



## Game Commission Report

Dec. 15, 2010

### Commission punts on improving antelope opportunity

**New Mexico will continue to hand the vast majority of antelope hunting licenses** to a small number of landowners after the State Game Commission voted to codify the existing program with few changes at its Thursday, Dec. 9, meeting in Clovis. Chairman Jim McClintic broke a 3-3 tie to approve the A-PLUS program proposed by the Department of Game and Fish. Voting with him were commissioners Tom Arvas, Gary Fonay and Dickie Salopek.

Commissioners Kent Salazar, Sandy Buffett and Dutch Salmon voted against the proposal, **saying it did too little on behalf of New Mexico hunters.**

The Game Commission's system of re-salable subsidy license authorizations is the **primary reason that New Mexico has a lower percentage of residents hunting antelope** than perhaps any other western state. Only 23 percent of New Mexico's antelope hunting licenses are allocated to residents through the Big Game Draw, compared with 90 percent in Arizona. And as much as half of all private and public lands in New Mexico's antelope habitat is not hunted under the current system, compared with 99 percent of private lands in Montana, according to a Colorado State University study. Montana has no system of re-salable hunting licenses.

More than 6,000 New Mexico hunters had written letters or signed petitions asking the Commission to make measurable improvement in bringing New Mexico toward parity with other western states and realigning New Mexico with the North American Model of Wildlife Management. That outpouring of hunter discontent accounted for a close vote on Thursday.

Even among the four commissioners who voted to continue A-PLUS with only minor tweaks, **three expressed misgivings about it.** Fonay said he thinks there is a "better way" to handle public wildlife on private land, and Salopek said he would prefer a system that gives New Mexico residents a larger share of antelope opportunity. Chairman McClintic said he was only voting for the A-PLUS proposal because it contained a few hundred additional licenses for youth, though he apparently misunderstood that those additional youth licenses were actually contained in a separate proposal. The youth hunts, which are allocated on a straight draw, came about through an NMWF suggestion earlier this year but were contained in a different agenda item.

Judging from public comments, **the A-PLUS proposal and lack of clear options confused many on both sides of the issue.** Rex Pastor of Clovis spoke for many sportsmen when he said he had been following the issue for a year, but that he remained unsure what the commission was voting on Thursday. "I don't know what we're getting or we're not getting," he said. He asked the commission to delay its vote until the details and other options were better explained.

Jeremy Vesbach, executive director of NMWF, said the commission simply kicked the can down the road. **"This was a missed opportunity to fix a program that fails the vast majority of New Mexico sportsmen,"** he said. "The next commission will have to take this up again, starting by taking an honest and factual look at real alternatives to the current subsidy program." Vesbach also pointed out that a similar rule change for elk implemented a few years ago actually made things worse for resident hunters.

**The new A-PLUS rule is, in fact, worse for draw hunters in at least one way.** Currently, a draw hunter who receives a poor ranch assignment can obtain permission to move to another location within the hunting unit in at least some circumstances. The new rule eliminates that provision, forcing draw hunters who get a bad ranch assignment to remain on that ranch.

**Salazar proposed an amendment** that would have allowed draw hunters who receive a bad ranch assignment to move to other lands within the unit after the first day of the hunt. His amendment was voted down, however, by McClintic, Arvas, Fonay and Salopek. Buffett sought an amendment that would limit the amount of money an outfitter or tag broker could charge for a transferable authorization, but it failed also.

Robert Espinoza, executive director of Sportsmen for Fish and Wildlife, joined with landowners and outfitters in supporting the license subsidy program, even with the provision that took away draw hunters' ability to seek a new ranch assignment. "To say that most New Mexico sportsmen don't support this proposal is absolutely incorrect," he said. "Every one of us has the chance to hunt if we want to," he added, neglecting to mention that a private land authorization can cost thousands of dollars. ([Click here](#) to hear all of Espinoza's testimony.)

Several A-PLUS supporters said they need the state subsidy – landowner authorizations – to control who hunts on their land. But as Greg McReynolds told the commission, **a landowner would have more control of who they allowed through their gates if all the licenses were put into the Big Game Draw.** Then landowners – not the Department of Game and Fish or license brokers — would determine who could hunt on their ranch, he said.

If the commission had voted to eliminate A-PLUS and put all antelope licenses in the Big Game Draw, New Mexico residents would automatically receive 78 percent of licenses. They also would have to negotiate with landowners for access. All other states either do not have a program of re-salable licenses, or have a cap to limit the subsidy licenses. New Mexico used to have a cap on transferable authorizations that was eliminated after the program started.

McReynolds also told the commission to consider the future of hunting when they voted on A-PLUS. In Europe, and increasingly in parts of the United States, hunting has been privatized so that only the rich can afford it. **"When you cut out the people who aren't rich from hunting, hunting goes away," he said.**

Before the final vote, Salazar acknowledged the department staff for their work on the A-PLUS proposal, but added: "It's still not there." He had said earlier that the current program is inequitable in the distribution of licenses, and that the proposal didn't provide resident hunters with a greater share of the antelope harvest in New Mexico.

The new regulations mark the final substantive decision made by the State Game Commission under the Richardson administration and take effect in the 2011-12 license year.

#### In other action the commission:

- Named members to the regional Habitat Stamp Program citizen advisory committees and heard an update on the habitat program from coordinator Dale Hall.
- Heard updates on how the fall hunting season transpired in GMU 48, where a State Land Office trade changed traditional public access in the Whites Peak area.
- Approved the purchase of a conservation easement on the H Bar V and Hay Vega ranches north of Luna. The \$1 million cost was funded by the state Energy, Minerals and Natural Resources Department.

### Application deadline changes for big game hunts

**The commission also changed the deadline** for both paper and online applications for Draw 2 hunts – public land deer, elk, antelope, ibex, Barbary sheep, bighorn sheep and javelina. The new deadline is March 28, about a week earlier than the April 6 deadline approved in October. Staff said the change was needed after they realized the original deadline would have posed problems for thousands of online applicants who might want to change their application.

Some outfitters said they were disappointed in the proposed change. Jess Rankin of Roswell said he and other outfitters already mailed their advertising literature and have told potential clients that the deadline to apply was April 6. "I think we're trying to accommodate too many wishy-washy people at the expense of the outfitting industry," said Rankin. McClintic told the guides they should not have been surprised by the agenda item, saying, "This has been posted forever." But in fact it had been placed on the agenda just 48 hours earlier. McClintic then asked the department to ensure the same issue doesn't arise again next year.

### Bighorn sheep transfer, 50-year lease praised

Earlier in the meeting Chairman McClintic announced that he would bend the rules and allow the public to comment on any subject for six minutes – twice the usual comment period. That allowed former commissioner Leo Sims a lengthy opportunity to respond to the recent NMWF report regarding **a Rocky Mountain bighorn sheep transplant that benefited Sims and members of his family.** Sims, who had donated \$25,000 to Gov. Bill Richardson in 2002 and 2006, was named to the commission in 2003. In 2006 and 2007 Sims helped steer department plans to move 61 sheep to State Trust Land on and near his aunt and uncle's ranch near Clayton. There is nothing in the minutes of commission meetings leading up to the \$114,000 transplant operation that explained Sims' connection to the sheep transplant.

(NMWF erroneously reported earlier that Sims had donated an additional \$50,000 to Richardson in 2006. He said Thursday that the \$50,000 from Leo V. Sims LLC was actually from his aunt and uncle, whose ranch was where the sheep were moved to. Sims has since taken over ownership of the ranch. This fall he got the State Land Office to extend his leases in the sheep transplant area to 50 years and to prohibit public access.)

During his testimony, **Sims claimed he had told the rest of the commission about his family connection** to the transplant area in 2008 – but that was a year after the first transplant had occurred. And the minutes of the meeting he refers to, May 29, 2008, ([click here](#) to read them) don't mention his family connection. Here, according to the minutes, is what Sims said after hearing an update on the 2007 transplant:

*Commissioner Sims: Follow up on the habitat improvement for the cedar, the state is pretty well involved as well as the private landowners. It's successful and the community is excited about it and the media will do a big article. The Highway Commission has contacted us and actually where the sheep have moved off into an area that's a cross between state/private land and the Department of Transportation has worked with us and we've donated land for a pull-off parking/viewing area and should be a nice thing for tourists."*

**The "us" he refers to is not the Game Commission or the department, but apparently his family.**

Later in his nine-minute speech, Sims chided NMWF for reporting that his new State Trust Land lease was done secretly. In fact, the NMWF report points out that the State Land Office advertised the lease for 10 weeks, but also notes that **nowhere does the legal advertisement mention bighorn sheep.** There was no way for the public to know what Sims had in mind or why he wanted a 50-year lease that eliminated public access to his State Trust Land. NMWF also reported that Game and Fish Director Tod Stevenson and Commission Chairman McClintic were notified specifically that the Trust Land with the new bighorn sheep herd was being closed for the next 50 years, but they failed to notify the commission and the public after the lease was signed.

Espinoza, the executive director of Sportsmen for Fish and Wildlife, came to Sims' defense, reading a prepared statement that supported the former commissioner and the sheep transplant. He also defended the 50-year closure of Sims' state Trust Land, saying the leased land "comprised numerous small sections that in part are landlocked ... and therefore not readily and legally accessible to the public, and as such the project hasn't taken a lot of hunting opportunity away from New Mexico citizens." **In fact, only 160 acres of Sims' lease land is landlocked, and the three largest parcels totaling nearly 1,000 acres have State Highway 456 running through them.**

Espinoza justified the loss of public hunting and fishing opportunity by saying Sims' lease agreement will bring an additional \$77,000 to the State Land Office over the next 50 years. But Sims' payments did not increase over his previous business lease, which means **the state will see no additional payments in exchange for losing yet more access to State Trust Land.** And Sims payments will bring the Land Office just \$1,540 per year - a drop in the bucket for an agency that last year took in \$420 million.

Espinoza ended his testimony regarding the influence of pay-to-play Game Commission appointments saying, "The pay is probably there, where's the play?" NMWF contends that Sims' contributions got him a seat on the Commission, then the chairmanship, and that he helped steer a \$114,000 bighorn sheep transplant to his family's leased state land without the public knowing it. The value of having a bighorn sheep herd on your ranch? Priceless. [Click here](#) to hear Espinoza's statement.

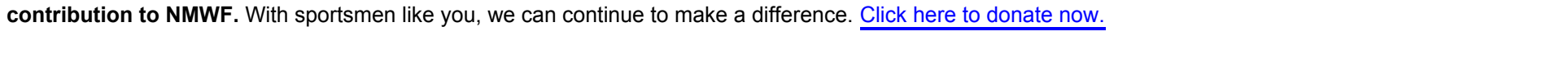
**To read the full report on Sims and the sheep transplant, [click here.](#) To read our special report on how pay-to-play appointments** to the Game Commission have affected sportsmen's trust of their wildlife managers, [click here.](#)

The majority of New Mexico sportsmen are hoping Gov.-elect Susana Martinez will set a higher bar for the Game Commission and the leadership of the Department of Game and Fish and do more for the everyday hunters and anglers of this state. Ask the new governor to appoint sportsmen to the five public Commission seats who have the support of their fellow hunters and anglers, and to conduct a thorough and transparent search for new leadership at the Department. **Contact the new governor at:**

Governor-elect Martinez Transition Office  
State Capitol  
490 Old Santa Fe Trail  
Room 300  
Santa Fe, NM 87501  
Phone: 505-946-5500

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#### 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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