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## Game Commission Report, August 2009

August 25, 2009

### Sportsmen speak out at Game Commission meeting

**Several dedicated sportsmen gave up most of a day** last week to attend the State Game Commission meeting in Albuquerque, advocating on behalf of wildlife and the public interest and speaking out against an idea to reopen the broadly supported trespass posting rule.

The trespass issue was on Thursday's agenda. But after hearing from sportsmen like Larry Dwyer of Albuquerque, commissioners opted not to reopen the rule for potential amendment. In his comments to the commissioners, Dwyer asked them to stick with the private land posting rules approved this spring after extensive public comments and strong support voiced by sportsmen and most landowners. More than 100 sportsmen turned out for the special January meeting held on a Saturday in Albuquerque.

"I spent most of a Saturday when all of this was being hashed out, and there was a lot of people there that made a lot of comments to finalize this," Dwyer said. "It would be my opinion that the rule be left alone ...."

The commission heard a Department of Game and Fish presentation on the new trespass posting regulations, but made the right decision to stick with its earlier, widely supported decision on posting rules.

### Public asks commission, department for better access to decision-making

Garrett VeneKlasen, a longtime Santa Fe sportsman who attended his first Game Commission meeting on Thursday, encouraged Department Director Tod Stevenson and commission members **to pursue ways to make commission meetings more accessible to the general public.**

VeneKlasen told NMWF he was shocked at how the meetings are dominated by special interests who have a financial stake in the decisions of the commission. "I'd like to see more average sportsmen and members of the public at these meetings," he said.

**He suggested that commission meetings be held on weekends** or that other actions be taken to improve public accessibility and participation. Commission Vice Chairwoman Sandy Buffett also asked Stevenson what could be done about **webcasting meetings.** Both ideas – weekend meetings and webcasting – found strong support among sportsmen surveyed this summer by NMWF. Of nearly 750 respondents, 68 percent said they were more likely to attend commission meetings on weekends and 65 percent said meetings should be webcast live and videotaped for later viewing.

**Stevenson said he is committed to working for more public involvement.** The Arizona Department of Game and Fish webcasts its meetings, Stevenson told the commission, adding that his staff is looking into the logistics of how to make it happen in New Mexico.

### Commission adopts improved public comment policy

The commission took an **important step toward greater transparency and improved public outreach** when it adopted a policy that outlines a minimum public comment period on most proposals. The new policy formalizes the comment process, requires the department to develop alternatives when appropriate and provide a minimum 21 days on most proposals to review the plans and make comment. To read the new policy, [click here.](#)

### Transparent process proposed for antelope permit distribution reform

State Wildlife Management Division Chief Jim Lane laid out a schedule for collecting public comment and outreach before the commission makes a decision next year regarding **needed reforms to the system of distributing antelope hunting licenses.**

Rather than simply draw up one proposal for the commission to vote on, the department will offer a range of options for public comment, Lane said, including an option to distribute all available antelope tags through the lottery drawing. **Under that scenario, resident hunters would get the 78 percent of licenses as outlined in state law.** Private land owners would sell access to their land at rates determined by the market rather than selling access to permits.

NMWF research has shown that **most tag allocation overhauls in the past have resulted in more tags being removed from the public drawing** without public's knowledge. Today, almost 70 percent of antelope permits are removed from the drawing and distributed to some landowners to sell, leaving less than one-quarter of antelope hunting opportunities guaranteed for New Mexico residents. Other western states, by contrast, reserve 80 percent or more of tags for residents.

The department's antelope plan will offer other options for comment as well, including changes to the existing system and a no-action alternative. **Overall, the plan for collecting comments represents an encouraging new level of transparency from the New Mexico Department of Game and Fish.**

### Rancher threatens to 'mow them down' if he doesn't get elk tags

As the department considers possible changes to elk hunting rules in Unit 6, one rancher in the area gave shockingly direct testimony on how the **state depredation law is used by a few landowners to extort valuable transferable elk tag "authorizations" from the Department of Game and Fish.** The rancher said he needs transferable elk tags for "between four and five mature bulls, three cows and at least four or five bow and arrow."

Standard game management holds that antlerless hunting opportunity is the best way to deal with big game depredation problems. State law also provides a liability shield protecting landowners who allow free public access to hunters, including access to deal with depredation problems.

However, the rancher plainly stated that if he did not receive that minimum of transferable license "authorizations" for four or five either-sex archery and four or five mature bull tags he would start to kill elk.

"And then these guys are telling me they're going to drop my allocations even lower," he told the commission. **"Then you put me in a corner, and you give me no other option but to mow them down."**

Gov. Bill Richardson has pledged to spearhead an effort in the 2010 legislative session to reform the state's problematic depredation law. Last year a broadly supported bill by the Department of Game and Fish passed all legislative committees but ran out of time in the final hours of the legislative session before it could be approved.

### Bighorn sheep, ibex, oryx decision may be challenged

Director Stevenson told commissioners that the department has submitted a request to the state Attorney General's Office for an opinion about whether **federal court decisions might allow the state to include bighorn sheep, ibex and oryx tags in the statewide draw,** and therefore subject to the 78 percent resident quota. Currently, those species are excluded from the quota system. Only 31 percent of the bighorn sheep tags in 2008 went to New Mexico residents.

The department believes the *Terk v. Gordon* decision in 1978 prevents it from applying the resident quota to those three species. Stevenson said he hopes the AG's Office can determine "whether our interpretation is correct," and whether the state might challenge the federal court ruling. He also noted that the AG's Office is busy and will pursue the issue when it can.

### Quality/high demand issue raised again

**The department continues to wrestle** with implications of the commission's December 2008 decision to make anyone who has held a quality or high demand big game license for elk or deer sit out the draw the following year. The commission passed the rule at its meeting last year in Deming with little public awareness or analysis of the effects of the rule change.

**A NMWF survey this summer found hunters were split on the rule,** with 36 percent saying they support it as written, 11 percent supporting it with modifications, and 30 percent opposed. Another 33 percent said the department should analyze the effects of the new rule and seek public comment before deciding whether to modify the rule.

**Bowhunters in particular** have pointed unforeseen flaws with deer hunts. Even some leftover permits for deer hunting are designated as quality hunts, which means that a bowhunter who purchased a leftover hunt would have to sit out the draw for many hunts the next year.

The department presented a **plan to redesignate some hunts and exempt any leftover hunts.** ([Click here, then scroll to the bottom for the details.](#)) Staff also presented a proposal to exempt private land permits from the every-other-year requirement, though few details and no analysis of pros and cons were presented on the idea.

Several sportsmen testified that it seemed inequitable that someone with the financial capacity or personal connections to get a private land hunt would still be able to apply for the public draw the following year. Robert Espinosa testified on behalf of Sportsmen for Fish and Wildlife that he believed the whole system should be put on hold, as did Albuquerque bowhunter David Blair.

The commission will make a decision on the issue at its next meeting.

### Fixing the deer permit vs. license dilemma

Since the commission adopted a statewide drawing for deer, a wrinkle from the old system has remained: **those who draw a deer "permit" still must buy a "license."** This is different than elk or other draw species, where a hunter gets the license in the mail after the drawing. The reason for the discrepancy, department officials say, is that the old, reduced-price deer license came with the general hunting and fishing license, and the deer draw results are not out before the new fishing season starts.

Department staff presented several options for resolving the situation, offering pros and cons of each. ([Click here to view them.](#))

Making the deer system the same as other species, where a hunter gets the license in the mail after a successful drawing, would require the Legislature to change state law. Some sportsmen also may be concerned about losing the discount currently offered through the hunting and fishing license. The department is not considering a statutory change.

### San Juan Quality Waters designated catch and release only

Fisheries Division Chief Mike Sloane said he personally had heard only positive comments about a proposal to make the entire length of the San Juan River Special Trout Water (Quality Waters) catch and release only, but Sloane did not have a tally of how many comments pro and con were received. He said the move will not affect the biology of the river, but may help simplify enforcement.

The Game Commission voted in favor of the change. **The new catch-and-release regulation takes effect Sept. 15.**

### Unit 6C elk management plans

Department staff provided an update on extensive public outreach conducted on elk management and the controversy over how transferable hunting permit "authorizations" are divided between large and small landowners in Unit 6.

Several years ago Unit 6 was split into units 6A and 6C, with 6A managed for quality elk hunting and 6C managed to significantly reduce the elk herd. **People who testified on the issue differed on what should be done next,** but there was general consensus among those who testified on the need to rebuild the quality of the 6C herd.

Brian Thompson, an avid Albuquerque hunter who has spent hundreds of days in 6C, said that habitat issues should not be forgotten when laying out plans to rebuild the elk herd in the unit, which is mostly public land. For instance, an explosion of illegal and unrestricted off-road vehicle use is a factor in pushing elk out of the unit, he said.

Department staff are continuing to work up potential plans for Unit 6, which are expected to be presented to the commission this fall.

### Odds and ends

The commission was updated on **Mexican gray wolf recovery plans in Mexico.** The Mexican government plans to release a handful of wolves south of the border for the first time this fall.

Commissioners voted to form a task force to **review trapping rules** to ensure the department is collecting adequate information to protect furbearer populations, protect public safety and even look into restoring trapping education to hunter safety courses.

The commission also heard about plans to **make changes to the Gaining Access Into Nature Program,** or GAIN, which manages activities other than hunting and fishing on Wildlife Management Areas. One item under consideration is to allow nonhunting activities by individuals who already hold a hunting or fishing license without requiring them to buy a separate license for the WMAs.

With Chairman Jim McClintic and Commissioner Tom Arvas absent and commissioners Alfredo Montoya and Leo Sims leaving early, **only three of seven commissioners were present by the end of the meeting** – not even a quorum. Several people who testified on items at the end of the agenda made light of the situation, thanking commissioners Sandy Buffett, Kent Salazar and M.H. "Dutch" Salmon for attending the entire meeting.

The **next commission meeting** is set for Sept. 24 in Las Cruces. If you're able to attend or would like more information about the meeting, contact us at (505) 299-5404 or at [nmwildlife@nmwildlife.org](mailto:nmwildlife@nmwildlife.org).

Also, [send us your thoughts](#) on any matters related to hunting, fishing and wildlife. If you're not already a NMWF supporter, [consider making a donation](#) so services like this Game Commission Report can continue.

**Jeremy Vesbach**  
Executive Director

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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
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