

Importation Rule and Changes to the Game & Fish License/Permit Fees – Summary of Proposed Changes

July 8, 2010

New Mexico State Game Commission Meeting – Silver City



Background

- By statute, it is a misdemeanor to import any live non-domesticated animals, birds or fish into New Mexico without first obtaining a permit from the New Mexico Department of Game and Fish [17-3-32, NMSA].
- The Dept. has been working on revising the current Importation Rule since 2007.
- An initial draft proposal was presented to the Game Commission at its June 3, 2009 meeting in Gallup.



Importation Rule Development

- Since the last Commission meeting, the Department posted an updated draft proposal on its website containing the following modifications per discussions at that meeting:
 - 19.35.7.6 – Within the rule's objective, language was removed specific to disease testing requirements.
 - 19.35.7.7 – The definition of domesticated animal was modified.



Importation Rule Development

- 19.35.7.10 A(1) – The language specific to group I species was modified.
- 19.35.7.10 A(4) – The reference to C.I.T.E.S. appendix I species was dropped from the definition of group IV species.
- 19.35.7.10 H – Gives the director the authority to determine the conditions under which an animal will be allowed re-entry into state if it temporarily leaves New Mexico based on the specific circumstances.



Species Importation List Development

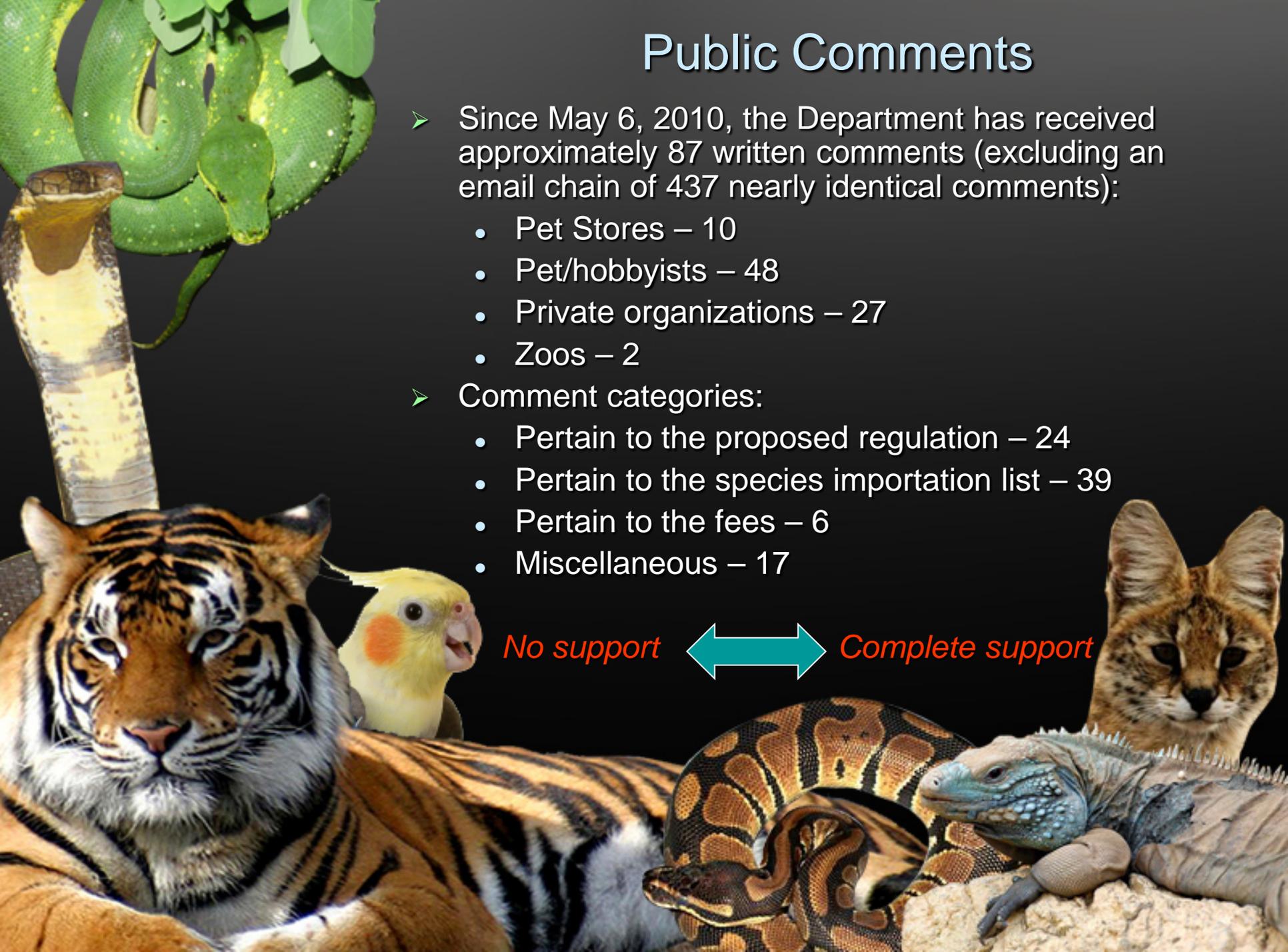
- Have continued seeking input on the development of the Species Importation List from a variety of sources including:
 - Local business operators involved in the pet trade.
 - Hobbyists involved in aviculture and in the collection of reptiles and amphibians.
 - National organizations representing the exotic pet trade and aviculture.
 - NMDGF Resource Divisions/Directorate.



Public Comments

- Since May 6, 2010, the Department has received approximately 87 written comments (excluding an email chain of 437 nearly identical comments):
 - Pet Stores – 10
 - Pet/hobbyists – 48
 - Private organizations – 27
 - Zoos – 2
- Comment categories:
 - Pertain to the proposed regulation – 24
 - Pertain to the species importation list – 39
 - Pertain to the fees – 6
 - Miscellaneous – 17

No support ↔ *Complete support*



Latest Proposed Changes

➤ Additional internal input has resulted in the following suggestions:

- To develop a new definition for semi-domesticated animal to read “For the purpose of this rule, the director may designate an animal species as semi-domesticated in those instances where individual members of such species are commonly tamed, raised, bred or sold in captivity.”
- To replace the term domesticated animal to semi-domesticated animal when applied the Species Importation List.
- To change the definition for non-domesticated animals to read “For the purposes of this rule, any animal species that is wild by nature not listed as semi-domesticated or protected under chapter 17 NMSA, 1978.”



Overview of Proposed Changes

- The creation of a section that defines the Director's authority to:
 - Designate semi-domesticated animals where no importation permit is required from the Department.
 - Development a species importation list (minimum of 4 groups) including conditions under which an animal may be imported into the state.
 - Determine eligibility requirements for future importation, should anyone violate the provisions of importation, including proposing corrective measures.
 - Create administrative fees up to \$500 (COC) for failure to comply with importation (for admin review, inspections, updating files, etc).
 - Designate an individual as a qualified expert.
 - Determine all forms and applications.
 - Determine all notices and postings.
 - Determine an additional fee up to \$25 for anyone requesting their application be expedited.



Overview of Proposed Changes

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- Creates additional health and facility allowances.
 - Adds different importation fees relating to the number of animals to be imported on an annual basis.
 - Minor changes to fisheries (fee structure and ornamental fish).
 - Creates a hold harmless/immunity provision requirement.
 - Creates more definitions, including a dangerous animal definition for predatory or venomous animals.
 - Creates warning notices requirements for dangerous animals.
 - Eliminates the reference to C.I.T.E.S.
 - Gives the director the authority to determine the conditions under which an animal will be allowed re-entry into state if it temporarily leaves New Mexico.



Overview of Proposed Fee Changes

- Eliminates separate fee for furbearers.
- Establishes annual importation permit fee of \$25 for fish and a \$6 fee for each additional stocking and shipment.
- Establishes an annual importation fee for non-domesticated animals (not to include protected ungulates, game birds, fish or other).
 - Class 1: importation of 1 to 5 animals: \$25.
 - Class 2: importation of 6-99 animals: \$75.
 - Class 3: importation of greater than 100 animals: \$100.
- Fees are based on total animals imported in a calendar year as opposed to being charged per permit.
- “Other” types of permits include temporary importation, exhibition, game birds, etc., and will cost \$20.



Factors to Consider:

- In 2001 it was estimated that 13.1 percent of United States households own specialty and exotic pets (average estimate 88,000 NM households could have a specialty/exotic pet based on 667K households).
- The United States Fish and Wildlife Service estimates that more than 250 million individual animals were imported in to the United States in 2002; the single largest group of imported animals was tropical fish, followed by amphibians.
- The Pet Industry Joint Advisory Council reports that 64 million American households own companion animals, 20 million of which have at least one exotic pet (2004).
- IF NM is the norm or .6% of US population than $20\text{mil}(.006) = 120,000$ exotic pets.



Conclusions

- This process should continue to move forward because:
 - Current rule does not allow for the importation of any CITES Species.
 - Current rule requires de-venomization of all venomous snakes regardless of importer.
 - Current rule and fee structure does not accommodate pet industry.
 - Department has an opportunity to achieve much higher rates of compliance



Conclusions

- Development of Species Importation List must be reasonable:
 - Should include economic, social, political and biological considerations.
 - Should include a risk assessment approach to grouping various animal species.
 - Permit provisions should be utilized as a primary tool to mitigate risk.
 - Importation rule should not be viewed as only tool available to Dept.
 - Implementation should be designed to minimize negative impacts to business when not in conflict with native wildlife.



Department Recommendation to the Game Commission

- That the Commission adopt the amendments to rule 19.30.9.9 NMAC “Game and Fish Licenses and Permits.”
- That the Commission repeals rule 19.35.7 NMAC, “Importation of Live Non-Domestic Animals, Birds and Fish.”
- That the Commission replaces rule 19.35.7 NMAC, “Importation of Live Non-Domestic Animals, Birds and Fish as presented by the Department” in an immediate filing *as presented by the Department...*



Commission comments & concerns...

