

Catron County Rancher Upset With Lack of Permits Shoots Elk On Sight

By Ben Neary

NMWF

One of the Catron County ranchers pressing a lawsuit claiming that New Mexico's system of elk management damages private property routinely kills elk that cross his ranch south of Reserve.

Zeno Kiehne has killed at least 14 elk on his roughly 500-acre property in the last year and has been killing elk periodically on the ranch as far back as 2015, state records show. About a year ago, he told a state conservation officer that he targets bulls because they're worth more to the state wildlife agency and to hunters.

Conservation officers routinely go to Kiehne's property and collect the slaughtered elk. If the meat hasn't gone sour, they sell the carcasses to members of the public who have expressed interest in harvesting the meat.

"It's outrageous," Kiehne said of the situation he faces. "We're feeding the elk, and the damned game department's making all the money, and the outfitters, they make lots of money off the deal. But we have to feed them. We have to water them, we have to take care of them and then they're the ones making all the money."

Kiehne said he started killing elk on his property in 2015, but then stopped the practice for several years until recently. "This last year has been drought," he said. "We haven't had any feed at all for cattle. I had to sell a bunch of my cattle because of the elk. There's been no compensation."

In killing the elk, Kiehne is relying on the so-called "Jennings Law," – a controversial 1997 measure enacted by the New Mexico State Legislature that allows landowners to kill wildlife perceived to be a threat to private property including crops, and even native grasslands.

Named after its sponsor, former State Sen. Tim Jennings, D-Roswell, the law enjoys strong support from the state's ranching industry and has survived efforts by the New Mexico Wildlife Federation and others to repeal it.

"The Jennings Law has strayed from the principles of conservation," said Ray Trejo, southern New Mexico outreach coordinator for the NMWF.

"Wildlife should never be destroyed simply because it crosses a fence line," Trejo said. "If an animal presents an immediate threat, action may be justified, but too often elk and deer are killed and left to waste. That's neither ethical nor responsible management of New Mexico's wildlife."

According to state records, Kiehne has told state wildlife officials that he kills elk under the Jennings Law to try to pressure the New Mexico Department of Wildlife to give him elk permit authorizations under the state's "Elk Private Lands Use System," (EPLUS.) However, state officials say his ranch doesn't qualify.

"I got one elk tag in 20 years, and everybody out here with ten, 20 acres — hell, there's one guy out here with about 20, 30 acres at the most and got 30 in 10 years," Kiehne said. "It's all a scam. It's all political. It's all corrupt, that's the only thing I can tell you."

EPLUS authorizations are essentially legal tender in New Mexico. They're transferable and landowners who receive them commonly sell them for thousands of dollars to outfitters or directly to hunters on the open market. Some authorizations are limited to hunting a particular ranch, while others allow hunting on surrounding public lands.

New Mexico is the only state to manage elk through a system like EPLUS. Under the system, the state allocates more than a third of total elk licenses to private landowners through authorizations. No other state has that level of privatization.

Records from the NM Department of Wildlife show that officials decided that Kiehne's ranch has failed to meet criteria to receive EPLUS permits. The criteria measure things such as how much time elk spend on a given property and how much water and forage is available.

Under the program, properties that don't qualify for whole permits can join together and share permits among themselves on a rotating basis but Kiehne has rejected that approach, records say. He has also rejected state offers of fencing material to keep elk off of his ranch.

To say Kiehne has been dissatisfied with the department's refusal to give him EPLUS authorizations is putting it mildly. For a few months last year, he mailed elk droppings to the NM Department of Wildlife headquarters in Santa Fe, saying they were evidence that elk in fact were using his ranch.

Conservation Officer Joshua Wright wrote a report after an exchange with Kiehne at a gas station in Reserve in June 2025.

Wright's report quotes Kiehne expressing his dissatisfaction with his lack of EPLUS tags. It states Kiehne told Wright he would kill elk on his property. "I'll show you how much damage I can do," he told the officer.

In August 2025, Wright went to Kiehne's ranch in response to his killing an elk. "When I asked him why he was shooting at bulls particularly, he said because they were most valuable to NMDGF (New Mexico Department of Game and Fish – the old name for the NM Department of Wildlife) and to hunters."

Wright said Kiehne told him that he would continue to shoot elk whenever they entered his property. "Mr. Kiehne said the only way he would work with me is if I gave him 'about five bull permits,'" Wright wrote.

Each time Kiehne shoots elk on his ranch and informs officers with the NM Department of Wildlife, the agency responds with a letter telling him that his eligibility to participate in the EPLUS program has been pushed back three years. He's received several such letters this summer. If he stopped killing elk, he wouldn't be eligible for tags until sometime in 2029.

Conflicts between rural landowners and wildlife are common. And state records of landowners availing themselves of the "Jennings Law" are generally routine. A landowner grabs a rifle when a javelina starts tearing up the family dog, or when a bear gets into the chicken coop.

But over the years, there have been a handful of ranchers around the state like Kiehne who have, in some instances, killed dozens or even scores of elk on their private property.

In an interview with NMWF, Kiehne said he doesn't feel that his shooting the elk is accomplishing anything.

"Of course not," Kiehne said. "I shoot ten and 20 more come in every day. But hell, the game department won't manage their damned game. Hell a damned lion killed a damned sheep out of my corral about a week ago. There was 13 bears on my property this summer. I mean the game department has no idea what the hell they're doing and they've got idiots running the damned place."

Kiehne said the state should compensate landowners for the losses caused by elk.

"What am I supposed to do? Just let them take over everything?" Kiehne said. "That's a hell of a loss of income every year. Fences and everything. It's not just me. There are other ranchers that would like to be involved, but they don't want to be the guy in with the bull in the arena. They want somebody else to do their work for them. I got to do something. I've got to at least save some feed for my cattle."

Kiehne is the lead plaintiff in a state court lawsuit filed in Catron County in 2021 in which he and half a dozen other Catron County landowners and ranchers argued that the state Wildlife Department's "mismanagement" of elk populations is damaging their properties.

In their lawsuit, the ranchers point out that the native Merriam's elk were extirpated in New Mexico and elsewhere in the Southwest over 100 years ago. Since then, state wildlife managers have introduced Rocky Mountain elk, and have managed their numbers as the Gila Wilderness and other parts of southwestern New Mexico have become world famous for trophy elk hunting.

In a ruling this June, the appeals court rejected the ranchers' argument that having elk grazing on their properties amounts to an unconstitutional government "taking" of their property without compensation. The court also rejected the ranchers' claim that the state was responsible for the elk as a "nuisance" on private land.

The court ruling affirmed that elk are wild, free-roaming animals and that New Mexico wildlife managers aren't responsible for their natural behavior. "... (T)rusteeship over wild animals does not by itself result in an occupation by the state if wild animals occupy private property," the appeals court ruled.

Kiehne and the other ranchers have filed notice that they're appealing the decision to the New Mexico Supreme Court.

Kiehne said he doesn't know what the supreme court will do. He said he would welcome seeing the state Legislature address the issue, "but with the liberal environmental shit we've got there in the Legislature, they probably won't get nothing done."

In late June, soon after the court of appeals ruling, Kiehne shot and killed three bull elk on his property. The state report on the incident says he reported killing them "to prevent damage to his fences and to prevent the elk from consuming the grasses in his field, which currently has very little to no grasses. Side note – since the area has received little precipitation, there isn't much for the growth of vegetation in Zeno's fields."