

State Game Commission: A Blueprint for Restoring New Mexico Sportsmen's Trust

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(505) 299-5404 • 121 Cardenas Drive NE • Albuquerque, NM 87108 • www.nmwildlife.org

State Game Commission: A Blueprint for Restoring Trust

Due to the intrusion of pay-to-play and special interest appointments to the five public seats on the State Game Commission, the commission has lost the trust of many rank-and-file hunters and anglers in New Mexico – who, through their license fees and taxes on equipment, fund the New Mexico Department of Game and Fish that the commission oversees.

The following report contains a summary of problems created by the way past governors have made State Game Commission appointments, along with a blueprint that Governor-elect Susana Martinez can use to restore the trust of everyday sportsmen in New Mexico.

No Place for Pay-to-Play or Special Interests on Commission's Five Public Seats

For New Mexico's 225,000 hunters and anglers, the buck stops with the State Game Commission. The seven-member panel, appointed by the governor, oversees a \$36 million budget and all operations of the New Mexico Department of Game and Fish. According to statute, the commission is composed of five public seats representing license buyers and others in specific regions of the state, plus two statewide seats representing environmental and agricultural interests.

The commission is supposed to hire and fire the department director, establish wildlife management policy, approve hunting

and fishing rules and adjudicate disputes. And in accordance with the North American Model of Wildlife Conservation – the nationally recognized gold standard of wildlife management – hunters and anglers fund this entire effort through their permit and license fees and federal taxes on sporting goods.

But despite efforts that go back nearly a century to keep politics out of wildlife management in New Mexico, politics and campaign contributions continue to steer the commission – often in a direction that is contradictory to good wildlife management and the best interests of resident sportsmen.

At the request of New Mexico sportsmen decades ago, the State Game Commission was established to set sound policy direction on wildlife management and to protect the department's professional biologists and law enforcement officers from undue political interference. But too often in recent administrations, commission appointments have been used as political favors, with the chairmanship apparently the reward for the biggest campaign contributors.

To date, unlike certain other state agencies in New Mexico, there have been no official charges of corruption or grand jury indictments of Game Commission members for misuse of public resources, malfeasance or dereliction of duty. But the appearance of impropriety has stained the reputation of both the commission and the department among their major constituency: New Mexico sportsmen. Many resident hunters and anglers feel the commission and department are more concerned about nonresidents and the increased revenues they bring than with the steady erosion of hunting opportunity for everyday New Mexicans.

Governor-elect Martinez will inherit this broken-yet-reparable system and will have a clear choice – to continue using the State Game Commission as a political plum or to set a new direction for the commission and the department and begin to restore sportsmen's confidence in their state wildlife management agency.

Political Connections Nothing New for State Game Commission Members

Previous governors may have engaged in pay-to-play behavior with Game Commission appointments, but campaign contribution records are sketchy before the mid-1990s. However, the pattern of rewarding campaign contributors with commission appointments can be traced back to at least Gov. Gary Johnson, who held office from 1994-2002. Johnson received more than \$11,000 in campaign contributions from Jal rancher Bill Brininstool and his company, XL Transportation, in 1997 and 1998, a period in which Brininstool was repeatedly elected commission chairman. Johnson also received more than \$500 and the New Mexico Republican Party received \$5,000 from commission appointee Bud Hettinga and his company, Highland Enterprises, during Johnson's tenure.

The pay-to-play era looked doomed in 2003 when Gov. Bill Richardson took office and appointed seven new commission members. In a news release, Richardson said the commission had been under the control of special interests for too long. "I am restoring the State Game Commission it to its original mission – a mission that represents and values sportsmen, as well as every other constituency that enjoys New Mexico's



bountiful natural resources,” he said.

Despite Richardson’s strong conservation record and his admirable goal of having the commission represent all New Mexicans equally, he has not been immune to using commission appointments to reward donors. Ten of the 15 people he has appointed to the commission since 2003 have contributed to his gubernatorial or presidential campaigns.

Particularly disturbing is the close relationship between major campaign contributions and those chosen commission chairman. Of the six appointees who have donated \$2,100 or more to Richardson’s campaigns, five have been chairmen.

Campaign contributions have always been part of electoral politics, but the size of donations has grown dramatically in recent decades. Johnson had a few large donations, but online archives of his campaign donors show few of his appointments making any contributions at all.

Richardson has named several non-donors to the commission as well. (By statute, no more than four members can be from the same political party.) Five of his 15 appointees don’t appear in campaign contribution data bases. Five others have contributed a combined total of less than \$5,000.

But the remaining five – all of whom also served as chairman of the commission – contributed almost \$150,000. Major donors include:

- Leo V. Sims II, an attorney who lists his employment in both the ranching and oil and gas industries of southeast New Mexico, gave more than \$79,000 from 2002 to 2006. Sims was named to the commission in 2003 and elected chairman in December 2005.

- Guy Riordan, a securities broker who also owned Rancho de La Joya Game Preserve, a commercial hunting preserve and shotgun sporting facility. The Albuquerque Journal reported that Riordan made campaign contributions of \$44,560 before and after he was named to the commission in 2003 and elected chairman in January 2004. Richardson removed Riordan from the commission in 2006 after allegations arose in a federal corruption case court that Riordan gave former State Treasurer Michael Montoya gifts in return for state business, charges Riordan and his attorneys denied.

- Jim McClintic, an Albuquerque contractor, and two companies he owns contributed \$12,700 in 2006 and 2007 to Richardson campaigns. McClintic was appointed in 2007 and elected chairman in December 2008, a position he still holds.

- Tom Arvas, an Albuquerque optometrist who had been on the commission in previous Democratic administrations, was reappointed by Richardson in 2003. He was elected chairman in January 2003 and again in February 2008. Along with members of his family and the Arvas Family Trust, Arvas gave \$8,200 to the governor from 2002 to 2007. The political action committee of the New Mexico Optometric Association, of which Arvas was former president and legislative liaison, gave the governor \$25,000 in 2006.

Many commissioners who make campaign donations have served the public interest well. But every governor who accepts contributions from sitting or potential commission members



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has shortchanged sportsmen by allowing political consideration to taint the institution charged with managing our wildlife. The hunters and anglers who fund the Department of Game and Fish should not have to wonder whether wildlife management decisions are being unduly influenced by those on top of the management pyramid. Even the appearance of impropriety can affect the trust of the very people who pay the department’s bills – the everyday sportsmen of New Mexico.

Sportsmen’s Confidence Eroding in New Mexico Wildlife Management

New Mexico is world-renowned for its trophy elk, antelope, mule deer and other big game. But ask a resident hunter – and there are nearly 70,000 of them – whether he or she is sharing in that bounty and chances are good they’ll say “no.” They apply for hunts year after year but rarely get drawn, making it hard to feed their families with quality protein and almost impossible to pass on a tradition that in some families is centuries old.

But it’s not just the luck of the draw that keeps residents home during hunting season. Policies and decisions made by the state Legislature, State Game Commission and Department of Game and Fish over the last 30 years have eroded the percentage of big game hunting licenses available to New Mexico residents.

By law, New Mexico sets aside 22 percent of all hunting licenses allocated through the Big Game Draw for nonresidents, a higher percentage than any other western state. And more than half of that nonresident guarantee is reserved for outfitters.

But by far the worst of the policies for state sportsmen is the commission’s expansion of resalable hunting license programs for certain big game species. Every year, tens of thousands of licenses – amounting to 70 percent of all antelope hunting licenses and 40 percent of elk – are removed from the public license lottery and awarded directly to certain landowners as “transferable authorizations.” These authorizations can be sold to outfitters or hunters to buy their way around the public Big Game Draw. The authorizations have become more expensive over time, increasingly going to nonresident hunters who can afford to pay more than New Mexico residents.

It should not be a surprise that many residents dislike these policies, which are making hunting in New Mexico a rich

person's privilege. Polls conducted by the New Mexico Wildlife Federation in 2009 and 2010 found that 60 percent of hunters were disappointed in their family's results in the Big Game Draw; half of the respondents said they planned to hunt out of state, but many others can't afford to do so. As one of the poorest states in the nation, giving New Mexico residents the opportunity to feed their family with inexpensive and healthy wild game meat would seem like a high priority for the State Game

Commission. Sadly, it has not.

That perceived lack of support for everyday New Mexicans may also be behind poll numbers showing sportsmen's lack of confidence in their wildlife managers. In another NMWF poll, 58 percent said they did not believe the commission and the department adequately collect sportsmen's input when making key decisions.

The Blueprint: Ethics Reform Starts With Commission

Governor-elect Martinez will have a big task ahead if she wants to regain the support and trust of the average New Mexico hunter, but it is a worthy goal. Nearly a century ago, when New Mexico was adjusting to its new status as a state, prominent conservationist Aldo Leopold and other like-minded hunters and anglers formed the New Mexico Game Protective Association. One of their main goals, Leopold would write later, was to get the politics out of wildlife management. Following are two major recommendations by which the next governor could move us toward that admirable goal.

1. Get Pay-to-Play Out of Game Commission

Many of the problems with the State Game Commission could be avoided by simply following the spirit of the statute that sets up the commission, Chapter 17-1 NMSA 1978. The statute is designed to keep politics at bay, but many of its main points have been skirted or ignored by recent governors. A critical component of improving the trust between sportsmen and the commission will be the governor's appointments to the five public seats that represent the geographical areas of New Mexico. Perhaps most important is to ensure that those seats are reserved for sportsmen who are not major political donors and that the appointees will not be allowed to benefit from their own decisions.

- Reserve the five public seats for the public, and keep special interests and pay-to-play influence out of them. State law gives agricultural and environmental concerns their own seats, but they should not dominate the commission. Those named to the five public seats should be respected by the hunting and fishing organizations in their regions of the state. They should not be major political donors or recipients of transferable license authorizations or other items of value from the Department of Game and Fish. The governor also should ask sitting commissioners in the five public seats to refrain from making campaign contributions to the governor. No sitting commissioner should be the recipient of wildlife transplants or other valuable items while serving on the Game Commission.

- Create a stable, bipartisan commission. State law calls for a bipartisan commission by limiting the membership to no more than four members from a single political party. Past governors have avoided the spirit of this statute by asking appointees to change political parties. The statute is also designed to create a stable, professional commission, with appointees serving four-year terms that continue into a new governor's administration. However, some governors have asked for blanket resignations upon taking office, and some have removed appointees over certain votes. These actions circumvent the goal of stability intended in statute. Sitting commissioners should be allowed to serve out their terms if they are confirmed by the Senate

and should be removed only for clear violations spelled out in law.

2. Commission's Top Job is Hiring Director

The single most important job of the Game Commission is hiring the director of Game and Fish, and the most important aspect of that job is transparency – an aspect that needs to be reintroduced into the process.

- Hunters and anglers who fund the department deserve to see an open search for the director of Game and Fish. Finalists for the job should be made public, and it should be clear that the selection was based on qualifications and not the backing of a certain group or donor. To the sportsmen and wildlife of the state, the job of Game and Fish director is just as important as the choice of a university president is to higher education. It is essential to restoring the trust of hunters and anglers in New Mexico that a transparent and open search be conducted to fill the job of director.

- The governor should ensure that the Game Commission takes responsibility for hiring the director of Game and Fish on behalf of the everyday sportsmen of New Mexico.

As Aldo Leopold wrote in 1925, "... game management will not be a success, even with wise laws and enlightened public sentiment, unless we also have competent and enthusiastic official leadership."

Recent governors have allowed behind-the-scenes influence of the wealthy and politically connected to affect our wildlife management and have thus lost the trust of the very hunters and anglers who pay the bills. New Mexico's next governor can re-establish the trust of sportsmen and other members of the public by establishing simple systems such as an open search for director of Game and Fish and refusal to appoint people to the five public seats who might reap personal benefits. In this way, New Mexico's new governor can immediately establish a legacy of lasting importance and affect the outdoor traditions of this great state for generations.

About the New Mexico Wildlife Federation

The New Mexico Wildlife Federation is a 501-c-3 nonprofit group that was started in 1914 by sportsmen interested in protecting New Mexico's outdoor way of life. Our three priorities today – opportunity, habitat and youth – are aimed at ensuring those traditions endure for future generations.

For more information about this report or NMWF, call us at (505) 299-5404, or go to www.nmwildlife.org.

