

Regular Meeting

June 21, 2007

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., June 21, 2007; and he announced that reasonable notice of this meeting was given to the Alamogordo Daily News, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Member
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Road Superintendent
Christina Nuno	Deputy Clerk

DRAFT

Dr. Martin Moore gave the invocation. Commissioner Moore led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. New Business: Timberon Development Council on the Progress of tree thinning and improvements to parks and airstrip. Mr. Everett approached the Board to discuss the progress on the tree thinning and improvements to the parks and airstrip. He stated that BLM loaned them their chipper, which made it easier to keep everything

clean and because of that all the parks are in good shape. He also thanked the commission for the purchase of the benches and tables. Commissioner Moore stated he encourages everyone to go Timberon and enjoy that community.

2. Consent Agenda: Items 1-29 to be Considered for approval.

Commissioner McGinn made a motion to approve from the consent agenda all items except number three (3) and twenty-seven (27) for discussion. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

A. Item #3. Consider approving or denying claims for all providers through June 2007, which includes the county's sole provider Gerald Champion Regional Medical Center and all other providers.

Commissioner Moore made a motion to consider approving or denying claims for all providers for the 2006/2007 fiscal year. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously. Commissioner Moore stated until he knows what year the claims from Memorial Medical Center were generated he is hesitant to approve those claims.

Commissioner McGinn amended the motion to approve the claims from Gerald Champion Regional Medical Center for 85 claims totaling \$196,788.52 and 23 claims recommended for denial totaling \$113,118.37. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

B. Item #27. Consider the appointment of two planning commission members to the Otero County Planning Commission Board. Two of the four applicants need to be selected to fill the current vacancies on the board.

Commissioner McGinn made a motion to consider appointing two of the four applicants to fill the vacancies on the planning commission board.

The following approached the Board to give a brief statement about themselves and their interest to be appointed to the Otero County Planning Commission Board: David Weitzel, Eric Brewer, Wyatt Earp, and Jay B. Nichols.

Commissioner McGinn made a motion to approve Mr. Weitzel and Mr. Nichols to the Otero County Planning Commission. The motion was seconded by Commissioner Nivison. A vote was taken and the motion passed unanimously.

Item G. Public Hearing:

Being 6:30 p.m. a public hearing is being held to hear public comments on the creation of a Wildlife Management Criteria Ordinance on wildlife species such as Elk and Oryx, etc. The reason for the creation of the ordinance is over the damage to livestock forage caused by the growing number of elk.

Mr. Tim Turri, resident of La Luz, approached the Board to discuss this issue. He stated he understands the commission is looking for documentation or data on this issue; however, he did some research and found a 2006 national survey by the New Mexico Game and Fish Department. According to Mr. Turri, it's a lengthy report, but it gives a sense of the economic value of recreational wildlife to the county. The study shows that on a national average each sportsman contributes \$2,200 to the economy; multiply that by the number of sportsman that live or visit Otero County, and it shows how substantial that is. He stated from the sportsman perspective they are opposed to funding the program and he doesn't feel that allotment owners should have to pay into the program.

Frances Goss, who has a ranch in the Lincoln National Forrest, approached the Board to discuss the elk issue. Mrs. Goss stated people don't understand that when you buy a ranch on Federal land, you are buying water and grazing rights. She stated that in 2000 the government made them cut back on their herd size to 330 heads, which to them it meant a \$76,800 revenue loss. They estimated the loss of cattle sales from 2000 to 2006 was \$519,552 just so the elk could be there. Mrs. Goss stated that they purchase 15 tons of salt each year that cost them \$150 a ton. Three hundred thirty head of cattle eat what they need and the elk eat the rest. Last year they spent 35 days fixing fences the elk had destroyed. They spent 43 total days meeting with the Forest Service which was \$4,112 lost in labor and fuel cost to attend those meetings. Mrs. Goss stated their total loss from 2000 to 2006 was \$873,398 and they have not received compensation from anyone.

R.L. Posey, rancher of Mayhill, approached the Board to discuss the elk. Mr. Posey is also the spokesman for the Otero County Cattleman's Association. He stated he is very much in favor of the ordinance. According to Mr. Posey, many people don't realize that the elk are not native elk, they were all gone around 1900 and were brought in by the Mescalero Apache Tribe. Mr. Posey gave a presentation of government documents, letters, and court cases that ruled in favor of ranchers. The oryx were introduced to the White Sands Missile Range by the New Mexico Game and Fish and the concept was to keep the oryx restricted to White Sands. He has not been able to obtain the oryx population. There is a document published by NMGF that gave an estimate of the elk herd in 2004 at 2,309; since that year he has not received an estimation of the elk. He also presented photographs that showed a herd of 80 elk on a 200 acre ranch. There

was another court ruling that required NMGF to take action on any depredation complaint. Mr. Posey proceeded to show documentation and discuss the different task force that he worked with to try to get something done regarding the elk. He said if something is not done with the elk or oryx they are going to run out the ranchers.

Commissioner Moore stated that if anyone has documentation on damage to bring that to the Commission so that they can see a monetary amount.

Len Sims, who has an allotment in Sixteen Springs, stated that what Mr. Posey and Mrs. Goss are saying holds true for every allotment and not just theirs. He has spent three to four weeks with the New Mexico Game and Fish Department trying to seek compensation and has failed. He stated it's not just the elk, it is also the sportsman that shoot their tanks, cut their fences, leave gates open, and shoot their cattle. His fence has been cut six to eight times. He said he is sick to death about this and does not know where to turn. The Game and Fish refuse to aid him. Commissioner Moore asked Mr. Sims if NMGF gave an explanation of why they won't help. He stated that Game and Fish said he does not have enough deeded property. His forest permit consists of approximately fifteen thousand acres; however, he only has 238 acres. He stated they (Forest Service) failed to realize that he is responsible for the maintenance on the fence, pumps water, and salts on the forest land. He said you can place 30 blocks of salt and in four days those blocks will be gone.

Commissioner Moore stated he was not at the last meeting but as he understands the Forest Service was slammed hard about them not doing anything. However, it was brought to his attention by Lou Woltering, Lincoln Forest Supervisor, that last year he sent a letter to the director of the New Mexico Game and Fish and requested them to

reduce the elk herd. In return the director from the New Mexico Game and Fish sent Lou Woltering a letter that they would not do that. According to the NMGF, after they did an evaluation on the animals they concluded they were in no way in jeopardy. They thought that the habitat was more than adequate to sustain the existing herd and additional animals. Commissioner Moore stated about a month ago he attempted to call the director of NMGF and he is still waiting for a return call. He stated it is a complicated issue and there has to be a balance in this situation.

Debbie Hughes, representing Hughes Ranch, approached the Board to say that their ranch is on the east end of the county. There are no springs or streams and to pump water the wells are 3,000 feet deep which is very expensive. They maintain the stock tanks for their cattle as well as wildlife. She stated ranchers can not continue to sustain these tremendous financial losses to their crops and livestock. This is a large amount of money to the county's tax base. She stated their ranch has suffered depredation for years; however, not from elk or oryx but from mountain lions. She stated there is no excuse for the depredation law not working, she has seen it work and there should be solutions and unfortunately it's not working here. Hopefully with some political pressure from county elected officials they can make that law work. New Mexico Game and Fish does receive most of their funding from sportsman and hunters. They went before the legislature and enacted a mountain lion preventative program in unit 30 that helped them. She encourages the county commission to pass an ordinance that will help.

Bobby Jones, Chairman of the Otero County Grazing Advisory Board, Mr. Jones stated he has heard considerable discussion from both sides and it is a very thorn

problem. He is present to offer any help that the Grazing Advisory Board can assist with, such as having additional meetings or whatever they need for them to do.

Rodney Hinshaw, approached the Board, he also has a grazing allotment in the Mayhill area, he has lived and worked there since 1975. In those days there were no elk. In 1992 the elk started showing up in that area. In the last five years he has spent time working on the fences than in the last twenty five years. It's hard to pay someone to work on the fences for the cost and the location. He stated nine percent (9%) of the fence can only be reached by foot or horseback and when you have 30 miles of fence to worry about it's a big problem. He stated that he appreciated the commissions concern on this matter.

Gene Green, a Cloudcroft resident, approached the Board. He stated that he is in favor of the ordinance. He has been the contact person between the New Mexico Game and Fish and the Carrie Green Ranch for a number of years. They had offered to put a fence around the deeded property. However they (Carrie Green Ranch) rejected it because the fence would fence off the water from the lease through the allotment and it was not a feasible operation. Mr. Green suggested to NMGF putting a pipe up the hill to the storage tank, apparently the Forest Service had stated it would take too many years to get all the approvals through the environmental and impact studies. Mr. Green also commented about the letter from the Forest Guardians about what the NMGF called the herd reduction hunt, to him it is not a hunt. He said what needs to be done is stir the herd and keep them away from the grass so the cattle will have something to graze on. Game and Fish did work with them this year by giving them 20 elk for hunt which they divided between a two month period and it was a very manageable hunt.

Charles Walker, a rancher, approached the Board, he said he is not griping about the elk on private land, because of the land owner permits he gets on the deeded land. He said on his allotment he has not had a cut in cattle because of the elk. If there were no elk, he could have more AUM (animal unit months) which would bring more money. He said it's not always the elks fault that a fence is torn down, sometimes it is a tree that falls on it. It's hard to document the hours spent because of the elk rather than just regular maintenance; however he does have a dollar amount. Mr. Walker stated he would like to ask the Commission to contact the Secretary of Agriculture, Chief of Forest Service, Regional Forester, Lincoln National Forest Supervisor, and the Ranger of the Sacramento District and ask them to compensate the allotment owners for the AUM (animal unit months) that are being utilized by the elk and are not receiving any money. Also contact the NMGF Commission and Director to issue some permits for the Federal land because of the elk on the grazing allotments. If that can be done, then they are going in the right direction because the elk is becoming a big business in Otero County especially in unit 34. He also stated he appreciates the cooperation with the sportsman, outfitters, and guides and thinks they can all work together to come up with a solution. He said he feels he is talking for a lot of ranchers and they too would like the Commission to do this.

Doug Moore stated before another public hearing on the ordinance there will be a draft. The draft will probably be lengthy and several recommendations about how compensation can be achieved. There will be probably language about management on the land and animals. He said an elk herd can not be managed if the migration is uncontrolled. When you have a huge population of an elk herd on the reservation and they can migrate onto the Lincoln National Forest at will, it is irrelevant how many tags

are put on the herd. That's when the debates come in on how many tags are going to be put on the herd. The draft will also address the comments heard from the public hearing today.

The Chairman closed the public hearing at 7:55 p.m., reconvened to the regular meeting.

Unsheduled Citizen Communication:

Mr. Donald Homan, resident of Chaparral, NM approached the board to discuss Chaparral. He stated some of the roads have been patched but there are still others that need to be worked on. He knows that Mr. Parker has been trying to work on the roads and they appreciate it. Also, people have been destroying signs and property. They seem to have gangs and smugglers. He stated he spoke with a police officer from El Paso and that a rule of thumb is for every 1000 resident there should be a police officer. If they could get more officers to help them with their situation, they would really appreciate it. He also wanted to thank the Commission for keeping the landfill away from their community and for taking interest and helping the community of Chaparral.

Commissioner McGinn made a motion to go into executive session to discuss item "C" Personnel and item "G" Contracts. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn yes

Commissioner Nivison yes

Commissioner Moore yes

Commissioner McGinn made a motion to come out of Executive Session having discussed item "C" Personnel and item "G" Contracts and no decisions were made. The motion was seconded by Commissioner Moore. Roll call was taken as follows:

Commissioner McGinn yes

Commissioner Nivison yes

Commissioner Moore yes

There being no further business before the Board, the Chairman adjourned the meeting at 8:50 p.m.

Approved by

Doug Moore, Chairman

Attest:

Robyn Holmes
Otero County Clerk

Regular meeting held on June 21, 2007