

New Mexico Register / Volume XXXII, Issue 17 /September 14, 2021
STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) will be hosting a virtual and in-person meeting and rule hearing on Thursday October 22, 2021 beginning at 9:00 a.m. at the New Mexico Farm and Ranch Heritage Museum, 4100 Dripping Springs Rd., Las Cruces, NM. Please check the Department’s website at: www.wildlife.state.nm.us for potential venue changes due to the COVID-19 pandemic. The purpose of this meeting is to hear and consider action as appropriate on the following: presentation of proposed changes to 1) the Upland Game rule; and 2) the Furbearers rule.

Synopsis:

- 1) The proposal is to amend the Upland Game rule, 19.31.5 NMAC, which will become effective April 1, 2022. The current Upland Game rule will expire on March 31, 2022. The proposed new rule includes expanding boundaries of the Bernardo youth pheasant hunt to include adjacent WMAs in the middle Rio Grande Valley, adjusting dusky grouse and squirrel seasons to close December 31, adjusting hunt dates based on calendar dates, and removing language duplicated in 19.31.10 NMAC Hunting and Fishing- Manner and Method and 19.31.3 NMAC Hunting and Fishing Licenses and Application.
- 2) The proposal is to amend the Furbearers rule, 19.32.2 NMAC, which will become effective April 1, 2022. The current Furbearer rule will expire on March 31, 2024. Senate Bill 32, the **Wildlife Conservation and Public Safety Act** (17-11-1 to 5 NMSA 1978), passed the 2021 Legislative session and was signed into law. The proposed amendment will conform with new statutory changes.

A full text of changes for both rules will be available on the Department’s website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Upland Game rule at DGF-Gamebird@state.nm.us, or the Furbearer rule at DGF-Furberarer-Rules@state.nm.us; individuals may also submit written comments to the physical address below. Comments are due by 8:00 a.m. on October 21, 2021. The final proposed rules will be voted on by the Commission during a public meeting on October 22, 2021. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on October 22, 2021.

Full copies of text of the proposed new rules, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department’s website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director’s Office at (505) 476-8000, or the Department’s website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission’s Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 32 TRAPPING AND FURBEARERS
PART 2 FURBEARERS

19.32.2.1 ISSUING AGENCY: New Mexico department of game and fish.
[19.32.2.1 NMAC - Rp, 19.32.1.1 NMAC, 4/1/2020]

19.32.2.2 SCOPE: Sportspersons interested in furbearer hunting and management. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.32.2.2 NMAC - Rp, 19.32.1.2 NMAC, 4/1/2020]

19.32.2.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-5-3, 17-5-4, and 17-5-5 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.
[19.32.2.3 NMAC - Rp, 19.32.1.3 NMAC, 4/1/2020]

19.32.2.4 DURATION: April 1, 2020 through March 31, 2024.
[19.32.2.4 NMAC - Rp, 19.32.1.4 NMAC, 4/1/2020]

19.32.2.5 EFFECTIVE DATE: April 1, 2020, unless a later date is cited at the end of a section.
[19.32.2.5 NMAC - Rp, 19.32.1.5 NMAC, 4/1/2020]

19.32.2.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules and procedures governing the distribution and issuance of trapping licenses by the department.
[19.32.2.6 NMAC - Rp, 19.32.1.6 NMAC, 4/1/2020]

19.32.2.7 DEFINITIONS:

- A. "Department"** shall mean the New Mexico department of game and fish.
 - B. "Foothold trap"** shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.
 - C. "Foot encapsulating trap"** shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include "dog proof" and "egg" traps.
 - D. "Furbearer"** shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.
 - E. "Land set"** shall mean any foothold trap or snare set on land.
 - F. "Public land"** means state-owned land, state-leased land, lands held in trust by the state, lands administered by the United States fish and wildlife service, the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, state parks and any county or municipality, but does not include the interior of physical structures or land belonging to or held in trust for an Indian nation, tribe or pueblo.
 - G. "Snare"** shall mean a wire or cable with a single closing device designed to capture a furbearer.
 - H. "Trap"** shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.
- [19.32.2.7 NMAC - Rp, 19.32.1.7 NMAC, 4/1/2020; A, 4/1/2022]

19.32.2.8 OPEN SEASONS:

- A.** Badger, weasel, fox, ringtail and bobcat: November 1-March 15 statewide.
 - B.** Raccoon:
 - (1)** April 1-May 15 and September 1-March 31, statewide.
 - (2)** Extended season: May 16-August 31 statewide, method restrictions per 19.31.10 NMAC.
 - C.** Beaver and muskrat: April 1-April 30 and November 1-March 31, statewide.
 - D.** Nutria: April 1-March 31 statewide.
- [19.32.2.8 NMAC - Rp, 19.32.1.8 NMAC, 4/1/2020]

19.32.2.9 CLOSED AREAS: All public lands in New Mexico are closed to the use of traps and snares except as allowed by 17-11-4 NMSA 1978.

[19.32.2.9 NMAC - Rp, 19.32.1.9 NMAC, 4/1/2020; A, 4/1/2022]

19.32.2.10 MANDATORY FURBEARER EDUCATION:

A. Every person must successfully complete a department approved trapper education course before setting any trap or snare in New Mexico. Proof of successful completion of a trapper education course in any other state will also be accepted, but the person must pass a New Mexico law and species identification course.

B. Every person hunting furbearers must successfully complete either the New Mexico trapper education course, or a New Mexico law and species identification course.

C. Trapper education shall be offered free of charge to all residents. The department may charge a fee of not more than \$35 for each non-resident who takes a New Mexico trapper education course. The New Mexico law and species identification course shall be free for everyone.

[19.32.2.9 NMAC - Rp, 19.32.1.9 NMAC, 4/1/2020]

19.32.2.11 BAG LIMIT: Annual bag limits may be set by the director, with the verbal concurrence of the chairperson of the game commission or their designee, for any furbearer species to address significant changes in statewide populations or to address critical department management needs. Annual bag limits, if set, shall expire March 31st annually.

[19.32.2.10 NMAC - Rp, 19.32.1.10 NMAC, 4/1/2020]

19.32.2.12 EXEMPTIONS: The provisions of this rule shall not apply to department of game and fish personnel or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes, unless otherwise restricted by 17-11-1 to 17-11-5 NMSA 1978.

[19.32.2.11 NMAC - Rp, 19.32.1.11 NMAC, 4/1/2020; A, 4/1/2022]

HISTORY OF 19.32.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 490, Establishing Seasons On Protected Furbearers, filed 3/1/68; Regulation No. 511, Establishing Seasons On Protected Furbearers 1970-1971, filed 2/20/70; Regulation No. 521, Establishing Seasons On Protected Furbearers 1971-1972, filed 3/9/71; Regulation No. 533, Establishing Seasons On Protected Furbearers 1972-1973, filed 3/30/72; Regulation No. 544, Establishing Seasons On Protected Furbearers 1973-1974, filed 2/26/73; Regulation No 555, Establishing Seasons On Protected Furbearers 1974-1975, filed 3/4/74; Regulation No. 566, Establishing Seasons On Protected Furbearers, filed 3/24/75; Regulation No. 584, Establishing Seasons On Protected Furbearers, filed 2/9/77; Regulation No. 491, Establishing Seasons On Protected Furbearers, filed 2/15/78; Regulation No. 597, Establishing Seasons On Furbearers, filed 2/23/79; Regulation No. 604, Establishing 1980 Seasons On Furbearers, filed 2/22/80; Regulation No. 608, Establishing 1981 Seasons On Furbearers, filed 3/5/81; Regulation No. 613, Establishing 1982 Seasons On Furbearers, filed 3/2/82; Regulation No. 623, Establishing 1983 Seasons On Furbearers, filed 3/9/83; Regulation No. 629, Establishing 1984 Seasons On Furbearers, filed 3/16/84; Regulation No. 633, Establishing 1985 Seasons On Furbearers, filed 4/15/85; Regulation No. 641, Establishing 1986 Seasons On Furbearers, filed 3/25/86; Regulation No. 646, Establishing 1987 Seasons On Furbearers, filed 10/27/86; Regulation No. 654, Establishing 1988 Seasons On Furbearers, filed 12/4/87; Regulation No. 665, Establishing 1989-1990 Seasons On Furbearers, filed 3/20/89; Regulation No. 675, Establishing 1990-1991 Seasons On Furbearers, filed 11/21/89; Regulation No. 684, Establishing 1991-1992 Seasons On Furbearers, filed 1/11/91; Regulation No. 690, Establishing 1992-1993 Seasons On Furbearers, filed 3/4/92; Regulation No. 701, Establishing 1993-1995 Seasons on Furbearers, filed 3/11/93.

Regulation No. 691, Establishing Financial Liability For Unaccounted For Licenses, 10-3-91.

History of Repealed Material:

19.32.2 NMAC, Method, Season Dates, and Bag Limits, filed 8/1/2011, and replaced it with 19.32.2 NMAC, Furbearers, effective 4/1/2020.

This is an amendment to 19.32.2 NMAC, Sections 7, 9, and 12, effective 4/1/2022.

19.32.2.7 DEFINITIONS:

- A. **“Department”** shall mean the New Mexico department of game and fish.
- B. **“Foothold trap”** shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.
- C. **“Foot encapsulating trap”** shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.
- D. **“Furbearer”** shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.
- E. **“Land set”** shall mean any foothold trap or snare set on land.
- F. **“Public land”** means state-owned land, state-leased land, lands held in trust by the state, lands administered by the United States fish and wildlife service, the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, state parks and any county or municipality, but does not include the interior of physical structures or land belonging to or held in trust for an Indian nation, tribe or pueblo.

~~[F]~~ G. **“Snare”** shall mean a wire or cable with a single closing device designed to capture a furbearer.
[G] H. **“Trap”** shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

[19.32.2.7 NMAC - Rp, 19.32.1.7 NMAC, 4/1/2020; A, 4/1/2022]

19.32.2.9 CLOSED AREAS:

- A. No land set may be made on the Sandia ranger district portion of the Cibola national forest.
- B. No land set may be made within that portion of Los Alamos county bounded by a line beginning at a point on the county line common to Los Alamos and Sandoval counties, said point identified as lying 200 feet north along the county line from the brass cap marking the seven and one half mile point on the east boundary of the Baca location, said brass cap having New Mexico state plane coordinates (central zone) of X = 445,992.94 and Y = 1,782,659.28; and bearing northeasterly from the point of beginning to the northwestern corner of section 6, T. 19 N., R. 6 E., NMPM; thence easterly along the township line to the northeast corner of section 3, T. 19 N., R. 6 E., NMPM; then southwesterly to the first order traverse station “pinon”; thence N. 82 degrees, 26’30” E., a distance of 107.94 feet to the Los Alamos Santa Fe county line; thence south, west and southeast along the eastern boundary of Los Alamos county to a point marked by a brass cap monument stamped A.P. 33 and shown on the “Boundary Plat, Survey of Tract A, Ramon Vigil Grant”, filed for record with the U.S. department of the interior, general land office, Washington, D.C., January 10, 1939; thence southwesterly along a line 1,000 feet easterly of and parallel with the easterly boundary of the survey of White Rock, county of Los Alamos, New Mexico, as recorded in plat book 1, Page 62, on September 3, 1965, to the center line of Water canyon; thence southeasterly along the center line of Water canyon to the Los Alamos Santa Fe county line; thence southwesterly, westerly and northerly along the Los Alamos county line to the point of beginning.
- C. No land set may be made on the Organ Mountain Desert Peaks national monument property within the following boundaries: Beginning at the junction of Interstate 25 (I-25) and US Highway 70, east along US Highway 70 to the White Sands Missile Range (WSMR) boundary, then south and east along the WSMR boundary to US Highway 54, then southwest along US Highway 54 to the Texas/New Mexico state line, then west along the state line to Interstate 10 (I-10), then north along I-10 to the junction with I-25 then north along I-25 to the junction of I-25 and US Highway 70.
- D. No land set may be placed within one half mile of New Mexico Highway 475 on the Santa Fe national forest, or New Mexico Highway 150 on the Carson national forest.
- E. No beaver trapping is permitted on the Cibola, Gila or Lincoln national forests.]

All public lands in New Mexico are closed to the use of traps and snares except as allowed by 17-11-4 NMSA 1978.

[19.32.2.9 NMAC - Rp, 19.32.1.9 NMAC, 4/1/2020; A, 4/1/2022]

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[19.32.2.2 NMAC - Rp, 19.32.1.2 NMAC, 4/1/2020]

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D. No land set may be placed within one half mile of New Mexico Highway 475 on the Santa Fe national forest, or New Mexico Highway 150 on the Carson national forest.

E. No beaver trapping is permitted on the Cibola, Gila or Lincoln national forests.

[19.32.2.9 NMAC - Rp, 19.32.1.9 NMAC, 4/1/2020]

19.32.2.10 **MANDATORY FURBEARER EDUCATION:**

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C. Trapper education shall be offered free of charge to all residents. The department may charge a fee of not more than \$35 for each non-resident who takes a New Mexico trapper education course. The New Mexico law and species identification course shall be free for everyone.

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[19.32.2.10 NMAC - Rp, 19.32.1.10 NMAC, 4/1/2020]

19.32.2.12 **EXEMPTIONS:** The provisions of this rule shall not apply to department of game and fish personnel or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes, unless otherwise restricted by 17-11-1 to 17-11-5 NMSA 1978.

[19.32.2.11 NMAC - Rp, 19.32.1.11 NMAC, 4/1/2020]

HISTORY OF 19.32.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 490, Establishing Seasons On Protected Furbearers, filed 3/1/68; Regulation No. 511, Establishing Seasons On Protected Furbearers 1970-1971, filed 2/20/70; Regulation No. 521, Establishing

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Regulation No. 691, Establishing Financial Liability For Unaccounted For Licenses, 10-3-91.

History of Repealed Material:

19.32.2 NMAC, Method, Season Dates, and Bag Limits, filed 8/1/2011, and replaced it with 19.32.2 NMAC, Furbearers, effective 4/1/2020.

Instructions for completing the NMAC TRANSMITTAL FORM



Your agency must complete the following:

Volume, Issue and Publication Date. [Example: Volume: XXXII , Issue: 10, Publication date: May 25, 2021.](#)

Provide the total number of pages of the paper version of the new rule, amendment, repeal, or emergency document. [Note: Do not include the pages of the transmittal form, billing sheet, PO, etc.](#)

Sequence number is for **ALD use only**.

Issuing agency's name and mailing address.

Agency's 3-digit DFA code. [Example: 123](#)

Contact person's Name, Phone number, E-mail address.

Check type of rule action: **New** (brand new rule or replacement rule), **Amendment**, **Repeal** (repeal and do not replace or repeal and replace), **Emergency**, or **Renumber**. [For a repeal and replacement rule, the agency must provide TWO signed transmittal forms; one for the repeal statement and another for the new \(replacement\) rule.](#)

Most Recent Filing Date of the Part for **ALD use only**.

Identify NMAC Title, Chapter and Part numbers and Title, Chapter and Part names.

[Example:](#)

Title 19 Natural Resources and Wildlife
Chapter 30 Wildlife Administration Aquatic
Part 14 Invasive Species

Description of Amendment: (if amending) [Example: "Amending three sections"](#).

Amendment's NMAC citation: (if amending) [Example: "Sections 9, 10 and 18 of 7.1.13 NMAC"](#).

Are any materials incorporated by reference? [Check: Yes or No. If Yes, please list attachments or provide Internet site.](#)

If incorporated, has copyright permission been granted? [Check Yes or No or check if document is in the public domain.](#)

Concise Explanatory Statement for rulemaking adoption See 1.24.25.14 NMAC:

Provide your agency's specific statutory or other authority authorizing rulemaking: Check with your agency's general counsel office to determine the correct citation(s) authorizing your agency to make rules.

Provide your Notice date(s) ([when notice of rulemaking was published in Register](#)): Hearing date(s) (if agency has board or commission): Rule adoption date: ([see note below](#)) and Rule effective date ([date rulemaking becomes effective](#))

Note:

- There must be at least **30** days between the notice publication date and hearing date.
- Your agency **must file** your rule within **15** days from rule adoption date. The date of adoption of the proposed rule shall be the date the concise explanatory statement is signed by the agency, unless otherwise specified in the concise explanatory statement. Unless your rule is an emergency filing, the rule effective date cannot be any earlier than the publication date in the New Mexico Register.

Findings required for rulemaking adoption. If attaching a separate document as findings or as concise explanatory statement, please indicate as such in findings section.

[Check with your agency's general counsel office regarding substance of any required findings to be filed.](#)

Issuing Authority: Name, Title Date signed and original Signature of issuing authority or their delegate in **black ink**:

[Note: If authority has been delegated, this box must be checked. A letter of delegation must be on file with the State Records Center and Archives, Administrative Law Division.](#)

NMAC

Transmittal Form



Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment): Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Check if authority has been delegated

Title:

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Furbearers

19.32.2 NMAC

October 22, 2021

New Mexico State Game Commission Meeting

Las Cruces, NM



**Amend:
Furbearers
19.32.2 NMAC**

- **Conform with Statute from passage and enactment of SB 32 in 2021**
 - **All public lands will be closed to use of traps and snares, with exceptions as allowed by statute.**
 - **Define “public lands” per statute.**



**Amend:
Furbearers
19.32.2 NMAC**

Public Comment

- **No public comments were submitted**



Questions?



PROPOSED CHANGES TO THE FURBEARER RULE 19.32.2

Senate Bill 32, the **Wildlife Conservation and Public Safety Act** (17-11-1 to 5 NMSA 1978), passed the 2021 Legislative session and was signed into law. The Furbearer Rule (19.32.2 NMAC) will be amended to conform with the new statutory changes.

N.M. Stat. § 17-11-1

Section 17-11-1 - [Effective4/1/2022]Short title

Chapter 17, Article 11 NMSA 1978 may be cited as the "Wildlife Conservation and Public Safety Act".

NMS § 17-11-1

Added by 2021, c. 25,s. 1, eff. 4/1/2022.

N.M. Stat. § 17-11-2

Section 17-11-2 - [Effective 4/1/2022] Definitions

As used in the Wildlife Conservation and Public Safety Act:

- A.** "bona fide scientific research" means a research project that is not being conducted for commercial gain from the sale of animal parts and that is conducted by employees or contractors of the department or authorized by a scientific collection permit from the department;
- B.** "cage trap" means a trap that captures a live animal but does not grip an animal's body or body part and is not intended to kill the animal, including a live trap, a cage or box trap, a colony trap, a net and a suitcase-type live beaver trap, but does not include a corral;
- C.** "department" means the department of game and fish;
- D.** "depredation trapping" means the act of setting traps, snares or poisons on public land to reduce or prevent damage caused by wildlife to property or waterways, including harvested and stored crops and livestock;
- E.** "domestic animal" means any animal that is bred for and is typically subject to human control;
- F.** "ecosystem management" means actions that are necessary to maintain or increase the long-term sustainability and integrity of an entire system of living wildlife and their environment, including the restoration and conservation of wildlife populations and habitat, wildlife relocation, medical treatment of wildlife and the protection of threatened or endangered species;
- G.** "feral animal" means a domestic animal existing in an untamed state outside captivity or domestication and not under human control;
- H.** "government entity" means a local, state or federal government body or agency, a political subdivision of the state or an employee, agent or representative of the body, agency or political subdivision when acting within the scope of its governmental duties, but does not include an Indian nation, tribe or pueblo;
- I.** "leghold trap" means a spring-actuated device, either padded or unpadded, designed to capture an animal by the foot, leg or other limb, including a steel-jawed leghold trap, a padded-jaw leghold trap, a foot-hold trap, an egg trap, a duffer trap and all other similar traps;
- J.** "lethal body-gripping trap" means a rotating jaw trap designed to capture an animal by the body that is intended to fatally crush or otherwise kill the animal and includes conibear traps and all other similar traps;
- K.** "public land" means state-owned land, state-leased land, lands held in trust by the state, lands administered by the United States fish and wildlife service, the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, state parks and any county or municipality, but does not include the interior of physical structures or land belonging to or held in trust for an Indian nation, tribe or pueblo;

L. "snare" means a wire or cable with a single closing device, often with a noose, with or without stops, that is used to capture, strangle or otherwise entangle an animal, but does not include use of a catch pole, leash or tether lawfully used by a person to temporarily restrain or relocate an animal;

M. "trap" includes a leghold trap, lethal body-gripping trap or cage trap;

N. "wildlife" means a member of a vertebrate species that is native to or found in New Mexico that is not under the direct control of a human or in captivity, but does not include a feral or escaped domestic animal; and

O. "wildlife poison" means an explosive compound or deleterious substance used in a manner intended to kill wildlife.

NMS § 17-11-2

Added by 2021, c. 25,s. 2, eff. 4/1/2022.

N.M. Stat. § 17-11-3

Section 17-11-3 - [Effective4/1/2022]Prohibitions on public land

It is a violation of the Wildlife Conservation and Public Safety Act to use a trap, snare or wildlife poison for purposes of capturing, injuring or killing an animal on public land except as provided in Section 17-11-4 NMSA 1978.

NMS § 17-11-3

Added by 2021, c. 25,s. 3, eff. 4/1/2022.



N.M. Stat. § 17-11-4

Section 17-11-4 - [Effective4/1/2022]Exceptions

The provisions of the Wildlife Conservation and Public Safety Act do not apply to:

- A.** the taking of wildlife with firearms, fishing equipment, archery equipment, falconry equipment or other implements in hand, when used as authorized by law;
- B.** the taking or control of birds, fish or rodents not defined as furbearers in Section 17-5-2 NMSA 1978;
- C.** a government entity acting in the course of its official duties to prevent or mitigate actual threats to human health and safety;
- D.** ecosystem management conducted by the department, the United States fish and wildlife service or a conservancy district of the state or its employee, agent or representative acting in the course of its official duties;
- E.** bona fide scientific research;
- F.** depredation trapping conducted by the department or a designated agent of the department using non-lethal traps or non-lethal snares, but only when accompanied by visible signs at the location of each device notifying the public of the presence of such devices;
- G.** the use of cage traps to recover or to provide veterinary care or husbandry to a domestic animal or feral animal as authorized by law, or to abate damages caused by any animal to property, crops or livestock; provided that:
 - (1)** once the damage has been abated, use of the cage trap shall cease; and
 - (2)** any captured animal is disposed of in accordance with rules established by the department or appropriate animal agency; or
- H.** enrolled members of a federally recognized Indian nation, tribe or pueblo when trapping is conducted solely for religious or ceremonial purposes pursuant to rules issued by the department of game and fish in collaboration with the secretary of Indian affairs and consistent with federal procedures for recognition and protection of bona fide Indian nation, tribe or pueblo religious ceremonies.

NMS § 17-11-4

Added by 2021, c. 25,s. 4, eff. 4/1/2022.

N.M. Stat. § 17-11-5

Section 17-11-5 - [Effective4/1/2022]Penalties

A. A person who violates the Wildlife Conservation and Public Safety Act is guilty of a misdemeanor. Each individual trap, snare or application of wildlife poison shall constitute a single violation of that act.

B. Any penalties under this section shall be cumulative to any other available penalties provided by law.

C. In addition to other penalties, upon conviction, the court may consider appropriate restitution to a state agency that incurs costs in enforcing the Wildlife Conservation and Public Safety Act.

NMS § 17-11-5

Added by 2021, c. 25,s. 5, eff. 4/1/2022.

October 20, 2021

Sharon Salazar Hickey, Chair
Jeremy Vesbach, Vice-Chair
Roberta Salazar-Henry, Commissioner
Jimmy Bates, Commissioner
Tirzio Lopez, Commissioner
New Mexico State Game Commission

Michael Sloane, Director
New Mexico Department of Game and Fish

via Electronic Mail

Dear Director Sloane, Chair Salazar Hickey, and members of the New Mexico Game Commission,

On behalf of TrapFree New Mexico, a coalition of non-profit conservation and animal protection organizations that worked to support the passage of 2021 Senate Bill 32, the “Wildlife Conservation and Public Safety Act” [“the Act”], as well as our individual organizations and their supporters, we respectfully submit these comments on the New Mexico Department of Game and Fish’s [NMDGF] proposed changes to the Furbearers Rule, dated September 14, 2021.

The proposed changes are intended to align 19.32.2 NMAC with the language in the Act, codified as 17-11-1 through 17-11-5 NMSA 1978. Overall, we believe that the proposed changes (along with other existing rules and additional information about departmental plans) do an adequate job of conforming to statute. However, we want to make our concerns known on the record so that the Game Commission and NMDGF staff are fully aware of these issues as these proposed Furbearer Rule amendments are finalized.

Existing Closures

Regarding 19.32.2.9 NMAC, the existing closures should remain in rule in addition to the new closure of all public lands according to the Act. To remove the current closures may open those areas up to some trapping subject to exemptions in the Act that otherwise would not be allowed under current rule. This is especially apparent and important regarding beaver trapping closures on the Lincoln, Gila, and Cibola National Forests. The exemptions in the Act should not serve to open any parts of those forests up to beaver trapping.

NMDGF has informed us that even with the proposed changes to the Furbearer Rule, current closures will not be reopened to any “sport harvest” trapping nor any other trapping that it not already allowed under other rules (for example, for depredation trapping as allowed by 19.30.2 NMAC). NMDGF has stated that the trapping that would be allowed in existing closures under the new proposed rules and under the Act (e.g., for depredation, or with scientific collection permits) are the same as what is currently allowed. We urge the Commission and NMDGF to ensure any publications or communications from NMDGF make absolutely clear that the Act’s exemptions do not open existing closures to “sport harvest” trapping.

Depredation Trapping

Our coalition and individual organizations are deeply concerned about the effective administration of various exceptions listed in the Act. NMDGF has informed us that anyone trapping as allowed by the exception 17-11-4(G)(1) is not trapping under the Furbearer rule and therefore is required to follow the procedures articulated in 19.30.2 NMAC. Additionally, NMDGF stated that depredation trapping will, likely in nearly all cases, be carried out by NMDGF under 17-11-4(F) [as a preferred and more feasible alternative to the private use of cage traps in 17-11-4(G)(1)]. In the *rare* case that a designated agent of NMDGF is engaged in depredation trapping under 17-11-4(G)(1), the agent is prohibited from retaining possession of trapped animals, which must be transferred to NMDGF.

Based on this information from NMDGF, cage traps found on public lands are presumed to be a violation unless a depredation trapping permit has first been obtained or there is no reasonable expectation to catch a protected species, unless another exception in the Act applies. We urge the Commission and NMDGF to ensure any publications or communications from NMDGF make absolutely clear that the Act's exemptions do not allow independent and unfettered use of cage traps, even for depredation purposes, without compliance with depredation trapping rules and the Act.

Disposal

NMDGF has informed us that any animal caught in a cage trap for depredation reasons becomes property of NMDGF. If NMDGF does not euthanize the animal, they will task the private individual or designated agent to euthanize in accordance with American Veterinary Medical Association approved methods. We urge the Commission and NMDGF to ensure any publications or communications from NMDGF make absolutely clear the euthanasia protocol allowed by NMDGF for animals caught in cage traps.

Religious or ceremonial trapping by enrolled tribal and pueblo members

The Act requires in 17-11-4(H) requires that rules be developed in collaboration between NMDGF and New Mexico Indian Affairs Department and be consistent with federal procedures for recognizing tribes, nations, and pueblos. NMDGF has informed us that their staff have communicated with the Indian Affairs Department, which will provide information on how NMDGF can verify the tribal enrollment status of trappers for religious and ceremonial purposes in a lawful and respectful way.

We urge the Commission and NMDGF to make absolutely clear in writing publicly available protocol on how the exception in 17-11-4(H) will be fairly administered and enforced.

Thank you for the opportunity to raise our concerns and share information during this rulemaking process. We will be tracking implementation and enforcement of SB32 with intent.

Sincerely,

Chris Smith
Southwest Wildlife Advocate
WildEarth Guardians
Santa Fe, NM

Mary Katherine Ray
Wildlife Chair
Rio Grande Chapter Sierra Club
Winston, NM

Joe Zupan
Executive Director
Amigos Bravos
Taos, NM

Kevin Bixby
Executive Director
Wildlife for All
Las Cruces, NM

Debra Chase
Chief Executive Officer
Mountain Lion Foundation

Nina Eydelman
Chief Program & Policy Officer – Equine & Wildlife
Animal Protection New Mexico
Albuquerque, NM

Michelle Lute
National Carnivore Conservation Manager
Project Coyote

Elisabeth Dicharry
Director
Wildlife Conservation Advocacy Southwest
Los Lunas, NM

Patricia Estrella
New Mexico Representative
Defenders of Wildlife
Santa Fe, NM



**New Mexico State Game Commission
New Mexico Department of Game and Fish**

**AGENDA
NEW MEXICO STATE GAME COMMISSION**

**This agenda is available on the NMDGF Website
<http://www.wildlife.state.nm.us/commission/meeting-agendas/>**

**Friday, October 22, 2021
New Mexico State University Fulton Center,
Third Floor, 1815 Wells St, Las Cruces, NM 88003
9:00 a.m. – 5:00 p.m.**

**VIRTUAL MEETING LOCATION
<http://www.wildlife.state.nm.us/commission/webcast/>**

**TIME
9:00 AM to 4:00 PM**

The following are approximate times. The meeting will be adjourned upon completion of the Agenda. Any items not discussed at this meeting will be considered for the next meeting's Agenda. The Agenda is subject to change up to 72 hours prior to the scheduled meeting date and time as deemed necessary by the New Mexico State Game Commission Chair (NMSGC Chair). To inquire about Agenda changes, please contact the Office of the New Mexico Department of Game and Fish (DGF) at (505) 476-8000. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Tristanna Bickford at (505) 476-8027 at least 3 working days before the meeting date. Public documents, including the Agenda and Minutes can be provided in various accessible forms. Please contact Ms. Bickford if a summary or other type of accessible form is needed.

Public testimony and comment: All those interested in participating and providing comments are encouraged to pre-register to attend the meeting on the Zoom Webinar platform. When you register, you will be asked if you wish to provide public comment. This will assist the NMSGC Chair to manage more effective public communication. Comments may be allowed on each item at the NMSGC Chair's discretion. Those who desire to address the Commission and who claim to represent an organization must provide the following information: the number of members in the organization, frequency of the organization's meeting and either a signed statement from that organization's president that states the organization has discussed the topic and approved the position that the representative is presenting, or proof that they are a registered lobbyist for the organization. No props or costumes will be permitted.

AT THEIR DISCRETION, THE COMMISSION MAY TAKE ACTION ON ANY AGENDA ITEM.

No.	Presented by	Discussion
1.	Sharon Salazar Hickey, NMSGC Chair	Meeting Called to Order
2.	Michael Sloane, DGF Director	Roll Call

- | | | |
|-----|---------------------------------------|--|
| 3. | Sharon Salazar Hickey,
NMSGC Chair | Approval of Agenda (Action Item) |
| 4. | Sharon Salazar Hickey,
NMSGC Chair | Consent Agenda (Action Items A- D)
A. Approval of minutes from October 1, 2021 Virtual Special meeting
B. Revocations
C. Wildlife Depredation Report
D. Special Hunts Deadline |
| 5. | Sharon Salazar Hickey,
NMSGC Chair | David Soules Memoriam |
| 6. | Sharon Salazar Hickey,
NMSGC Chair | General Public Comments – Comments are limited to 3 minutes per speaker. |
| 7. | Lance Cherry, DGF | Off Highway Vehicle Program Overview |
| 8. | Stewart Liley, DGF | Furbearer Rule Hearing 19.32.2 NMAC |
| 9. | Stewart Liley, DGF | Upland Game Bird Rule Hearing 19.31.5 NMAC |
| 10. | Kirk Patten, DGF | Fisheries Rule Hearing 19.31.4 NMAC |
| 11. | Robert Griego, DGF | Initial Discussion of Hunting and Fishing Revocation Rule 19.31.2 NMAC |
| 12. | Stewart Liley, DGF | Open Gate Program Overview |
| 13. | Sharon Salazar Hickey,
NMSGC Chair | General Public Comments- Comments are limited to 3 minutes per speaker |
| 14. | NMSGC | Executive Session (Closed to the Public) – Commissioners will vote on whether to adjourn into Executive Session.
A. Pursuant to Section 10-15-1(H)(7) NMSA 1978, Attorney-Client Privilege, Litigation Update (Discussion) <ol style="list-style-type: none"> 1. <i>Michael Sloane, Dept. of Game and Fish v. NM State Game Commission (D-101-CV-2020-00621) First Judicial District Court</i> 2. <i>Adobe Whitewater Club of NM, NM Wildlife Federation, and NM Chapter of Backcountry Hunters & Anglers v. State Game Commission and Chama Troutstalkers, LLC; Rio Dulce Ranch; Z&T Cattle Company, LLC; River Bend Ranch; Chama III, LLC; Fenn Farm; Three Rivers Cattle Ltd., Co.; Flying H. Ranch Inc.; Spur Lake Cattle Co.; Ballard Ranch; Dwayne and Cressie Brown; Cotham Ranch; Wapiti River Ranch; Mulcock Ranch; Wilbanks Cattle Co., 130 Ranch; WCT Ranch; The NM Farm and Livestock Bureau; Chama Peak Land Alliance; NM Cattle Growers' Ass'n; NM Council of Outfitters and Guides; and Upper Pecos Watershed Ass'n (S-1-SC-38195) Supreme</i> |

Court

3. *Rancho Del Oso Pardo, Inc., River Bend Ranch, LLC, and Chama III, LLC, dba Canones Creek Ranch, Fenn Farm and Three Rivers Cattle, Ltd. Co v. New Mexico Department of Game and Fish; Director Michael Sloane, Director of the New Mexico Department of Game and Fish, in his individual and official capacity; and New Mexico Game Commission, et. al.* (1:20-CV-00427-SCY-KK) U.S. District Court, District New Mexico

**B. Pursuant to Section 10-15-1(H)(8) NMSA 1978
Purchase, Acquisition or Disposal
(Discussion/Action)**

1. McKinley and Sandoval Counties
2. Rio Arriba County
3. Santa Fe County
4. Chaves County

**C. Pursuant to Section 10-15-1(H)(2) NMSA 1978
Personnel Matters**

15. Sharon Salazar Hickey,
NMSGC Chair

Adjourn (Action Item)

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NEW MEXICO GAME AND FISH DEPARTMENT

COMMISSION MEETING RULE HEARING

October 22, 2021

Held at

NEW MEXICO STATE UNIVERSITY FULTON CENTER

Third Floor, 1815 Wells Street, Las Cruces, NM 88003

PRESENT:

Sharon Salazar Hickey, Chairwoman

Jeremy Vesbach, Vice-Chairman

Jimmy Bates, Commissioner

Tirzio Lopez, Commissioner

Roberta Salazar-Henry, Commissioner

Michael Sloane, Director

Stewart Liley, Chief

Kirk Patten, Chief

Tristanna Bickford, Communications Director



1 MS. SALAZAR HICKEY: This hearing will please come to
2 order. My name is Sharon Salazar Hickey, chair to the
3 Commission. I will be serving as the hearing officer and
4 be advised by the Commission's counsel from the Office of
5 the Attorney General.

6 The purpose of this hearing is for the Commission to
7 receive public comment on amending the Furbearers Rule,
8 Title 19, Chapter 32, Part 2 of the New Mexico
9 Administrative Code, which will become effective on April
10 1st, 2022.

11 These hearings are being conducted in accordance with
12 the provisions of the Game & Fish Act and the State Rules
13 Act. These hearings are being audiotaped and video
14 recorded. Anyone interested in a copy of the audiotape or
15 video recording should contact Tristanna Bickford with the
16 Game & Fish Department.

17 Public notice of this hearing was advertised in the
18 New Mexico Register, the New Mexico Sunshine Portal, and on
19 the Department's website. Copies of the proposed
20 amendments have been available on the Department's website.
21 Those wishing to comment here today must have registered to
22 submit comments on the Zoom webinar platform.

23 So the rule hearing will be conducted in the following
24 manner: Staff will present pre-filed exhibits. Exhibits,
25 if admitted into evidence, are available for review by the



1 public on the Department's website. After all exhibits are
2 entered, we will proceed to the presentation of the
3 proposed rule, after which testimony will be taken from the
4 audience.

5 Participants are asked to raise their hand in the Zoom
6 webinar platform and wait until they are called upon to
7 speak. In order to ensure that the hearing is accurately
8 recorded, only one person at a time shall be allowed to
9 speak.

10 Any person recognized to speak is asked to identify
11 yourself by name and who you are affiliated with for the
12 record each time you are recognized, and two, speak loudly
13 and clearly to accurately record your comments.

14 After a person has offered comment, they will stand
15 for questions from me, the hearing officer. The audience
16 may also ask questions of anyone offering comments after
17 being recognized by me.

18 These hearings are not subject to judicial rules of
19 evidence. However, in the interest of efficiency, I
20 reserve the right to limit any testimony deemed irrelevant,
21 redundant, or unduly repetitious.

22 The Commission may discuss the proposed new rule after
23 the public comment portion of the hearing. Final
24 Commission action, including adoption of the rule, may
25 occur after the conclusion of the presentation and public



1 comment period of each hearing. This hearing is now open.

2 Are there any exhibits for the proposed amendments to
3 19.32.2 for the record?

4 MR. LILEY: Madam Chair, I wish to enter six exhibits
5 into the record. Exhibit No. 1, the notice of the rule
6 making. Exhibit No. 2, the initial proposed rule that was
7 posted on our website and being proposed today. Exhibit
8 No. 3, the presentation being given by myself today.

9 Exhibit 4, the summary of the proposed changes.
10 Exhibit 5, the technical information we relied upon to
11 development the rule. And Exhibit 6, the one public
12 comment received during the rule making process.

13 MS. SALAZAR HICKEY: Thank you, sir.

14 Would anyone like to comment on the proposed
15 amendments to 19.32.2? Commissioner?

16 MR. LILEY: Madam Chair, if I may, maybe I'll give my
17 presentation first, and then after that, maybe open up for
18 commissioners, if that works?

19 MS. SALAZAR HICKEY: Thank you, Chief Liley. That was
20 very good.

21 Are there any exhibits from the public that need to be
22 entered into the record at this time?

23 Very good. Exhibits 1 through 6 are admitted into the
24 record. Thank you.

25 Those that are -- oh, let us proceed.



1 MR. LILEY: So Madam Chair, as we mentioned at the
2 last commission meeting, this is to align 19.32.2, which is
3 the Furbearer Rule, with recent changes -- statutory
4 changes that happened during the last legislative session
5 that prohibited the use of traps on public land.

6 All this rule does is define public land the same
7 definition that's used in the statute, and then closes
8 trapping on public lands, the use of traps on public lands
9 according to the statute, and allows the same exemptions as
10 the statute has.

11 So it's a couple line changes, again to align it to
12 the -- and conform to the statutory changes that were made
13 during this legislative session.

14 When I developed this presentation late the other day,
15 we didn't have our public comment, but like I said, during
16 the exhibits, we did receive one public comment late on the
17 night of the 20th that was included in the record.

18 It was just a comment basically stating that they
19 recognized that it did align with what the statute was and
20 more of a comment on seeking to see how the process of
21 enforcement occurs later. So it wasn't necessarily a
22 comment on the proposed changes as much as how enforcement
23 will occur after the fact.

24 And with that, I would take any questions.

25 MS. SALAZAR HICKEY: Okay. Thank you, Chief Liley.



1 Commissioner.

2 MS. SALAZAR-HENRY: Chief Liley, I guess I'm still
3 pretty ignorant about the rule making process, because it
4 seems like we are -- we had such a short public comment
5 options, because it seemed in the past you would open the
6 rule, you'd go out for public comment, you'd come back and
7 update us, and then you'd go back out for public comment.

8 Can you tell me how long this has been posted for
9 public comment? Did we do something slightly different? I
10 assuming that we're all kosher with the law. I just --
11 it's just different than what we've been -- experienced
12 before.

13 MR. LILEY: Yes, Madam Chair, Members of the
14 Commission. So this was posted for over 30 -- it was
15 probably 45 days. So statute requires at least a 30-day
16 comment period. So it was noticed properly according to
17 the rules and you all's rule making act. So we're --
18 you're fine there.

19 With these rules that are, like I said, what I would
20 consider technical fixes or fixes that align with statutory
21 changes that really don't have much of a substantive change
22 to the rule, that you all would have the opportunity to
23 make the decisions on, we typically -- and if we're not
24 receiving any comments -- will proceed with a two meeting
25 instead of three meetings.



1 If there's a lot of public comment that changes the
2 scope of the rule, while you all are in the process of
3 making, then we typically will have three meetings on
4 those.

5 So that's why a lot of these, as the rules you'll see,
6 will propose initial ideas to the Commission that we look
7 for guidance on are we on the right path or if we want
8 different direction from the Commission on input on that,
9 take that back out to the public, have meetings, bring back
10 a rule that we think is a final rule for you to consider,
11 take that, the last time the Commission has discussions on
12 it, and then post that, thinking that that will be the
13 final rule.

14 Again, because this is a technical rule or a technical
15 change in nature, no comments were really received on it.
16 That's why it was a two meeting instead of three.

17 MS. SALAZAR-HENRY: Thank you, Chief Liley. That
18 makes -- I feel a little more comfort in what I'm doing
19 today. But I do have a question about what is not in this
20 rule.

21 And one of the most -- the trickiest part I thought
22 that was going to be was how to enforce -- or not enforce,
23 how to deal with the Native American exemption in this rule
24 for trapping on public lands.

25 I'm concerned that there is nothing in this rule that



1 identifies the process that I -- so I don't know how -- I
2 don't why it's not here and --

3 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
4 so in the rule, if you'll in the -- when it closes to
5 public land, it'll say except as provided by that statute
6 where it's the certain exemptions.

7 In that exemption, where you're referring to, is for
8 trapping on public lands by Native Americans, tribes, or
9 pueblos -- or pueblo members for religious purposes in
10 consultation with Indian Affairs -- Department of Indian
11 Affairs.

12 We have consulted with Department of Indian Affairs on
13 what is appropriate to determine membership. And so Indian
14 Affairs felt like it's not a -- shouldn't be put in a rule
15 because every tribe, pueblo, and nation across the country
16 is very different on how to determine membership.

17 And they -- they're recommendation to us was, in our
18 Furbearer Rules and Regulation book, to put in what would
19 qualify as documentation that you actually are a member.

20 So instead of having that in a rule, because it
21 changes from tribes, pueblos, and nations across the
22 country, they're recommendation was to put it in the writ.
23 So that's why you don't see a strict list in rule or a
24 procedure in rule as well.

25 MS. SALAZAR-HENRY: So that'll be negotiated from



1 administrative change to change if -- or with different
2 tribes or --

3 MR. LILEY: Madam Chair, Commissioner Salazar --

4 MS. SALAZAR-HENRY: I guess I'm trying to get to do
5 they seek a permit, an exception from you before they go
6 out or -- when they're buying a trapping license for -- do
7 they -- I'm assuming they still buy a trapping license for
8 public land?

9 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
10 so the Furbearer license will still be required.

11 MS. SALAZAR-HENRY: Okay.

12 MR. LILEY: Now, the Furbearer license allows you to
13 still trap on public land -- or excuse me, on private land,
14 allows you to call and shoot furbearers on public land. So
15 the rule is only prohibiting the device.

16 MS. SALAZAR-HENRY: Okay.

17 MR. LILEY: So it's not prohibiting a licensure issue.
18 It's a device prohibition. So we are in discussions with
19 Indian Affairs on how best to -- if it's a certification
20 before the fact or carry papers after the fact and working
21 with them to feel what -- we're working with the tribes on
22 how best to work through the process.

23 MS. SALAZAR-HENRY: No. My question was, do they have
24 to buy a trapper license -- or a furbearer license?

25 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,

1 yes.

2 MS. SALAZAR-HENRY: Yes. Okay. Yes. And so you guys
3 will figure out how that process is, because I know there
4 was a lot of concern about the sensitivity in just pulling
5 somebody over and saying -- trying to determine whether
6 they should be setting those traps legally. And you guys
7 will be the ones that are going to be called? It's not
8 going to be Indian Affairs or anybody else?

9 MR. LILEY: Madam Chair, Commission Salazar-Henry,
10 that is correct, and that's what we're working with Indian
11 Affairs on.

12 MS. SALAZAR-HENRY: Thank you.

13 MS. SALAZAR HICKEY: Any other comments,
14 Commissioners?

15 Okay. Director, should we take -- should we take a
16 roll call vote or do we have a --

17 MR. LILEY: Madam Chair, I think you need to close
18 this portion of the hearing --

19 MS. SALAZAR HICKEY: Oh, excuse me.

20 MR. LILEY: -- and then --

21 MS. SALAZAR HICKEY: Yes, yes, yes.

22 So those that are registered and participated in
23 hearing will be included on the attendance sheet. At this
24 time, the attendance sheet shall be marked and admitted as
25 Exhibit 7.



1 The comments submitted in testimony heard during this
2 rule hearing will be reviewed by the Commission and
3 discussed during the open session of today's meeting. The
4 Commission will vote on the proposed amendments at this
5 time.

6 I would like to thank everyone present for their
7 participation today and also for those that had submitted
8 their comments.

9 Let the record show that the rule making hearing was
10 adjourned at 11:46 a.m. today, on Friday, October 22nd.

11 Now, let us proceed.

12 Commissioner -- Commissioners.

13 MS. BICKFORD: Madam Chair, we have two public
14 comments on Zoom.

15 MS. SALAZAR HICKEY: Oh. Excellent. I did not see
16 those.

17 MS. BICKFORD: First up, we're going to have Logan
18 Christian. I will allow him to talk.

19 Logan, you can unmute your microphone.

20 MR. CHRISTIAN: All right. Thank you. Can you hear
21 me?

22 MS. BICKFORD: Yes, we can.

23 MR. CHRISTIAN: Great.

24 So good morning and thank you for the opportunity to
25 speak today. My name is Logan Christian, and I'm the



1 Region 2 Conservation Advocate with Mountain Lion
2 Foundation. On behalf of Mountain Lion Foundation, I want
3 to express our support for these proposed changes to the
4 Furbearer Rule. Overall, the proposed rule change conforms
5 to Senate Bill 32, the Wildlife Conservation & Public
6 Safety Act.

7 We greatly appreciate that New Mexico Department of
8 Game & Fish has expressed that removing closed areas from
9 the rule will not result in those areas being open to some
10 sport harvest trapping under exemptions in the Wildlife
11 Conservation & Public Safety Act, such as the exemptions
12 for deprivation trapping.

13 In most cases, New Mexico Department of Game & Fish
14 will carry out deprivation trapping under the act's
15 specified exemptions and will do so with the use of cage
16 traps as opposed to using private agents.

17 For these and other exemptions in the act, we urge the
18 New Mexico Department of Game & Fish to ensure that any
19 future publications or communications make clear that
20 exemptions in the acts do not open up existing closures to
21 any sports harvest trapping.

22 As is always the case with new policies, their
23 successful implementation depends on public education, and
24 we believe that the Department is well-suited to keep the
25 public informed.



1 Finally, we also appreciate the time and effort that
2 will go into implementing the new trapping ban on New
3 Mexico's public lands, as well as the efforts that the
4 Commission and New Mexico Department of Game & Fish are
5 taking to ensure public safety.

6 New Mexico is setting an excellent example for other
7 states, and we hope to follow this matter closely as the
8 agency implements and enforces the ban. Thank you.

9 MS. SALAZAR HICKEY: Thank you, sir.

10 Did you we say we have a second comment?

11 MS. BICKFORD: Yes, Madam Chair. I am unmuting
12 Christopher Smith right now.

13 MS. SALAZAR HICKEY: Very good.

14 Thank you, Christopher Smith.

15 MS. BICKFORD: Chris, can you unmute your microphone?

16 MR. SMITH: Yes. Good morning. Can you hear me now?

17 MS. BICKFORD: Yes, we can. Thank you.

18 MR. SMITH: Great. Thank you.

19 Madam Chair, Members of the Commission, thank you for
20 taking public comment on this item today.

21 And thank you, Commissioner Salazar-Henry, for
22 facilitating that touching tribute to David Solz (phonetic)
23 earlier this morning. That was appreciated.

24 My name is Chris Smith. I'm here on behalf of
25 WildEarth Guardians and our thousands of supporters and



1 members across New Mexico.

2 WildEarth Guardians and other members of the TrapFree
3 New Mexico coalition have submitted written comments on
4 this proposed rule. And in short, we support the proposal.
5 I won't take the time to read out those substantive
6 comments, but I'm happy to field any questions you may have
7 about those when you have time to read them.

8 I'd like to thank Director Sloane and Chief Liley for
9 taking time to explain in detail some confusions that we
10 had initially with the rule. They smoothed those out for
11 us, and our takeaway is that this rule has been well
12 thought through.

13 So we will be keenly watching implementation and
14 support the Commission as you hopefully adopt this rule.
15 Thank you.

16 MS. SALAZAR HICKEY: Thank you.

17 By the way, I have a friend that does not hear, and he
18 signs. And I do think it's very helpful for persons who do
19 not hear to read lips. Sometimes (inaudible). That's why
20 I'm taking off my mask.

21 And if Richard is there, hello, Richard.

22 Ms. Bickford, do we have any other comments?

23 MS. BICKFORD: Madam Chair, that is all the comments
24 we have.

25 MS. SALAZAR HICKEY: Okay. Very good.



1 Discussion.

2 No discussion?

3 No.

4 Motion?

5 MR. VESBACH: Madam Chair, I'd move to amend 19.32.2
6 NMAC as presented by the Department and allow the
7 Department to make minor corrections to comply with filing
8 this rule with the state records and archives.

9 MS. SALAZAR HICKEY: Do I have a second?

10 UNIDENTIFIED SPEAKER: Second.

11 MS. SALAZAR HICKEY: Very good.

12 Director Sloane, for the record, a roll call vote,
13 please.

14 MR. SLOANE: Commissioner Salazar-Henry.

15 MS. SALAZAR-HENRY: Yes.

16 MR. SLOANE: Commissioner Lopez.

17 MR. LOPEZ: Yes.

18 MR. SLOANE: Commissioner Bates.

19 MR. BATES: Yes.

20 MR. SLOANE: Vice-Chair Vesbach.

21 MR. VESBACH: Yes.

22 MR. SLOANE: Chair Salazar Hickey.

23 MS. SALAZAR HICKEY: Yes.

24 MR. SLOANE: Motion passes unanimously.

25 MS. SALAZAR HICKEY: Very good.



Attendee Report

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Yes	Tristanna B	tristanna.b	#####	#####	578	United States	

Panelist Details

Attended	User Name	Email	Join Time	Leave Time	Time in Session	Country/Region	Name
Yes	Chief Paul	Paul.Varela	#####	#####	7	United States	
Yes	Chief Matt	Matthew.V	#####	#####	15	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	1	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	10	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	2	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	87	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	81	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	1	United States	
Yes	Commissioner	Jimmy.Bate	#####	#####	124	United States	
Yes	Assistant A	gsmithkier	#####	#####	358	United States	
Yes	Assistant A	gsmithkier	#####	#####	75	United States	

Attendee Details

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Yes	Chief Paul	Varela		Paul.Varela@state.nm.us					
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Yes	Gail Crame	Gail	Cramer	nugail@hotmail.com					
Yes	Jennifer	Jennifer		jenniferc.r	1 Wildlife	Santa Fe	US	87506	NM
Yes	Madeleine	Madeleine	Carey	mcarey@w	301 N Gua	Santa Fe	US	87501	NM
Yes	Madeleine	Madeleine	Carey	mcarey@wildearthguardians.org					
Yes	Chief Matt	Wunder		Matthew.Wunder@state.nm.us					
Yes	John Marts	John	Martsh	d.martsh@	7816 Alam	Albuquerque	US	87120	NM
Yes	Logan Chris	Logan	Christian	lchristian@	8647 S Peb	West Jordan	US	84081	UT
Yes	Rachel Bac	Rachel	Baca	rachel.bac	1 wildlife	santa fe	US	87507	NM
Yes	SHAWN CASHAWN	SHAWN	CARRELL	shawn426_	180 Glory	Llorieta	US	87535	NM
Yes	Jessica Joh	Jessica	Johnson	jessica@ap	1111 Pase	Santa Fe	US	87501	NM
Yes	Christophe	Christophe	Smith	csmith@wi	301 N. Gua	Santa Fe	US	87501	NM
Yes	Matthew M	Matthew	Monjaras	impactout	1 Hilltop	Ros Tijeras	US	87059	NM
Yes	Jennifer M	Jennifer	Morgan	Jennifer.m	7816 Alam	Albuquerque	US	87120	NM
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us					
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us					
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us					
Yes	Gary Calkin	Gary	Calkins	gary.calkin	1 Wildlife	Santa Fe	US	87507	NM

istration

Phone	Organizatio	Job Title	Registratio	Approval S	Join Time	Leave Time	Time in Ses	Do you wit	Country/Re
			#####	approved	#####	#####	75		United Stat
5.76E+09	4JC Ranch	ranch hand	#####	approved	#####	#####	75	not sure	United Stat
					#####	#####	1		United Stat
1.51E+10	Departmer	Executive A	#####	approved	#####	#####	562	no	United Stat
5.05E+09	WildEarth	(Southwest	#####	approved	#####	#####	16	12	United Stat
					#####	#####	94		United Stat
			#####	approved	#####	#####	515		United Stat
5.05E+09	NMDGF	R3 program	#####	approved	#####	#####	469	No	United Stat
916-820-45	Mountain I	Region 2 Cr	#####	approved	#####	#####	170	Yes, Agenc	United Stat
5.05E+09	DGF	publication	#####	approved	#####	#####	321	no	United Stat
5.76E+09	NMCOA	President	#####	approved	#####	#####	333	Not at this	United Stat
5.05E+09	Animal Pro	Chief Gove	#####	approved	#####	#####	54	n/a	United Stat
5.06E+09	WildEarth	(Southwest	#####	approved	#####	#####	61	Yes, #8 (Fu	United Stat
5.06E+09	Impact Out	CEO/ Foun	#####	approved	#####	#####	45	Yes item #1	United Stat
505-222-2-	NMDGF	HE Coord	#####	approved	#####	#####	9	No	United Stat
					#####	#####	332		United Stat
					#####	#####	1		United Stat
					#####	#####	2		United Stat
5.05E+09	NMDGF	Open Gate	#####	approved	#####	#####	330	No	United Stat

Region Name

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