

Regular Meeting

December 4, 2001

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 9:00 a.m., December 4, 2001; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News, Holloman Sunburst, El Paso Times, Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

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| Richard Zierlein | Chairman |
| Tim McGinn | Vice-Chairman |
| Michael Nivison | Member |
| Ruth Hooser | County Manager |
| LaDonna Adams | Administrative Secretary |
| Robyn Silva | Deputy Clerk |
| Bill Parker | Assistant Road Superintendent |

DRAFT

The Chairman called the meeting to order and gave the invocation.

Commissioner McGinn led those assembled in the pledge of allegiance and Commissioner Nivison led the salute to the flag of the State of New Mexico.

1. Commissioner McGinn made a motion to approve the Consent Agenda in it's entirety. Commissioner Nivison seconded the motion. A vote was taken and the motion passed unanimously. See BOOK 107 PAGES .

2. Alexia Sandoval approached the Board to give a presentation concerning the wildlife in the Lincoln National Forest. Ms. Sandoval is the Director of Habitat for the New Mexico

Department of Game and Fish and also the Coordinator for the Lieutenant Governor's Task Force in unit 34. Larry Sampson and George Garcia were present representing the Lincoln National Forest Service and are also on the task force. She stated that her main topic for discussion is the large elk population in Otero County. There are three areas that were chosen in New Mexico that have large elk population to be studied by the task force and Otero County is in the middle of one of them. This area is referred to as Unit 34. The winter population in Unit 34 is approximately 3000 animals; 1500 are elk, plus or minus 600. The goal is to have 1000 animals in this unit. The reason that the population of elk needs to be thinned out is because there is overuse of forage in some areas and the elk are also damaging private property. The Department of Fish and Game have increased the number of licenses that are available and will continue to do so until the elk population is thinned appropriately. Ms Sandoval stated that they will be sending out surveys in January to the hunters of 2001 to see how many elk were killed this season. Depending on how many elk are left they may have to increase, double the number of elk permits for next year. They are tentatively planning on two bow seasons for 2002 and also adding more hunts for high powered rifle. Ms. Sandoval stated that they also are trying to understand what endangered species in Lincoln National Forest need to be looked at. The large population of elk may be adding to the risk for the endangered species that are located in the Lincoln National Forest. They are currently working on a Memorandum of Understanding between USFS and NMDGF to treat wildlife and livestock as coequal users of USFS resources. They are looking at the conversion rates now. In a year or two we will have in place what we need to do. She stated that they have a commitment from BLM, NMDGF and USFS to assist in getting better data in order to make this study a success. Ms. Sandoval stated that she wants everyone to understand that this is only a proposal at this time. She has their commitment for five years of winter surveys.

Commissioner Zierlein stated that the Commission as a whole feel that if we had a healthy forest then we could sustain the entire forest. The over population of trees is also causing the reduction in forage. Commissioner Nivison said he is going to Washington next week to talk about the restoration of the Lincoln National Forest and there will be 30 governmental agencies together asking for the same issue. They are not only going to discuss the elk and ranching but the adjudication of water out of New Mexico to meet our obligation to Texas and also the possibility of a catastrophic fire. The cost is \$2000 plus an acre to fight a fire and \$1000 per acre for prevention.

Robert Renschler with the Sunspot EMS wants to know where Ms Sandoval is paid from. She stated from the Fish and Game Department through funds raised from hunting licenses sold. He questioned why they are eliminating so many of the elk without the scientific data to prove that they are over populated. Ms Sandoval stated that they know there is an over population of elk from the studies they have done but they need more data to see how over populated. We have elk damage that we have to address.

Commissioner Zierlein stated that everyone wants a healthy forest. The key is to get together on common ground. If not everyone loses. The LNF has had their hands tied in frivolous law suits for the last 10 years and have been unable to work at forest management. Ms. Sandoval stated that the ranchers have been dramatically hit because of the elk. Commissioner Zierlein stated that the elk have got to be brought into the equation. Before they were always left out and now they are over populated.

Mr. Doug Moore questioned whether or not the drought and weather conditions in the mountains may be the cause of the problem of the low forage. Mr. Larry Garcia with the LNF stated that the areas determined over the last years concern is based on how much is

produced as opposed to how much has been removed. He stated that the weather can contribute to how much can be produced.

Mr. Renschler stated that as a sportsman and outdoorsman he would pay to have fences built around private properties to keep the elk out. Ms. Sandoval stated that there is a legal issue if we fence out the elk.

Mr. James Peters questioned if any of the elk have been diagnosed to have Chronic Waste Disease (The same as Mad Cow Disease to cows)? Ms. Sandoval stated that there was one sick elk that was diagnosed with a bacterial infection, which is not uncommon. There have been no elk diagnosed with Chronic Waste Disease.

Mr. R.L. Posey stated that there has been many complaints about depredation and that nothing has been done by the Fish and Game Department. Since Mr. Larry Bell took over last year the department has been active in responding. Ms. Sandoval stated that they have 24 hours to respond once a call is made.

Mr. Dwayne Braziel questioned if there was any land owners in Unit 34 that can shoot any animals that trespass onto their property. Ms. Sandoval stated that there is one property owner that can, if there is an animal that is causing damage on his property, he can shoot it. The one gentleman in particular has shot approximately 10-15 animals a year.

Ms. Sandoval closed by saying that if anyone has any questions she would welcome their call and input on any of the above discussed items.

3. The time being 10:00 am, the Chairman called the Public Hearing to order.

Commission Nivison made a motion to approve Ordinance No. 02-01 regarding an ordinance repealing and amending certain provisions contained in Otero County Ordinance No. 91-04 but to delete the local fire department and let the ordinance stand as written.

Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See

4. Commissioner Nivison made a motion to approve the Inter-Departmental Items from the Consent Agenda. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See BOOK 107 PAGES

5. Commissioner Nivison made a motion to approve the Administrator's Report. Commissioner McGinn seconded the motion . Discussion was held. A vote was taken and the motion passed unanimously. See BOOK 107 PAGES

6. Commissioner Zierlein discussed the Road Exchange and Maintenance Agreement the County made with the State Highway Department on April 27, 1992, Contract No. D05266, Vendor No. 5057269. He suggested that the County lift the agreement and not accept State Highway 545 until they bring it up to par.

Commissioner McGinn made a motion to address a letter to the State Highway Department, and also enclose a copy of the letter form our Assistant Road Superintendent with his recommendations, stating that we will stick by the agreement from 1992 as long as they bring the road up to specification. Commissioner Nivison seconded the motion. Discussion was held. A vote was taken and the motion passed unanimously. See BOOK 107 PAGES

7. Commissioner Nivison discussed the forest health issues and stated that he wants to consider working on a contract to keep Dr. Garrett on board with the County. He stated that we have a commitment from the Forest Service to pay for half of the contract . He further stated that it will behoove the county to do good monitoring on our forests. We need to balance the range of improvement task force and make sure it is doing good for a since of fair play.

The time being 10:10 am, the Chairman adjourned the meeting into a work

session to tour certain roads in question around the County.

CHAIRMAN

ATTEST:

OTERO COUNTY CLERK