

AGENDA ITEM NO. 12

Final Proposal to Importation and
Authorized Uses of Live Wildlife Permitting
–19.35.7 and 19.35.6 NMAC

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Field Operations Division

- Statute 17-3-32 NMSA 1978 provides that a permit must be obtained from the Department before any live non domesticated animal can be imported into New Mexico.
- Rule 19.35.7 NMAC prescribes the process for applying for and issuing these importation permits.



- 17-2-42 and 17-3-29 NMSA 1978 authorize the Director to issue permits for taking or possessing protected wildlife for scientific or propagating purposes.
- 19.35.6 NMAC prescribes the process for applying for and issuing these permits.



The proposed amendments to these rules would require the Commission to approve any applications for the importation or use of carnivores on private lands, for the purpose of recovery, reintroduction, conditioning, establishment, or reestablishment in New Mexico, prior to the Director issuing such permits.



19.35.7 NMAC

19.35.7.8 IMPORTATION OF LIVE NON-DOMESTICATED ANIMALS:

It shall be unlawful to import any live non-domesticated animal into New Mexico without first obtaining appropriate permit(s) issued by the director except those animals identified within the species importation list group I. The state game commission must review any permit application for the importation of any carnivore that will be held, possessed or released on private property for the purpose of recovery, reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule. Permits will only be issued when all application requirements and provisions have been met. Failure to adhere to or violation of permit provisions may result in the applicant/importer becoming ineligible for importation(s). The pendency or determination of any administrative action or the pendency or determination of a criminal prosecution for the same is not a bar to the other.



19.35.7 NMAC

19.35.7.19 RELEASE FROM CAPTIVITY FOR IMPORTED ANIMALS:

No person shall release from captivity an imported animal into New Mexico except by obtaining a release permit from the director. The transfer of an imported animal from one person to another person does not constitute a release from captivity.

D. The state game commission must review any permit application for any carnivore that will be held, possessed or released on private land for the purpose of recovery, reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule.



19.35.6 NMAC

19.35.6.7 DEFINITIONS:

C. “Carnivore”: Any animal within the order Carnivora.

19.35.6.9 PERMIT ISSUANCE:

K. The state game commission must review any permit application for the possession or use of any carnivore that is held, possessed or released on private property for the purpose of recovery, reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule.



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Wildlife Conservation Act

17-2-37 through 17-2-46 NMSA 1978

- The Wildlife Conservation Act mandates that the Director provide reasonable opportunity for individuals to participate and express their views and point out any social or economic impacts that may result from implementing a recovery plan.



Wildlife Conservation Act Continued:

- Game Commission meetings around the state are an avenue that the Director has to provide opportunity for public input and vetting.
- All briefings and agendas are posted for public comment prior to meetings.
- Public is allowed to comment on each agenda item during a meeting prior to Commission action.



Public Involvement

- Consideration of these applications by the Commission would provide the opportunity for the public to comment as a part of an open meeting.
- These proposals were first posted on the Department's website prior to the August Commission meeting. Revised amendments have been posted since.



Public Involvement

- One written comment concerned that feral cat rescue programs might be affected by the proposal was received
- One written comment not to meddle in private property rights.



Public Involvement

- One written comment concerned that adopting these proposals would jeopardize the Department's eligibility for Section 6 ESA grants for endangered species recovery.



Public Involvement

- 1 written comment from the wildlife chair for the NM chapter of the Sierra Club in opposition.
- 366 duplicated written comments have been received from members of the Rio Grande Chapter of the Sierra Club who are in opposition to these proposals.



Public Involvement

- Several constituents commented verbally at the August meeting.



Questions?



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