

GOVERNOR
Susana Martinez



STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

STATE GAME COMMISSION

JIM McCLINTIC
Chairman
Albuquerque, NM

THOMAS "DICK" SALOPEK
Vice-Chairman
Las Cruces, NM

DR. TOM ARVAS
Albuquerque, NM

SCOTT BIDEGAIN
Tucumcari, NM

ROBERT ESPINOZA, SR.
Farmington, NM

PAUL M. KIENZLE III
Albuquerque, NM

BILL MONTOYA
Alto, NM

One Wildlife Way
Santa Fe, NM 87507
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8123

Visit our website at www.wildlife.state.nm.us
For information call: (888) 248-6866
To order free publications call: (800) 862-9310

DIRECTOR AND SECRETARY
TO THE COMMISSION
James S. Lane, Jr.

Daniel E. Brooks, Deputy Director

MINUTES
REGULAR MEETING
NEW MEXICO STATE GAME COMMISSION

Colfax County Commission Chambers
Colfax County Courthouse 3rd Floor, 230 North 3rd Street, Raton, NM 87740
Thursday, November 1, 2012, 9:00 a.m. – 5:00 p.m.

Contents

AGENDA ITEM NO. 1: Meeting Called to Order.2

AGENDA ITEM NO. 2: Roll Call.2

AGENDA ITEM NO. 4: Introduction of Guests.2

AGENDA ITEM NO. 3: Approval of Agenda.2

AGENDA ITEM NO. 5: Approval of Minutes (August 23, 2012, Rio Rancho, NM).....2

AGENDA ITEM NO. 6: Revocations.2

AGENDA ITEM NO. 7: Depredation and Nuisance Abatement Report for Fiscal Year 2012 and 1st Quarter Fiscal Year 2013.3

AGENDA ITEM NO. 8: Proposed Amendment to the Hunter Education Rule 19.36.3 NMAC.3

AGENDA ITEM NO. 9: Proposed Amendments to the Deer Rule 19.31.13 NMAC.5

AGENDA ITEM NO. 10: Proposed Amendments to the Ibex Portion of 19.31.12 NMAC.5

AGENDA ITEM NO. 11: Proposed Amendments to the Turkey Rule 19.31.16 NMAC.7

AGENDA ITEM NO. 12: Closed Executive Session.7

AGENDA ITEM NO. 13: Proposal for Acquisition of the Lovejoy and Weaver Properties to Expand Lesser Prairie Chicken Areas.8

AGENDA ITEM NO. 14: Proposal to Enroll Certain Wildlife Management Areas into a Candidate Conservation Agreement with Assurances for the Lesser Prairie Chicken and Dunes Sagebrush Lizard . .8

AGENDA ITEM NO. 15: Proposed Amendments to the Pronghorn Antelope and Pronghorn License Allocation System 19.30.12 and 19.31.15 NMAC.9

AGENDA ITEM NO. 16: Proposed Amendments to New Mexico Hunter-Trapper Reporting System Rule 19.30.10 NMAC.9

AGENDA ITEM NO. 17: Proposed Amendments to the Hunting and Fishing Application, Hunting and Fishing – Manner and Method, Barbary Sheep, Oryx, Persian, Ibex, Deer, Elk, Pronghorn Antelope, Turkey, Bighorn Sheep, Bear and Cougar, and Javelina Rules 19.31.3, 19.31.10, 19.31.12 - 19.31.17, and 19.31.21 NMAC..... 10

AGENDA ITEM NO. 18: Biennial Review of State Listed Threatened and Endangered Species 19.33.3 NMAC. 11

AGENDA ITEM NO. 19: Proposed Amendments to the Use of Department of Game and Fish Lands, Protection of Department of Game and Fish Lands and Wildlife Management Area Rules 19.30.4, 19.34.3 - 19.34.5 NMAC..... 12

AGENDA ITEM NO. 20: Establish Application Deadline For The 2013-2014 Public Big-Game Draws. 12

AGENDA ITEM NO. 21: Proposed Amendments to Artificial Light Permit System 19.30.13 NMAC. 13

AGENDA ITEM NO. 22: General Public Comments (Comments Limited to 3 Minutes). 14

AGENDA ITEM NO. 23: Adjourn..... 15

AGENDA ITEM NO. 1: Meeting Called to Order.

Meeting was called to order at 9:01 a.m. by Vice Chairman Salopek.

AGENDA ITEM NO. 2: Roll Call.

The roll was called by Secretary Lane.

Present: Commissioner Tom Arvas
Commissioner Scott Bidegain
Commission Chairman Jim McClintic
Commissioner Thomas Salopek
Commissioner Bill Montoya
Commissioner Paul Kienzle
Commissioner Robert Espinoza
Game Commission Chairman Jim McClintic

Absent:

Quorum: Yes

AGENDA ITEM NO. 4: Introduction of Guests.

Vice Chairman Salopek welcomed attendees and the audience introduced themselves and the organizations they represent. Guests included Mr. Ron Schmeits, past president of NRA, Whittington Center chair, and serves as NMDOT Transportation Commissioner from District 4.

AGENDA ITEM NO. 3: Approval of Agenda.

MOTION: Commissioner Montoya so moved.

SECOND: Commissioner Arvas.

Vote: 5-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 5: Approval of Minutes (August 23, 2012, Rio Rancho, NM).

MOTION: Commissioner Arvas so moved.

SECOND: Commissioner Montoya.

Vote: 5-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

NEW BUSINESS:

AGENDA ITEM NO. 6: Revocations.

Presented by Chris Chadwick – The Department presented a list of individuals that meet established criteria for initiation of the suspension process for hunting, fishing and trapping license privileges.

Public Comment:

None.

Discussion

Commissioner Montoya: asked if there is something we are doing to cause the list to grow?

Mr. Chadwick: the list is long due to being in arrears in issuing revocations, waiting for implementation of the new revocation rule and updating internal systems, with that, you should see a more normal listing.

Commissioner Montoya: you are comfortable with the list that we can meet the requirements.

Mr. Chadwick: yes, if persons on the list come into compliance we are readily able to reinstate their privileges.

Commissioner Espinoza: have these people been notified already?

Mr. Chadwick: no, they have not. The Commission is being asked to vote on the initiation of the process and not the actual revocations at this time. This process does change with the new rule: we send out the notification in certified mail, a hearing can be requested and granted, if at any point the individual comes into compliance, the process can be halted. The individuals on this list have already been through the judicial system and are on the list because they have violated a court order regards a Human Services Department Parental Responsibility requirement.

MOTION: Game Commissioner Tom Arvas moved to approve the issuance and service of a Notice of Commission Contemplated Action for each individual presented by the Department and to authorize the Department to administer these suspensions on behalf of the Commission.

SECOND: Game Commissioner Scott Bidegain.

Vote:	5-0
Yes:	Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No:	None
Abstained:	None
Absent:	Chairman McClintic
Result:	Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 7: Depredation and Nuisance Abatement Report for Fiscal Year 2012 and 1st Quarter Fiscal Year 2013.

Presented by Cal Baca – The Department reported the total number of wildlife complaints filed and resolved with the Department in accordance with 19.30.2.11 NMAC for Fiscal Year 2012 and the 1st Quarter of Fiscal Year 2013. Resolution rate is now 96 percent – the highest resolution success Mr. Baca has seen in the Department during his tenure. He congratulated the Field Operations staff in working with the public to resolve human/wildlife conflicts in New Mexico.

Public Comment
None.

Discussion

Commissioner Arvas: would you outline the process for management of complaints?

Mr. Baca: the process by which we work with a person regarding wildlife/human interactions or complaints is that the person contacts the Department, we then direct the complaint to the appropriate District Conservation Officer who then starts the investigation process. Within the investigation process, it is determined whether the Private Lands and Depredation Specialist teams need involved to assist in the resolution of the complaint or whether the Officer and the complainant are able to find a solution. Once the complainant and the Department have come to an agreement regards resolution, then the determined action is provided. This being a discussion item, no motion was entertained.

This was a discussion item, no motion was entertained.

AGENDA ITEM NO. 8: Proposed Amendment to the Hunter Education Rule 19.36.3 NMAC.

Presented by Jennifer Morgan – The Department presented a final proposal to amend the Hunter Education Rule to permit youth hunters to participate in a Families Afield-style program that allows youth to hunt with an adult mentor, and meets the requirements of the state's Hunter Training Act (17-2-33 NMSA 1978). Ms. Morgan thanked all staff, volunteer hunter education instructors, and NM Hunter Educators Association for their diligence in providing feedback and necessary input to assure this can be a safe, effective program for our future hunters. Ms. Morgan discussed implementation, measurement metrics, and rule review (youth taking the online quiz vs. the full Hunter Education course, guardian permission, hunter proximity requirements). New Mexico would be the 34th state to implement mentored hunting and recruitment if the Commission so moves today.

Public Comment

John Yeager, NM Hunter Educators Association: read a statement from NM Hunter Educators Association does agree with the principles of the program. Suggest a 2-year trial basis while data is compiled to ensure the program is a visible program and enhances the needs of future hunters. The only issue the Association believes is unresolved at this time, a legislative action, is the 10-year-old requirement.

Larry Birch, Hunter Education Instructor, Bernalillo County, NM: supports this effort, as written today should implement immediately, appreciates important point that this Commission and the Department can make responsive changes to implementation as needs arise instead of having to go through the legislature, that being an important point for him.

Joel Alderete, Chavez County, Roswell: teaches wildlife, shooting and archery sports through 4-H. Supports this program, he is seeing increased numbers of youngsters coming into the wildlife and shooting sports programs. He sees this program as the start to encourage youth with the matching up of mentors.

Discussion

Commissioner Kienzle: from the proposal rule, what does "licensed" mean? What kind of license does the adult or guardian need to have?

Ms. Morgan: the adult mentor must have current, valid license while hunting in the field with the mentee. They can choose to hunt also at that time or they can choose to mentor/observe. The license could be a small game license, it would not have to be the specie in which the mentee is hunting at the time.

Commissioner Kienzle: suggests between letters A and B of the proposed rule language, insert the word "or" even though the preceding paragraph states "either", insertion provides more clarity. He supports the program and thanks the public for their comments.

Commissioner Arvas: encourages the Commission's support of this motion and program. He is moved by the ability to gather statistics and the statistics proving safety and recruitment – spoke of Minnesota's study – more than one third of apprentice licenses were sold to adults.

Commissioner Espinoza: thanks for all the hard work to Ms. Morgan and Department staff. Once the mentors receive their testing number, will they be eligible for draw/apply?

Ms. Morgan: yes, it works just like the hunter education number. Yes they are then eligible to apply for the draw. And once they receive their Hunter Education certificate number, it will supersede the mentor youth number.

MOTION: Game Commissioner Tom Arvas moved to amend Hunter Education 19.36.3 NMAC as presented by the Department to create a mentored-youth hunter education program.

SECOND: Game Commissioner Kienzle.

Commissioner Kienzle: add "or" between letters A and B of the proposed language in the rule and would amend Commissioner Arvas' motion to that effect.

Attorney General Counsel Valicenti asked the Commission's permission to edit the proposed rule language for grammar.

Vote:	5-0
Yes:	Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No:	None
Abstained:	None
Absent:	Chairman McClintic
Result:	Motion UNANIMOUS. PASSED.

For the record, Ms. Valicenti read the suggested language clarification, regards types of courses: a person under the age of 18 who satisfies the requirements of either of the following training courses shall be issued a certificate following, instead of as to his or her, I would say following successful completion of a hunter training course. No change to items A or B, just add or between them, no change to subsection one, but then under subsection two, mentored hunt youth program hunters shall hunt with a firearm only after successful completion of the written lesson and testing portion of the course and while supervised by a licensed parent, guardian or another licensed adult with consent of the parent or guardian who is within unaided voice and sight distance.

General Counsel Wellborn suggested for the record the Commission move to amend the rule inclusive of this proposed language clarification. Vice Chairman Salopek called for a motion.

MOTION: Game Commissioner Paul Kienzle moved to amend Hunter Education 19.36.3 NMAC as presented by the Department to create a mentored-youth hunter education program with suggested language clarification.

SECOND: Game Commissioner Scott Bidegain.

Vote: 5-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 9: Proposed Amendments to the Deer Rule 19.31.13 NMAC.

Presented by Cal Baca and Kevin Rodden– The Department presented a final proposal to amend the deer rule to implement strategies to manage deer in suburban areas.

Public Comment

None.

Discussion

Vice Chairman Salopek: related Silver City experience and seriousness of deer population in the urban area.

Mr. Baca: emphasized there are multiple tools in the management plan inclusive of the Silver City zone.

Secretary Lane: one of the challenges continues to be the local communities' unwillingness to prohibit feeding deer.

Vice Chairman Salopek: has Silver City approved bow hunting inside the city limits or just outside?

Mr. Rodden: strictly outside the city limits in the county.

MOTION: Game Commissioner Robert Espinoza moved to accept the Department's proposal to amend 19.31.13 NMAC as presented.

SECOND: Game Commissioner Bill Montoya.

Vote: 5-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 10: Proposed Amendments to the Ibex Portion of 19.31.12 NMAC.

Presented by Cal Baca – The Department presented a final proposal to amend the Ibex portion of 19.31.12 NMAC to set harvest limits and offer over-the-counter female and immature ibex hunting to achieve population goals.

Mr. Rodden: the objective is to reduce the population on the Florida Mountains. Yet maintain the trophy quality that exists.

With the harvest limit strategy in place, harvest of females and reduce either sex or male licenses in order to harvest approximately the same number of males and females concurrently. Because in the female immature hunt, it is difficult to distinguish between females and immature billies, therefore a number of younger billies will be taken in the proposed hunt therefore we will reduce the number of overall either sex licenses. We project the accomplishment of population reduction will take a period of years instead of an immediate result. The female/immature hunt is proposed to begin in February, and over-the-counter licenses will be available to hunters who do not currently hold an ibex license. Hunters are required to inquire before hunting if the harvest limit has been met, and once they are successful, their harvest of a female or immature billy must be reported to the Department within 5 days. If the harvest limit has not been met, the season will close March 31 annually.

Public Comment

None.

Discussion

Commissioner Montoya: outline the procedure a hunter performs once he has bagged a female and what is done next to get the either sex license.

Mr. Rodden: at this time, we have the draw licenses for either sex, which is once-in-a-lifetime licensure. The proposal is an incentive hunt where only hunters who were successful in harvesting a nanny or immature billy in the nanny hunt are eligible for a special drawing the subsequent year, comprised of 10 either sex licenses. So definitely the draw chances are better than the usual once-in-a-lifetime hunt which is typically several thousand applicants applying for 15-18 licenses.

Commissioner Montoya: discussed carrying capacity of the habitat for numbers of animals. What would happen if we changed the required immature female allotment from one to two nannies? Give me a synopsis of what that might do.

Mr. Rodden: the one to two is purely a sociological issue. Biologically we will still have the same harvest limit in place. If you allow hunters a bag limit of two versus one, there will be no change biologically. It just reduced the number of hunters eligible for the 10 either sex licenses the following year.

Commissioner Montoya: in other words, you would get x-number of applicants that would apply the following year for a billy license that had taken one. And that pool, if you required two for example, would be a smaller group?

Mr. Rodden: potentially, yes, if it were strictly that we did reach the harvest limit with two, and the potential the harvest limit is not met.

Secretary Lane: one of the things we work to do consistently is to increase and maximize opportunity for our sportsmen and women. Maintaining a bag limit of one, will spread licenses further, allowing more hunters an opportunity to hunt a nanny. So this is a driver behind one versus two bag limit.

Vice Chairman Salopek: are we talking the October hunt to be eligible for the special hunt or just off range?

Mr. Rodden: currently the October female/immature hunt will be eliminated and moved to February and March of which will be over the counter.

Mr. Baca: another point of clarification is to start February 1, 2013 versus what is written in the brief (2014).

Vice Chairman Salopek: expressed appreciation for the consideration of the timing of the hunt, offering up yet another time during the year sportsmen and women can be in the field.

Commissioner Espinoza: please clarify the sequence of reporting once a nanny has been harvested.

Mr. Rodden: it is similar to reporting a bear harvest, once they take an animal; they contact an officer through the area office for inspection/confirmation.

Commissioner Arvas: so we are clear, everyone who applied for the 2012 hunt may execute that hunt and then after the 2012 hunts, they will be able to buy an OTC license for female or immature ibex on the Floridas. And that licenses are not limited to start, but 125...

Mr. Baca: Is your question that if someone who held a license for this hunt can go buy a license?

Commissioner Arvas: no, they cannot. We are not going to limit the number of OTC licenses that can be sold after the regular hunt in 2012. And, if I recall, former nanny hunts very rarely approached the proposed harvest limits.

Mr. Rodden: the past few years of ibex hunt statistics through the hunter harvest reporting system, we have 120 female immature billy licenses available. We have more than 500 applicants.

Commissioner Arvas: I am saying the harvest limit though, was never satisfied.

Mr. Rodden: We have not have a harvest limit strategy for ibex.

Commissioner Arvas: that is what I am saying; so doing this as a trial basis, what we are saying is that anyone can apply for the February female/immature ibex hunt, that 125 maximum harvest limit will be set, and that it is the responsibility of the hunter to call in to ensure he is not hunting beyond the harvest limit being attained.

Mr. Rodden: Yes, correct.

Commissioner Arvas: the more hunters we can get in the field, the better chance we have of attaining the harvest limit.

Vice Chairman Salopek: for those of us that drew an ibex hunt this year, we can apply for next February.

Mr. Rodden: yes, that is correct.

MOTION: Game Commissioner Bill Montoya moved to accept the Department's proposal as presented to amend 19.31.12 NMAC to include language in the section "...this incentive allows hunters to harvest a (change a to two)" and to include the recommended date of February 1, 2013 through 2014.

SECOND: Game Commissioner Tom Arvas.

Vote:	5-0
Yes:	Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No:	None

Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 11: Proposed Amendments to the Turkey Rule 19.31.16 NMAC.

Presented by Cal Baca – The Department presented a final proposal to amend the Turkey Rule to adjust management goals on W.S. Huey and in Game Management Unit 33. Purpose of the proposed amendment: reduce hunting pressure on a relatively low population in GMU 33 that is primarily concentrated around Huey Wildlife Management Area, maintain some youth turkey hunting opportunity, and develop a starting point to begin improving quantity of turkey in GMU 33. The long term goal being to improve hunt quality and turkey hunter satisfaction in GMU 33.

Public Comment

None.

Discussion

Commissioner Arvas: please go through why you are proposing this?

Mr. Baca: to improve population quantity employing short-term protection while not losing youth hunting opportunities.

MOTION: Game Commissioner Tom Arvas moved to accept the Department's proposal as presented to amend 19.31.16 NMAC.

SECOND: Game Commissioner Bill Montoya.

Vote: 5-0
Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 12: Closed Executive Session.

The State Game Commission adjourned to Executive Session closed to the public, pursuant to Section 10-15-1H (2, 7 and 8), NMSA, 1978, to discuss matters related to personnel, and litigation, and/or real property.

MOTION: Game Commissioner Robert Espinoza moved the Commission enter into closed session per NMSA.

SECOND: Game Commissioner Bill Montoya.

Vote: A roll call vote was taken:
Yes: Game Commissioner Tom Arvas
Game Commissioner Scott Bidegain
Game Commissioner Bill Montoya
Game Commissioner Paul Kienzle
Game Commissioner Robert Espinoza
Vice Chairman Salopek
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

General Counsel Wellborn: stated what was discussed in executive session only matters authorized by the open meetings act which were limited specifically to matters under attorney-client privilege for the discussion of threatened or pending litigation and the acquisition or disposition of property. No motions were made, no decisions were made. Attorney General Counsel stated this statement must come from a member of the Commission.

MOTION: Vice Chairman Salopek moved to adopt General Counsel's summary as stated.

SECOND: Game Commissioner Scott Bidegain.

Vote: 5-0

Yes: Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No: None
Abstained: None
Absent: Chairman McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 13: Proposal for Acquisition of the Lovejoy and Weaver Properties to Expand Lesser Prairie Chicken Areas.

Presented by Cal Baca – The Department presented a proposal to acquire the Lovejoy and/or Weaver properties for Lesser Prairie Chicken (LPC) Conservation and Management; and request permission from Commission to begin the acquisition process. New Mexico Department of Game and Fish have entered into a Five-State Range-wide Comprehensive Conservation Management plan for this species. Staff has begun identifying and working with landowners to expand and enhance long term conservation efforts of the LPC. Members of the Lovejoy/Weaver estate to acquire the properties approached the Department. Review of the properties. The members' reason to sell is a long-standing history with the Department and to manage for LPC and other wildlife with the passing of their father the family believes this is the best of use of the land is to sell to Department. The Weaver property is adjacent to existing Milnesand LPC area.

Public Comment

Jeremy V, NM Wildlife Federation: strongly supports this property acquisition proposal.

Discussion

Commissioner Montoya: where would the funding to purchase the land tracts come from?

Mr. Baca: from federal funds Pittman Robertson Act, state wildlife grant funds, public- dollar private-industry matching fund partnership (oil and gas industries in the Five-state LPCC Cooperative),

Commissioner Montoya: we would not use or use only minimally our game protection fund, correct?

Mr. Baca: correct.

Commissioner Kienzle: what opportunities are there around these properties to acquire others?

Mr. Baca: in conversation with the Lovejoy estate members, additional family members may be encouraged to sell their portion of the estate with memorial by the Department.

Mr. Beauprez: is currently working on adjacent land ownership map and questionnaire survey to gain interest level in owners' willingness to sell.

Commissioner Kienzle: is the present proposal just for Lovejoy/Weaver properties, nothing in the surrounding area?

Mr. Baca: yes, initially, but we ask for permission to engage in discussion with neighboring property owners and discuss with them conservation practices for overall habitat improvement projects on purchased properties and share those tested practices with owners of adjacent properties.

MOTION: Game Commissioner Tom Arvas moved the Commission instruct the Department to investigate and initiate discussions to acquire the Lovejoy/Weaver and any other identified properties for LPC conservation and management.

SECOND: Game Commissioner Bill Montoya.

Vote: 5-0

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

No: None

Abstained: None

Absent: Chairman McClintic

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 14: Proposal to Enroll Certain Wildlife Management Areas into a Candidate Conservation Agreement with Assurances for the Lesser Prairie Chicken and Dunes Sagebrush Lizard .

Presented by Cal Baca – The Department presented a proposal to enter certain Wildlife Management Areas into a Candidate Conservation Agreement with Assurances (CCAA) for the Lesser Prairie Chicken and Dunes Sagebrush Lizard in eastern New Mexico. This effort is part of the five-state range wide conservation initiative work mentioned in the previous agenda item.

Request of the Commission to enter into the CCAA agreement allowing NM some regulatory assurance conservation practices in effect would not be discontinued if the federal government lists the species.

Public Comment

None.

Discussion

None.

MOTION: Game Commissioner Bill Montoya moved to approve the Department submit the Commission-owed Prairie Chicken Areas for consideration of a Certificate of Inclusion for a Candidate Conservation Agreement with Assurances.

SECOND: Game Commissioner Scott Bidegain.

Vote: 5-0

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

No: None

Abstained: None

Absent: Chairman McClintic

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 15: Proposed Amendments to the Pronghorn Antelope and Pronghorn License Allocation System 19.30.12 and 19.31.15 NMAC.

Presented by Cal Baca – The Department presented a final proposal to amend rule to manage antelope hunting similar to deer hunting in portions of New Mexico and amend the pronghorn antelope rule. Mr. Baca gave a summation of the number and content of public comment obtained through nine public meetings held throughout the state (more than 120 persons in attendance) and the Department's website (more than 60 email comments) and telephone conversations; no consensus has been met among the stakeholder groups, therefore Option 3 that is no change to the system or rule is now proposed.

Public Comment

Jeremy Vesbach, NM Wildlife Federation: supports no action at this time, yet does want more work to be done on this issue; too many licenses out to nonresidents, get a numerical goal to make assurances to sportsmen, does not serve all landowners well, and it is a management resource draw on the Department.

Nikki Hooser, Springer, NM: supports Option 3, no change.

Jeff Bilberry, NM Cattle Growers Association Wildlife Committee Chairman: the association supports Option 3.

Joel Gay, NM Wildlife Federation: members were asked to weigh in on this proposal, and he hopes that the Department and Commission will read all letters. (Mr. Gay read a few of the letters from hunters.) Hunters are saying it's too hard to draw a license here and pay the price landowners are demanding.

Commissioner Bidegain: Joel, how many members do you represent?

Joel Gay, NM Wildlife Federation: approximately 12,000.

Commissioner Bidegain: do you know how much the guy paid for his whole trip to WY?

Joel Gay, NM Wildlife Federation: no, I do not. He did not mention it.

Commissioner Montoya: we are accused at times of not listening to the sportsmen or landowners; I think this a good example of our response to the voice of the public.

Vice Chairman Salopek: discussed the number of tags in NM versus availability of numbers of licenses in other states.

The Department proposed no action, no change to the current rule. No motion was entertained.

AGENDA ITEM NO. 16: Proposed Amendments to New Mexico Hunter-Trapper Reporting System Rule 19.30.10 NMAC.

Presented by Cal Baca – The Department presented proposed amendments to the New Mexico Hunter-Trapper System rule to require all big game and turkey hunters to report their harvest for 2013-2014 license year. The desired outcome is to allow the Department to obtain critical harvest data in a timely manner and ensure sustainable hunting strategies.

Public Comment

None.

Discussion

Commissioner Espinoza: will the reporting deadlines track with other species reporting rules, will there be the same penalties and will hunters have the same opportunity to pay the same fee if they are late?

Mr. Baca: yes.

Vice Chairman: and if you do not report for one species, does that exclude you from other draws?

Mr. Baca: yes.

This was a discussion item, no motion was entertained.

AGENDA ITEM NO. 17: Proposed Amendments to the Hunting and Fishing Application, Hunting and Fishing – Manner and Method, Barbary Sheep, Oryx, Persian, Ibex, Deer, Elk, Pronghorn Antelope, Turkey, Bighorn Sheep, Bear and Cougar, and Javelina Rules 19.31.3, 19.31.10, 19.31.12 - 19.31.17, and 19.31.21 NMAC.

Presented by Colonel Griego and Ms. Alexa Sandoval – The Department presented proposed amendments to the big game and turkey rules that delete the requirement for carcass tags to support and facilitate web-based sales for 2013-2014 license year. In the transitioning to web-based licensing, customers will be able to print licenses from the online system, all current OTC licenses will still be available at license vendors, private land oryx, antelope and elk authorizations will be converted and sold on the web, and separate carcass tags will no longer be issued. Regarding manner and method: when an animal is legally taken, the licensee shall notch the license. The notched license shall accompany the carcass as proof of lawful possession. If a carcass is divided, all edible portions and required proof of sex will be accompanied by a note containing specific licensee information. Regarding 2014-2015 web-based licensing: all applications for licenses, permits or authorizations will include a unique NMDGF customer identification number. All licenses purchased by a hunter, angler or trapper will be printed on standard printer paper, and customers who do not have access to a printer may request a license from the Department. In summary: all application rules will need amending, drafts of the rule proposals have been posted to the website, and public input is sought.

Public Comment

Jeanne and Todd Tatum, retailer/vendor, Ute Park, NM: Request implementation be a 3-5 year spread, giving the smaller vendors without internet access time to "catch up." Suggest implementation to large vendors first, medium next and the smaller vendors last. Her research showed that only 15 percent of the state has broadband internet access. For some of us this is a hardship, if it is mandated, you will lose some vendors, we don't have the technology in place. Additionally, many lifelong New Mexico hunters have expressed to the Tatums they have no desire to apply online. It's too troublesome; they are not computer literate, you are losing an age group of hunters and likely fishermen too.

Bill Brockman: passed at this time.

Bob Ricklefs: pass.

Discussion

Commissioner Espinoza: I understand the reasoning behind the no carcass tags. Is there any other alternative that you have explored, based on the system we are going toward?

Ms. Sandoval: we looked at other alternatives as we move to the web-based license sales system is that in order to facilitate being able to print your license at home, the largest impediment to that was the carcass tag and the specialty paper the carcass tags were printed on, and hunters complaints of having to carry excessive paperwork into the field.

Commissioner Espinoza: have you talked with other state agencies, how many state agencies have not carcass tags in place right now?

Ms. Sandoval: I am not certain of the exact number but there is a wide variety of tagging requirements across the country, a diverse number of requirements and not one trend over another. I can get you those numbers.

Commissioner Espinoza: assurance we have looked at alternatives. I am seeing that dishonest people will use this as another avenue to be more dishonest. And I think it gives honest people an opportunity to be dishonest because the opportunity exists to just go print another license, even though you notch it or mark it.

Colonel Griego: from a law enforcement perspective, it's the invalidation of that license that is important out in the field. That we have a way to show proof of legal possession and that there is some mechanism to invalidate that license – the notching process. The segment of society that is impacting our resource, the paper or the license is irrelevant to them. But it is the opinion of the Field Operations Division that with targeted law enforcement effort we believe we can address the printing of multiple license concerns.

Vice Chairman Salopek: and when the tag is notched, your hunt is over. To go print more tags, the dates won't match.

Colonel Griego: correct, and as we move forward with the technology afforded, there will be processes in place where hunters invalidate with either a phone call and a harvest report, or officers with smart phone applications with invalidation technology in hand.

Commissioner Montoya: asked Ms. Sandoval to look into concerns for vendors like Ms. Tatum regards internet access and find ways to accommodate those vendors.

Ms. Sandoval: we have recently discussed our ability to launch web-based licensing and realized that implementation should be pushed out at least another year. Ms. Tatum's concerns about getting the larger vendors on board first and we are looking at doing that. A concern is that if we don't move toward web-based sales we actually will lose some of the bigger vendors. The work that the small vendors do is so appreciated; it is an absolutely critical service. We will continue to work to implement a system that will work the best for everyone.

Commissioner Montoya: I am not inferring that we should stop that, I'm just wanting to accommodate folks that cannot deal through the internet.

Ms. Sandoval: we are revising our schedule right now for pushing web-based sales out across the state.

Commissioner Espinoza: has received comments from mainly fishing license vendors, not so much big game licenses. I don't know if that is a component to review.

Ms. Sanchez: in terms of not going to an electronic format for issuing licenses?

Commissioner Espinoza: again for those small vendors, keep the booklet in place for them for a while if that is possible. And have a system where they could send them in mass.

Ms. Sandoval: yes, certainly take a look at that it will be important to evaluate pros and cons, so yes, we will do that.

Vice Chairman Salopek: wishes to accommodate everyone.

Ms. Tatum: supported an anglers experience in Florida regarding license availability on a toll free number to obtain license/authorization number.

Ms. Sandoval: yes, we're looking at that with our new license information center on board and will be able to sell licenses over the phone with an authorization for licenses that do not require tagging/notching.

This was a discussion item, no motion was entertained.

AGENDA ITEM NO. 18: Biennial Review of State Listed Threatened and Endangered Species 19.33.3 NMAC.

Presented by Matt Wunder – The Department presented the Director's final proposal to amend the Biennial Review of state-listed threatened and endangered species. Mr. Wunder summarized the process through today's step in the review process.

Public Comment

None.

Discussion

None.

MOTION: Game Commissioner Robert Espinoza moved to amend 19.33.6 NMAC and accept the 2012 Biennial Review of Threatened and Endangered Species of New Mexico as recommended by the Director and presented by the Department.

SECOND: Game Commissioner Bill Montoya.

Vote: 5-0

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

No: None

Abstained: None

Absent: Chairman McClintic

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 19: Proposed Amendments to the Use of Department of Game and Fish Lands, Protection of Department of Game and Fish Lands and Wildlife Management Area Rules 19.30.4, 19.34.3 - 19.34.5 NMAC.

Presented by Rick Wellborn – The Department presented proposed amendments to rules on Department lands that consolidate and refine permissible uses on these properties. Mr. Wellborn assured the Commission these actions are more rule making clarification and separated his discussion into two segments for the first two rules and a second for the third rule.

Public Comment

None.

Discussion

Commissioner Kienzle: in tracking proposed change for instance the Sergeant Wildlife Management Area is in GMU 4, are we abolishing that name altogether or do we fold it into the definition of GMU 4?

Mr. Wellborn: what we will do is place the Sergeant Wildlife Management Area is, where it is located and the description, in the Wildlife Management Area rule. While looking in the Game Management Rule, the unit which has within it the Sergeant Wildlife Management Area will have property and boundary descriptions and will state the a Wildlife Management Area is located within this GMU, but you will not read what the particular area is unless you go to the Wildlife Management Area rule.

Commissioner Kienzle: I would suggest when we get to final action on this, to give me some examples that we can put up on the screen so I can see how the rule change is going to play out.

Mr. Wellborn: sure. For example, the Jackson Lake Wildlife Management Area is located within Game Management Unit 2A. So, the GMU Rule identifies what Unit 2A is and will state it includes the wildlife management area, but to learn that the area is the Jackson Lake Wildlife Management Area, you must go to the Wildlife Management Area rule.

Commissioner Arvas: isn't there a published map showing all the commission-owned properties?

Mr. Wellborn: yes, there is a GMU map, and the WMAs are covered on the website.

Commissioner Arvas: but there is no a published map or brochure with all of the Game Commission properties?

Mr. Wellborn: yes, we have maps, which show what the Game Management Units are, and we have the website, which lists a number of special areas including the wildlife management areas.

Commissioner Arvas: I would like to see a map published showing the Game Commission-owned properties. I am not as excited about the units as I am about the properties themselves and where they are. Have you seen anything like that?

Mr. Marty Frentzel: we do have a big game unit map from 2009-10 that does identify the Wildlife Management Areas. It is a part of your binder, and the information on the website is up to date to the best of his knowledge.

Mr. Wellborn continued with the balance of the proposed item, use of Commission-owned lands. The purpose of the proposed amendments is to clarify some of the language, grammar, readability, and primarily to minimize the risk of diversion of federal funds. The importance and need to insure that uses that are permitted on Game Commission-owned properties do not result in expenditures from the Game Protection Fund that is inconsistent with the mission of the Game and Fish Department as set forth in Chapter 17.

This was a discussion item, no motion was entertained.

AGENDA ITEM NO. 20: Establish Application Deadline For The 2013-2014 Public Big-Game Draws.

Presented by Alexa Sandoval – The Department presented proposed dates for the 2013-2014 special hunts application draw deadlines. Ms. Sandoval gave a summary background; conflict of licensing, example of turkey licensure or game combination license. In addition, proposes moving the application deadline earlier in the year March 13 allowing agency to accept application, process request for refund, and certainty of needing the combination license. The Department is targeting completing license activities in 4-week turn-around, April 12. In comparison with other states, NM will be in the middle of application deadlines.

Public Comment

Jess Rankin: Outfitters don't like this one bit. We don't have enough time to promote our services as it is. Lists from states don't become available until later than March. He gave example of underutilized outfitter licenses. He asks not to move the deadline up.

Discussion

Commission Espinoza: how many turkey hunters are being affected?

Ms. Sandoval: almost impossible to measure that because turkey licenses are sold OTC versus an application and tracking of refunds. That information can be recouped and special attention can be drawn to hunters interested in spring turkey hunting to not request a refund, allowing their license be sent before April 1st. This was the biggest complaint we had.

Commission Espinoza: so if you didn't change the date, that would not shorten your timeline, it just move forward right?

Ms. Sandoval: if I understand you, we can still shorten it if we leave it at the March 20 date, we will not be able to satisfy those folks who are turkey hunters who request a refund and do not draw.

Commissioner Espinoza: I have an issue with if someone did not read what is well publicized and it is their fault that they did not do it, why are we penalizing a group, and I understand the outfitters point of view and if there is not a reason that it is going to impact your Division, I'm not sure why we are wanting to move the deadline, to accommodate turkey hunters who did not take the time to read and understand for \$15 if they are going turkey hunting they had better buy the license.

Ms. Sandoval: I appreciate that perspective. The feedback we received from the turkey hunters was "pretty loud" from those spring turkey hunters. It is the Commission's decision.

Commissioner Espinoza: I have received a letter from Bob Atwood of the outfitters association expressing their dislike of the proposal as well.

Vice Chairman Salopek: understanding the outfitters' argument, but looking at it as a sportsman, I had nothing but compliments from folks planning their summer with their families, "sooner was better".

MOTION: Game Commissioner Tom Arvas moved the Commission approve the Department's recommendation to set the application deadline date as February 6, 2013 for wildlife management area bear permits and special turkey permits; and to set March 13, 2013 as the application deadline for deer, elk, oryx, pronghorn antelope, ibex, Barbary sheep, bighorn sheep, and javelina licenses for the 2013-2014 hunting seasons.

SECOND: None. Motion died for lack of second.

Discussion

Secretary Lane: point of clarification, we do require the Commission to set this date each and every year, correct?

Ms. Sandoval: yes, correct.

Secretary Lane: I respectfully ask the Commission to offer an amended motion.

Ms. Sandoval: we do need the date to be before April 1st, the current deadline is March 28.

MOTION: Commissioner Montoya moved to amend the motion as moved by Commissioner Arvas to set the application deadline as Wednesday, March 20, 2013.

SECOND: Commissioner Bidegain.

Discussion

Commissioner Bidegain: will the February 6 deadline change?

Ms. Sandoval: No, that stays the same, February 6.

Vote:	5-0
Yes:	Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No:	None
Abstained:	None
Absent:	Chairman McClintic
Result:	Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 21: Proposed Amendments to Artificial Light Permit System 19.30.13 NMAC.

Presented by Colonel Griego – The Department presented proposed amendments to allow the taking of raccoon at night with small arms and archery equipment by properly licensed furbearer hunters during open season under the Artificial Light Permit System. Under current statute (17-2-31, NMAC), it is unlawful to hunt with the aid of artificial light unless a person has received a permit or authorization from the Department of Game and Fish to conduct such activities. Under current rule, shooting hours for hunting furbearers is limited to 1/2 hour before sunrise to 1/2 hour after sunset and therefore restricts night shooting. Although this prohibition exists in the Furbearer Rule, the proposed amendment to the Artificial Light Permit System

Rule will allow for the hunting and taking of raccoons at night with the aid of artificial light and proposes restrictions on sporting arms that can be used.

Public Comment

Bill Brockman, NM Trappers Association: on behalf of the association, this proposal is supported, and he personally supports it.

Bob Ricklefs, NM Cattle Growers Association: the association supports this proposal.

Discussion

None.

This was a discussion item, no motion was entertained.

AGENDA ITEM NO. 22: General Public Comments (Comments Limited to 3 Minutes).

Kyle Bell, Folsom NM, Licensed Outfitter: read a presentation on behalf of land owners and outfitters regards bear quotas harvest limit in Zone 2A be reset to its original number: changed in May, 2012 from 85 or 34 to 24 or 8. Although Zone 2A is one of the largest zones, it has one of the lowest harvest limits for bear. When the 2012-13 proclamation was released in January 2012, our harvest limit was set at 85 or 34. This information is what outfitters go by to book bear hunts. Some of our hunters book their hunts one to two years in advance. When the quota was changed in Zone 2A in May of 2012, it was changed only 90 days before bear season opened. Many hunters who had been waiting for a long time to hunt bears in New Mexico were unable to hunt this year due to the season closing just a few days after it opened. Ever since the bear quota in Zone 2A has been in existence, we have filled the quota earlier every year. This indicates there is an increasing bear population in Zone 2A. Reports of problem or nuisance bears in Zone 2A are also on the rise as well as, taking a toll on our elk calf and deer fawn numbers. Speaking for the other outfitters and landowners of Zone 2A, it is our request that you please give careful consideration to increasing the bear quota in Zone 2A, back to its original number.

Jeremy Vesbach, NM Wildlife Federation: the last meeting we had in Ruidoso, I brought up the refund issue with Senate Bill 186 that was contemplated part of the bill meant to offset the cost and bring more income to the Department, and reminded the Commission that when that refund was implemented we were assured that if there was any financial harm to the Department that it would be reversed. At that time in October, we were told we would get some numbers on where that is at and what impact to the Department has been. We urge making that information public, if it is available. And continue urging the Commission to revisit that decision. We think there are a lot of complications involved there. The whole idea behind it was to bring in more federal dollars and we would like to see that revisited. We also urge the Commissioners regards antelope; you know there were 123 comments on this round. There has been over 6,000 comments in the last few years. I know the Commission has said they are not satisfied where we are at, think about where you want to get to with this. There are a lot of reasons we can think of not to do anything or why we can't do anything but there is also a lot of pools out there where we can. I urge the Commission to think about, each of you are representing five regions of sportsmen, you're representing interests, talk to folks, think about where you think we ought to be and let us know. It is the Commission's job to set broad policy goals, let sportsmen know where you want to get to, show them that we want to see some progress if that's where you do want to be. Secretary Lane: in response to Mr. Vesbach's comment regards refunds, and I will asks Ms. Sandoval to address it, the numbers are not final, but are getting closer each day. We have a pretty decent picture of what it will look like. Alexa, if you will...

Ms. Sandoval: until this license year's books are closed this March 31st, we will not yet have an idea of the true picture of what happened with game hunting licenses, which is the piece that we refunded. Do we have an idea at this point? Yes, we do but until the books close and a full economic analysis can be done, we do not have the numbers available. We do know that we have refunded quite a bit of money, but until the license year closes and those numbers are confirmed will we be able to make them available.

Secretary Lane: Commissioner Kienzle has asked me for our best guess, and right now it is looking muck closer to revenue neutral than we originally thought and beyond that whether we are up or down how many thousands, I can't venture to guess, but it looks like pretty close to revenue neutral.

Kirk Kennedy, Des Moines, NM, Outfitter/Rancher: follows on Kyle's comment. I apologize for us not coming to the June meeting, or the meeting where we changed the zones and I know they changed the zone and broke it down is the reason they limited or shortened the number. But, there is a lot of bear and nuisance problems. The quota, in fact with it being so short, instead of helping the bear out we're trying to beat the quota. We are trying to get it all done in a week, I may quit hunting bear

it is not a good opportunity the way it is right now. Actually, we are probably shooting more sows because of it, because there is a bear – they're here for a day or two instead of being more selective. I think we could do better by looking at least the numbers on that.

Vice Chairman Salopek: I have heard complaint, I'm in Unit 16, and we bow hunt and that season is ending and the bow hunters are getting that, and to figure out a way to extend that or increase some areas, we need to look at.

Secretary Lane: our staff continually evaluate the data that we collect from each season and each harvest. Reality is, you gentlemen took a big step towards what I think is a better picture for bear hunting in New Mexico when we did away with depredation and road kills out of the harvest limits. These are now truly sport harvest limits, which increase opportunities for the hunters and the guides. That was a step in the right direction. Right now we are spending a lot of money and a lot of your money, our customers' money right now on research to give us the best available data we can possibly have to validate our next recommendation in the rule cycle for bears and cougars. Given that, we are seeing right now, and this is very preliminary, we are seeing exactly what I told the Commission as Wildlife Chief that we are seeing more bears than we've ever had in New Mexico. The data support it is a growing population, but a lot of that was anecdotal, a lot of that we did not have solid, firm population data to make an increased harvest recommendation. That is going to come, I am positive of that. The data we are gathering right now are very supportive and look like we have in the number two to three times the number of bears we are using to set the harvest limits. Given that, once we have finished collecting that data we will be the first ones to at the table to make an increased harvest recommendation to the Commission.

Commissioner Espinoza: when will the recommendations come for the next season for bears and cougars?

Secretary Lane: if we have data, gathered, collected, and analyzed to revise our recommendation we will come the year we have that ready for you. That right now is a 4-year rule, that was opened and closed this year, so in theory, we are three years out in coming to you. But given that, if we gather, and it is this way across the board with all of our management, if we have new and better information to make a more well informed decision to the Commission, to change something, we will be back at the table in front of you as soon as we have that information to present.

AGENDA ITEM NO. 23: Adjourn.


Vice Chairman Salopek heard a motion to adjourn.

MOTION: Game Commissioner Tom Arvas so moved at 12:07 p.m.

SECOND: Game Commissioner Paul Kienzle.

Vote:	5-0
Yes:	Commissioner Tom Arvas, Commissioner Scott Bidegain, Commissioner Bill Montoya, Commissioner Paul Kienzle, and Commissioner Robert Espinoza
No:	None
Abstained:	None
Absent:	Chairman McClintic
Result:	Motion UNANIMOUS. PASSED.


 _____ December 13, 2012
 James S. Lane, Jr., Secretary Date
 New Mexico State Game Commission


 _____ December 13, 2012
 Dick Salopek, Vice Chairman Date
 New Mexico State Game Commission