



Agenda Item 21

Commission Procedures on Appeal 19.30.16

New Mexico Department of Game & Fish
October 5, 2016





Scope of 19.30.16

five regulations provide for an appeal:

- 19.30.5.13—landowner appeal: deeded acres, elk contribution rate, or participation requirements;
- 19.30.12.12—landowner appeal: qualifying acres of pronghorn habitat or participation requirements;
- 19.35.5.11—appeal re. rehabilitation permit
- 19.35.6.15—appeal re. scientific/education possession permit;
- 19.35.7.22—appeal re. importation and release of wildlife.





What the Rule does

- 19.30.16 establishes:
 - who may appeal
 - deadline and requirements for notice of appeal
 - schedule for filing admin record and exhibits
 - default of no prehearing discovery
 - opportunity for hearing / oral argument
 - chairman or designee as hearing officer
 - burden of proof
 - timing of final decision and commission order





Rulemaking Process

- Department noticed the proposed rule and solicited public comment
- Two comments received
- Recommendations:
 - to adopt 19.30.16 as proposed
 - to adopt revisions proposed to 5 other rules to harmonize with 19.30.16





Questions/ Comments





Proposed Motions

Motion to adopt 19.30.16 as proposed:

“Move to adopt Administrative Appeals rule 19.30.16 NMAC, as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives”

Motion to adopt proposed revisions to affected regulations:

“Move to adopt amendments to Sections 19.30.12.12; 19.30.5.13; 19.35.5.11; 19.35.6.15; and 19.35.7.22 NMAC, as proposed by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives”





General process

