

MINUTES
NEW MEXICO STATE GAME COMMISSION
Best Western - Pine Springs Inn
1420 West Hwy 70 – Conference Room
Ruidoso, NM 88346
December 12, 2006
9:00 a.m. – 5:00 p.m.

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AGENDA ITEM NO. 1: Meeting Called to Order.

Meeting called to Order at 9:00 a.m.

AGENDA ITEM NO. 2: Roll Call.

Chairman Sims – absent
Vice Chairman Arvas – present
Commissioner Henderson – present
Commissioner Montoya – present
Commissioner Pino – present
Commissioner Riley– absent
Commissioner Salmon – present
QUORUM: present

AGENDA ITEM NO. 3: Introduction of Guests.

Introductions were made by approximately 25 members of the audience. Brad Treptow, Executive Director of the Ruidoso Valley Chamber of Commerce and Visitors Center delivered opening remarks and welcomed everyone to Ruidoso.

AGENDA ITEM NO. 4: Approval of Minutes (November 16, 2006—Farmington, NM).

MOTION: Commissioner Montoya moved to approve the Minutes of the November 16, 2006 State Game Commission Meeting in Farmington with Commissioner Salmon’s requested changes on page 11 to refer to captive wolves, not captured wolves. Commissioner Pino seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 5: Approval of Agenda.

MOTION: Commissioner Salmon moved to accept the agenda for the December 12, 2006 State Game Commission Meeting as presented. Commissioner Henderson seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 6: Consent Agenda.

○ **Revocations**

MOTION: Commissioner Montoya moved to adopt the Department's recommendation to assess 80 points and revoke J.T. Hackney for the period of time specified and suspend the (2) outfitters' registration privileges until the Department receives proof of commercial liability insurance. **Commission Salmon** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

NEW BUSINESS:

AGENDA ITEM NO. 7: Game Commission Listening Session (9:15 a.m. through Noon)—Time Certain.

Presented by Game Commission Members – The Game Commission heard from a wide array of business, municipal, agricultural, recreation, local government, and other public interests regarding all aspects of wildlife management and conservation activities in Lincoln and Otero counties and surrounding areas.

Oscar Simpson: We'd like to see the Game Commission develop policy and regulations that get the politics out. We need to deal with habitat on a landscape scale and that's what I'd like the Game Commission really get involved with BLM and U.S. Forest Service.

Jim Grider: A few years ago the oryx were so thick we had to pull the cattle off the ranch. Through depredation with the help of the SE area office personnel we got them thinned out and the depredation program is working well. We've been able over the years to get landowner authorizations so that when we had an influx of oryx we could get them thinned out. There are no more landowner authorizations for oryx hunts.

R.J. Kirkpatrick: There never was a program for "landowner authorizations for oryx". There's no rule that establishes the ability to issue those. Landowners have in the past received authorizations to purchase licenses to hunt oryx pursuant to population reduction issues. That ability still exists. There's a slight change in the rule in that those authorizations will be generated by the Department to the hunters that are designated by the landowners.

Vice-Chairman Arvas: Mr. Grider, does that satisfy your question?

Jim Grider: Not really. I'm not talking about property damage. I'm talking about forage and water use. I lease land from BLM and have private/lease land from the state. When I had to pull my cattle and continued to pay those leases to graze and water oryx, I didn't think that was fair. About the only way I had to recover any of that is through the sale of those landowner permits and if there wasn't a program, I don't know why we got them to begin with.

Vice-Chairman Arvas: Historically, when Mr. Hibben was Chairman of the Commission, and that's how the oryx came to the state. They were introduced.

Jim Grider: I read that thesis and the guy said there would only be about 350 of them and they'd always stay on the missile range.

Vice-Chairman Arvas: Now we work very closely with White Sands Missile Range to keep control. I can tell you I've been happy with the cooperation that White Sands Missile Range has given us. If you have a specific or particular problem with your ranch and region, then that's something we could get together and work out the situation. What we don't want to do is have the feeling that we want to eliminate the oryx. Today if you feel there's anything we don't cover to your satisfaction, please feel free to contact the Director or myself and we'll get an answer to you right away.

Jim Grider: If I have a lot of oryx on the ranch. I can contact the SE area office and they'll come out and perhaps issue more permits?

Vice-Chairman Arvas: Yes.

R.L. Posey: I'd like to address the elk problem we have in Otero County. Many people don't realize that the elk in the Sacramento Mountains were eradicated around 1900. In 1967 the Mescalero Apaches brought in 158 elk to establish a huntable herd. At that time some ranchers in the area approached the Lincoln Grazing Board with their concerns. The Lincoln Forest supervisor said that if the elk got south of Highway 70 he'd have Department of Game and Fish take care of it. That meeting has been documented by the members of the grazing board and filed with the county clerk's office in Otero County. The information that was published by the Department in 2000 estimated that 4,000 elk were in GMU 34 which is primarily Otero County with a population goal of approximately 1,000. One thing that needs to be done is thinning the forest which will provide much more forage for cattle and wildlife. Also, I don't

know how many of you are aware that Mr. Wayne Hage filed a lawsuit against the Forest Service and BLM I think in 1992. Mr. Haag was a Nevada rancher and the Forest Service and BLM tried to run him off his federal allotment. He filed a lawsuit with the U.S. Court of Claims. The U.S. Court of Claims ruled that he owned the forage, water, and water ditches on those grazing allotments. In other words, that's private property. That sets precedence and the final decision on the case has not been made which is a financial award. The wildlife is eating that forage. I have also been promised financial support from a nationwide property rights organization to file a class action lawsuit against the Department for not complying fully with deprecation regulation 19.30.2, NMAC, and also for mismanagement of wildlife.

Vice-Chairman Arvas: Were you at that meeting that Commissioner Sims had in Hobbs?

R.L. Posey: Yes, sir, I was. I did make a presentation about elk problems that we have in GMU 34 to the legislative Water and Natural Resources Committee in October. I can furnish a copy of that which provides a lot of background information about the elk problems, the action that has been initiated, actions that have been taken.

Vice-Chairman Arvas: We always try to help work out a solution and I think there's an amicable way to work out these things. I appreciate your patience in working not only with the Department and Commission, but with the U.S. Forest Service and BLM to sort these problems out. I can assure you that the Commission and the Department will always listen.

Commissioner Henderson: Mr. Posey, you'd mentioned that the ability to thin the forest which could create more forage is difficult. What's the reason for that?

R.L. Posey: I've been working on this issue for over 10 years. This first started when the Forest Service had a public meeting in Cloudcroft about 10 years ago with the proposal to thin the Penasco Watershed. The Penasco River is 1 of the main rivers and it runs through my property. The thinning working group is chaired by Barbara Luna who is the supervisor for the State Forestry Division in Capitan. I know that some state legislators and Congressman Pearce and Senator Domenici have been working on this.

Commissioner Henderson: Mr. Ziehe, do you have a response or comment to that?

Gary Ziehe: I appreciate Mr. Posey's position but I wanted to correct the record on what's actually been done as far as thinning. There's quite a bit of work that has already been done on the Lincoln and Sacramento districts. It may not be in all the exact right places, but the Forest Service is working on that. There's been quite a bit of information gathered as to where those projects will be most beneficial. Obviously we're working in those wild land urban interfaces to the extent that we can. Those aren't always the best places to go if we're looking for increased forage production, but to say that nothing has been done is not a correct statement. It may not be in all the desired areas but the Forest Service is making an effort in that regard.

Vice-Chairman Arvas: It's good to see the Forest Services, BLM, and it's representatives at our meetings. The important thing now is that we work on a day-to-day basis with the U.S. Forest Service and the BLM and it's a constant effort on all our parts to get this balance.

Bebo Lee: I'd like to address the wolf program. I think it would behoove us in New Mexico to look at releasing those additional packs in the Gila after all the contentious things that have happened in Idaho where the lawsuit with the state is where they're trying to take over their management plan. The state I believe has filed suit against the Fish and Wildlife over that because they will not recognize their plan. With that and what's happening in Yellowstone, I would think that we ought to look at this a little better and slow down on it. I realize you aren't in charge of it but you do have a say in it. I, through New Mexico Cattle Growers, would like to see you make a recommendation along those lines. The New Mexico Cattle Growers of which Mr. Grider is a member, on the forage we haven't taken a real hard stand on but my understanding is that the District Office of BLM in Las Cruces has requested that there be a significant reduction of the oryx along with Fort Bliss because of the damage it has caused to a lot of the facilities on Fort Bliss. I don't believe there's been a formal request made, is that correct?

Vice-Chairman Arvas: Director Thompson, do you know of a formal request?

Director Thompson: We've been working for some time with BLM to reduce oryx off the White Sands Missile Range and that's actually in part related to management planning and other things. I think that's correct but I can't point to a specific document or letter that says that. We're also working with Fort Bliss to accomplish various reductions of oryx.

Bebo Lee: I also border McGregor Range and they do lease part of McGregor Range for livestock grazing on what is known as Otero Mesa. At this point they've counted up to 80 oryx in 1 bunch. They're very prolific and they're

starting to move off the missile range in pretty good numbers. I'd encourage you if you work with BLM and McGregor Range in decreasing the population before we end up with the same problem that the people in the mountains have on the elk.

Vice-Chairman Arvas: I'm sure you've worked with Roy Hayes, and Mr. Hayes, you're aware of the problems that Mr. Lee is addressing so I'm sure we can work that out.

Bebo Lee: I live in Unit 29. About 4-5 years ago the Department of Game and Fish came out and asked if we'd like to reduce our antelope landowner permits because of the drought. We wholeheartedly agreed that we needed to cut ours and the public draw numbers. Two years ago on the deer hunting for quite a few years we'd had a 3-day hunt on rifle deer hunt and we still have our numbers cut down for the antelope permits. The Department had increased the deer hunt to 2 separate hunts I believe a total of 9 days. I was wondering what the rationale behind asking us to reduce our antelope hunt because of the drought then increasing the deer hunt almost double during the same time period. I'd think the drought would affect the deer just as much as it did the antelope.

Roy Hayes: On the entire Unit 29, what we did when we went to the draw we basically took estimates of numbers of permits we thought the unit could stand because we'd never had a draw before. We hunted for 2 years with those numbers. This past regulation cycle, when we found what the demand was, we reduced numbers to meet demand. So that's how we estimated those numbers based on recommendations from the local officers and public input meetings we had throughout the southeast area.

Vice-Chairman Arvas: Mr. Lee, 1 thing I'd like to emphasize at this time is that these public meetings are very important to you and to us because that's an opportunity for you to voice your concerns and then those concerns are brought to the Commission directly.

Bebo Lee: I understand the number of hunts, I didn't understand why you increased the days of the hunt.

Roy Hayes: It's been the same. I don't think we've increased the number of deer hunt days for the rifle hunts. I can meet with Mr. Lee and get to that concern.

Commissioner Montoya: As a representative of a cattle growers association, what is the impact to the economy through the livestock industry? We heard an earlier comment and I've seen numbers in publications of what kind of economic impact the livestock industry has in this state. Can you give me a number or amount?

Bebo Lee: I would be leery to quote you an exact amount.

Bud Starnes: The livestock industry is a primary part of our agricultural community. The ag community has about a \$2.4-\$2.6B a year impact on the economy. That's without the multipliers that you normally read about. With the multipliers it's more than double that. It's a pretty good segment to be such a small industry in relationship of the total numbers. We've got about 22,000-26,000 people who work in agriculture in the state and most of those are employed in the farming and ranching industries, but the employment is heavier in farming.

Commissioner Montoya: Can you break that down further?

Bud Starnes: I can't break it down further at this point. I can get the stats for you. We publish a statistical analysis every year and I'll break that out and send it to you.

Commissioner Montoya: The reason I ask is because I appreciate all who come up and say they want a balanced approach. We get into a little predicament when we hear numbers of what kind of economic impact wildlife has in hunting and angling and then there's a huge positive economic impact on agriculture, particularly livestock. It's a task to try to balance and we appreciate folks that come in and comment that they're willing to work on habitat improvement and projects that encourage that balance.

Sandy Schiffman: I'm President of the Moon Mountain Conservancy. Moon Mountain Conservancy is a rise of land approximately 640 acres located west of Gavilan Canyon. It's the last remaining undeveloped wild area adjacent to Ruidoso Village limits and is the habitat of much wildlife.

Commissioner Salmon: How many acres are at stake?

Sandy Schiffman: 640.

Commissioner Salmon: Was there any figure given as to what it would take to buy those 640 acres from the State Land Office?

Sandy Schiffman: There have been a lot of numbers that have been tossed around but to the best of our knowledge we've not been told that any actual appraisal has been done on the property. Mr. Alborn is a member of our board of directors and he's met with Commissioner Lyons and perhaps is more up to date on the statistical information.

Clark Taylor: I work for the Natural Resources Conservation Service under Department of Agriculture. I'm the coordinator for the RC&D Council representing Lincoln and Otero counties. The Council's purpose is to function as a non-profit organization for resource conservation and development to improve the quality of life in Lincoln and Otero counties. The Smokey Bear Ranger District of the Lincoln National Forest installed a solar pump in a well which is located southeast of here. They installed that pump in October, 2006 and that well is located at an elevation which could potentially provide permanent wildlife water for approximately 10,000 acres. I come to you today with a request for support for this worthwhile project so that we can continue planning and develop water for the wildlife in that area. We're working with the Forest Service, District Rangers Buck Sanchez and Gary Ziehe and their wildlife biologist. All those groups have supplied funds for project improvements in this area and that's why I'm asking for the Commission's support in this project.

Vice-Chairman Arvas: Director Thompson, would this qualify for the Sikes Act monies at all?

Director Thompson: It very well could. I don't know the status of this particular project with respect to Sikes Act proposals, but it appears it could be considered.

Vice-Chairman Arvas: Mr. Clark, we do have Sikes Act money and I don't know whether you're familiar with the program and this looks like it would fit that. We'll certainly refer to our Sikes Act coordinator and see if he can get in touch with you and see if we can get this done. This certainly is the type of project we're very interested to use the Sikes Act monies for.

Frances Goss: Sacramento grazing allotment in Unit 34. We came this morning because we want some help with elk on our allotment. We have grazing rights that were pre-emptive to the Forest Service, Department of Game and Fish or anything that came from the 1890's. A lot of people will tell you this is not a right but we found out this is a right that belongs to the owner of the allotment. We're having our rights taken away from us because of elk grazing our allotment and we want you to do something about it. Our allotment was a 553-head allotment which we purchased from the previous owner and at the present time the Forest Service, because of the elk grazing our allotment and our forage have cut our numbers by 1/3 making it totally impossible for us to make a living.

Vice-Chairman Arvas: I know we've worked in the past and we'll certainly work in good faith in the future to try and resolve your problem.

Frances Goss: That's good to hear but we've heard it all before and nothing has happened.

Vice-Chairman Arvas: Unfortunately sometimes it takes a little time to get problems of that nature resolved but I can assure you it's not at the bottom of our list.

Frances Goss: Would you think 13 years would be time enough that we could see some change?

Vice-Chairman Arvas: I would hope so.

Frances Goss: It hasn't been but we're not giving up. We found out our rights and you know you perish for lack of knowledge but once we found out that our rights have been violated because Forest Service only allows us to graze 35% of the forage that we purchased and now the elk with the taskforce's science, the Department of Game and Fish, Forest Service everyone knows elk are raising 70%-80% of our 35% of forage.

Sandy Schiffman: After discussion with 1 of our board members, he stated that with regard to your question about the value of the land, the State Land Office had originally mentioned a value of \$1.2M-\$1.3M. Subsequently Conklin Associates of Roswell appraised the land at \$1.6M but some question still remains as to the exact acreage that was involved in that appraisal. The *Ruidoso News* more recently stated that it was \$1.9M so it's somewhere between \$1M-\$2M but again we don't know whether that applies only to the 640 acres or less or more. There actually is a little more land there than 640 acres but a lot of it was not considered to be developable.

Vice-Chairman Arvas: The land you're speaking of belongs to the State Trust?

Sandy Schiffman: Right.

Vice-Chairman Arvas: I don't think we can purchase State Trust lands. Is that right? It can be traded but not sold.

Sandy Schiffman: I believe there have been instances of land being sold. Commissioner Lyons did tell us we could buy the land. He was unequivocal in making that statement.

Vice-Chairman Arvas: He's the man to ask.

Sandy Schiffman: He stood up before our Village Commission and this is what he said to us.

Vice-Chairman Arvas: What I'm saying Ms. Schiffman is that we as the Game Commission or Department can't purchase the property. We'll certainly give your request to our people that are involved in land acquisition and have

them evaluate it. We do have some monies to acquire properties at this time so we'll go ahead and have them look at it and get back to you with an answer.

Sandy Schiffman: The Village certainly has some monies to pay for a yearly lease and our organization certainly will help where possible in maintaining the mountain.

Robert Runnels: On my behalf my concerns are primarily with the landowner elk permit system. There's a real need to revise the landowner elk permit system in Unit 36. GMU 36 encompasses White Mountain wilderness area. I'm the only priority-use outfitter within the White Mountain wilderness area. There are 20 or so temporary annual renewal outfitters that use the White Mountain wilderness. It's a relatively small area but receives tremendous elk hunting pressure. Overall elk numbers are declining and have been for years. Our problem is the number of unit wide landowners and tags that are being brought in by temporary outfitters from ranches 50-60 miles away. These landowner permits should be used on ranches they're issued for or immediately adjacent. There are also too many cow tags issued to ranches immediately adjacent to White Mountain wilderness area. Our other problem is mountain lion depredation on elk within the White Mountain wilderness area and adjacent is substantial especially with the extremely low number of mule deer within the wilderness. We definitely need a higher quota on mountain lion in White Mountain and areas adjacent to the wilderness or we need to leave the season open all year long. I also feel that the bull elk hunt in GMU 36 is too long. If we're going to limit non-resident draw hunters on elk, why don't we also limit non-resident outfitters?

Vice-Chairman Arvas: The comment on why don't we limit non-resident outfitters, are they licensed outfitters?

Robert Runnels: Yes. Outfitters that hunt public land are permitted by Forest Service or BLM. There are different types of permits for the Forest Service. There's a 10-year priority use permit for outfitters that have been in that area longest and showing the longest use. The temporary permits are annual renewals. There are way too many annual renewal permits for our small area.

Jim Taylor: Legal trapping is a valuable tool to the ranchers of the state. In direct conflict with domestic pet owners that use public lands it has a very contentious situation and it's a no-win situation for anyone, but it would behoove the Commission to use it in a public relations method to state that it's a state law that domestic pet owners must control their pets and it's the law of the state that we can trap and to use that as a tool in our operations. My other comment is that I'm a landowner in Unit 37 and I recently received a letter from the Roswell District office stating that they have done away with the E-Plus Program for the elk in that area because they've determined that that's not in the COER area. I'd like to know exactly what's happening in Unit 37 regarding elk.

Roy Hayes: We've developed a new landowner system, the E-Plus System. In that system we identify a core occupied elk range (COER) in a particular unit and those landowners in the unit are basically treated the same way that we always have in the past. If they fall outside that COER area, then we deal with each particular landowner on a ranch-by-ranch basis. In Unit 37 we do not have a COER herd of elk. The population is so low and scattered that there is no COER herd, so there are no ranches that fall within the occupied elk range. What we're doing with the landowners in Unit 37 is they will each be a special management ranch and we will work with each 1 on a management goal and issue permits according to their desires and how they want to manage elk on their property.

Vice-Chairman Arvas: Specific to Mr. Taylor's request about Unit 37, you made a statement that you do work with individual landowners on individual basis concerning elk problems.

Roy Hayes: That's correct and we sent letters to all landowners that were in the system last year explaining this. Basically, what it does is there won't be an opportunity to hunt unit wide. They will be able to hunt on their private property and the number of authorizations that they will be issued for that private property will be determined by them and their district officer when they go over their management strategies for that particular ranch.

Vice-Chairman Arvas: So there is the opportunity for the individual landowner to work out the problem with you directly?

Roy Hayes: That's correct.

Vice-Chairman Arvas: So what I advise Mr. Taylor to do then is to contact you personally and work out the problem he has with you and from that point on hopefully it will be to his and your satisfaction.

Director Thompson: I believe it is worth emphasizing here that Mr. Taylor also has the ability to join with other landowners if you can make that arrangement and work with the Department to work out a management process and number of authorizations. Again you can turn to Mr. Hayes if you'd like to do that. This is an important aspect that

the Commission has asked the Department to work on and we're working on it to bring together multiple cooperating landowners that can perhaps find a better overall arrangement than trying to do things individually.

Vice-Chairman Arvas: I guess strength in numbers is what you're trying to say and I think that's what we have here is an opportunity for the individual landowners to have a coalition of landowners that have more ability to go either the district, or state office or the Commission with their concerns. No system is perfect and that's why we keep refining it. In fact, this year even though we've gone through the Big Game Proclamation we always make the statement that if there's something wrong we can fix it but we have to have your input.

Commissioner Montoya: I wanted to share an observation. I've had the opportunity to accompany Department personnel to a couple of meetings recently and there's a reality that just sunk in and I think we're learning firsthand that the demographics in our state are changing. We usually have in the audience persons that are supportive of wildlife within reason. Landowners that come up and say we'd like to continue with the ranching operation but we don't mind wildlife and are seeking ways to have that balance. A lot of individuals are both ranchers and sportsmen but as our state grows so do the challenges that are associated with maintaining those balances and those discussions that we've had or the *status quo*. There's a lot of pressure from folks and it's usually recent arrivals that have no problem telling you that they're for zero hunting and they're for zero grazing. More and more we're having folks move into this state that are outspoken and those present challenges for us. I'd like to reiterate our Chairman's comments in that I certainly appreciate folks that come to our meetings and inform us of your concerns. I apologize for the 13 years it's taken but in most cases we can do things a lot sooner when they're more within our control, especially when you have to work with multiple agencies. Nonetheless, whether you think we're addressing your concerns immediately or if they're taking some time, we appreciate you coming and letting us know even if you have to come more than once. More importantly, I appreciate you supporting our mission which is that of protecting and supporting wildlife because that's 1 of our goals.

Commissioner Salmon: On the trapping situation, the mountain lions statewide quota has not been met over the last several years. I'm wondering if someone could comment as to whether the mountain lion quota has been met in the section that Mr. Runnels referred to.

R.J. Kirkpatrick: I do not have where we are to date this fall. Some simple wording adjustments, it's not really a quota. There are 2 figures that the Commission and the Department are developing in conjunction with the public that we're going to be trying to implement over the next couple of years. One, there's a total sustainable mortality for each zone in New Mexico. A proportion of that total sustainable mortality is going to be allotted via sport hunting. The balance of sustainable harvest could be private lands, depredation, or cougars in places where they don't belong and so on. So, as we move along in 2007, we've created a rule that the Commission adopted back in September that allows us the flexibility to recognize the issues that we're hearing today and deal with it in the framework of the total number of lions that can be removed for all reasons vs. what the sport harvest is. If the sport harvest doesn't accomplish management objective removals, then we can do it another way. As far as where we are in the zones I don't know the answer to that. We're not there yet so there's still sport harvest opportunity.

Robert Runnels: Toward filling the quota last year and this year, as a lion hunter, we take a few more lion and more successful hunting when there's snow. It's extremely hard to trail these lions because they don't leave much scent when it's dry and windy as it was all last winter. You have to take that into consideration when you talk about the quota.

Jack Merrick: I'm with Buena Vista Realty in Portales. I'm representing Tom Lewis and his family who own a ranch in the extreme southeast portion of Roosevelt County. I was approached by Dawn Davis to consider allowing the Department of Game and Fish to purchase all or a portion of this property.

Vice-Chairman Arvas: Mr. Merrick, your item will be taken under Agenda Item No. 10.

David McCrea: I'm a rancher with a family operation in eastern Lincoln County. I wanted to comment on Barbary sheep. About 2 months ago we gathered our north pasture and I counted about 150 in a small area of 2 bunches within a mile of each other. It seems like they've gotten out of hand in our area. I know you've heard comments about this in other meetings and I wanted to reinforce those comments and let you know we'd like to see something done. I've heard that there's an area in the northern part of the state that have some and they've got a year round hunting season. Our season is only the month of February this year. I'd like to see that extended so we can keep them thinned down.

Vice-Chairman Arvas: Have you had a chance to talk to Roy Hayes? That's the first step in solving the problem.

Sid Goodloe: I've been a rancher in Capitan for 50 years this year. Wildlife has been 1 of my main interests and now even of higher interest because I can make a little money. I've got a lion problem that is decimating our deer population. As far as elk are concerned, the new approach to the elk hunt is good. I'd like to talk to you about Merriam turkeys and the turkey season. The season is too long from April 10 to May 10 and the testimony I've given before was absolutely ignored. I hope you'll listen because the turkey nesting season starts during the hunting season. The hunters are not killing enough turkeys to amount to anything.

Vice-Chairman Arvas: Do any of the Department personnel come to your ranch at all to see what you're saying?

Sid Goodloe: Yes, anytime I ask them to come they do.

Vice-Chairman Arvas: That's the first step so have Roy Hayes check it out for us.

Commissioner Henderson: You mentioned lion and we've heard from others. I've heard conflicting statements and 1 is that we're not meeting our limits on lion and secondly, that lion can be hunted openly on private land. What would you like us to do as a Commission to deal with procedure for lion?

Sid Goodloe: I don't know what your purview is in controlling lion but I can tell you that the people tell me of the deer carcasses they find of older bucks that I know weren't killed by coyotes. I haven't seen lions kill the bucks but I do see the lion and I see tracks and I do know they are decimating the deer population. The coyotes are getting the fawns. Something needs to be done about lion because when Robert Runnels can't hunt because of the weather that's no reason to cut the quota. In fact, it ought to be a carry over quota because the lion population is getting too large.

Commissioner Henderson: I'm frustrated because I keep hearing of the problem and I'm not exactly sure as a Commissioner what the solution is and I'm trying to get information.

Sid Goodloe: I think you've got enough people that want to hunt lions. It's just that with the quota they can't hunt anymore. We need to extend the quota or time, do something to allow them to harvest enough lion so the deer population won't continue to crash because it's crashing.

Robert Runnels: Granted, we can hunt lion year long on private land, but if a landowner calls me because a lion was seen in his backyard or killed a sheep and I run out there any time of the year, but most of the time that lion doesn't stay on that private land. I trail and he crosses the private land boundary and goes into the forest I've got to catch my dogs and pull them off. I would like to go ahead with that lion if we start him on private land and crosses that private land boundary anytime of the year and catch him. Also, out here away from these ranches when somebody sees a lion and calls me I'd like to go and try and get after him right away. That scent doesn't hold very long and we don't have to have snow but we need to be there quick. Wind, temperature, humidity—everything affects scent, but if we're there quick enough a lot of times we can take care of the problem. It's tough to catch a lion on private land unless it's an extremely big ranch. We do work all year long but we'd like to see some exceptions to that and be able to cross the boundaries and hunt lion a little longer when we have the opportunity.

Justin Rowland: I'm Director of ski operations at Ski Apache. We can help in the skiing area and I want to have an open forum with the ski area people and what we do on the national Forest Service land.

Selena Chino: I'm Director of retail for the Inn of the Mountain Gods and New Mexico Tourism Commissioner. Come visit us at the Inn of the Mountain Gods.

Rick Simpson: I want to brag on my state and I hear some real horror stories about other states. We have laws that make sense and I know we're not perfect but our game laws are based on common sense. I ask that you keep that factor in mind whenever making changes.

AGENDA ITEM NO. 8: Closed Executive Session.

The State Game Commission adjourned into Closed Executive Session to discuss acquisition or disposal of real property or water rights, and pursuant to Section 10-15-1(H) (1), NMSA, 1978, to discuss matters related to the determination of sending "Notice of Commission Contemplated Action" for outfitter and/or guide registration to any identified individual(s) that may have violated their professional Code of Conduct as per 19.30.8, and 19.31.2, NMAC. If in the Commission's determination an individual shall be served notice, he or she will be afforded an administrative hearing following 19.31.2, NMAC.

MOTION: Commissioner Montoya moved to enter into Closed Executive Session pursuant to Section NMSA 10-15-1(H)(2)(7) and (8) of the Open Meetings Act in order to discuss several land interests at the recommendation of our Director as per 10-15-1, NMSA. **Commissioner Salmon** seconded the motion.

Roll Call Vote:

Chairman Sims – absent

Commissioner Arvas – yes

Commissioner Henderson – yes

Commissioner Montoya – yes

Commissioner Pino – yes

Commissioner Riley – absent

Commissioner Salmon – yes

Motion carried unanimously.

Vice-Chairman Arvas entered into Open Session and stated that the record reflect that no action was taken during the Closed Executive Session, but several items were discussed by Legal Counsel and the Director.

MOTION: Commissioner Pino moved to enter into Open Session. **Commissioner Montoya** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 9: Notice of Commission Contemplated Action.

Presented by Dan Brooks – The State Game Commission after meeting in Executive Session considered directing the Department to send a Notice of Commission Contemplated Action to any outfitter or guide that evidence and information indicate may have violated their Professional Code of Conduct or other matter contrary to 19.30.8, NMAC, or Section 17-2A-3, NMSA, 1978.

MOTION: Commissioner Henderson moved to accept the Department’s recommendation and send a Notice of Contemplated Commission Action to the registered outfitters discussed in Executive Session. **Commissioner Montoya** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

AGENDA ITEM NO. 10: Land Conservation Appropriation Update and Action as Needed.

Presented by Lisa Kirkpatrick – The Department presented an update of the status of projects proposed for funding under the Land Conservation appropriation.

MOTION: Commissioner Montoya moved to expend up to \$1,600,000 from the land conservation appropriation to acquire a 90% interest in the approximately 444-acre Silva parcel in McKinley County in conjunction with a 10% interest for value by The Nature Conservancy under the Natural Lands Protection Act for not more than the parcel’s appraised value, subject to approval by the Department and counsel to the Commission of:

- a final survey of the property;
- a state reviewed and approved property appraisal;
- preliminary title report;
- form of a negotiated purchase agreement;
- form of a management agreement with TNC;
- such other documents of due diligence deemed reasonably necessary to effect the purchase;
- closing of the transaction not later than 31 December 2007; and

That the Chairman be authorized to execute all documents necessary to effect the purchase upon the advice and direction of the Department and counsel to the Commission.

Commissioner Pino seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

MOTION: Commissioner Salmon moved to expend up to \$600,000 from the land conservation appropriation to acquire a 90% interest in the approximately 160-acre McCauley parcel in Grant County in conjunction with a 10% interest for value by The Nature Conservancy under the Natural Lands Protection Act, for not more than the parcel’s appraised value, subject to approval by the Department and counsel to the Commission of:

- a final survey of the property;

- a state-reviewed and approved property appraisal;
- preliminary title report;
- form of a negotiated purchase agreement;
- form of a management agreement with TNC;
- such other documents of due diligence deemed reasonably necessary to effect the purchase;
- closing of the transaction not later than 31 December 2007; and

That the Chairman is authorized to execute all documents necessary to effect the purchase upon the advice and direction of the Department and counsel to the Commission. **Commissioner Montoya** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

MOTION: Commissioner Pino moved to expend up to \$330,000 from the land conservation appropriation to acquire a leveraged conservation easement to retire development rights on approximately 81 acres in the Golliehear property in Valencia County in conjunction with an easement management arrangement with the landowner and the Rio Grande Agricultural Land Trust, for not more than the easement's appraised value, subject to approval by the Department and counsel to the Commission of:

- a final survey of the property;
- form of a conservation easement and management agreement with Rio Grande Agricultural Land Trust and the landowner;
- a state-reviewed and approved conservation easement appraisal;
- preliminary title report;
- form of a negotiated purchase agreement;
- such other documents of due diligence deemed reasonably necessary to effect the purchase;
- closing of the transaction not later than 31 December 2007; and

That the Chairman be authorized to execute all documents necessary to effect the purchase upon the advice and direction of the Department and counsel to the Commission. **Commissioner Salmon** seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

Lisa Kirkpatrick: The Lewis Ranch is a property that came before the Commission for consideration during the second round of request for proposals. The proposal that was put forward was for approximately 5,600 acres or an asking price of \$1.6M. So to clarify that the website and the information provided is for part of the property that's located in New Mexico and property and a home located in Texas. The combined asking price for those 2 parcels is \$1M. What Mr. Lewis is offering for the Commission's consideration is the portion of that property that's located in New Mexico plus an additional approximate 2,600 acres that's a separate parcel but nearby and for those 2 combined is the asking price of \$1.6M. I've discussed with Mr. Merrick, realtor for the property, the potential for negotiations for this asking price, of course, based on the appraisal. One of the things that Mr. Lewis is requesting is the ability to continue to graze the property, so that would be considered in the negotiations. In addition to that, there is some Conservation Reserve Program property that's included in this ranch. There are some obligations that are associated with that possibly in the neighborhood of 80-90 acres. There's also a state land lease associated with the deeded property. The Commission does currently have other state land grazing leases, so there would not be a precedent set there if the Commission were to acquire that state land lease, and this property. If those 2 parcels were considered they're adjacent to 3 different prairie chicken areas that the Commission currently owns.

Jack Merrick: This ranch has been in the Lewis' possession for some 20 years. Mr. Lewis has requested that you consider allowing him to continue grazing. He's been a conservationist evidenced by the way he's cared for this property. He's participated in the EQIP Program and is currently involved in installing pipelines, cross fencing, and he's treated approximately 1,100 acres of shin oak and grass is emerging very well on that property. The ranch carries a good reputation for his stewardship. If you allow him to continue grazing, Mr. Lewis has agreed to sell all of it, or the east portion. He will not sell the west portion separately. In this proposal we're not showing any of the Texas property. The \$1.6M that Lisa referred to would be a price where Tommy would relinquish control of all the deeded land in the State of New Mexico, he would relinquish the state lease, the CRP land. In other words, you'd be buying him out completely in the State of New Mexico for \$1.6M.

Vice-Chairman Arvas: Mr. Merrick, what is the \$1M represent here?

Jack Merrick: The \$1M included the homestead in Texas, 1,362 acres of grassland in Texas and the east portion, not the west portion.

Vice-Chairman Arvas: Is this the first time you've done business with the state?

Jack Merrick: It is.

Vice-Chairman Arvas: I can assure you that the Commission is very much interested in Mr. Lewis' property, but there's a process we have to go through. Some words of advice, we have a whole list of properties here that we've looked at. The biggest problem we've had is getting the landowner to conform to the needs of the Department and Commission in terms of what's necessary in the way of information. The people at the bottom of the list have been very slow in reacting. People at the top of the list were very quick to adapt. I encourage you and the Department will follow up with this to get together with the Department and they'll tell you what they need and how fast they need it and then it's up to you to get the job done.

Jack Merrick: We had a scheduled viewing by the Commission on October 20 and that was cancelled. We later heard from Dawn that the Commissioners were not able to come.

Vice-Chairman Arvas: I can tell you that we'll do our part in terms of what needs to be done, but you've got to do your part. The appraisal is very important.

Jack Merrick: Lisa and I met this last week and I'll work under her direction as to what your needs are.

AGENDA ITEM NO. 11: Adjourn.

MOTION: Commissioner Pino moved to adjourn. Commissioner Salmon seconded the motion.

VOTE: Voice vote taken. All present voted in the Affirmative. **Motion carried unanimously.**

Meeting adjourned at 1:10 p.m.

s/Bruce C. Thompson
Bruce C. Thompson, Secretary to the
New Mexico State Game Commission

January 10, 2007
Date

s/Leo V. Sims, II
Leo V. Sims, II, Chairman
New Mexico State Game Commission
Minutes Transcribed by: Katie Gonzales
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January 10, 2007
Date