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STATE GAME COMMISSION

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THOMAS "DICK" SALOPEK  
Vice-Chairman  
Las Cruces

DR. TOM ARVAS  
Albuquerque

ROBERT ESPINOZA, SR.  
Farmington

PAUL M. KIENZLE III  
Albuquerque

BILL MONTOYA  
Alto

RALPH RAMOS  
Las Cruces

**MEETING MINUTES**

NEW MEXICO STATE GAME COMMISSION  
New Mexico State Capitol Building, Room 311  
490 Old Santa Fe Trail  
Santa Fe, NM 87501  
Thursday, September 26, 2013  
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 8:59 a.m. by Chairman Scott Bidegain in room 311 of the New Mexico State Capitol Building, Santa Fe, NM.

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

Secretary Lane called the role:

<b>Present:</b>	Commissioner Tom Arvas Chairman Scott Bidegain Commissioner Thomas Salopek Commissioner Bill Montoya Commissioner Paul Kienzle Commissioner Robert Espinoza Commissioner Ralph Ramos
<b>Absent:</b>	None
<b>Quorum:</b>	Yes

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

Chairman Bidegain asked the Commission to approve the agenda.

**MOTION:** Commissioner Montoya so moved to approve the agenda.

**SECOND:** Vice Chairman Salopek.

<b>Vote:</b>	6-0
<b>Yes:</b>	Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	Motion UNANIMOUS.PASSED.

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

Chairman Bidegain welcomed attendees and the audience introduced themselves and some noted the organizations they represent.

**AGENDA ITEM NO. 5: Approval of Minutes (August 22, 2013 Grants, NM).**

Minutes of the August 22, 2013 meeting of the Commission were approved and the motion carried unanimously.

**MOTION:** Commissioner Arvas moved to approve the minutes of August 22, 2013 meeting.

**SECOND:** Commissioner Montoya

<b>Vote:</b>	6-0
<b>Yes:</b>	Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos
<b>No:</b>	None
<b>Abstained:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	Motion UNANIMOUS. PASSED.

**NEW BUSINESS:**

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

Presented by Robert Griego –The Department presented a list of individuals that meet established criteria for initiation of the suspension process for hunting, fishing, and trapping license privileges. A motion was requested to suspend the license privileges of obligors not in compliance with their court order to pay child support. No one from the public commented on this item.

**MOTION:** Commissioner Espinoza moved to authorize the Department to administer these suspensions on behalf of the Commission including the issuance and service of a Notice of Contemplated Action to each individual listed that has failed to pay a penalty assessment.

**SECOND:** Vice Chairman Salopek.

**Vote:** 6-0

**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 7: Proposed Amendments to the Scientific and Education Rules 19.35.6 and 19.36.2 NMAC.**

Presented by Robert Griego – The Department presented the proposed rule changes to the Educational Use of Wildlife (19.35.6 NMAC) and Taking and Possession of Protected Wildlife for Scientific and Educational Purposes (19.36.2 NMAC) rules. Proposed changes include merging the two rules into one, and requiring a report and data collection that must be reported to the Department. These two rules partially overlap, generating confusion. The outdated permit process is not in line with the Special Use of Wildlife Permits that the Department issues, and places an undue burden on permit holders and the Department. The Department proposed to repeal both rules and replace them with a single rule, a new version 19.35.6 NMAC. The proposal would establish a more efficient process for the permit application and permit issuance, and would ensure the rules and procedures are in compliance with current statutes. A draft amendment has been posted, internal review continues, and to date no public comments have been received. The Department will continue to seek public input on the proposed draft and will present the draft at the next meeting. No one from the public commented on this item and there was no discussion by the Commission on this item. This being a discussion item, no motion was heard.

**AGENDA ITEM NO. 8: Oryx Management Program Update.**

Presented by Cal Baca – The Department proposed changes to Oryx management. The discussion included population and harvest trends. There was a growth in population from 1998 to 2006, with mean license number for this period approximating 978. There was a population reduction from 2007 to 2011, with mean license number for this period approximating 1400. The future goals for Oryx management include population stabilization, maintaining high quality once-in-lifetime hunt, lower density of Oryx outside of the premier hunt areas for the 2015-2018 seasons. No one from the public commented on this item and the Commission discussion centered on considerations of potential off-range hunts, additional hunt opportunities for sportsmen, and questions regarding the unique and thriving Oryx habitat on White Sands Missile Range. This being a discussion item, no motion was heard.

**AGENDA ITEM NO. 9: Potential Acquisition of Properties in Southwest NM.**

Presented by RJ Kirkpatrick – The Department discussed the potential acquisition of several properties in southwest New Mexico that would provide long term conservation benefits to state listed threatened and endangered species, potential conservation education opportunities, and increased hunting opportunity for New Mexico sportsmen. The New Mexico Office of Natural Resources Trustee and the U.S. Fish and Wildlife Service (collectively, the "Trustees") have engaged in a cooperative Natural Resource Damage Assessment and Restoration (NRDAR) process with Freeport-McMoRan Copper & Gold Inc., and its associated companies (FMI) mine sites near Silver City, NM. The Trustees undertook a wildlife assessment for the Chino, Tyrone, and Cobre mines in which they assessed and quantified injuries to terrestrial resources, wildlife, and wildlife habitat resources, and successfully brought claims against FMI for terrestrial and wildlife damages. FMI paid \$5.5 million and transferred 714 acres of grassland for the City of Rocks to State Park to settle allegations that the company injured terrestrial and wildlife resources as a result of discharges of hazardous substances from the mines. The Trustees, in a draft Wildlife and Wildlife Habitat Restoration Plan have identified 21 potential restoration projects, in which two are of primary interest to the Department. The Double E Ranch, in Grant County, NM, encompassing 5,827 acres of private land and the River Ranch located on the Mimbres, spanning 1,010 acres of private land. The cost for the Double E Ranch is \$3 million and the River Ranch is \$700,000. Both properties have authorized BLM and State Land grazing allotments as well as irrigation water rights. Hunting opportunities include deer, turkey, quail, javelina, and cougar. Both ranches could provide opportunities for conservation education. Public comment was heard and expressed both support and opposition to the acquisition of these properties by the Department. The Commission discussion was positive and applauded the Department's efforts to provide additional opportunities to recruit youth and adults to the sport and conservation. Discussion also centered on funding and procurement details for these properties.

**MOTION:** Commissioner Salopek moved to direct the Department to work with the Office of the Natural Resources Trustee, the property owners, and the appropriate state, federal, and non-governmental organizations to negotiate the State Game Commission's purchase of the River Ranch and Double E Ranch that are important to fish and wildlife conservation in southwestern New Mexico, and was further amended to include the Chairman and Director as authorized parties to purchase these properties on behalf of the Commission.

**SECOND:** Commissioner Ramos.

**Vote:** 6-0  
**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 10: Pronghorn Antelope Management Translocation Projects.**

Presented by Cal Baca – The Department sought Commission approval of translocation projects for pronghorn and discussed the translocation request from Santa Ana Pueblo. The Pueblo requested 40 additional pronghorn to be relocated unto the reservation. Public comment was heard and expressed support for the relocation of the pronghorn to the reservation and emphasized the traditional significance of the pronghorn to the pueblo community. Commission discussion focused on the high mortality rate observed after the prior pronghorn antelope translocation on the Pueblo. The Commission requested the Pueblo to develop a comprehensive antelope management plan as well as to demonstrate progress working with the adjoining tribes prior to the next antelope translocation. The Pueblo requested the assistance of the Department in the development of a unified support letter to the other pueblos. Secretary Lane agreed to be a signatory to the letter from the Department with the Santa Ana Pueblo to the surrounding pueblos.

**MOTION:** Commissioner Arvas moved to accept the Departments proposal for Pronghorn Antelope captures and transplants as presented by the Department.

**SECOND:** Commissioner Espinoza.

**Vote:** 5-1

**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya,  
Commissioner Espinoza and Commissioner Ramos  
**No:** Commissioner Kienzle  
**Abstained:** None  
**Absent:** None  
**Result:** Motion PASSED.

The Department asked for clarification regarding the logistics of the capture and transplant for the Pueblo and asked for additional time to deliver the requested antelope to the Pueblo. This was discussed in detail with the Commission. An initial motion was proposed by Commissioner Kienzle. Then an amendment to Commissioner Kienzle's motion was proposed by Commissioner Espinoza and both amendment and motion passed.

**2nd MOTION:** Commissioner Kienzle moved to amend the previous motion to include contingencies, which require demonstrated progress with adjacent pueblos with regard to a coordinated management plan.  
**SECOND:** Commissioner Arvas.

**MOTION AMENDMENT TO 2nd MOTION:** Commissioner Espinoza moved to amend the second motion to require, "further consideration and approval by the Commission to approve the release [pronghorn]."  
**SECOND:** Commissioner Kienzle.

**Vote:** 5-1  
**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya,  
Commissioner Kienzle, and Commissioner Espinoza  
**No:** Commissioner Ramos  
**Abstained:** None  
**Absent:** None  
**Result:** Motion PASSED.

**RETURN TO 2nd MOTION:** Commissioner Kienzle moved to amend the previous motion to include contingencies, which require demonstrated progress with adjacent pueblos with regard to a coordinated management plan and approval by the Commission to approve the release [pronghorn].

**Vote:** 5-1  
**Yes:** Commissioner Arvas, Commissioner Montoya, Commissioner Kienzle,  
Commissioner Espinoza and Commissioner Ramos  
**No:** Vice Chairman Salopek  
**Abstained:** None  
**Absent:** None  
**Result:** Motion PASSED.

### **AGENDA ITEM NO. 11: Closed Executive Session.**

The State Game Commission voted to adjourn into Executive Session closed to the public, pursuant to Section 10-15-1(H)(7) NMSA 1978, to discuss the acquisition of real property, and matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Commission and/or Department is or may become a participant.

**MOTION:** Vice Chairman Salopek moved to adjourn into Executive Session.

**SECOND:** Commissioner Montoya

Secretary Lane called the roll call vote:

**Vote:** 7-0  
**Yes:** Commissioner Tom Arvas

Chairman Scott Bidegain  
Commissioner Thomas Salopek  
Commissioner Bill Montoya  
Commissioner Paul Kienzle  
Commissioner Robert Espinoza  
Commissioner Ralph Ramos

**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

### **AGENDA ITEM NO. 12: Final Proposed Amendments to the Fisheries Rule, 19.31.4 NMAC.**

Presented by Mike Sloane – The Department presented the final proposed changes to the fisheries rule to allow all anglers to fish at Young Pond, which requires an amendment to remove the current age restriction. Young Pond is designated as a youth-only water which limits the age of anglers to under 12 years of age. Young Pond is currently the only urban fishing location in Las Cruces. The proposed amendment is intended to take effect prior to the winter trout stocking season, which begins approximately November 1, 2013. This timeline was recommended at a public meeting held in Las Cruces during July 2013 while seeking public comments on the proposed fisheries rule and amendments to the manner and method rule. In 2013, the Department released a press statement, which listed the proposed rule change, held four public meetings, and requested public comments on the proposed change. The proposal has been posted on the Department website since July 2013. The public specifically requested this change take effect prior to the winter trout season. The motion to amend the Fisheries Rule 19.31.4.13 NMAC to remove the youth-only designation at Young Pond, Las Cruces, and permit all licensed anglers to fish at this water as presented by the Department was so moved by Vice Chairman Salopek, and seconded by Commissioner Montoya.

**MOTION:** Commissioner Salopek moved to amend the Fisheries Rule 19.31.4.13 NMAC to remove the youth-only designation at Young Pond, Las Cruces, and permit all licensed anglers to fish at this water as presented by the Department.

**SECOND:** Commissioner Montoya.

**Vote:** 6-0  
**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

### **AGENDA ITEM NO. 13: State Land Easement Agreement.**

Presented by Mike Perry – The Department presented an update on the status of the current easement that expires March 31, 2014, and the development of a new easement to provide continued sportsmen access to State Trust Lands for the 2014 – 2015 season. Prospective changes include a term change from eight months July 1, 2013 through March 21, 2014, to 12 months beginning April 1, 2014 through March 31, 2015. The easement amounts paid would change from \$150,000 for an eight-month easement (July 1, 2013 through March 31, 2014) to a \$200,000 easement for twelve-months (April 1, 2014 through March 31, 2015). The proposed Unitization meeting date would change from August 31, 2013 to March 1, 2014. Other changes include clarifying language with respect to ground blinds by removing the language "or other means of concealment" and "If under separate agreement, opportunities to conduct habitat improvement projects on state trust lands result in expenditure of funds by the Department, the expenditures may be used by the Commission as directed to offset the rental." The Department and the State Land Office will work through changes and post finalized rule for public comment by October 14, 2013. The Department

will present the Commission with the final easement for approval at the November 14, 2013 State Game Commission meeting. No one from the public commented on this item and the Commission discussion was in support of the proposed changes. This being a discussion item, no motion was heard.

#### **AGENDA ITEM NO. 14: Prospective Initiatives for the 2014 Legislative Session.**

Presented by Pat Block – The Department discussed potential legislative initiatives to develop and pursue through the appropriate executive agency approval processes for the 2014 Legislative Session. The 2014 Legislative Session is a short 30 day session. Because it is a shorter session, the constitution limits what can be discussed and is limited to budget and fiscal matters, as well as bills of the last previous regular session vetoed by the governor, and the Governor's "call," or bills drawn pursuant to special messages of the governor. Due to the restricted content in short sessions, it may be difficult to address multiple initiatives for the 2014 Legislative Session. The Department's primary effort will be to focus on the budget and capital outlay requests, and pursue any additional legislation approved by the Commissions. Potential legislation includes increased penalties, which is supported by the Department's strategic objective that hunting, trapping, and fishing opportunities and off-highway motor vehicle recreation are maintained through public compliance with laws and rule. The initiation of the public involvement process for this agenda item began September 6, 2013. No one from the public commented on this item and Commission discussion requested clarity in regards to the capital outlay projects presented by the Department.

**MOTION:** Commissioner Espinoza moved to direct the Department to develop and submit for executive branch review, a proposed bill for enhanced penalties, including penalties assessments for hunting, fishing, and trapping violations during the 2014 Legislative Session.

**SECOND:** Commissioner Kienzle.

**Vote:** 6-0

**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya, Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos

**No:** None

**Abstained:** None

**Absent:** None

**Result:** Motion UNANIMOUS. PASSED.

#### **AGENDA ITEM NO. 15: Mexican Wolf Recovery and Potential Department Involvement in the United States Fish and Wildlife Service's Wolf Program.**

Presented by RJ Kirkpatrick – The Department discussed the invitation by the United States Fish and Wildlife Service (USFWS) to become a signatory to a Memorandum of Understanding regarding participation in the development of a draft Environment Impact Statement on Mexican Wolves and potential future involvement in the USFWS led wolf recovery efforts. The USFWS is proposing to modify the regulations established for the Mexican wolf reintroduction in the 1998 Final Rule and to implement a management plan for Mexican wolves for those areas of Arizona and New Mexico that are external to the Mexican Wolf Experimental Population Area (MWEPA). Public comment was heard and expressed strong support of the Department becoming a signatory to the MOU in order to maintain involvement in the process. The Commission discussion agreed with need for the Department to become a signatory to the MOU in order to be involved in the EIS and recovery efforts; additionally, the Commission reiterated their opposition to the potential reintroduction of the Mexican wolf and strongly cautioned the Department to raise public awareness of this issue.

**MOTION:** Commissioner Paul Kienzle moved to approve the Department becoming a signatory to a Memorandum of Understanding with the USFWS to participate in drafting an Environmental Impact Statement (EIS), pertaining to the Mexican Wolf in New Mexico and furthermore that this motion is not an endorsement or approval for the Mexican Wolf recovery.

**SECOND:** Commissioner Espinoza.

**Vote:** 6-0  
**Yes:** Commissioner Arvas, Commissioner Salopek, Commissioner Montoya,  
 Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

**AGENDA ITEM NO. 16: General Public Comments (Comments Limited to 3 Minutes).**

No one from the public commented.

**AGENDA ITEM NO. 17: Adjourn.**

**MOTION:** Vice Chairman Salopek moved to adjourn.

**SECOND:** Commissioner Montoya

**Vote:** 6-0  
**Yes:** Commissioner Arvas, Vice Chairman Salopek, Commissioner Montoya,  
 Commissioner Kienzle, Commissioner Espinoza and Commissioner Ramos  
**No:** None  
**Abstained:** None  
**Absent:** None  
**Result:** Motion UNANIMOUS. PASSED.

NOTE: The meeting will be adjourned upon completion of the agenda or up to those items that time allows. Any items not discussed will be on the following meeting's agenda. The Agenda is subject to change up to 72 hours prior to the scheduled meeting date and time as deemed necessary by the Chairman. To inquire about agenda changes, please contact the Office of the Director at (505) 476-8008. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Ms. Sonya Quintana at (505) 476-8029 at least 3 working days before the meeting date. Public documents, including the Agenda and Minutes can be provided in various accessible forms. Please contact Ms. Quintana if a summary or other type of accessible form is needed.

  
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 R.J. Kirkpatrick, Interim Director and Secretary

  
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 Date

  
 \_\_\_\_\_  
 Scott Bidegain, Chairman  
 New Mexico State Game Commission

  
 \_\_\_\_\_  
 Date

RJK/avg