



DIRECTOR AND SECRETARY

TO THE COMMISSION

James S. Lane, Jr.

Daniel E. Brooks, Deputy Director

STATE OF NEW MEXICO DEPARTMENT OF GAME & FISH

One Wildlife Way
Santa Fe, NM 87507
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8124

Visit our website at www.wildlife.state.nm.us
For information call: (888) 248-6866
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Alto, NM

MINUTES REGULAR MEETING NEW MEXICO STATE GAME COMMISSION Lordsburg Civic Center, 313 E. 4th Street, Lordsburg, NM 88045 Thursday, December 13, 2012, 9:00 a.m. – 5:00 p.m.

Contents

AGENDA ITEM NO. 1: Meeting Called to Order.....	1
AGENDA ITEM NO. 2: Roll Call.....	1
AGENDA ITEM NO. 3: Approval of Agenda.....	2
AGENDA ITEM NO. 4: Introduction of Guests.....	2
AGENDA ITEM NO. 5: Approval of Minutes (November 1, 2012, Raton, NM).....	2
AGENDA ITEM NO. 6: Revocations.....	2
AGENDA ITEM NO. 7: Preventative Cougar Control in Bighorn Sheep Ranges Biennial Report.....	3
AGENDA ITEM NO. 8: Final Proposed Amendments to New Mexico Hunter-Trapper Reporting System Rule 19.30.10 NMAC.....	3
AGENDA ITEM NO. 9: Habitat Restoration in New Mexico.....	4
AGENDA ITEM NO. 10: Unitization Agreements and License Validity.....	4
AGENDA ITEM NO. 11: Final 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.....	5
AGENDA ITEM NO. 12: Final Proposed Amendments to Artificial Light Permit System 19.30.13 NMAC.....	8
AGENDA ITEM NO. 13: Final 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.....	9
AGENDA ITEM NO. 14: Web-Based License Sale System.....	10
AGENDA ITEM NO. 15: Commission Owned Properties and Consideration of Disposal or Exchange.....	10
AGENDA ITEM NO. 16: Closed Executive Session.....	11
AGENDA ITEM NO. 17: General Public Comments (Comments Limited to 3 Minutes).....	11
AGENDA ITEM NO. 18: Adjourn.....	12

AGENDA ITEM NO. 1: Meeting Called to Order.

Meeting called to order at 9:00 a.m. by Vice Chairman Salopek.

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
Commission Chairman Jim McClintic
Yes

Absent:
Quorum:

AGENDA ITEM NO. 3: Approval of Agenda.

Vice Chairman Salopek asked the Commission to approve the 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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 4: Introduction of Guests.

Vice Chairman Salopek welcomed attendees and the audience introduced themselves and the organizations they represent.

AGENDA ITEM NO. 5: Approval of Minutes (November 1, 2012, Raton, NM).

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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

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.

MOTION: Commissioner Arvas moved to authorize the Department to administer suspensions on behalf of the Commission including the issuance and service of a Notice of Contemplated Action to each individual listed that is out of compliance with the Parental Responsibility Act, and to each individual listed who has failed to pay a penalty assessment within the thirty (30) day timeframe.

SECOND: Commissioner Espinoza.

Discussion:
None.

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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 7: Preventative Cougar Control in Bighorn Sheep Ranges Biennial Report.

Presented by Cal Baca and Elyse Goldstein – The Department presented a summary of cougar control on bighorn sheep ranges as required by the Bighorn Sheep Rule (19.31.17 NMAC). The Wildlife Management Division's summation report was heard. Keynote being sheep mortality has declined and population is now at 750 individuals, and species has been removed from the state's list. This being a discussion item, no motion was heard.

Discussion:

Commissioner Kienzle: How many bighorn ranges are there?

Chief Baca: We have six: the San Andres, the Fra Cristobals, the Caballos, the Ladrons, the Peloncillos, and the Hatchets.

Commissioner Espinoza: this is just on Desert Bighorn, we have this in place for some of the Rockies as well, correct?

Elyse Goldstein: We have a limited amount of control in Rocky Mountain ranges we have a control program in the Monzanos where we did a release this summer and also in the San Francisco Mountains where we have been having serious predation from mountain lions.

Commissioner Espinoza: so this rule encompasses being able to control them in these areas, that was my question.

Chief Baca: Yes, that is correct.

Commissioner Salopek: when I became a commissioner, the rate of cougar-caused mortality was 85%.

Elyse Goldstein: that is correct, and that being the chief impetuous starting the cougar control program, that high mortality rate. We have decreased the overall mortality rate by 63% since implementation of cougar control. That decrease comes from decrease in cougar predation. The amount of predation from other causes has stayed the same over time.

Commissioner Arvas: do we have a listing of what we have received for the auction tags? Is it going up or down?

Chief Baca: that number is a bit erratic; we do have the amounts we have received each year. In addition, we do post that on the Department's website. The economy decline and the decline in sales revenues from our tags has come back up, it is variable. We can get you a summation of revenues over time.

AGENDA ITEM NO. 8: Final Proposed Amendments to New Mexico Hunter-Trapper Reporting System Rule 19.30.10 NMAC..

Presented by Cal Baca – The Department presented a final proposal to amend the New Mexico Hunter-Trapper System rule to require all big game and turkey hunters to report their harvest for the 2013-2014 license year. Reporting deadlines include February 15 annually for deer, elk, pronghorn antelope, and turkey then April 7 annually for javalina, Barbary sheep, oryx, Persian ibex, and furbearers.

Discussion:

Commissioner Salopek: how will over-the-counter license fulfillment be reported?

Chief Baca: we will handle that just as we do our furbearers, an April 7 annual report date due to how the season runs.

Commissioner Salopek: so just as with turkeys, every license will be online?

Director Lane: Commissioner Salopek yes that is correct and that is exactly where the Department is headed for the 2014 season. The 2013 season will have a lag for turkey licenses that will continue to be sold over the counter from our vendors just as we did the first year we went mandatory for furbearers, there was that lag between when it was enacted and when we could actually track for accuracy. So we will have the one year lapse on turkey data also.

Chief Baca: additionally just as we do for private land deer licenses we will be able to differentiate between private land turkey from other license purchases in the database. The lag will be there but at least some data will be collected during the first year.

Commissioner Salopek: as I was one of the 222 hunters that did not do the hunter-trapper survey two years ago, I want it for the minutes so that other people will know how to report.

MOTION: Commissioner Espinoza moved to accept the Department's proposal to amend 19.30.10 NMAC as presented.

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: Commission Chairman Jim McClintic

Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 9: Habitat Restoration in New Mexico.

Presented by Cal Baca and Donald Auer – the Department presented an overview of habitat improvements in New Mexico and the process by which funding is leveraged and spent, and its impacts to wildlife and wildlife habitat on a landscape scale. This being a discussion item, no motion was heard. Discussion was supportive. A short video was shown. The state's department of tourism staff assisted with video production.

Discussion:

Commissioner Arvas: do you have any numbers on the Sikes Act? How is the balance holding up?

Mr. Auer: The actual fund balance is approximately \$1.4 million and the annual (inaudible) is about \$740 thousand, so it is holding steady.

Commissioner Arvas: we are still making the same effort as we had discussed a few years ago of trying to deplete the balance?

Mr. Auer: Yes, we are and yes the balance has been depleted. It has built back up a little bit. There is some opportunity to increase the budget a small amount, but yes, the fund has been brought down from the \$4 million dollar mark where it had been.

Commissioner Kienzle: are we doing our own prescribed burns, how do those work?

Mr. Auer: No, we are not contracting out. We work with the BLM, Forest Service, State Forestry, and the State Land Office to complete those.

Commissioner Kienzle: and then on the different things that you showed us, are these just on commission-owned lands or across the state?

Mr. Auer: No, this is across the state. Habitat stamp money is spent on BLM and Forest Service since it is collected from hunters that use those agency property, and big game enhancement funds are used anywhere where there is public hunting opportunity: Forest Service, BLM, state owned, commission properties and also state land office properties where there are hunting opportunities.

Commissioner Kienzle: keep at it, keep thinning out the forests – clean them up.

Commissioner Espinoza: first, good job on the video, could you explain where you are going with the whole thing, bigger projects, landscaping, more partners, federal aid, etc.?

Mr. Auer: Under the Department's reorganization, we have brought much of the habitat funding components that were spread out back to one group. We are identifying landscapes across the state that we believe are priorities for us and we are working with the BLM, the Forest Service, and State Land Office to ensure those priorities occur on the landscape. At the same time, we are leveraging all of our funds to ensure any non-federal dollars, whether Game and Fish dollars, outside funds like oil and gas, are being leveraged with federal-aid dollars at the 3-1 match.

Chief Baca: because wildlife do not see land status boundaries, we have also instituted working with many private land owners to do similar habitat projects on their lands. Looking for funding sources, we wrote a grant through the state wildlife grant program to fund private land habitat work specifically. We also have our habitat specialists and our private lands specialists working integrally with the Natural Resources Conservation Service to drive farm bill funds through the Equip and Whip programs to ensure those have a higher wildlife value and benefit. We are working across all of New Mexico by including private land components which make up half of our state.

Commissioner Montoya: what is happening on state land (State Land Office, and State Lands), are we getting habitat improvements on state lands? Is that coming about on contract?

Mr. Auer: We are doing work on state lands especially where there are large contiguous state segments. We are currently working with State Lands, the State Land Office, State Forestry, and BLM to do work in specific areas developing burn plans (Palona Mountain). Many of the State Land Office lands are checkerboarded with BLM lands and private property. Where we are doing work with agencies and land holders we work with Land Office counterparts to ensure those 640 acre segments are included within the projects.

Commissioner Arvas: do we have on our Commission-owned properties those are considered state lands, correct?

Chief Baca: you are correct in that they are owned by a state entity, but they are not the same as state trust lands, no.

Commissioner Arvas: are they eligible for any type of work under the state lands act?

Chief Baca: Yes, they are eligible. We collect from hunters and anglers the habitat management access validation which generates funds to support habitat work on the Commission-owned lands.

AGENDA ITEM NO. 10: Unitization Agreements and License Validity.

Presented by Cal Baca - the Department proposed changes to amend the Hunting and Fishing Application Rule 19.31.3 NMAC, Deer Rule 19.31.13 NMAC, and Barbary Sheep portion of 19.31.12 to allow for unitization agreements to be established for all big game, turkeys, and small game hunting.

Commissioner Montoya: so this now includes all species under unitization agreement.

Chief Baca: that is correct. Any legal licensed hunter or trapper will have access to that base as we are putting it under the hunting and fishing application rule under the restrictions section that explains where a license is valid.

Commissioner Montoya: all species and anglers?

Chief Baca: correct.

Director Lane: that will also be through the negotiation process with landowners. This action will give us flexibility to get all species. Each unitization agreement is negotiated with each landowner, making it unique in which species are agreed upon or present on the land to be included.

This being a discussion item, no motion was heard.

AGENDA ITEM NO. 11: Final 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 Robert Griego - the Department presented a final proposal to amend the big game and turkey rules that eliminate the requirement for carcass tags for the 2013-2014 license year to support and facilitate web-based sales. The first new item is that successful applications will print their licenses from any printer on standard printer paper. The Department will use vendors next year so there will still be Department-issued lion, turkey, bear, and private-land deer licenses. The Department will recommend changes to those licenses to remain consistent with what those licenses will look like printed on standard paper. Secondly, private-land elk and antelope licenses will be sold through the web with an authorization and ranch number. In anticipation of the 2014-15 license year, the Department goal of being fully web-based in its license system where all applications are electronic and require the customer identification number (CIN). All licenses will be printed on standard paper. If an applicant does not have access to a printer, the applicant need only contact the Department, and a printed license will be mailed to the applicant. The new rule will state that all big game and turkey that are legally taken, the licensee will punch or completely fill-in the area designated for the appropriate species on their license. Immediately upon arriving at a vehicle, camp, or place of storage, the licensee will permanently write the time and date of kill on the license. The other portions of the rule will be similar to what now exists in that the license will accompany the carcass while in the field, and if any portion of the carcass is separated or left unattended, that part of the license will be left with the carcass portion or have information with it as allowed by the Director, specifically the hunter's name, license number, date and time of kill. Rule language will be revised to follow with the proposed amendment and update for accuracy. Public input received included support of the proposal, yet allowing licensees to print their own license was still seen as a fraud concern.

Public Comment:

Jim Bates, Southwest Consolidated Sportsmen, Las Cruces, NM: opposes any regulation that would eliminate documentation by the hunter of killing any animal. We misunderstood, and in listening to the presentation, that there will be a license that will be punched, filled in, dated, indicating the hunter and what was killed. That alleviates some of our concerns, but we are still concerned that there will not be something directly attached to the animal indicating that the animal is indeed attached to a specific license. We are unsure how that will affect things and we would like clarification. With the printing of the license on any printer, is there a reason, for instance with turkeys, is there a reason why there could not be a couple of carcass tags that are a part of that license that would be attached to the two birds? Our point is that, we have had the carcass tag system in place forever in New Mexico other than the fact that it alleviates a potential problem with printing licenses online, we would like to know why we want to change at this point. Because we have been doing it for so long; if it is not broken why fix it? I think that sportsmen want the Department to have any avenue available to apprehend those people that are breaking the law, and we think that having the tagging system is an important component in that. We are pleased that we will have a license system that requires documentation of a game animal. We don't see the problem with the carcass tags as part of that and putting those on the license that applicants will print from their computer.

Colonel Griego: There is still a tagging requirement, the difference being the successful applicant will print it online and invalidate it as they are successful in taking an animal by punching it or completely marking it out, and writing the date and time of the kill on it. This paper must accompany the carcass or portions thereof regardless. Although it may not be a "carcass tag" physically attached to the carcass or carcass portion, there still will be documentation that accompanies any portion of the carcass at all times.

Jim Bates: in the case of turkey, with a two bag limit, how will differentiation be made between the two birds? Will that be an exclusion to this?

Colonel Griego: for this next year, we are proposing that on the back of the license there will be two individual designated areas: turkey number one, turkey number two. And again, that document will have to accompany, nothing attached to the bird to differentiate, but it will be two separate places on the license document.

Jim Bates: for turkeys, our concern is that if there is not something attached to the bird, that there will be these issues of hunters continuing to take birds, or any species. I personally would still like to see something that is required to be attached to the bird stating carcass information for birds one and two. We appreciate the fact that the Department is trying to go to the web-based system allowing applicants to print their licenses to simplify that, yet we are very concerned about the fact that we are not going to have a carcass tag to attach to the animal.

Colonel Griego: we do firmly believe as we move toward the web-based system and its full implementation, that not only will it tie all databases together that make us as an agency more efficient by tying our citation database, that we will progress to where hunters will contact the agency within a given amount of time on the web or via phone. We will update the databases, example we will be checking that second turkey. Our officers will be able to look digitally at the information, more fool-proof than a carcass tag, tied to a license number.

Director Lane: the Department expects full implementation of the web-based system by the end of 2014. Officers will have smart phones now, our licenses next year will have the QR (Quick Response Code is the trademark for a type of matrix barcode or two-dimensional bar code) to tie to a database identifying who the hunter is, what they purchased, how they are legal, the season, etc. Our officers will have the capability to check these by scanning the license with the phone reader and finally to invalidate the license at that moment with the scan, reporting to the database; serving as the harvest report. The goal is to make this more efficient for the Department and for our customers.

John Diamond, Winston, NM: I think that the Department is going the wrong way with this. I agree that if the system is not broken, don't fix it. I would like to see not only a carcass tag, but also a horn/antler tag because there is already so much confusion as it is – a bull is harvested and the hunter puts the carcass tag on the antlers, the meat goes elsewhere. I know that it is supposed to be accompanied by a written slip, but it is already a confusing system and I worry that this is going to make it more confusing, especially for the outfitters when carcass portions are separated and sent different directions, it will be hard to track it. I am concerned about the use of smart phones, because where I live, there is not cell phone service.

Director Lane: we have that addressed in that the smart phones will have the database loaded daily and when cell signal is acquired, the database will auto update, giving the officer the most current information.

John Diamond: and every officer has access to cell phone service where they are?

Director Lane: yes.

John Diamond: I am with Mr. Bates in that if it is not broken, don't fix it. And I would like to see it a step further in the other direction by having carcass and horn/antler tag. Let's take the confusion out of the whole system, or reexamine it at least. I disagree with the way it is going now.

John Cornell, president DACAS, Hillsboro, NM: I think the smart phone alleviates some of the problems. This is the first time that we have heard of that, I think a lot of this is that there has not been a lot of information disclosed on why this is a good thing. I guess the main reason that we have these carcass tags, was it for detection of illegal activity, or illegal taking is that the original idea of the carcass tag; to help in enforcement?

Colonel Griego: it is there to aid, it does not insure, but it does aid in that people stop at their legal bag limit.

John Cornell: do we, I'm assuming there are other states that have mandatory carcass tags and have decided to eliminate them, do we have any data on increased illegal activity in those states because they have made the change?

Director Lane: we have looked at that and many states, approaching a majority of states, have gone away from carcass tags because of the expense associated with special papers that do not degrade, which is not the case with ours right now. There has been no increase. Multiple studies have been done by Southwick and Associates and DJ Case that have shown that there has not been a spike or increase in illegal activity. I am a firm believer, and it has been shown across the country that a poacher or someone that is bent on doing illegal action, is going to continue to act illegally regardless of what system is in place. I don't think this system will promote illegal action on the part of a legal, ethical hunter, which is the majority of our customers. To address further what Mr. Diamond said, this actually I think will simplify and clarify giving folks the ability to put certain information: name, license number, date of kill, and species, with each piece of the animal that goes separate ways. It will give the ability to write it on any paper available and to attach that information to each carcass piece as long as it is the correct information with each piece of a carcass, the antlers, the hide, the meat, etc., that makes all of those pieces legal and for our officers to track back to the hunter; that being a chief purpose in developing this method of carcass management.

John Cornell: what is the Department actually saving?

Director Lane: it really is not a money saving issue as it is a thrust to make our officers more efficient.

John Cornell: again I fail to acknowledge that I am a president of the Dona Ana County Associated Sportsmen, and which we are part of the Southwest Consolidated Sportsmen. The question is, is this good for the Department, is this good for sportsmen in New Mexico and is it good for the resource? And if we can answer those questions then I believe it will alleviate

some of our problems. We want to make sure that we don't make these idiots out there doing these illegal things make it easier for them. We know these guys are not geniuses, we just don't want to make something that easier for these guys to do the wrong thing. I like the system the way it is now with the carcass tags and our group supports the mandatory carcass tags the way it is now. We support the mandatory harvest report for all game animals and turkeys. We think that this certainly is a valuable tool for monitoring populations of wildlife and a management tool and I think it should be mandatory.

Discussion:

Commissioner Arvas: tell the public why we are doing this? That was one of Mr. Bate's questions.

Colonel Griego: What this does is make information held by the Department more readily available to our officers in the field; making our officers more efficient. Because it does tie all of our data together, it aids the Department. Does it potentially create an opportunity for someone to run with illegal activity? Yes, and no. Because they will be allowed to print multiple licenses, yes that potentially create an issue, but in turn, it creates a paper trail that the Department can use. There are pros and cons to the system. As more data is tied and made available to the officers by smart phone, it will be more secure than any tagging system we currently have. We won't be counting on an individual notching a tag, it will be invalidated.

Commissioner Arvas: this is a step in the right direction for the Department, but there seems to be some confusion on the part of the public. So I think more PR on our part to explain it and go over it and over it so that they will know we are doing the right thing, certainly the Department would not suggest anything that would not be the "right" thing.

Director Lane: I would agree with that, and we have a full page devoted to this topic in the new RIB coming out. We will do a public awareness campaign to get folks up to speed with the purpose and with the procedure with how to be legal next year. It is really a simple process and one that other states have shown great success with; at the end of the day, this is a change and change is always difficult to accept when you've been doing something the same way for 30, 40 years and a change is proposed, it is a legitimate request of us to ask, why and I think we can answer those questions.

Commissioner Espinoza: Colonel Griego I commend you for moving forward, I like consolidation of the whole thing. I've been talking with sportsmen and landowners and what I am hearing today is that there is concern that we are giving another tool to criminals basically. You mentioned that if they print more you would have a way to track it, but what is to prevent them from making copies? That is a concern of mine too, I know too that the criminal is going to find a way regardless. But I feel this might be another easy avenue for them. Have you explored any alternatives? I've done some research and I see other states doing other things and I would be interested in seeing that study that you had mentioned Jim, to read if there is any increase, etc., is there alternatives other than going carcass-tag free? Where other states have online license purchase and they print your license and send you a carcass tag. Others have you go to license vendors to print the carcass tag on specialized paper, have you explored that?

Director Lane: We have. I have directed our staff to pursue this methodology. I want to see us go this way because it simplifies the licensing process for customers, while money was not the driver this will save the Department about \$400,000 in printing costs annually - a substantial savings we could turn into \$1.6 million annually in habitat work if we were to roll it that way. Many states have shown great success with the completely carcass-tag less system. There is resistance on the front end but there is no increase in illegal activity that has been shown. It is something that we can invalidate the license; we can build a system that is solid and foolproof to where our officers have instant access to the data to ensure license validity. The duplication of licenses can be done now in our area offices. We have looked at multiple systems, I believe this is the one that is best for New Mexico.

Commissioner Espinoza: in understanding one of the agenda items and what you have said, we are not implementing fully the online system until 2014 other than getting some of the pieces in place, is there a reason that we couldn't wait until then?

Director Lane: the 2013 season, April 1, 2013, we plan to go to a completely paperless system, unless a customer cannot access a printer. So given that, part of the paperless system from the Department standpoint and that cost savings, this year we would realize the \$400,000 cost savings in printing costs versus mailing out licenses as we do now. This is phase one of attaining web-based and paperless. I could not find reason not to implement this piece this year and save \$400,000.

Commissioner Espinoza: if we did not implement it for any reason today, regardless of \$400,000 because we would spend that anyway, would it set us back in any way?

Director Lane: It would be one year delay in educating our customers to the new system, the roll out of complete web-based system, paperless system, and carcass tag less system in the same year will be concurrent creating increased confusion where is implementation is designed to be phased, abating the steepness of customer learning curve. I would ask your affirmative vote on it.

Commissioner Montoya: I have two concerns. Do you believe your officers are comfortable with this; do they have concerns and can we answer them? Are we ready for it? Do we need another year to sell it?

Colonel Griego: everyone is on board with it. They have many of the same concerns. They are worried about how they will be able to make these cases. However, as we have worked together and discussed the system, how it will work for them, and a

lot of them are put at ease and are comfortable with it. They understand that in the very near future it will be better operationally than now.

Commissioner Montoya: are we ready for it?

Colonel Griego: I believe so.

Vice Chairman Salopek: I know that I would still tag my animal with the license number, just because I wouldn't want any question.

Colonel Griego: we believe that also of many hunters, that they will out of habit, will tag their animal with that license. And with this system of printing multiple copies, a copy can be printed for each segment of the animal: meat, antlers/horns, head, cape, whatever the case may be, hunters will have plenty of documentation available to them.

Vice Chairman Salopek: or they can do it with pencil on paper...

Colonel Griego: yes, with pencil and paper, with whatever information that is directed by the Department.

Vice Chairman Salopek: John, your question?

John Cornell: I can see what you are trying to do, I am just concerned. There are outlaws out there and I think that a system like this that is new, you might make criminals out of honest people. They don't understand it. They get a ticket because they don't understand the system. And say well, the last 30 years we've tagged it and we didn't understand it. So I think education is very important because you will make honest people criminals and there will be citations written, depending on the officer, to those people who do not tag it properly. I am concerned about the fact that right now, the first thing you do if you kill an animal, is to detach your tag and notch it. Then that is the legal take of an animal. What is the legal take of an animal and what will be the rules as far as tagging an animal as soon as you take it?

Colonel Griego: it will be very similar in that immediately upon the legal take of an animal, rather than detach, what you will do is punch or completely fill in the area on the document designated for the specific species. That will serve as your detachment and notch protocol. When sportsmen are checked by an officer, that is what that individual will have to have done. Then immediately upon arriving at the vehicle, camp, or place of storage, they are to write permanently in the date and time of the kill. The reason we separated those two actions slightly is avoid having a licensed hunter's animal seized simply for the lack of a pen. But we know that every hunter will have something capable of punching a hole in the documentation, they will be able to accomplish that task.

Commissioner Espinoza: I came here not believing we could move here, I want to support the Department if I can. If I get a commitment from you and the staff because what I am hearing here, and reiterating what John has said in this could be seen as tempting an honest sportsman into being dishonest and partly because of ignorance. If you will commit to me that you will do everything in your power within the next year, 7 – 8 months under the turkey rules, to develop an education system, as well as bringing to the commission alternatives in lieu of carcass tag less system. If you will make that commitment to me, I'll support this.

Colonel Griego: You do have the commitment from me. We will get as much information out to our sportsmen to make this as seamless as possible. I believe another important aspect of doing this first phase towards complete web-based paperless a year from now, helps introduce the system to users. It gets their feet wet when it is full implementation a year and a half from now.

Vice Chairman Salopek: I believe we have answered some questions today toward helping alleviate concerns. I am satisfied with it.

MOTION: Commissioner Bidegain moved to accept the Department's recommendations and amend 19.31.3, 19.31.10, 19.31.12 through 19.31.17 and 19.31.21 NMAC rules as presented by the Department.

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:	Commission Chairman Jim McClintic
Result:	Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 12: Final Proposed Amendments to Artificial Light Permit System 19.30.13 NMAC.

Presented by Robert Griego - the Department presented a final proposal to amend allowing the take of raccoon at night with small arms and archery equipment by properly licensed furbearer hunters during open season under the Artificial Light Permit

System. Language includes that the light must be a headlamp or flashlight, and caliber restrictions are rim-fire 22 caliber or less shotgun, bow or crossbow. It will remain unlawful to cast the rays of artificial light from a vehicle. Public comments received were supportive of the proposal.

Public Comment:

John Diamond, Winston, NM: I support this amendment.

Discussion:

None.

MOTION: Commissioner Espinoza moved to accept the Department's recommendation to amend the Artificial Light Permit rule 19.30.13 NMAC as presented.

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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 13: Final 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 General Counsel Rick Wellborn - the Department presented a final proposal to amend rules on Commission owned lands, and property controlled by the Department and the uses that are permitted on those properties. The three rules have to do with the game management units, the wildlife management areas and last the use of Game Commission lands.

Public Comment:

None.

Discussion:

Commissioner Kienzle: on 19.34.3.12 (page 17, 18, and 22) regards authority of Director, is this all new section or are we just amending it?

Counsel Wellborn: we are just amending the section, specifically the second sentence.

Commissioner Kienzle: and then the first sentence in the same paragraph, "The Director will have the authority to close..." was that sentence there before?

Counsel Wellborn: yes, that was already there.

MOTION: Commissioner Arvas moved to accept the Department's recommendations and amend the 19.30.4, 19.34.3, 19.34.5 NMAC rules as presented by the Department and to allow the Department to make non-substantive formatting changes in order to comply with filing requirements of the New Mexico Commission of Public Records.

SECOND: Commissioner Espinoza.

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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 14: Web-Based License Sale System.

Presented by Alexa Sandoval - the Department presented an updated timeline and design for moving to a web-based system for game and fish license sales. Chief Sandoval qualified this is a continuance of discussion regarding the proposal to implement web-based system. Feedback from vendors and work with internal staffs has progressed to revision of the timeline for full implementation of the web-based system and furtherance of the Department's paperless effort. We are still targeting April 1, 2014 as the timeframe to be fully functioning in our web-based license sales system. The system provides accurate and up-to-date information to our officers in the field and to customers registered in our system with ability to access their licensing information at any time. The new system will allow our customers to purchase licenses from home and print them from home eliminating wait time. If customer has no computer capability, we will be offering phone sales internally for the first time in the history of the Department.

Public Comment:

None.

Discussion:

Commissioner Espinoza: earlier we address the vendor's concern from Ute Park, have you a solution for that, is it still being researched?

Chief Sandoval: we currently do have an authorization number that customers can receive for game and fishing licenses right now. We are looking at revamping that number so that they are shorter and have additional information for officers' review.

Commissioner Espinoza: example, if I am someplace remote and I want to buy a fishing license, I can call in, purchase the license with the representative on the phone and receive an authorization number I can write down for the officer to check and I'm legal.

Chief Sandoval: yes, correct, that is our goal.

Director Lane: customers can also get on smart phone, get online and purchase that license from almost anywhere. I want to thank Alexa and her staff for pushing forward on this at the request of Directorate. Alexa's division has given up more than 11 positions over the last year in reorganization because of cost savings and efficiency within her division that we now are using on the resource side of the Department doing boots-on-the-ground work. Regards web-based sales, we have been pushed by a substantial vendor, Walmart, if we did not go to web-based sales. They notified us they would refuse to continue to vendor paper licenses to our customers.

Vice Chairman Salopek: also thanks Alexa and her division for their work, from a customer perspective.

This being an item for discussion only, no motion was entertained.

AGENDA ITEM NO. 15: Commission Owned Properties and Consideration of Disposal or Exchange.

Presented by R.J. Kirkpatrick - the Department presented a summary of Commission owned properties and discussion of disposal or exchanges relating to conservation initiatives. In 2007, the Commission directed the Department to continue work to dispose of approximately 12 Commission-owned properties. The Department has completed work, yet a significant number of the properties are yet Commission-owned. Since the 2007 list of properties, additional properties are identified that are problematic and not providing wildlife benefits or sportsmen's access, or meaningful habitat. The Department proposes that the Commission not only reaffirm that Department move forward with at least initiating perspective disposal through sale or trade of the 2007 properties but also adding the newly identified ones to the list.

Public Comment:

None.

Discussion:

Commissioner Montoya: the situation with the Pecos property will continue to be onerous. It should be put it high on the priority list and I would be willing to work with anyone here to ensure that and to get it resolved. It is an inefficient property for the Department to manage whereas State Parks is better equipped to do.

Assistant Director Kirkpatrick: I am confident that Director Lane would advise me to move quickly. We will take up your offer of assistance, thank you.

Commissioner Espinoza: regards the Rosa and Jackson Lake properties, I met with the BLM on other issues, but they did ask me if Matt (Conservation Chief Matt Wunder) has sent a letter to them regarding that trade?

Assistant Director Kirkpatrick: Yes, a draft letter has been submitted to BLM at least two weeks ago to initiate discussion.
Commissioner Espinoza: being from my neck of the woods, let's make these properties second on the priority list...

MOTION: Commissioner Arvas moved to direct the Director to execute the necessary actions to obtain legislative approval or other appropriate approvals or procedures as necessary to initiate disposal, via sale or trade, of those Game Commission properties identified by the Department as no longer meeting objectives for habitat restoration, management, wildlife populations, or wildlife-associated recreation.

SECOND: Commissioner Espinoza.

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: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

AGENDA ITEM NO. 16: Closed Executive Session.

While yet in public session, Director Lane stated his thanks to the Commission and all partners (New Mexico Trappers Association, New Mexico Council of Outfitters and Guides, New Mexico Farm and Livestock Bureau, Coalition of Arizona and New Mexico Counties for Stable Economic Growth, United Sportsmen for Fish and Wildlife, New Mexico Cattle Growers Association, New Mexico Wool Growers, New Mexico Federal Lands Council, and the Arizona State Game and Fish Commission.) for their support in the recent lawsuit with Wild Earth Guardians in which the Director and the Commission Chairman were exonerated from the accusation of violation of Endangered Species Act for allowing trapping in the Blue Range wolf recovery area. Director Lane stated the Department soundly defeated Wild Earth Guardians in that lawsuit. This is a good thing for the sportsmen and women of New Mexico and state authority for wildlife management. It maintains the integrity of the Endangered Species Act; had Wild Earth Guardians won, it would have constituted serious undermining of the Act and removed from states' authority to interface with the federal government on true conservation measures under 10-J (establishment of non-essential and experimental populations of endangered species). This is a monumental win for not only New Mexico, the Director and the Chairman, but also the entire nation's conservation movement.

Commissioner Montoya: court costs?

Director Lane: about \$300,000 that the Department could have turned into \$1.2 million on the ground, but it was money well spent.

Commissioner Espinoza: without you Director, I don't know if we would have accomplished this winning decision, so thank you publically also.

The first meeting of the Commission in 2013 is set for March 21, 2013 in Albuquerque.

MOTION: Commissioner Montoya moved to adjourn to Executive Session closed to the public, pursuant to Section 10-15-1H (2, 7 and 8), NMSA 1978, to discuss 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, specifically *Terk v. Gordon*.

Roll Call Vote: Commissioner Tom Arvas Yes
Commissioner Scott Bidegain Yes
Vice Chairman Thomas Salopek Yes
Commissioner Bill Montoya Yes
Commissioner Paul Kienzle Yes
Commissioner Robert Espinoza Yes
Absent: Commission Chairman Jim McClintic
Result: Motion UNANIMOUS. PASSED.

Vice Chairman Salopek: at 11:29, the Chair announced the closed session is adjourned and stated the Commission discussed only those matters specified in this motion to adjourn and took no action as to any matter.

AGENDA ITEM NO. 17: General Public Comments (Comments Limited to 3 Minutes).

Richard Weaver, Mogollon Gun Club, Glenwood, NM: discussed two-lion bag limit to assist the desert bighorn population and a request of the Commission to consider hound hunting in a site where it is beneficial to another specie, i.e., bighorn. The Department has completed the two-lion bag limit proposal it is done. Mr. Weaver invited the Commission to the Desert Bighorn Council meeting in April in Las Cruces.

John Cornell, president DACAS, Hillsboro, NM: commends the Department with recent successes in negotiating access to public lands and meaningful collaboration between agencies. The Commission needs to continue to find ways to increase NM resident draw hunters for elk and antelope. The A-Plus and E-Plus systems are not equitable, we're not giving fair opportunities for opportunities to residents and it has to come from this Commission to direct the Department to find ways increase those opportunities and continue to encourage the land owners who are good stewards of the land and wildlife.

Jim Bates, Southwest Consolidated Sportsmen, Las Cruces, NM: expressed appreciation and compliments for what appears to be in the mind of the average sportsmen in the state, that we are working towards resolving some of the issues that John was just talking about. I have found, I am involved with many organizations throughout the state, that the two common issues that resident New Mexico sportsmen are resident big game hunting opportunities and public access. We are grateful for the progress that has been made on public access on state trust lands and unitization. Please keep moving forward, we encourage you to work with BLM, Forest Service, and State Land Office. The big game hunting opportunity for New Mexico residents: everyone here can look objectively as the situation and see that we need to continue resolving this problem. SB 196 took care of some of those issues, but if you look objectively at what has happened in the west, we are still way outside the norm as a state. I would encourage you to keep working toward resolution as a Commission and a Department.

AGENDA ITEM NO. 18: Adjourn.

Vice Chairman Salopek asked for a vote to adjourn at 11:39 a.m.

MOTION: Commissioners Arvas, Montoya, and Espinoza so moved.

SECOND: Commissioners Bidegain and Kienzle seconded.

Vote: 5-0

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

No: None

Abstained: None

Absent: Commission Chairman Jim McClintic

Result: Motion UNANIMOUS. PASSED.

 3/21/13
 James S. Lane, Jr., Secretary Date
 New Mexico State Game Commission

 3/21/13
 Dick Salopek, Vice Chairman Date
 New Mexico State Game Commission

JSL/kaa