



Game Commission Report

Dec. 9, 2009

Commissioners overturn Q/HD rule, postpone trespass discussion

Hunters will not have to sit out a year after drawing a quality or high-demand hunt after the State Game Commission killed the controversial program at its meeting in Hobbs last week. The decision to abandon the program was made just in time before next year's big game hunting proclamation goes to the printer.

For many New Mexico hunters, the most important issue of the meeting was the vote on the quality/high demand rules. The regulations, which had been approved in 2008 with minimal public input, were controversial from the start as hunters started to raise issues not taken into account before the change was adopted. Bowhunters, in particular, were concerned about the regulation change, which forced many of them to sit out a year on hunts that didn't sell out in the public draw. Some hunters pointed out that transferable licenses issued to some landowners, even unit-wide, were exempt from the regulations and complained that the restrictions should have been applied equally to all license types.

Department staff said public comment on the regulations ran about equally for and against but did not say how many total comments had been received. Sportsmen and outfitters who testified at the Hobbs meeting were all in favor of killing the quality/high demand program. The commission apparently agreed. **It eliminated the program by a 6-0 vote.**

Draw 2 deadline for deer, elk and other species to remain for another year

Decision creates complication with combo hunting/fishing licenses

Commissioners decided to take no action on a department recommendation to change the Draw 2 deadline for deer, elk and other species. The department had suggested changing the drawing date in order to better accommodate resident sportsmen who wish to purchase a hunting and fishing combination license, which can save \$10. At the meeting, however, Director Tod Stevenson and the commissioners agreed that changing the deadline may cause more harm than good, particularly affecting guides and outfitters.

But one result of the inaction is that hunting and fishing combination licenses purchased online will not be valid when the new license year begins April 1, department staff explained. That means combo license buyers will have to be notified that their fishing license would not be valid for the first 10 to 12 days of the season, staff said.

This issue stems mostly from the fact that the combination license is still in statute from the days when deer tags were issued over-the-counter. Other licenses for draw species are not offered as a part of a combination. For the last several years sportsmen lucky in the draw for deer have received a "permit" in the mail, but still had to buy a "license" from a vendor. This has been a source of confusion to some. Stevenson and the commission acknowledged that the current situation is problematic and said the department will work on a solution for next year. Those who would normally buy a combo license but who want to fish starting April 1 will instead have to buy separate licenses.

Commission asks for more science on felt-soled wader proposal

The commission supported most of the changes in proposed fishing regulations that will be coming to a vote early next year, except one: the idea of banning felt-soled waders. Fisheries Division Chief Mike Sloane presented a package of proposed changes that raised little concern among commissioners. **But the department proposal to ban felt-soled waders in order to limit the spread of rock snot, whirling disease and other invasive organisms got a cool reception.**

Commissioner Jim McClintic said he would support a ban if the department could provide scientific documentation that it was necessary and that it would work. Several other commissioners agreed, and Sloane said he would try to locate studies on the issue at the next commission meeting. The meeting schedule for 2010 has not been established.

The commission approved the transplant of 40 Merriam's turkeys by Sandia Pueblo and the creation of a shooting preserve in Torrance County.

Trespass rule changes postponed

The hottest item on the agenda, a department proposal to amend trespass regulations, never came up for discussion. Before the meeting, NMWF gave each commissioner a letter signed by the presidents of NMWF and three other sportsmen's groups that outlined concerns about the proposal. The letter also asked commissioners to take no action at the Dec. 3 meeting so the public would have 60 days to comment, as outlined in the commission's new public notice policy. (The issue had been changed on the agenda from a discussion-only item to an action item on Nov. 17 without public notification beyond posting the change.)

Although the proposal was on the agenda for action, Chairman McClintic asked that it be postponed. He also instructed Stevenson to come up with language similar to the earlier proposal and to bring it back before the commission at a future date.

McClintic said he wanted to ensure that people who hunt with a special private land license not obtained through the draw and not valid for public land should not be held responsible if they "drift onto public land" that is not marked. "I want it to be an equal playing field, period," McClintic said. "If a gentleman with a private landowner's tag is hunting someplace and drifts onto BLM land because it isn't properly posted, he shouldn't be penalized."

The problem with the proposal is that state law clearly places the burden for posting of land boundaries on the private landowner, not the public land agency. If the rule change had been implemented as written, it would have shifted this burden to the public land agency, or allowed the recipients of valuable transferable licenses a unique opportunity to self-enforce. Literally thousands of sportsmen have commented and fought to keep in place our state's reasonable posting laws and have fought to ensure the game commission's rules stay consistent with the law. **All sportsmen should be aware that crossing onto private land without permission has serious consequences.** The current rule does not allow hunters or anglers to "drift" onto private land without permission, and they may not knowingly cross even an unmarked, unfenced boundary.

NMWF will keep you notified on this issue as it develops further.

Commissioners knock trespass concerns raised by NMWF, others

In lieu of a discussion of the proposed rule change, McClintic and two other commissioners voiced complaints about public comments they had received from the New Mexico Wildlife Federation and others, although other commissioners defended the need for vigorous and spirited public debate.

McClintic did not name names, but complained that he had been inundated with e-mails and phone calls, some of which he considered to be "slandering" regarding the trespass issue. Commissioner Tom Arvas specifically named a NMWF Sportsman's Roundup mailed earlier in the week that informed sportsmen the Game Commission was poised to break its new public notice policy. "If anyone can read that and not be offended ... they're a bigger person than I am because I was offended," Arvas said before publicly rescinding his NMWF membership. (Arvas had been an NMWF member in the past, but was not current in his membership.) Commissioner Leo Sims, who had initiated the trespass proposal for consideration, rounded out the complaints by protesting a rumor he had heard and claimed had been directed at him by NMWF.

Commissioner Sandy Buffett defended the need for public debate, saying, "It's our role and we need to be prepared for robust debate and dissent and discussion. ... I think it's a completely legitimate role of advocates and stakeholders to provide us differing opinions."

To read the transcript on this issue from the Dec. 3 meeting, as well as the NMWF correspondence with sportsmen and the commission leading up to the meeting, [click here](#).

NMWF will continue to encourage greater transparency and public outreach by the commission and the department, including a call for more meetings to be held on weekends so sportsmen can more easily attend. The commission still has not adopted its meeting schedule for 2010. [Click here](#) to e-mail the department and ask for Saturday meetings.

Whites Peak update: Land Commissioner says he 'forgot' about private hunt on UU Bar

The first of four proposed land trades in the Whites Peak area are still moving forward, even as Public Lands Commission Patrick Lyons admitted to the Albuquerque Journal that in 2002 he received a free private land elk hunt on the UU Bar Ranch, one of the properties involved in the current trade. Lyons told the paper he hunted on UU Bar Ranch in 2002, when it was owned by Brad Kelley. [Read the whole story here](#), although you may have to watch a short advertisement first. **To learn more** about the proposed Whites Peak trades and to ask the Public Lands Commissioner to scrap the trades, [click here](#). Consider sending a letter to the editor of the Albuquerque Journal by [clicking here](#).

Governors of New Mexico, Colorado announce important wildlife migration study

New Mexico and Colorado have finalized plans to identify and protect wildlife migration corridors between the two states. Gov. Bill Richardson and Colorado Gov. Bill Ritter pledged to work together to protect corridors used by elk, deer, antelope and other species. "A rich wildlife heritage is one of the great treasures our states share, and it must be protected," Richardson said. [Read the Associated Press story here](#).

Depredation bill ready for Legislature

The Department of Game and Fish has prepared a new rewrite of the state depredation law, commonly referred to as the "Jenning's Law." This is a strong bill that sportsmen should support, as it will provide long-needed reform of the state law that has allowed some unscrupulous landowners to wastefully slaughter big game and other wildlife for damaging or even threatening their crops. A similar version passed the state Senate during the 2009 legislative session but died on the House floor before it could be brought up for a final vote.

The new measure aims to give alternatives other than killing wildlife to landowners who have depredation problems. The 2009 bill had wide public support, and the 2010 bill is the top legislative priority for NMWF. [Click here](#) to read more about the bill, and to contact your legislators now about supporting the bill when the Legislature convenes in January. Their support will be critical.

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

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