

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 7

Presenter: Mike Sloane

Corroborator: RJ Kirkpatrick

Agenda Title: Recognition of Participants for Hammond Project on San Juan River

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### 1. Summary of Agenda Item

The Department will present a project summary for work completed on the Commission owned Hammond Tract along the San Juan River. The project restored 80 acres of riparian and in-stream habitat as well as improved visitor facilities. The project was completed with the help of a number of partners who will be recognized for their contributions.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

The Hammond Tract project supported the directive in the Strategic Plan to “collaborate with Federal, State, and local Agencies, tribal governments, non-governmental organizations, and private interests that manage significant land and water areas to plan and implement habitat improvement projects consistent with the habitat enhancement prescriptions.” (Objective 8, Strategy 8.1)

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no duplications or conflicts with this item.

### 4. Description and Summary of Public Involvement Process and Results

The original project required full environmental compliance including public comment.

### 5. Suggested Motion

This is an information item only and no motion is required unless Commission discretion dictates otherwise.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 8

Presenter: Alexa Sandoval

Corroborator: Dan Brooks

Agenda Title: Director update on Department

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### 1. Summary of Agenda Item

The Director will present an overview of the Department Divisions and program accomplishments to the Commission.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

N/A

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

N/A

### 4. Description and Summary of Public Involvement Process and Results

N/A

### 5. Suggested Motion

This is an information item only and no motion is required unless Commission discretion dictates otherwise.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 9

Presenter: Dan Brooks

Corroborator:

Agenda Title: Economic Impact of Fishing, Hunting and Trapping in New Mexico

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### 1. Summary of Agenda Item

The Department of Game and Fish commissioned a study of fishing, hunting and trapping to estimate county-level and statewide activity and to determine the contribution that fishing, hunting, and trapping activity make to the state's economy. The study utilized license sales records and survey-based data sources. The information below presents economic contributions based on retail spending in New Mexico attributable to recreational fishing, hunting, and trapping in the state. The study also quantifies the total economic contributions for each county and presents results for selected species to estimate their individual share of the total economic contribution of hunting, fishing and trapping.

Below is a summary of the number of anglers, hunters and trappers in New Mexico in 2013, their days in the field and spending attributed to the outdoor activity.

<b>Activity</b>	<b>Participants</b>	<b>Days</b>	<b>Spending</b>
Fishing	160,311	2,459,505	\$267,717,023
Hunting	86,384	746,134	\$342,368,654
Trapping	1,639	72,378	\$3,493,874
<b>Total</b>	<b>201,936</b>	<b>3,278,017</b>	<b>\$613,579,551</b>

The study also measured the multiplier impact made by sportsmen who fish, hunt, and trap in New Mexico. These effects collectively contribute \$453 million to the state's gross domestic product and add \$106.5 million in tax revenue.

				<u>Tax Revenues</u>	
	<b>Jobs</b>	<b>Labor Income</b>	<b>State GDP</b>	<b>Federal</b>	<b>State &amp; Local</b>
Fishing	3,136	\$110,408,401	\$186,273,263	\$22,608,532	\$21,793,815
Hunting	4,755	\$156,009,913	\$265,143,826	\$32,213,037	\$29,265,713
Trapping	45	\$1,502,475	\$2,421,448	\$299,964	\$312,308
<b>Total</b>	<b>7,936</b>	<b>\$267,920,790</b>	<b>\$453,838,537</b>	<b>\$55,121,533</b>	<b>\$51,371,836</b>
<b>Economic Effect</b>					

**2. Strategic Plan References and Possible Impacts of Agenda Item**

The study's results will facilitate an understanding of the impacts that fishing, hunting, and trapping contributes to local and statewide economies, which is supported by the Department's strategic directive to maintain executive and legislative branch confidence in the Department through 2018 (Program Support P719, Objective 3, page 26).

**3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes**

There are no duplications or conflicts with this item.

**4. Description and Summary of Public Involvement Process and Results**

The Department will summarize any public comments received during its presentation to the Commission.

**5. Suggested Motion**

This is an information item and no motion is necessary, unless Commission discretion dictates otherwise.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014      Agenda Number: 10

Presenter: Dan Brooks      Corroborator:

Agenda Title: Proposal to amend the Commission's Open Meeting Procedures

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### 1. Summary of Agenda Item

The Department will propose amendments to the Game and Fish Open Meetings rule for the State Game Commission's consideration on notice announcements for public meetings. The Department is proposing to make its web and social media sites as the primary source of meeting announcements. However, the rule proposal still provides for newspapers, radio stations, wire service and television stations to announce the Commission meetings.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

This is not applicable to the State Game Commission as the strategic plan is referring the Department's strategic plan. However, the Open Meetings Act 10-15-1.D (NMSA 1978) provides the framework for this agenda item.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no duplications or conflicts with this item.

### 4. Description and Summary of Public Involvement Process and Results

The Department will summarize any public comments received during its presentation to the Commission.

### 5. Suggested Motion

This is an information item and no motion is necessary, unless Commission discretion dictates otherwise.

**TITLE 19 NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 30 WILDLIFE ADMINISTRATION**  
**PART 3 GAME AND FISH OPEN MEETINGS**

**19.30.3.1 ISSUING AGENCY:** New Mexico Department of Game and Fish.  
[8-15-95; 19.30.3.1 NMAC - Rn, 19 NMAC 30.3.1, 2-14-02]

**19.30.3.2 SCOPE:** Persons interested in and affected by actions of the state game commission and the department of game and fish.  
[8-15-95; 19.30.3.2 NMAC - Rn, 19 NMAC 30.3.2, 2-14-02; A, 09-15-2014]

**19.30.3.3 STATUTORY AUTHORITY:** NMSA 1978, Sections 10-15-1 to 4 (as amended through 2012, "Open Meetings Act") and NMSA 1978, Sections 17-1-14 and 17-1-26 that provide the New Mexico state game commission with the authority to establish rules that it may deem necessary to carry out the purpose of Chapter 17, Article 1 and all other acts pertaining to protected species.  
[12-17-75, 9-3-82, 1-27-84, 12-3-87, 3-5-91, 8-15-95; 19.30.3.3 NMAC - Rn, 19 NMAC 30.3.3, 2-14-02; A, 09-15-2014]

**19.30.3.4 DURATION:** Permanent.  
[8-15-95; 19.30.3.4 NMAC - Rn, 19 NMAC 30.3.4, 2-14-02]

**19.30.3.5 EFFECTIVE DATE:** August 15, 1995, unless a different date is cited at the end of a section.  
[8-15-95; 19.30.3.5 NMAC - Rn, 19 NMAC 30.3.5, 2-14-02]

**19.30.3.6 OBJECTIVE:** To establish rules pursuant to the "Open Meetings Act" determining what constitutes reasonable notice of state game commission public meetings.  
[8-15-95; 19.30.3.6 NMAC - Rn, 19 NMAC 30.3.6, 2-14-02; A, 09-15-2014]

**19.30.3.7 DEFINITIONS:**

**A.** **"Department" shall mean the New Mexico Department of Game and Fish.**

**B.A.** **"Emergency meeting"** is a meeting called to address unforeseen circumstances that, if not addressed immediately by the commission, will likely result in injury or damage to persons or property, or substantial financial loss to the commission.

**CB.** **"Publish"** shall mean to publish via paid legal advertisement in a newspaper of general circulation.

[8-15-95; 19.30.3.7 NMAC - Rn, 19 NMAC 30.3.7, 2-14-02; A, 09-15-2014]

**19.30.3.8 OPEN MEETINGS:**

**A. Reasonable notice:** Reasonable notice shall be given, as hereinafter provided, of all meetings of a quorum of the state game commission held for the purpose of discussing or adopting any proposed rule or resolution, or taking formal action.

(1) Annual meeting to determine reasonable notice: The annual meeting to determine what is a reasonable notice for meetings, as required by ~~Section~~ **NMSA 1978 §10-15-1D**, shall be held at the first commission meeting each year. At that meeting, the commission shall adopt a resolution either to continue or amend its existing practice as contained herein.

(2) Notice of each regularly scheduled meeting and meetings at which rule makings may occur: At least 10 days in advance of each regularly scheduled meeting, notice will be **posted on the Department's public web and social media sites, and in addition** sent to ~~the major~~ newspapers, radio stations, wire services and television stations in the state **that have provided a written request for the notice of meetings per NMSA 1978 §10-15-1.D**. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.

(3) Notice of each special meeting: At least three days in advance of each special meeting, notice will be **posted on the Department's public web and social media sites and** given by telephone to ~~the major~~ newspapers, radio stations, wire services and television stations in the state **that have provided a written request for the notice of meetings per NMSA 1978 §10-15-1.D**. These notices shall provide the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.

(4) Notice of emergency meetings: Notwithstanding any other provision of this rule, the chairman of the state game commission may call an emergency meeting to consider any unforeseen and urgent matter that demands immediate commission action. Notice of an emergency meeting shall be **posted on the Department's public web and social media sites** given at least 24 hours in advance unless threat of personal injury or property damage requires less notice, and shall be **given** by telephone to the associated press and, if time permits, via news release faxed or hand delivered to at least one daily newspaper of general circulation in the state.

(5) Telephone participation: Commissioners may choose to participate in properly noticed meetings of the state game commission by telephone or other similar communications equipment, but only when attendance in person is difficult or impossible. Each commissioner participating by telephone or other similar equipment must be identified when speaking, all commissioners must be able to hear each other at the same time and hear any speaker, and members of the public attending the meeting must be able to hear any commissioner.

**B. Correspondence with interested parties:** Prior to each regularly scheduled meeting, correspondence announcing the date, time, and place of the meeting, information on how a copy of the agenda may be obtained shall be sent to agencies, organizations, groups, or individuals who have requested such notice.

**C. Agenda availability and changes:**

(1) Agenda availability: Except for emergency meetings, the agenda for a regular or special meeting will be made available to the public **by posting on the Department's web and social media sites and** from the Office of the Director, New Mexico Department of Game and Fish, One Wildlife Way, Santa Fe, New Mexico 87507 at least 72 hours in advance of each meeting.

(2) The proposed agenda for any meeting is subject to change as deemed necessary by the chairman of the state game commission. However, such changes may not be made less than 24 hours in advance of any meeting, and the final agenda, incorporating any such changes, will be made available to the public at least 24 hours in advance of the meeting from the office of the director.

[12-17-75, 9-3-82, 12-3-87, 3-5-91, 8-15-95, 3-15-99, 2-14-00; 19.30.3.8 NMAC - Rn & A, 19 NMAC 30.3.8, 2-14-02; A, 09-15-2014]

#### **HISTORY OF 19.30.3 NMAC**

##### **Pre-NMAC History:**

DGF 74-11, Regulation No. 557, Reasonable Notice of Meetings of the State Game Commission, 11-5-74.

DGF 75-11, Regulation No. 572, Reasonable Notice of Meetings of the State Game Commission, 12-17-75.

Regulation No. 617, Reasonable Notice of Open Meetings and Regulation Hearings of the State Game Commission, 9-3-82.

Regulation No. 627, Reasonable Notice of Open Meetings of the State Game Commission, 2-13-84.

Regulation No. 656, Reasonable Notice of Open Meetings of the State Game Commission, 12-3-87.

Regulation No. 685, Reasonable Notice of Open Meetings of the State Game Commission, 3-5-91.

**History of Repealed Material:** [Reserved]

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 11

Presenter: Benjamin Byrd

Corroborator: Steve Anderson

Agenda Title: Revocations.

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### 1. Summary of Agenda Item

The Department will present a list of individuals that meet established criteria for initiation of the suspension process for hunting, fishing and trapping license privileges.

- 137 individuals certified by the Human Services Department as being out of compliance with the Parental Responsibility Act [40-5A-1 NMSA 1978]

### 2. Strategic Plan References and Possible Impacts of Agenda Item

Field Operations P716

Objective 1, page 5: That through 2018 hunting, trapping and fishing opportunities and off-highway vehicle recreation are maintained through public compliance with laws and rules.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no conflicts with existing statutes or rules. Under the Parental Responsibility Act (40-5A-1 NMSA 1978) the Commission is required to suspend the license privileges of obligors not in compliance with a court order for child support.

Commission Rule 19.31.2 NMAC describes the procedures to administer these suspensions.

### 4. Description and Summary of Public Involvement Process and Results

Commission public meetings, individual contacts, legislature adoption and past executive support.

### 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

"Move to authorize the Department to administer these suspensions on behalf of the Commission including the issuance and service of a Notice of Contemplated Action to each individual listed that is out of compliance with the Parental Responsibility Act."

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 12

Presenter: Donald Jaramillo.

Corroborator: Dan Brooks

Agenda Title: Final Proposal to Importation and Authorized Uses of Live Wildlife Permitting – 19.35.7 and 19.35.6 NMAC

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### 1. Summary of Agenda Item

The Department will present recommendations to the Commission to amend the rules on permitting captive wildlife in the state. The proposed rules:

- Define carnivores;
- Only apply to private lands; and
- Allow the Commission to obtain and consider public comment during the decision making process.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

Consideration of this amendment is consistent with the following Objectives as identified in the NM Department of Game and Fish FY 2013-2018 Strategic Plan:

- Program Support Objective 1--That through 2018, sustainable management decisions are being made considering biological, social, and economic factors.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

The proposed amendments to these rules reaffirm the statutory authority of the Commission as provided in Chapters 17-1-1, 17-1-5, 17-1-14, and 17-1-26 NMSA

### 4. Description and Summary of Public Involvement Process and Results

This item was initially brought before the Commission at the August meeting. Proposed amendments have been posted on the Department website since July. All input will be reviewed and a summary of the results will be provided to the Commission.

### 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

“Move to accept the Department’s recommendation and amend Commission rules 19.35.7 and 19.35.6 NMAC as presented”.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 13

Presenter: Dan Brooks

Corroborator: Mike Sloane

Agenda Title: Prospective Initiative to Include the Addition of Moronidae as a Protected Species for the 2015 Legislative Session

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### 1. Summary of Agenda Item

The Department will seek Commission approval to add fishes of the family Moronidae to the list of protected species found in statute at 17-2-3 NMSA 1978. The Moronidae family includes striped and white bass. These species were previously classified in the family Serridae but taxonomists have determined that the fishes belong in a separate family. Approval of this proposal will ensure the Commission and Department continue to have authority over these important game fish species.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

The proposal will support the Strategic Plan directive to “continue to promulgate rules that protect fish stocks from overexploitation and equitably distribute fishing opportunity” (Conservation Services Program P717, Objective 4, Strategy 4.4, page 10).

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no duplications or conflicts with this item.

### 4. Description and Summary of Public Involvement Process and Results

The Department will summarize any public comments received during its presentation to the Commission. Public input will continue to occur during legislative review should the Commission approve moving forward with the proposal.

### 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

“Move to direct the Department to develop and submit for executive branch review, a legislative initiative for including Moronidae as a protected species.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014      Agenda Number: 14  
Presenter: Michael J. Perry      Corroborator: N/A  
Agenda Title: State Land Easement Agreement

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### 1. Summary of Agenda Item

The Department will present a final draft State Land Easement that would be effective April 1, 2015, through March 31, 2016. The Department is seeking Commission approval for the Director to sign the easement and present it to the State Land Commissioner for his full execution. A summary of changes from the last easement include:

- The Department and its employees may access easement lands for law enforcement patrol and data collection activities.
- The Department and its employees or contractors may collect data for research purposes.
- On an annual basis, the Department shall provide to the Commission of Public Lands a report of habitat improvement projects summarizing the planning and implementation and other efforts related to habitat improvement projects on State Trust Lands.
- The Department and State Land Office will work together to provide state land access points through GPS waypoints onto a mapping system. The map will be available publically on both agency webpages.
- All individuals seeking to provide commercial big game hunting services on State Trust Lands are required to obtain a permit through the State Land Commissioner and must abide by New Mexico Game Commission rules.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

Conservation Services Program.

Objective 5: By 2018 realize a level of public opportunity for recreational hunting and fishing as indicated by 110,000 and 200,000 certified annual licensees, respectively.

Strategy 5.1: Identify and implement methods by which hunting and fishing opportunity and participation might be increased.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None identified.

### 4. Description and Summary of Public Involvement Process and Results

The Department worked with the State Land Office through October to resolve issues and posted a final draft of a twelve month easement (April 1, 2015 through March 31, 2016) for public review on October 14, 2015. The Department will summarize the public comments for the Commission during its presentation.

## 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action.

“Move to approve the Director, as secretary to the State Game Commission, sign and forward to the Commissioner of Public Lands for full execution, the State Land Easement for Hunting, Fishing and Trapping as presented by the Department.”

## Summary of Prospective Changes to new State Land Easement

**#4** *Grammatical changes to clarify intentions of the State Land Office (SLO) and the Department of Game and Fish (DGF) and protect integrity of the easement.*

- *Added, by the Grantee and its Licensees*
- *Added, The Easement allows*
- *Added, The Department and its employees may access easement lands for law enforcement patrol and data collection activities.*
- *Replaced, over the next 6 to 12 months. We now meet on a regular basis, at least bi-monthly.*
- *Replaced, effectively wording with comprehensively wording*
- *Added, the Department, its employees or contractors may collect data for research on*
- *Replaced, habitat data with habitat evaluations*

**#5** *Changed dates (from 2014/ 2015) to align with the 2015 / 2016 license year for payment purposes of the easement.*

*Added, g) On an annual basis, the Department shall provide to the Commissioner of Public Lands a report of habitat improvement projects summarizing the planning and implementation and other efforts related to habitat improvement projects on State Trust Lands.*

*Purpose of addition, SLO wanted documentation of NMDGF habitat work on state land annually.*

**#7** *Changed dates (from 2014/ 2015) to align with the 2015 / 2016 license year.*

**#9** *Added, The Department and State Land Office will work together to provide state land access points through GPS waypoints onto a mapping system. The map will be available publically on both agency webpages.*

*Purpose of addition, Provide hunters, trappers and anglers information so access points (gates) can be easier determined. NMDGF will attempt to provide GPS waypoints to the CarryMap application.*

**#14** *Added, All individuals seeking to provide commercial big game hunting services on State Trust Lands are required to obtain a permit through the State Land Commissioner and must abide by New Mexico Game Commission rules.*

*Purpose of addition, Attempt to gain compliance of commercial big game hunting services with current SLO and NMDGF rules.*

*State of New Mexico*  
*Commissioner of Public Lands*

310 Old Santa Fe Trail, P.O. Box 1148 Santa Fe, New Mexico 87504-1148

**STATE GAME COMMISSION EASEMENT**

**DRAFT**

THIS EASEMENT, made and entered into this \_\_\_\_\_ day of 2014 by and between the Commissioner of Public Lands ("Commissioner") and the New Mexico State Game Commission ("State Game Commission"), (collectively, the "parties"),

WITNESSETH: That the Commissioner, by virtue of the authority vested in him by the Constitution and Statutes of New Mexico, for and in consideration of the terms, covenants, conditions and rentals hereinafter set out, hereby grants to the State Game Commission an easement upon those state trust lands described in Paragraph 2 below. The grant of this easement is made upon the following terms and conditions and,

THE PARTIES HEREBY AGREE THAT:

1. **PURPOSE.** The purpose of this Easement is to provide entry upon and through certain state trust lands to authorized hunters, anglers and trappers for the regulated harvest of protected species as defined by Chapter 17 of the NMSA and State Game Commission regulations. Such entry will improve the ecological health of state trust land by providing for the management of fish and wildlife using professional techniques. The State Game Commission, through its Department of Game and Fish ("Department") will, to the extent authorized by law, cooperate with the Commissioner by employing the police powers of the Department to seek to prevent waste and trespass on the state trust lands.
2. **LANDS SUBJECT TO EASEMENT.** The state trust lands subject to the Easement granted herein ("Easement Lands") are depicted on Exhibit A, attached hereto, and are comprised of those lands identified in the surface tract books of the State Land Office as being in the Commissioner's care, custody and control and not subject to withdrawal from this Easement pursuant to Paragraph 6 below and agreed by the parties as useable for the purposes of this Easement. The parties agree that any lands covered by this Easement are usable if the licensee has the ability to gain entry upon them by legal means. The parties agree that Exhibit A and any amendments thereto shall be available on each party's web-site within thirty (30) days of the effective date of this agreement and within fifteen (15) days of the effective date of any amendment.
3. **TERM.** Upon its execution by the Commissioner and the State Game Commission, this Easement shall become effective as of April 1, 2015 and remain effective until March 31, 2016, unless terminated earlier pursuant to Paragraph 8 below or by written agreement of the parties.

4. PERMITTED USES.

a. USES: The Easement Lands shall be used only by the Grantee and its Licensees to effect for the Easement's purpose, identified in Paragraph 1 above, for the hunting, fishing, and trapping of protected species of fish and wildlife during the open seasons. The Easement allows for such species and the scouting for such species big game species and turkeys. ~~The Easement allows scouting for such species the for up to~~ seven (7) days immediately prior to the open seasons by persons holding valid licenses or permits issued by the State Game Commission. ~~The Department and its employees may access easement lands for law enforcement patrol and data collection activities and law enforcement and data collection activities by the Department and its employees.~~ Unprotected species may also be taken on Easement lands by persons holding valid hunting or trapping licenses for protected species on those lands during the period of the taking. ~~Over the next 6-12 months t~~The State Land Office will work with the Department of Game and Fish, State Land Office advisory groups, and other interested parties to evaluate and develop strategies for the Department to effectively~~comprehensively~~ manage wildlife on State Trust Lands. No other uses shall be allowed pursuant to this Easement.

b. LIMITATIONS:

- (i) This grant is subject to the rules and regulations of both the State Game Commission and State Land Office.
- (ii) It is expressly understood and agreed by the parties that the rights granted herein shall not be exercised in a manner that materially interferes with other authorized uses or valid existing rights to which the Easement Lands are subject, such as business or agricultural leases or rights-of-way, or that prevent or limit the Commissioner's exercise of his constitutional, statutory or regulatory responsibilities. It is also expressly understood and agreed by the parties that the rights exercised by the State Game Commission in conformity with Chapter 17 of the NMSA and the State Game Commission regulations shall not be deemed to interfere or conflict with other uses or existing rights or limit or prevent the Commissioner's exercise of his constitutional, statutory or regulatory responsibilities. The Department, its employees or contractors may collect data for research on fish and wildlife populations and habitat evaluations data on Easement Lands to determine status, trend and ecological factors affecting these populations, so long as such studies do not involve ground-disturbing activities. Department employees shall coordinate data collection activities with the Commissioner and surface lessees, except when site specific circumstances make coordination impractical. If requested, data will be provided to the Commissioner as its collection is finalized by the Department. Contact persons for exchange and discussion regarding provided data are:

Commissioner: Assistant Commissioner Field Operations (827-5768)

Department of Game and Fish: Chief, Wildlife Management Division  
(476-8038)

5. CONSIDERATION. The Game Commission shall pay rental to the Commissioner in the sum of \$200,000 for the months of April 2015~~2014~~ through March 2016~~2015~~. In further consideration for permitted uses granted by this Easement, the State Game Commission shall provide wildlife management services to the Commissioner.

for the conservation of fish and wildlife populations on state trust land, advice concerning improvement of the ecological health of the state trust land, and consultation concerning the establishment of common management goals. These services shall include, but not be limited to providing:

- a) technical assistance in managing wildlife and habitat on state trust land consistent with the parties' mutual goals;
- b) data regarding wildlife populations and other physical attributes, to be provided in a medium agreed upon by the parties;
- c) description of the data in accordance with existing policies and procedures;
- d) technical assistance in the use of said data;
- e) other relevant data and applications agreed on by the parties, as allowed by law;
- f) reports describing the status, trend and environmental factors affecting wildlife populations on state trust land when that information includes data collected on state trust land.
- g) On an annual basis, the Department shall provide to the Commissioner of Public Lands a report of habitat improvement projects summarizing the planning and implementation and other efforts related to habitat improvement projects on State Trust Lands

6. ADDITION *or* WITHDRAWAL OF LANDS. The Commissioner may at any time add or withdraw land from this Easement granted if he determines doing so would be in the best interests of the state trust. If the Commissioner adds or withdraws land, the Department shall be notified of such and provided with an amended map of Exhibit A which shall be available on both websites pursuant to section ~~25~~ above. If withdrawal of acreage results in non-accessibility to adjacent public lands, the provisions of the withdrawal will, where feasible and at the Commissioner's discretion, maintain access across the withdrawn acreage to those adjacent public lands.
7. SURFACE USE AGREEMENTS. Both parties shall meet prior to March 1, ~~2014~~ 2015 to develop potential unitization opportunities that facilitate public hunting, fishing, or trapping while reducing confusion, trespass potential, and lessee concerns. Draft unitization recommendations shall be posted on both parties' web-sites for public review and comment, and any final unitization(s) shall be incorporated into Exhibit A by means of amendment to Exhibit A.
8. CANCELLATION. If the State Game Commission fails to timely pay the annual rental when due or materially violates any of the terms, covenants or conditions contained herein, the Commissioner can cancel this Easement after thirty (30) days written notice to the State Game Commission of the nature of such violation(s). The thirty-day period shall commence on the date the written notice is mailed by registered mail, or hand-delivered. The Commissioner may cancel the Easement thirty days following the delivery of the notice if the State Game Commission has not cured the default in the manner discussed below. Such cancellation shall terminate all rights held by the State Game Commission in the Easement Lands. If, however, within the thirty-day notice period, the State Game Commission substantially complies with all demands made by the Commissioner in the notice, or if substantial

completion is not reasonably possible, cancellation for other than the payment of money shall not be made if the State Game Commission has initiated cure by that date and reasonably pursues completion. If the default (other than the payment of money) is not cured within a commercially reasonable period of time following commencement of cure (but in no event less than thirty (30) days after written notice to the State Game Commission), this Easement and all rights associated with it shall terminate without further notice. If a default can be cured only by monetary payment, said monies must be received by the Commissioner in full within sixty (60) days of the date of the notice, or the Easement and all rights associated with it shall terminate without further notice. Interest shall accrue on monies owed at the rate of one percent (1%) per month, pursuant to NMSA 1978, 19-1-3 (1953).

9. ACCESS. This Easement does not grant a right of entry upon lands not under the control and custody of the Commissioner. If Easement Lands are fenced and no gate exists to provide vehicle access to them from an immediately adjacent public highway or road, access shall be limited to travel by foot. If multiple vehicular access points are available to Easement Lands that are subject to other Easements or rights from the Commissioner, then the Department, in consultation with the State Land Office's lessee or other entitled party and a State Land Office representative, shall designate one or more points that provide reasonable access while minimizing adverse impact to the lands or portions of land subject to Easements or rights of such other party. The Department and State Land Office will work together to provide state land access points through GPS waypoints onto a mapping system. The map will be available publically on both agency webpages. For purposes of this Easement, the definitions of "established roads" and "public highways" or "public roads" include:
  - a. definitions provided for such terms by section 67-2-1 NMSA 1978; and
  - b. roads built and/or maintained on public land by equipment which show no evidence of being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures. Such roads must reasonably indicate recent (i.e., within a prior period), continuous usage or consistent usage during prior periods open for hunting, fishing or trapping on public land. In addition, observable two-track roads are included. A two-track road is defined as one which shows use prior to hunting seasons for other purposes, such as recreation, mining, logging and ranching or shows no evidence of being closed to vehicular traffic by such means as berms, reseeding, gating, fencing or signing.
10. VEHICLE AND OHV USE. Vehicles of any kind, including but not limited to Off-Highway Vehicles, are restricted to public roads or highways, or established roads as defined in Paragraph 9 above. There will be no off-road vehicle access to retrieve game. Certified Mobility Impaired Hunters may drive vehicles off established roads only if they have obtained prior authorization by the Department to do so.
11. CAMPING. In areas where camping is a practical necessity for the exercise of this Easement for licensees of the State Game Commission, camping may be permitted by and at the discretion of the Commissioner in consultation with the

Director of the Department of Game & Fish and the surface lessee. In areas where camping is not a practical necessity for the exercise of this Easement, camping may be permitted by the surface lessee. Whether camping is a practical necessity shall be within the sole and exclusive discretion of the Commissioner. Notwithstanding the above, camping or parking a trailer or motor vehicle, within three hundred (300) yards of a man made water hole, water well or watering tank is prohibited without the prior express consent of the Commissioner or the surface lessee.

12. **GROUND BLINDS.** Attaching any ground blind to, or physically using water wells, metal, plastic, fiberglass, or rubber water tanks or windmills to establish blinds is prohibited without the prior express consent of the surface lessee.

13. **ACCOMPANIMENT.** Up to three (3) guests may accompany each licensed hunter, angler or trapper, including but not limited to scouting.

14. **OUTFITTER AND GUIDE PERMITS.** All individuals seeking to provide commercial big game hunting services on State Trust Lands are required to obtain a permit through the State Land Commissioner and must abide by New Mexico Game Commission rules.

~~14.15.~~ **REASONABLE RESTRICTIONS.** After consulting with each other, the parties may agree to place reasonable restrictions upon entry to or use of lands covered by this Easement. Any agreed upon restrictions shall be attached hereto as an amendment to this Easement and available on both parties' websites.

~~15.16.~~ **APPROPRIATION.** The performance of this Agreement is subject to the condition that funds are appropriated, and allocated by the Legislature of the State of New Mexico or federal government. If sufficient appropriations are not made, this Agreement may be terminated by the State Game Commission. The State Game Commission's determination as to whether sufficient appropriations are available shall be accepted by the Commissioner and shall be final.

~~16.17.~~ **NOTICE.** The State Game Commission agrees to notify its agents, employees, licensees and permittees of the rights granted herein and the obligations to the Commissioner and other authorized users of Easement Lands that the State Game Commission, its agents, employees, licensees, and permittees hereby assume. The State Game Commission also agrees to inform sportsmen, via the Department website and other means of communication, that commercial activity that are contemplated on state trust lands require securing a lease for such purposes from the state land office prior to conducting the activity.

~~17.18.~~ **COORDINATED RESOURCE MANAGEMENT.** In order to promote a coordinated and cooperative approach to the administration of this Easement and its impact on state trust lands, the parties shall meet periodically during the term of the Easement to discuss all aspects of the Easement's administration, including such issues as each party's rights and obligations under the Easement, wildlife management and population objectives, land resource conditions, conflict resolution and efforts to inform the general public about the Easement. The parties shall meet at least once each year or when requested by either party.

~~18.19.~~ AMENDMENT. This agreement shall only be amended by mutual consent of the parties in writing.

~~19.20.~~ ENFORCEMENT; NO INDIVIDUAL RIGHTS CREATED. Only the parties to this Easement have standing to enforce it. It does not confer individual legal rights (including those of a third party beneficiary) on persons who hold licenses or permits from the State Game Commission, or on any other individuals, corporations or other entities.

~~20.21.~~ ENTIRE AGREEMENT; SEVERABILITY; GOVERNING LAW. This Easement represents the entire agreement of the parties with respect to the subject matter hereof, any previous oral or written agreement inconsistent with the terms of this Easement notwithstanding. If any part of this Easement should be found by a court of competent jurisdiction to be unenforceable, the remainder of this agreement shall remain in full force and effect. This Easement shall be applied and interpreted under the laws of New Mexico.

~~21.22.~~ COOPERATION. The parties shall attempt to resolve at the local level all conflicts or other issues, including access. The local District Resource Manager on behalf of the Commissioner and a local Conservation Officer on behalf of the Department shall meet to attempt to resolve such issues. If a State Trust Lands lessee or their agent has wrongfully denied access to or upon Easement Lands to an authorized State Game Commission licensee, the local District Resource Manager, on behalf of the Commissioner, may authorize the local Conservation Officer, as the agent of the Commissioner, to provide access by cutting the chain, cable or lock or removing any berms, blockages, fences or other barriers on Easement Lands preventing access. The Commissioner shall use all reasonable actions to ensure that State Trust Land lessees or permittees do not impede or interfere with authorized access to the Easement Lands by the Department or licensees of the State Game Commission.

RAY POWELL M.S.,  
D.V.M. COMMISSIONER  
OF PUBLIC LANDS

\_\_\_\_\_

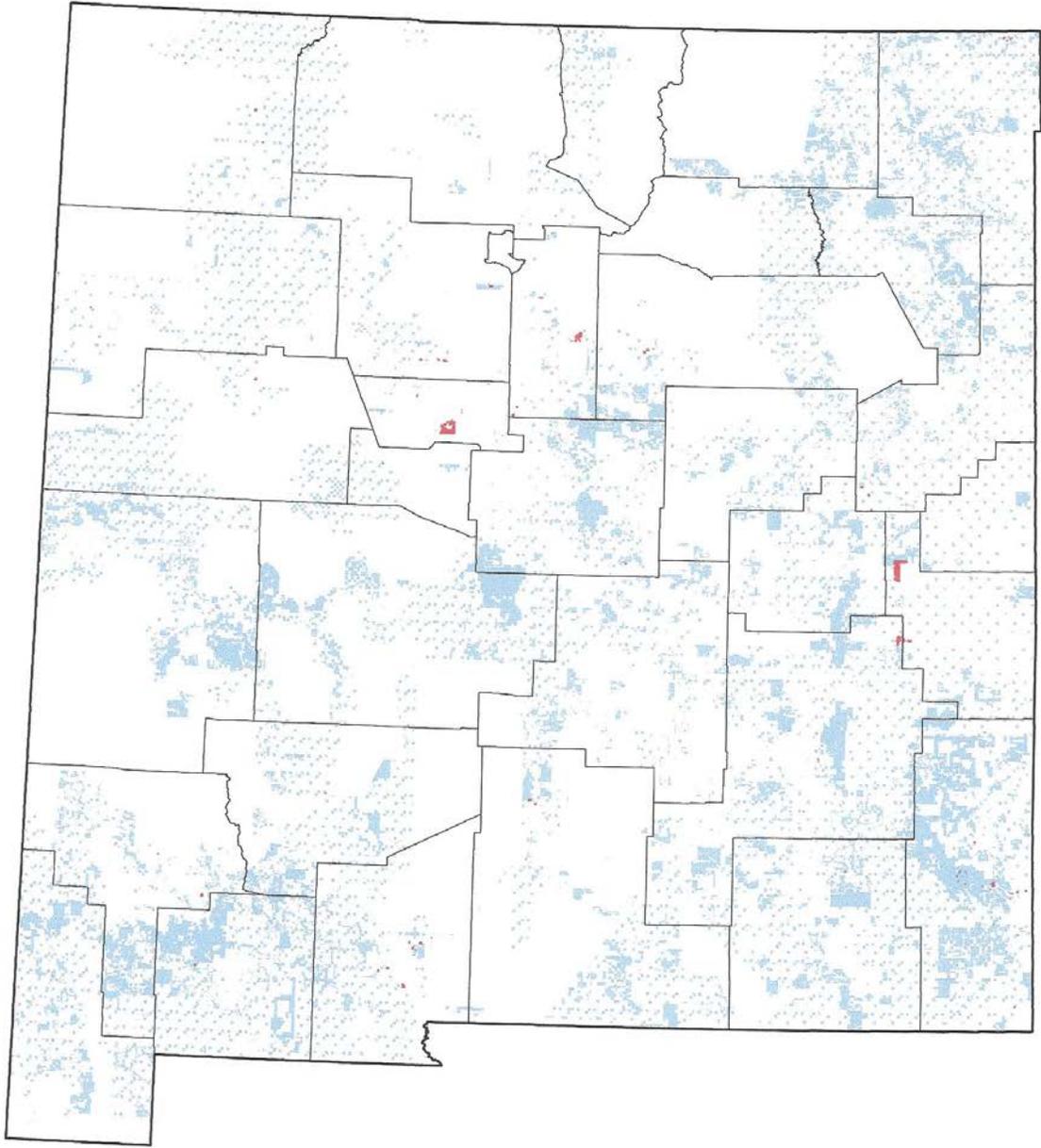
Date: \_\_\_\_\_

ALEXANDRA SANDOVAL  
DIRECTOR and SECRETARY TO THE  
STATE GAME COMMISSION

\_\_\_\_\_

Date: \_\_\_\_\_

Exhibit A  
State Game Commission Easement



-  New Mexico State Trust Lands Open to Sportsmen Access Under State Game Commission Easement
-  New Mexico State Trust Lands Withdrawn from Sportsmen Access Under State Game Commission Easement

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014      Agenda Number: 15

Presenter: Rhonda Holderman      Corroborator: \_\_\_\_\_

Agenda Title: 2015 Specail Drawing Application Deadlines

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### 1. Summary of Agenda Item

The Department will propose Special Draw Deadlines for the 2015 season. The drawing deadlines proposed are:

- Draw One, February 4, 2015, turkey and bear.
- Draw Two, March 18, 2015, big game species - barbary sheep, bighorn sheep, pronghorn antelope, deer, elk, javelina and ibex.
- Draw Three, September 30, 2015, sandhill crane, pheasant and youth waterfowl.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

Supports P717, managing the state's wildlife resources.

### 3. Estimated Distribution, Abundances, Habitat Requirements, Breeding Habits, and Economic Values of Species if applicable (17-1-26 NMSA 1978)

N/A

### 4. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There is no conflict in rule. This item is consistent with the requirement to establish a statewide system of hunting (17-2A-2 NMSA 1978) and consistent with the Commission's authority to set special drawing deadlines.

### 5. Description and Summary of Public Involvement Process and Results

The Department will summarize any public comments received during its presentation to the Commission.

### 6. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action is warranted.

"Move to approve the Department's recommendations for the special drawing deadlines."

**Update on Pronghorn Antelope Reintroduction on Santa Ana Pueblo**  
**Prepared and Presented by Santa Ana Pueblo**  
**Agenda Item 16**

In September 2013, the Pueblo of Santa Ana (Pueblo) attended a New Mexico Game Commission (Commission) meeting in Santa Fe to seek approval for the transfer of 40 pronghorn antelope from the State of New Mexico to the Pueblo. The purpose of seeking approval for this transfer was to assist with the Pueblo's ongoing pronghorn restoration effort—an effort that has helped reintroduce a significant piece of the Pueblo's cultural identity.

At the September meeting, the Commission approved a motion to transfer the pronghorn, but then amended the motion to include contingencies that require demonstrated progress with adjacent Pueblos to protect released pronghorn and further consideration by the Commission to approve the pronghorn transfer. The Commission requested the Pueblo return in a year to update them on their contingency requests.

At the November 13, 2014 Commission meeting, the Pueblo will present to the Commission the results of their outreach effort, mitigative actions they have taken to help protect released pronghorns, and will request final approval from the Commission for the transfer of 40 pronghorn antelope trapped during the next trapping event scheduled for January 2015.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 17

Presenter: Mike Gustin

Corroborator: Cal Baca

Agenda Title: Procedures to Decommission McGaffey Lake.

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### 1. Summary of Agenda Item

The Department will present a summary of steps involved in decommissioning McGaffey Lake.

The presentation will include:

- State and Federal requirements necessary to develop a breach plan to include environmental and cultural compliance documentation needed.
- Estimated costs related to the development of the breach plan.
- Other options researched to dispose of the dam and associated property currently owned by the State Game Commission as alternatives.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

This topic is consistent with reviewing the uses of State Game Commission properties for area specific purposes (Conservation Services Program Objective 9 of the Department's Strategic Plan: FY 2013 – FY 2018).

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None.

### 4. Description and Summary of Public Involvement Process and Results

The Department will post to its website information on the plan to breach McGaffey Lake Dam to gather public comments for presentation to the Commission at a 2015 meeting.

### 5. Suggested Motion

This is a discussion item, no motion is necessary, unless Commission discretion dictates otherwise.

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014      Agenda Number: 18

Presenter: Elise Goldstein      Corroborator: Cal Baca

Agenda Title: 2013-14 Bear and Cougar Harvest Update

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### 1. Summary of Agenda Item

Pursuant to rule 19.31.11, the Department will update the Commission on the 2013 harvest and depredation numbers for black bears and cougars.

- Bear mortality = 778  
Sport harvest – Total = 545 (219 Female, 326 Male)  
Depredation – Total = 173 (47 Female, 126 Male)  
Other mortality – Total 59 (28 Female, 31 Male)
- Cougar harvest = 253  
Sport harvest – Total = 203 (85 Female, 118 Male)  
Depredation – Total = 24 (12 Female, 12 Male)  
Big Horn Sheep protection = 17 (5 Female, 12 Male)  
Other mortality – Total = 9 (5Female, 4 Male)

### 2. Strategic Plan References and Possible Impacts of Agenda Item

The process as presented to the Commission meets the Conservation Services Program objectives 1, 2, 5 and 15 of the Departments Strategic Plan: FY 2014-2018.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None.

### 4. Description and Summary of Public Involvement Process and Results

Bear and cougar annual harvest are summarized on the Department's website and are available for viewing and comment. No comments were received specific to the harvest and depredation numbers for this agenda item. However; any comments received prior to the Commission meeting will be summarized by the Department during its presentation.

### 5. Suggested Motion

This is an information item and no motion is necessary, unless Commission discretion dictates otherwise.

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**Annual Black Bear Statistics 2001-13**

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Black Bear	Sport Harvest		Depredation Kill		Other (road kill, accident, etc.)		Total	% Female
	Female	Male	Female	Male	Female	Male		
<b>2001</b>	213	319	8	39	6	10	595	38.2%
<b>2002</b>	273	399	14	34	8	15	743	39.7%
<b>2003</b>	167	257	5	13	10	7	459	39.7%
<b>2004</b>	78	155	2	1	2	8	246	33.3%
<b>2005</b>	103	168	8	9	2	4	294	38.4%
<b>2006</b>	113	212	4	15	2	11	357	33.3%
<b>2007</b>	104	224	7	14	4	15	368	31.3%
<b>2008</b>	86	189	2	31	6	19	333	28.2%
<b>2009</b>	119	238	2	19	5	15	398	31.7%
<b>2010</b>	104	223	13	44	9	12	405	31.1%
<b>2011</b>	190	299	62	170	18	38	777	34.7%
<b>2012</b>	220	347	31	60	19	36	713	37.9%
<b>2013</b>	219	326	47	126	28	31	778	37.7%

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**Annual Cougar Statistics 2001-13/14**

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Cougar	Sport Harvest		Depredation Kill		Bighorn sheep protection		Other (road kill, accident, etc.)		Total	% Fem.
	Fem.	Male	Fem.	Male	Fem.	Male	Fem.	Male		
<b>2001-02</b>	76	110	3	4	5	6	3	4	211	41.2
<b>2002-03</b>	82	121	14	14	14	11	6	5	267	43.4
<b>2003-04</b>	84	114	17	5	5	12	3	2	242	45.0
<b>2004-05</b>	63	84	22	20	3	8	13	5	218	46.3
<b>2005-06</b>	24	51	12	13	6	9	4	13	132	34.8
<b>2006-07</b>	82	94	11	14	8	10	4	2	225	46.7
<b>2007-08</b>	59	104	13	13	3	8	1	1	202	37.6
<b>2008-09</b>	50	72	5	11	4	11	4	1	158	39.9
<b>2009-10</b>	55	104	7	11	8	7	1	4	197	36.0
<b>2010-11</b>	57	111	1	3	8	6	5	5	196	36.2
<b>2011-12</b>	75	123	14	8	4	8	5	7	244	40.2
<b>2012-13</b>	87	169	14	6	7	24	4	6	317	35.3
<b>2013-14</b>	85	118	12	12	5	12	5	4	253	42.3

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## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 19

Presenter: Cal Baca

Corroborator: Stewart Liley

Agenda Title: Update on Efforts to Establish Bighorn Sheep Hunting in the Dry Cimarron Area.

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### 1. Summary of Agenda Item

The Department will present to the Commission an update on efforts to negotiate reasonable access to allow hunting in the Dry Cimarron area of Northeastern New Mexico (GMU 58).

Negotiations are in process with three individual private landowners to obtain access to bighorn sheep habitat located on their deeded lands and access through private deeded lands to state trust lands within bighorn sheep habitat in GMU 58.

Access will include the ability to conduct population surveys both by air and ground teams to determine the total number of harvestable rams from this population. Agreements will include a 50% split of available rams between public and private hunters to be determined pursuant to annual surveys and previous year's harvest. This determination will be published in the annual hunting rules and information booklet and online via the department's website.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

The process as presented to the Commission meets the Conservation Services Program objectives 1, 2, 5 and 15 of the Departments Strategic Plan: FY 2014-2018.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None.

### 4. Description and Summary of Public Involvement Process and Results

The Department posted proposed changes and revisions to this rule on its website and input was gathered from sources such as email and public meetings with interested groups. The bighorn sheep hunting rules were adopted by the State Game Commission meeting on August 28, 2014. This presentation is a follow up from the presentation given by the Department at the Commission meeting in August.

### 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

“Move to direct the department to negotiate hunting agreements with all interested landowners or any subsets thereof to facilitate the establishment of hunting opportunities in GMU 58 for bighorn sheep.”

## COMMISSION MEETING AGENDA BRIEFING

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Meeting Date: November 13, 2014

Agenda Number: 20

Presenter: Jennifer Morgan

Corroborator: Lance Cherry

Agenda Title: Proposed Amendment to the Hunter Education Rule

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### 1. Summary of Agenda Item

The Department will present proposed changes to the Hunter Education Rule (19.36.3.9 NMAC) based on recommendations made by the Commission during the Oct. 2, 2014. Game Commission Meeting.

The Department recommends only allowing first-time youth hunters, 10 years of age and older, the ability to hunt small-game, turkey, javelina, and deer while registered in the Department's Mentored-Youth Hunting (MY) Program.

Under the current rule, there is no stipulation that requires a minimum age, nor specific hunted game species, for youth to participate in the Department's MY Hunting Program. However; comments by Conservation Officers, Hunter Education Instructors and others combined with licensing data shows that MY participants are applying for and receiving licenses at an early age. This has led to concerns about MY participants safety and readiness to hunt. The proposed rule amendment would establish a minimum age and set limitations on the game species mentored-youth hunters may hunt.

### 2. Strategic Plan References and Possible Impacts of Agenda Item

The Department's Strategic plan, Section 3.1.2, requires the agency to maintain this program and monitor key aspects of participation. Other states who have set a minimum hunter age along with species restrictions find mentored-youth hunters to be among the safest of all hunters. Adopting a minimum hunter age along with game species limitations will help ensure that the MY Program remains a feasible, safe portol for first-time hunters to enjoy their field experiences.

### 3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None.

### 4. Description and Summary of Public Involvement Process and Results

The Department has posted on its website the proposed changes and revisions to the rule. Comments received from hunter education instructors, Conservation Officers and others generally support this rule amendment. Several states who participate in a mentored-youth or apprentice style hunting program have established minimum hunter ages along with game species restrictions, with no data to suggest a decreased level of safety and program sustainability.

## 5. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

"Move to amend 19.36.3 NMAC for mentored-youth program hunters to create a minimum age of 10 and limit the game species hunted as presented by the Department."

Only those sections/subsections with proposed changes are presented below. Highlighted portions of each paragraph contain the specific proposed changes.

### **19.36.3.9 TYPES OF COURSES:**

A. A person under the age of eighteen (18) years who ~~satisfies~~ satisfies the requirements of either of the following training courses shall be issued a certificate following successful completion of a hunter training course:

(1) completion of a hunter training course comprised of class work and firearms proficiency training and testing; or

(2) completion of an abbreviated hunter training course comprised of written lessons and testing and current registration in the department's mentored-youth program.

B. Registration in the department's mentored-youth program is limited to first-time youth hunters, 10 to 17 years of age, for a period of two consecutive license years and a person shall only register in the program once. Any mentored-youth hunter that is currently registered with the Department shall remain eligible to hunt the species listed in subsection 19.36.3.9.D NMAC for the remaining two consecutive license year cycle.

C. Mentored-youth program hunters shall hunt with a firearm only after successful completion of the written lesson and testing portion of the course and while supervised by a licensed parent, guardian or another licensed adult with consent of the parent or guardian who is within unaided voice and sight distance.

D. Mentored-youth program hunters shall be limited to hunting small-game, turkey, deer and javelina for the license year beginning April 1, 2015 and continuing thereafter.  
[19.36.3.9 NMAC - N, 01/01/2013]