authorizations for GMU's 50/52 and 29, establish a procedure to weight acres of ranches based on pronghorn densities, change weapon type restriction in GMU 15 from muzzleloader to any legal weapon, move November Youth Only hunts to October to allow for these hunters to harvest a buck with horns still attached, and change hunt season dates in 2013-2014 and 2014-2015 seasons to align with traditional hunt dates and accommodate fall population surveys.

Discussion:

None.

Public Comments:

James Smith, Alamogordo: question regarding moving/using license from property to property. Mr. Baca: It depends upon how the license is issued, if it is assigned to a specific property, there is no opportunity to move the license use to another property. For hunters with the mobility impaired archery or the late season youth –only hunts that are not assigned to specific ranches, then yes, if permission from the property owner is secured to access their private property for hunting, they are able to do that. Jeremy Vesbach, New Mexico Wildlife Federation: commends the Department for taking the second look at the proposals, these changes are improvements. The program as a whole is the primary reason why we such a low percentage of residents hunting antelope in comparison with other states and want to remind you it is not serving all landowners well either. We have a very low participation of antelope hunting on private land in comparison to places with other systems. Encourage you to keep looking at with for ways to keep moving forward and make a difference for hunters and landowners proactively. Representative Ezzell: As a ranch owner, she does not participate in the program, yet made example of American Recovery and Reinvestment Act (ARRA) signs on the property adjoining the Corp of Engineers property every 50 feet along the fence line effectively deflecting wildlife from the area. Appreciative of change in the hunt dates due to time of year.

MOTION: Commissioner Thomas Salopek moved to accept amendments to 19.30.12 NMAC Pronghorn License Allocation System and 19.31.15 NMAC Pronghorn Antelope Rules as presented by the Department.

SECOND: Commissioner Bill Montoya.

Vote: 6-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: None
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 15: Proposed Amendments to the Migratory Game Bird and Upland Game Rules.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks Commission approval to proposed amendments to the Migratory Game Bird Rule (19.31.6 NMAC). Hunt dates and bag limits are finalized with the Federal guidelines adopted later this year. The Department also seeks Commission approval to proposed amendments to the Upland Game Rule (19.31.5 NMAC) to allow quail hunting on Lesser Prairie Chicken areas and align application deadlines for small game draws.

Mr. Baca summarized changes to these rules as: bag limit and date changes to conform to federal guidelines and calendar shift; remove permit requirement for band-tailed pigeon; reduction of special sand hill crane permit; Central flyway - remove snow goose permit; Pacific flyway – change in coot bag limit to 25; remove Seven Rivers as a Wildlife Management Area, but retain as a hunting area; remove all references to paper applications; change Bernardo light goose hunt from January to February; remove shotgun shell restriction for February Bernardo light goose hunt; open prairie chicken areas to quail hunting;

simplify small game application deadlines; extend grouse season to run concurrently with squirrel season; and change the name of Blue grouse to dusky grouse.

Migratory Bird Discussion:

Commissioner Montoya: what specifically are we talking about in the removal of shotgun shell restrictions? Mr. Baca: Migratory game bird hunters are restricted to one shell in the barrel and two in the magazine, and because it will be during the light goose conservation order period, we want to eliminate this to allow as many shells loaded as necessary to harvest up to the limit for light goose.

Upland Game Discussion:

Commissioner Arvas: when is the squirrel season? Mr. Baca: September 1 through October 31 in grouse and squirrel area one, and October 1 through November 31 in area two and in the remaining areas, is September 1 through October 31.

Commissioner Arvas: do we have a small game manager? Mr. Baca: under Dr. Joseph Sands, our game bird program leader, a small game and furbearer biologist is a planned position. Commissioner Arvas: with the installation of that biologist, will we begin more discussion of quail management? Mr. Baca: No sir, we are working on quail management as we speak, Dr. Sands has tremendous background and knowledge of quail and quail habitat as well as Barry Hale, who have been tasked with moving management of quail and habitat forward in New Mexico. Commissioner Arvas: yet with no major changes to the quail hunt though. Mr. Baca: no, not at this time. Commissioner Kienzle: question regarding finalizing the migratory bird rule per federal regulations and the public desiring the Commission always take final action on items. Leaving the rule open for federal changes is not an issue, but does the Commission need to finally approve the federal changes also. Director Lane: it is common practice across the U.S. specifically for the Federal framework species for commissions across the nation to take action and adopt the changes recommended. We usually know what the seasons are going to be and what the bag limits are going to be and those usually do not change, but we do it with the contingency. Usually the motion reads we adopt what you recommended contingent upon final federal framework adoption, which usually comes in late July and August, pressing agencies to get information out to hunters in timely manner. Mr. Baca: in consolidating bird hunts into one date, we ask that it be October 3.

Public Comments:

Jeremy Vesbach, New Mexico Wildlife Federation: the Federation supports the extension through the season. Question: issue of archery on small game cutting vs. blunt edge technically outlawing small game with blunt, and sand hill crane is reduction overall or the bag limit per hunter? Mr. Baca: reduction in sand hill crane permits to avoid over harvest on 2012-2013 allotment, and it is a reduction of permits not bag limit. Mr. Baca: blunt vs. cutting is being reviewed and due to lack of data, cautious Department research continues.

MOTION: Commissioner Thomas Salopek moved to accept changes to the Migratory Game Bird Rule 19.31.6 NMAC and the Upland Game Bird Rule 19.31.5 NMAC as presented by the Department with the intention of adopting the final federal regulations.

SECOND: Commissioner Scott Bidegain.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 16: Proposed Amendments to the Bighorn Sheep Rule.

Presented by Wildlife Management Division Chief Cal Baca - The Department seeks Commission approval to proposed amendments to the Bighorn Sheep Rule (19.31.17 NMAC) to add two additional enhancement licenses approved by the 2012 Legislature, to clarify licenses issued pursuant to private land authorizations are not 'once in a lifetime', to modify language to reflect current hunts and to adjust license numbers to reflect changes in populations.

Mr. Baca summarized the proposed changes to the rule as: the adding of two additional enhancement licenses, private land authorizations are not "once in lifetime" inferring limitation, adjustments to licenses in the Pecos, Peloncillos and Hatchet mountains: in the Pecos area, license numbers need reduced due to a decrease in the population averting an over harvest. In the Peloncillos and Hatchet mountains, those are increases in license numbers as those areas are now part of the desert bighorn sheep range and increasing the ability to hunt there. And to separate ewe hunt on Wheeler peak from one hunt to two hunts to improve hunt quality to hunters.

Discussion:

None.

Public Comments:

None.

MOTION: Commissioner Bill Montoya moved to accept amendments to 19.31.17 NMAC Bighorn Sheep as presented by the Department.

SECOND: Commissioner Thomas Salopek.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

Chairman McClintic announced the commission will not execute agenda item 19 in that an executive session is not warranted, there being no new information to discuss, and extended the General Comment period near the meeting's end.

AGENDA ITEM NO. 17: Proposed Amendments to the Revocation Rule.

Presented by Law Enforcement Division Assistant Chief Chris Chadwick – The Department updated the Commission on proposed amendments to the Hunting and Fishing License Revocation Rule (19.31.2 NMAC). Chapter 17 NMSA authorizes the Commission with authority to revoke or suspend hunting, fishing, and trapping licenses for a period of up to three years, and authority to revoke or suspend certificates, permits or other agreements.

Mr. Chadwick summarized the progress of this rule development. Since the last meeting, the Department has improved upon removal or correction of outdated references to other rules, included consultation with the Attorney General's office to ensure that the Commission and the Department are fully in compliance with other laws and agreements, revised the "point categories" to ensure fairness while maintaining a deterrence, developed language and processes that differentiate a revocation vs. a suspension, and developed processes and procedures to more efficiently process suspensions while protecting the rights of potential revokes.

Next steps are to continue to monitor public input, revise the draft in response to any additional public or Commission input, and present the final draft rule at the August, 2012 Commission meeting for possible action.

Discussion:

None.

Public Comments:

None.

AGENDA ITEM NO. 18: Proposed Amendments to the Fisheries Rule and Manner and Method Rule.

Presented by Fisheries Management Division Chief Mike Sloane – The Department seeks Commission approval to amendments to the Fisheries rule (19.31.4 NMAC) and Manner and Method rule (19.31.10 NMAC) pertaining to fishing manner and methods, open season, bag limits and special trout water designations.

Mr. Sloane summarized the changes to these rules center on clarification, addition of waters, and owner concerns as to how the waters are regulated. He expounded upon each: clarify status of ponds at Tingley Beach, clarify use of cut or dead bait at Eagle Nest and Heron to assist with pike fishing at Eagle and lake trout fishing at Heron, clarify name of Laguna del Campo from Burns Canyon lake, add two ponds to special catfish waters – Conoco and Chavez lakes while reducing the catfish bag limit to two, add use restrictions requested by owner, and open Bonito Lake year round. Mr. Sloane also discussed further changes to the proposal as requested include removing the proposal to exclude trotlines at Cottonwood Campground on the Black River, and move boat restrictions from no boats to electric motors at Conoco Lake. Additionally, discussion was heard to close Bonito Lake to ice fishing in accordance with the agreement and request from the city of Alamogordo.

Discussion:

Commissioner Montoya: is Grindstone open year round too? Ms. Sloane: Yes. Commissioner Salopek: why was Bonito not open year round? Mr. Sloane: Our lease was for 9 months, there was not an open campground at the time and I believe the city of Alamogordo wanted it that way in the original agreement.

Public Comment:

None.

MOTION: Commissioner Tom Arvas moved to adopt the proposed changes to 19.31.4 NMAC Fisheries Rule and 19.31.10 NMAC Manner and Method Rule as presented.

SECOND: Commissioner Bill Montoya.

Vote: 6-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Thomas Salopek, Commissioner Bill Montoya, Commissioner Paul Kienzle and Commissioner Robert Espinoza

No: None

Abstained: None

Absent: None

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 19: Closed Executive Session.

This item was deleted by Chairman McClintic and the Commission, there being no new items to discuss.

AGENDA ITEM NO. 20: General Public Comments (Comments Limited to 3 Minutes).

Caren Cowan, Sportsman and Landowner Coalition, NMCGA, NMWGA: Thanked the Commission in being involved in litigation and protecting state's rights the way you are. The Sportsmen and Landowners Coalition has intervened in a wolf-trapping lawsuit because we think it is critically important for states being able to make management decisions. The organization appreciates that the Commission is not using the Attorney General's office we have some rather bad experiences with that office in all due respect to the Attorney General representing agencies. I think you've taken the exactly right step and we support you 100 percent.

Representative Ezzell: Have two issues: because of public input regarding sand dunes lizard, it was shut down industry and ranching in that area and would have eventually harmed our schoolchildren due to lost revenue generation. I am glad it was shut down. My problem was the State Land Office not taking a stand on the use of our lands. Second issue is with the fires: people losing homes and businesses, it's time we stood up to the United States Forest Service (USFS) because they are not managing our forests. These are our forests – it is your responsibility to manage our wildlife. How can we expect you to manage the wildlife whenever they are literally fleeing from our forests? We ought to be suing the USFS, the Environmental Department and all of the special interest groups because ladies and gentlemen, they are the ones responsible for our state burning to the ground. Whenever we no longer allow logging to take place, and we're letting the fall continually build, we can expect nothing less than the fires that we have seen—the catastrophic fires. The Monday before the fire got out of control on Friday, I was here in Ruidoso and we spotted this little wisp of smoke that is all that it was at that time— a little wisp of smoke. By Friday afternoon, it blew up. The USFS kept telling the people of this area we have it under control, we have it under control. It went from a 100-fire from what we saw the next morning to more than 4,000 acres. I don't know which route you intend to take home, but if you go north on the ski run road and continue passed the Flying J Wranglers turnoff going north, you will see the devastation. The houses and angus are no longer there, there is dead wildlife alongside the road, it went through the middle of their cemetery and that is just one small area. It has charred the ground so hard last Saturday there was a one-inch rain here in some areas, thank goodness, it was slow, otherwise we will have a flooding issue. The USFS has also brought great and irreparable harm to our watersheds. The Mescalero Indians have actively thinned their forests and it sustains a thriving elk and deer herds. The spotted owl lives here now, how about that? What is wrong with what the USFS has done? They have let special interest groups dictate what we cannot do in our own state. Senate bill one from the 2002 legislature provides us as a state can supersede federal law, it's about time we did it. I am tired of seeing crap like this going on. Also up Meacham Drive near the convention center, look off to the right; look at those tents put up on the fields. People are living in those tents because they now no longer have a home. Let's start working together, it's time we stood up and made some noise instead of the special interest groups who want the attention of the media and paint of picture that is not always what it is. It's time we took control of our state. Thank you for allowing me to speak.

Jeremy Vesbach, New Mexico Wildlife Federation: talk about the quota on Oryx, Ibex and bighorn, or lack of a quota. As you may be aware, there was a lawsuit in the 70's, someone named Terk from Texas, sued the Department on those three

species asking to remove the quota and also stated it was illegal to apply a deferential in cost of a license between the two—residents and non-residents. The Department at that time lost the suit, lost on both counts at the appeals court level. Appeal to the supreme court on the cost of a license and won, but did not appeal on the quota. We have been in injunction since then. Terk next went to Montana, Montana won under the supreme court, but we are still back under this old injunction on these three species where we can't apply a quota. The way you see that play out right now is this desert bighorn license situation. The Commission, the Department have done a fabulous job getting these desert bighorn built back up, new desert bighorn licenses and a resident got one of those. Rocky Mountain bighorn we're getting 75 percent, which is more than still non-residents getting more than twice as many by percentage as any other state. The Department did try to appeal once and lost, the judge said that the Department was not looking at the right area of law and it was dropped. We think it is ripe to look at it again and we want to know if that is something the Commission believes important and we would like to see you take it on. Previous director, Tod Stevenson, asked the Attorney General's Office for an opinion if it was something that could be revisited, and that opinion did not address every in-and-out but said it is something that could be addressed. That is something we ask you as a Commission to think about and ask the Attorney General's Office to look into. Is that something Mr. Chairman that you think that you could look into? Chairman McClintic: well yes, certainly could see if that is something that is do-able to pursue.

Laura Schneberger, Rafter Spear Ranch 6L6A president, Winston, NM: the loss of forest due to these catastrophic fires is gut-wrenching and it grieves me to think of the loss of wildlife and habitat and the permanent loss of what we're seeing across the state. I hope that this Commission takes seriously the enormity of the lives that were lost, not human but wildlife, and places that will never be inhabited in the same way again. We have lost a huge amount of historical culture in the Gila and it was warned about 15 years ago by Dr. Ron White with the New Mexico Department of Agriculture, in the ailing Gila wilderness, we knew a long time ago that this was going to come and we did nothing. I am asking the Commission to take a stand to mitigate this in the future. She thanks the Commission for the stand they have taken on the Mexican Wolf trapping suit and to be firm in your convictions that trapping is an important part of our historic legacy for the people of this state.

Chairman McClintic thanked all for their time and their concerns, giving you a voice and process what you're saying, it does affect the way we do business.

AGENDA ITEM NO. 21: Adjourn

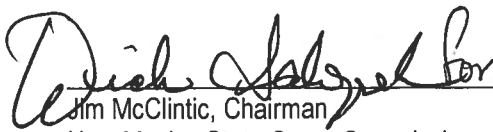
Chairman McClintic adjourned the meeting at 2:21 p.m.



James S. Lane, Jr., Secretary
New Mexico State Game Commission

August 23, 2012

Date



Jim McClintic, Chairman
New Mexico State Game Commission

August 23, 2012

Date

JSL/kaa