



December 9, 2020

NMDGF Director – Michael Sloane  
New Mexico Department of Game and Fish  
1 Wildlife Way  
Santa Fe, NM 87507

Commission Chairwoman – Sharon Salazar Hickey  
New Mexico State Game Commission  
PO Box 25112  
Santa Fe, NM 87504

CC: Governor Michele Lujan Grisham US Senator Martin Heinrich  
NM Senate Majority Leader, Peter Wirth NM Senate Minority Leader, Greg Baca  
NM House Speaker, Brian Egolf NM House Minority Leader, James Townsend  
NM Senate Conservation Committee Chair & Vice Chair, Liz Stefanics & Antionette Sedillo Lopez  
NM House Energy, Environ., & Natural Res. Chair & Vice Chair, Matthew McQueen & Angelica Rubio

Dear Director Sloane and Commission Chairwoman Salazar Hickey,

On October 28, 2020, the NM Legislative Finance Council released, for the first time in history, a Program Evaluation of the NM Department of Game and Fish. Subsequently, on December 3, 2020 Senator Martin Heinrich published a letter that he sent to yourselves, Governor Lujan Grisham, and several state legislators. The letter urged the Commission and Department to end the E-PLUS system and redistribute landowner allocations to resident hunters. Senator Heinrich referenced the Program Evaluation document as the primary evidence for which he defends the contents of his letter. Additionally, during a meeting of the NM State Game Commission, that also took place on December 3, 2020, the Commission engaged in a discussion regarding Senator Heinrich's letter and the E-PLUS system. The discussion took place during an agenda item that was titled "Committee Reports". There was no mention that E-PLUS would be discussed in any of the pre-meeting documentation provided to the public as is required under the Open Meetings Act. The stakeholders who would be directly impacted by a change to the E-PLUS Rule were not provided with the opportunity to address the Commission because they were unaware that the issue would be publicly discussed.

First and foremost, the Program Evaluation report produced by the NM Legislative Finance Council is misleading in many areas and severely taken out of context. In describing the private land system, the report makes several confusing references to the NM quota system. The big game quota and the E-PLUS program are separate in both Rule and in Statute. It is misrepresentative of the intentions of the two systems to attempt to compare them as one.

The Program Evaluation compares the NM E-PLUS program to landowner programs in surrounding states. NM is unique in topography, land status, water resources, and huntable big game species. It is disingenuous to attempt to compare NM to surrounding states. The state of New Mexico consists of 52% private property. This means private landowners are providing more habitat and water to wildlife in NM than in many other western states. A landowner that has a small piece of property with the only water within a couple miles would be extremely beneficial to elk and all wildlife. Whereas a large piece of property with no water, no grass, and no cover would be less beneficial. Additionally, NM simply has less elk than other western states. Allowing the NMDGF to sell unlimited over-the-counter elk permits would not be beneficial to long-term survival of the species.

The Program Evaluation states, "76 percent of landowner vouchers in the state's primary elk management zone were converted into nonresident licenses." This statement is completely misleading because it only represents licenses sold in the primary elk management zone. NM has a primary, secondary, and a special management zone

where elk authorizations are converted to licenses on private land. The report also fails to mention that NM landowner elk authorizations are equal opportunity. They can be sold or given to anyone. A resident has just as much opportunity to purchase a landowner authorization as a nonresident. As a point of fact, the authorizations themselves have no value and every year there are authorizations that do not get used. Landowners do not get paid for these authorizations. An authorization only holds value when it is converted to a license, which must be purchased from the Game and Fish, and provides with it trespass rights to the private property for which the permit has been allocated. The Landowner has the right to set the value of access to their property, the authorization simply provides the landowner with the opportunity to market that access as a benefit for providing critical habitat and water to wildlife. Numerous NM resident hunters convert landowner authorizations to licenses every year. Many NM resident hunters are also gifted landowner authorizations each year, including youth hunters, veteran hunters, and first responders. Additionally, landowners generously donate authorizations to their local community groups, as well as state and national conservation groups, on an annual basis.

Dismantling the E-PLUS system to provide residents with more hunting licenses will have many unintended negative consequences. First, it will detrimentally impact the value of wildlife on private lands. Ranchers will once again view elk on private land as a pest that competes for resources with their livelihood rather than an economically viable portion of their management strategy. This creates disincentive for landowners to maintain wildlife water and habitat. The E-PLUS system was created to recognize landowners for providing essential wildlife resources and private landowners have spent decades and millions to restore and maintain wildlife habitat on their private property. The elk habitat management on private land is often far better than that on the federal public lands. This is a primary reason why there is such a high demand to access hunting on private property.

Second, landowners are not going to just let public hunters have unfettered access to private lands. In-fact the current system provides public draw hunters with the option to access many private ranches already. Without EPLUS public draw hunters will lose this opportunity and more hunters will be pushed onto the public lands. Heavy hunting pressure on public land will have a severely negative impact on the game resource as well as on hunter satisfaction and hunt quality. Hunter satisfaction will additionally diminish once resident hunters come to the realization that their overall odds of drawing a permit continue to be exceptionally low (especially in high demand units).

Third, any reduction in non-resident hunter opportunity will result in an immediate need to increase resident license costs substantially. The Program Evaluation fails to make any reference to the fact that the annual budget of the NMDGF is highly dependent on non-resident license sales and specifically private land elk license sales. The Department simply could not operate at the level they currently do without the license revenue generated by non-residents. This is because nonresidents pay anywhere from 2 to 20 times more than residents do to hunt and fish in NM, depending on the species. An inevitable result of reducing nonresident hunter opportunity is a substantial increase to resident hunting license fees. This will result in a situation that is completely contrary to Senator Heinrich's plea to "reform a system that allows a wealthy few to outbid average hunters". In reality, severely limited non-resident hunting participation will create a system where only wealthy NM residents will be able to afford to hunt.

Fourth, a reduction in non-resident hunter opportunity will negatively impact NM's vibrant and thriving outdoor tourism industry. The NM outfitted hunting/fishing industry is a tourism industry. Hunting and fishing outfitter businesses represents the largest number of Outdoor Recreation small businesses in the state. NM hunting and fishing outfitter businesses operate on both public and private lands. Landowners frequently partner with outfitters to facilitate hunter/angler opportunity on private lands. Outfitters pay NM Gross Receipts Taxes on all their trips and on every landowner permit. Outfitters provide jobs in very rural communities where unemployment is often at its highest. And outfitters pay 3% of their gross income to the Forest Service and the Bureau of Land Management to operate commercially on federal lands. A negative impact to the outfitting industry would result in a reciprocal injury to the annual funding of federal land management agencies that depend on commercial use permit fees to fund public land trail restoration and public land habitat maintenance projects.

The current E-PLUS system is not broken. It provides the best and most mutually beneficial private land elk hunting opportunity in the country. The NMDGF has a reputation for being a leader in wildlife biology, trap & transfer methods, communication, game violation enforcement, and they are a leader in providing private land hunting opportunity. Most other state agencies monetarily compensate landowners for their essential contributions to wildlife through monies funded by hunter/angler license fees. NM is the only state that has developed a landowner contribution recognition system which does not utilize agency dollars but rather contributes to agency revenue. Instead of searching for ways to change the system, the Commission should be focused on applauding the Department for the decades of hard work that has gone into perfecting E-PLUS.

The signatories on this letter have firsthand experience with the E-PLUS program. We understand the many mutual benefits provided through E-PLUS to NM landowners, outfitters, guides, resident hunters, nonresident hunters, and rural communities. We understand that private landowners are essential to wildlife conservation and we recognize and appreciate the vast direct and indirect economic and tax benefits provided to the state of NM as a result of the E-PLUS system. Please consider the individuals and livelihoods that would be negatively impacted by any change to the E-PLUS landowner elk permit allocation system.

Sincerely,

New Mexico Council of Outfitters and Guides  
New Mexico Cattle Growers Association  
New Mexico Farm and Livestock Bureau  
Western Landowners Alliance