



## Sportsman's News Roundup

February 2010

### AG sues Land Office over Whites Peak trades

The Attorney General's Office late Monday petitioned the New Mexico Supreme Court to strike down the controversial Whites Peak land trades, saying Public Lands Commissioner Patrick Lyons overstepped his constitutional authority. The petition seeks to void the land exchange with David Stanley, and to implement a stay to halt the UU-Bar trade before it is signed.

Sportsmen had been calling for the AG's Office to act after it became clear that Lyons was ignoring their requests to slow down the two trades and allow time for investigation of the appraisals and other issues. The first two trades, with David Stanley and Express UU Bar Ranches, would cause a loss of more than 10 sections of public land available for hunting and other forms of recreation in Unit 48 near Whites Peak.

Attorney General Gary King said in a news release that the land exchanges violate state law and that the bidding process Lyons used was unconstitutional. "The public auction requirement for State Trust Land exchanges with private parties appears to be predetermined in the first two of the four proposed deals," King said. [Click here](#) to read the full release.

New Mexico's Enabling Act requires the Commissioner of Public Lands to conduct a public auction before undertaking exchanges of State Trust Lands with private parties. The petition notes, "By the design of Congress, a public auction ensures that the trust obtains the maximum market price for its assets and all but eliminates the possibility of improper dealing between the Commissioner and private parties," it continues. "In this case, however, despite purporting to comply with the public auction requirement, the Commissioner undertook the first two of these exchanges using public auctions that were, for all practical purposes, shams."

The petition goes on: "The undisputed facts make clear that, notwithstanding the public auction requirement, the Land Commissioner made a predetermined to exchange specific and substantial portions of State Trust Lands with two specific private parties. The Commissioner then narrowly tailored the 'public auction' process to effectively guarantee this result. In so doing, he rendered the constitutional requirement for a public auction into a meaningless formality."

King says the unusual step of bypassing the lower courts and petitioning the Supreme Court was taken because of the constitutional issues in question, the immediate effects on the public interest, and the fact that more White Peak land exchanges are proposed.

Read the full petition by [clicking here](#).



### Sportsmen's voices were heard

Sportsmen could not have been more outspoken in their opposition to the proposed land trades. But in contrast to a misleading story in the Santa Fe New Mexican that suggested hunters are divided on the land trade, the number of opponents has greatly exceeded supporters of the trade. After conducting a formal records request with the State Land Office to see comments for and against the trade, NMWF has found that more than 97 percent of the comments opposed the Stanley and UU-Bar trades.

More than 70 hunters and Whites Peak advocates stood in the falling snow outside the State Capitol on Jan. 19 to voice their opposition to the trades. Concerned Sportsmen of Northern New Mexico organized the protest and chartered a bus to bring hunters and outdoor enthusiasts from Las Vegas. Max Trujillo (left), interim president of the group, spoke for many when he said the land trades "are damaging to the economy of northern New Mexico and damaging to a way of life and the culture of the affected area."

And despite Commissioner Lyons' promises that the trades would be good for New Mexico's public schools, the East Las Vegas School Board unanimously opposed the trade. In a resolution, the board said Las Vegas schools would receive a pittance in extra funds compared with the tremendous loss to the community if the trades are allowed to stand.

We'll keep you posted on Whites Peak. In the meantime, continue to make your voice heard by sending letters to the editor of the [Abuquerque Journal](#) or the [Santa Fe New Mexican](#).

### Depredation reform possible if sportsmen speak up

Our top priority for the 2010 legislative session, the long overdue reform of the state's depredation law, took an unexpected turn last week. House Bill 73 ([click here to read it](#)) passed its first committee and was to be considered next by the House Taxation and Revenue Committee, where sportsmen had hoped it would win quick approval before moving on to the House Floor. Then Rep. Debbie Rodella of Espanola made the unusual request of asking the House leadership to instead steer the bill first to her Business and Industry Committee, where it can only be assigned a hearing if she chooses to do so, and where it now appears to be stalled and running out of time.

HB 73 would replace the existing depredation statute, also known as the Jennings Law, which has led to numerous wasteful mass slaughters of our big game animals since its enactment. The new bill will again make it illegal for a landowner to kill elk, antelope and other big game without a license for merely threatening crops. The measure requires the Department of Game and Fish to work with landowners to resolve their depredation problems through other means, such as population reduction hunts or fencing.

We're still hoping HB 73 can reach the full House for a vote before the session ends Feb. 18, but that won't happen unless House Speaker Ben Lujan helps. He assigned HB 73 to Rodella's committee, and he could pull it back and put the bill on its original course. Speaker Lujan has been a friend of conservation on many past issues. Please e-mail him at [ben.lujan@nmlgis.gov](mailto:ben.lujan@nmlgis.gov) and politely ask that he support New Mexico sportsmen and wildlife by helping get HB 73 back on track.

### Other legislation of note

A controversial proposal to charge San Juan River quality waters anglers an additional fee has cleared its first hurdle. [House Bill 51](#) would charge New Mexico residents \$5 a year and nonresidents \$10 to fish the quality waters below Navajo Dam. The controversy is over what to do with the revenues, which are expected to be some \$355,000 a year. The bill says proceeds from the new San Juan stamp would be spent on "habitat improvement, improving angler access, habitat and fishery studies, mitigating siltation, improving the quality of the fishery and other similar activities." HB 51 passed the House Consumer and Public Affairs Committee and is now before the House Energy and Natural Resources Committee.

While some San Juan guides and anglers have fully embraced the idea of a new San Juan stamp, others question whether it makes fiscal sense to do habitat improvement work before developing a plan or seeking federal funding to address what they say are the major problems – reduced flow rates and siltation exacerbated by oil and gas development in the uplands surrounding the river. There is also some concern that sending \$355,000 a year to the San Juan will undermine support for funding other quality waters in the state, where needs may be even more urgent. [Click here](#) to read a story in the Santa Fe New Mexican.

The Natural Heritage Conservation Act, proposed by Gov. Bill Richardson, would be a boon for sportsmen by protecting and enhancing wildlife habitat, working ranches and watersheds. It establishes authority in the Energy, Minerals and Natural Resources Department to engage in land and water conservation projects involving acquisition and restoration with a wide range of partners. It also establishes a Natural Heritage Conservation Fund that doesn't depend on the state General Fund. [Click here](#) to read SB 186.

The Legislature is considering a measure to take back millions of dollars in previous capital projects to help close the \$600 million budget gap, including \$40,743 for a trap and skeet range in Las Cruces. But southern New Mexico sportsmen want the Legislature to look elsewhere. They rounded up donations of materials and labor and already have put \$60,000 into the project, said John Moen of Mesilla Valley Shotgun Sports. If the Legislature allows the skeet range wot to continue, Las Cruces will end up with a project worth nearly \$180,000 – with two dollars of donations for every dollar in state aid, Moen said. Las Cruces Rep. Jeff Steinborn is trying to protect the skeet range funding, but sportsmen are urged to contact their representative and speak up on behalf of the project.

Several bills would offer free or reduced fees for fishing and small game licenses to members of the military, including Rep. Rudy Martinez' [HB 37](#), Rep. Thomas Garcia's [HB 116](#) and Sen. Tim Jennings' [SB 193](#).

One measure that hunters will likely appreciate is [Senate Memorial 16](#), sponsored by Sen. David Ulibarri—who made the newspapers during the legislature's special session for skipping a few days to partake in an elk hunt (it was the first time he'd drawn in years, he said). The memorial asks the Department of Game and Fish and the State Game Commission to study methods and programs to increase the number of big game tags available to New Mexico residents.

For the latest on legislation of interest to sportsmen, visit our Web site and click on the [Legislative Watch](#) link on the left side of the page.

### State Game Commission meets Feb. 25

Antelope management looks to be the biggest item on the agenda when the State Game Commission meets Thursday, Feb. 25, in Santa Fe. Department staff will update the commission on the development of a proposed new rule for the Antelope Private Land Use System (A-PLUS). The meeting runs from 9 a.m. to 5 p.m. at Santa Fe Community College, 6401 Richards Ave. [Click here](#) to read the full agenda.

Las Cruces pecan farmer Thomas "Dick" Salopek has been appointed to the Game Commission by Gov. Bill Richardson. He fills the statewide seat representing landowner and agricultural interests on the commission. Member Leo Sims of Artesia was not reappointed at the end of his term.

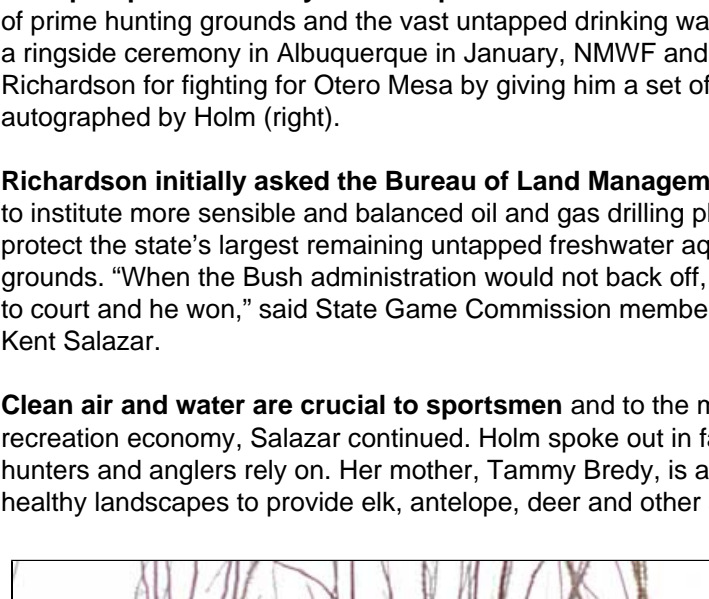
### Sportsmen celebrate winning round in Otero Mesa fight

Albuquerque boxer Holly Holm helped NMWF celebrate the state's successful protection of prime hunting grounds and the vast untapped drinking water resources on Otero Mesa. At a ringside ceremony in Albuquerque in January, NMWF and other groups thanked Gov. Bill Richardson for fighting for Otero Mesa by giving him a set of golden boxing gloves autographed by Holm (right).



Richardson initially asked the Bureau of Land Management and the Bush administration to institute more sensible and balanced oil and gas drilling plans at Otero Mesa, in order to protect the state's largest remaining untapped freshwater aquifer and prime public hunting grounds. "When the Bush administration would not back off, Governor Richardson took them to court and he won," said State Game Commission member and former NMWF President Kent Salazar.

Clean air and water are crucial to sportsmen and to the multi-billion-dollar outdoor recreation economy, Salazar continued. Holm spoke out in favor of protecting the lands that hunters and anglers rely on. Her mother, Tammy Bredy, is an avid hunter who relies on healthy landscapes to provide elk, antelope, deer and other species, Holm said.



### Department considers new desert bighorn sheep hunts

Desert bighorn sheep numbers have more than doubled in the last decade in New Mexico and the Department of Game and Fish is proposing to increase the number of hunting areas and tags. In a meeting with hunters in Albuquerque last week, department biologist Elise Goldstein said the desert bighorn population could hit 590 by the time new hunts would begin in 2011. Her preliminary proposal is to harvest another 14 to 26 rams statewide. Currently just one tag is available through the public draw, with another offered through a Wild Sheep Foundation raffle. At last week's meeting, with another offered through a Wild Sheep Foundation raffle. At last week's meeting,

Goldstein said sportsmen made several suggestions about the proposed hunts, such as offering two or more hunts in areas that get multiple tags. The department will submit its recommendations to the State Game Commission later this year. If the commission agrees, the hunts would be included in the 2011-12 big game proclamation. For more information on desert bighorn sheep, [click here](#).

### Oryx, turkey, bear hunt deadline looms

The deadline to apply for turkey, bear and oryx public draw hunts is 5 p.m. Wednesday, Feb. 3. If you haven't applied already, do it quickly because the Department of Game and Fish online registration sometimes gets overloaded with last-minute applicants. Go to [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us) for information. Take a look at our Big Game Draw Odds Report by [clicking here](#).

### Winter raffle winner announced

Nate Bingham is our Fall 2009 raffle winner. He'll receive a day of free guided fishing on the San Juan River for himself and two kids with Arcom Outfitters. Longtime San Juan guide Art Martinez has graciously offered the day's outing, and Nate said he's happy to go back to a river he knows well. He and Art should have plenty to talk about – both grew up in the Farmington area. Nate said he looks forward to taking his nephew fishing for the day, and said he has another budding young angler in mind. "I think it will be great to get them turned on to fishing," he said.

Our Winter 2010 raffle will provide free bow rentals and hour-long archery lessons for an adult and two kids, compliments of the Archery Shoppe in Albuquerque. The winner will be selected at random from our Sportsman's Alert network. If you got this eNewsletter you're already entered, but feel free to pass this e-mail on to friends and family and encourage them to sign up also. We need more New Mexico sportsmen to take an interest in the issues that affect us all and to speak out to protect our hunting and fishing traditions. You can sign up for the Sportsman's Alert and the raffle by [clicking here](#).

### In the news

The Department of Game and Fish is offering a reward of up to \$750 for information leading to the conviction of a poacher who killed a bull elk and left it to rot in a field south of Grants last fall. The elk, found on the Alfredo Mirabal Estate Ranch, has a unique set of antlers and was seen alive before the hunting season, said Craig Sanchez, conservation officer for the Grants district. The animal appears to have been killed in October or November. Anyone with information about this case can call the Operation Game Thief Hotline at (800) 432-4263.

The largest outdoor expo in New Mexico runs Feb. 12-14 in Albuquerque. Bob Gerding's Outdoor Adventures Hunting and Fishing Show will fill the Manuel Lujan Building at Expo New Mexico. The event runs noon to 6 p.m. Friday, 9 a.m. to 6 p.m. Saturday and 9 a.m. to 5 p.m. Sunday. Admission is \$8; children under 12 are free. You can expect to find guides, outfitters and lodges from Alaska, Canada, Missouri, Texas and Africa, plus demonstrations, seminars, door prizes and activities for kids. Of course, NMWF will be there, handing out information and talking with sportsmen. We can always use volunteers to help at the booth; if you're interested, call NMWF at (505) 299-5404.

Those whose passion is hunting birds should check out the blog "Mouthful of Feathers." It features five writers who offer a variety of views on bird hunting, from the joys of traveling light in the field to the effects of drought to the mysteries of migration. Among the scribes is Greg McReynolds, the public lands coordinator in New Mexico for Trout Unlimited. It's a joy to read the words of hunters who think—but be forewarned, the blog (and language) is targeted at adult readers.

If you plan to claim charitable contributions on your 2009 tax return and want a receipt for your NMWF membership or donation, contact our office at (505) 299-5404. And it's not too late to start thinking about your 2010 contribution. If you haven't already, please consider contributing to help advance our efforts at protecting New Mexico's hunting and fishing traditions, [click here](#).

### NM Conservation Calendar

The New Mexico Conservation Calendar is available to help keep sportsmen abreast of events and meetings around the state. Send your group's calendar information to [nmwildlife@nmwildlife.org](mailto:nmwildlife@nmwildlife.org) and we'll take care of the rest.

### Last but certainly not least

NMWF has been standing up for the sportsmen of New Mexico since 1914, and the work continues. Share this newsletter with a friend and ask them to get involved by joining our Sportsman Alert network, and consider making a contribution yourself. [Click here to donate now](#). With sportsmen like you, we can continue to make a difference.

### About the New Mexico Wildlife Federation

Founded in 1914 by sportsman and conservation pioneer Aldo Leopold, the New Mexico Wildlife Federation is New Mexico's first and most effective conservation advocate. We are dedicated to protecting New Mexico's wildlife, habitat and outdoor way of life. We spearheaded permanent protection of our hunting and fishing rights in the Valle Vidal, and stopped cold the previous sell-off of your public lands. We believe that the best way to get things done is to build consensus with common goals.

Our key priorities are: Opportunity Habitat Youth