## Exhibit 1

#### New Mexico Register / Volume XXXV, Issue 2 / January 30, 2024 STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") will be hosting a rule hearing on Friday, March 8, 2024 beginning at 9:00 a.m. at the New Mexico Department of Game and Fish Northwest Area Office, 7816 Alamo Rd. NW, Albuquerque, NM 87120. For instructions on how to attend this meeting, either in-person or virtually, visit the Department's website at https://www.wildlife.state.nm.us/commission/webcast/. The purpose of this meeting is to hear and consider action as appropriate on proposed changes for the Hunter Education Rule.

#### Synopsis for the Hunter Education Rule

The proposal is to update the Hunter Education Rule, 19.36.3 NMAC, which will include changes to the existing rule and will become effective April 1, 2024 through March 31, 2028.

#### PROPOSED CHANGES TO THE HUNTER EDUCATION RULE

The proposed changes to the Hunter Education Rule will restrict the acceptance of out-of-state Hunter Education certifications to ages 9 and above, due to some states having no minimum age restrictions on their online Hunter Education certifications. The proposed changes will be added to the existing Hunter Education Rule and will become effective April 1, 2024 through March 31, 2028.

A full text version of changes in available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Hunter Education Rule at: DGF-HunterEducation-Rule@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on March 6, 2024. The final proposed rules will be voted on by the Commission during a rule hearing on March 8, 2024. Interested persons may also provide data, views or arguments, orally or in writing.

Full copies of the text of the proposed new rule, technical information related to the 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

https://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 needs 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.



#### NM Commission of Public Records

1205 Camino Carlos Rey Santa Fe, NM 87507 +505 4767912 Invoice

BILL TO Department of Game and Fish 1 Wildlife Way Santa Fe, NM 87507

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSED
7365	01/31/2024	\$57.00	01/31/2024	
VOLUME		ISSUE		P.O. NUMBER
XXXV		2		51600-0000087826

DATE	DESCRIPTION	QTY	RATE	AMOUNT
01/30/2024	NM Register - 431902 Cancellation Notice of Public Hearing	2	3.00	6.00
01/30/2024	<b>NM Register - 431902</b> State Game Commission Meeting and Rule Making Notice, hearing date: 3/8/2024	17	3.00	51.00

Thank you for your business!

BALANCE DUE

\$57.00



#### Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 7365 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXV, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 7365, and that Invoice # 7365 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:

Subscribed, sworn and acknowledged before me this <u>3</u> day of January, 2024.

> STATE OF NEW MEXICO NOTARY PUBLIC Pamela Anne Lujan Y Vigil Commission No. 1056580 February 19, 2024

Matthew Ortiz

1205 Camino Carlos Rey | Santa Fe, NM 87507 | www.srca.nm.gov

Hon. Raúl Torrez Attorney General

**Debra Garcia y Griego** Secretary, Department of Cultural Affairs Hon. Joseph Maestas State Auditor

**Robert E. Doucette Jr.** Secretary, General Services Department Hon. Maggie Toulouse Oliver Secretary of State

Stephanie Wilson State Law Librarian, Supreme Court law Library

#### CANCELLATION NOTICE OF PUBLIC HEARING

**Public Notice.** The State Game Commission gives notice that the public rule hearing scheduled January 12, 2024, has been cancelled. This rule hearing will be rescheduled and noticed at a later date.

#### New Mexico Register / Volume XXIV, Issue 23 / December 5, 2023 STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") will be hosting a rule hearing on Friday, January 12, 2024 beginning at 9:00 a.m. at the Santa Fe Community Convention Center, 201 W Marcy Street, Santa Fe, NM 87501. For instructions on how to attend this meeting, either in-person or virtually, visit the Department's website at https://www.wildlife.state.nm.us/commission/webcast/. The purpose of this meeting is to hear and consider action as appropriate on proposed changes for the Hunter Education Rule.

#### Synopsis for the Hunter Education Rule

The proposal is to update the Hunter Education Rule, 19.36.3 NMAC, which will include changes to the existing rule and will become effective April 1, 2024 through March 31, 2028.

#### PROPOSED CHANGES TO THE HUNTER EDUCATION RULE

The proposed changes to the Hunter Education Rule will restrict the acceptance of out-of-state Hunter Education certifications to ages 9 and above, due to some states having no minimum age restrictions on their online Hunter Education certifications. The proposed changes will be added to the existing Hunter Education Rule and will become effective April 1, 2024 through March 31, 2028.

A full text version of changes in available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Hunter Education Rule at: DGF-HunterEducation-Rule@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on January 10, 2024. The final proposed rules will be voted on by the Commission during a rule hearing on January 12, 2024. Interested persons may also provide data, views or arguments, orally or in writing.

Full copies of the text of the proposed new rule, technical information related to the 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

https://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 needs 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.



#### NM Commission of Public Records

1205 Camino Carlos Rey Santa Fe, NM 87507 +505 4767912 Invoice

BILL TO Department of Game and Fish 1 Wildlife Way Santa Fe, NM 87507

 INVOICE #
 DATE
 TOTAL DUE
 DUE DATE
 ENCLOSED

 7263
 12/06/2023
 \$51.00
 12/06/2023
 ENCLOSED

VOLUME	ISSUE	P.O. NUMBER
XXXIV	23	51600-0000087826

DATE	DESCRIPTION	QTY	RATE	AMOUNT
12/05/2023	<b>NM Register - 431902</b> State Game Commission Meeting and Rule Making Notice, hearing date: 1/12/2024	17	3.00	51.00

Thank you for your business!

BALANCE DUE

\$51.00



#### Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 7263 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXIV, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 7263, and that Invoice # 7263 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant:

Matthew Ortiz

Subscribed, sworn and acknowledged before me this \_\_\_\_\_ day of December, 2023.

Notary Public: My Commission Expires:

STATE OF NEW MEXICO NOTARY PUBLIC Pamela Anne Lujan Y Vigil Commission No. 1056580 February 19, 2024

1205 Camino Carlos Rey | Santa Fe, NM 87507 | www.srca.nm.gov

Hon. Hector Balderas Attorney General Hon. Brian S. Colón Chairman/State Auditor Hon. Maggie Toulouse Oliver Secretary of State

Debra Garcia y Griego Department of Cultural Affairs Stephanie Wilson Acting Director, Supreme Court Law Library

## TITLE 19NATURAL RESOURCES AND WILDLIFECHAPTER 36WILDLIFE EDUCATION AND TRAININGPART 3HUNTER EDUCATION

**19.36.3.1 ISSUING AGENCY:** New Mexico department of game and fish. [12/30/95; 19.36.3.1 NMAC - Rn, 19 NMAC 36.1.1, 1/1/2013; A, 1/1/2021; 4/1/2024]

**19.36.3.2 SCOPE:** Hunters under the age of eighteen years.

[12/30/95; 19.36.3.2 NMAC - Rn & A, 19 NMAC 36.1.2, 1/1/2013; A, 1/1/2021; 4/1/2024]

**19.36.3.3 STATUTORY AUTHORITY:** Sections 17-2-33 through 17-2-35 NMSA 1978 create the Hunter Training Act and give the department of game and fish the authority to promulgate rules to implement the provisions of the act.

[12/30/1995; 19.36.3.3 NMAC - Rn & A, 19 NMAC 36.1.3, 1/1/2013; 4/1/2024]

19.36.3.4DURATION:January 1, 2021 through December 31, 2024.April 1, 2024 through December 31,2028.

[12/30/1995; 19.36.3.4 NMAC - Rn, 19 NMAC 36.1.4, 1/1/2013; A, 1/1/2021; 4/1/2024]

**19.36.3.5** EFFECTIVE DATE: December 30, 1995 <u>April 1, 2024</u>, unless a later date is cited at the end of a section.

[12/30/1995; 19.36.3.5 NMAC - Rn & A, 19 NMAC 36.1.5, 1/1/2013; 4/1/2024]

**19.36.3.6 OBJECTIVE:** Regulation designed to carry the provisions of the Hunter Training Act. [12/30/1995; 19.36.3.6 NMAC - Rn, 19 NMAC 36.1.6, 1/1/2013; 4/1/2024]

#### 19.36.3.7 DEFINITIONS: [RESERVED]

**19.36.3.8 HUNTER TRAINING COURSE REQUIRED:** It shall be unlawful for any person under the age of eighteen years to purchase or apply for any type of firearm hunting license unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state which is approved by the New Mexico department of game and fish. Effective April 1, 2025, an approved hunter training course of another state may only be utilized by persons age nine (9) years and older. [6/25/1990; 19.36.3.8 NMAC - Rn & A, 19 NMAC 36.1.7, 1/1/2013; A, 1/1/2021; 4/1/2024]

#### 19.36.3.9 TYPES OF COURSES:

D.

**A.** A person under the age of eighteen years who satisfies the requirements of either of the following training courses shall be issued a certificate following successful completion of a hunter training course:

(1) Completion of a<u>n approved</u> hunter training course comprised of class work and firearms proficiency training and testing; or

(2) completion of a<u>n approved</u> hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program.

**B.** Registration in the department's mentored-youth program is limited to first-time youth hunters, 8 to 17 years of age, for a period of two consecutive license years and a person shall register in the program only once.

**C.** Mentored-youth program hunters may hunt with a firearm only after successful completion of the written lesson and testing portion of the course and while supervised by a licensed and mentor certified or hunter education certified parent, guardian or another licensed adult with consent of the parent or guardian who is within unaided voice and sight distance.

(1) Mentors shall possess a mentor certification number obtained after completion of a hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program; or

(2) shall possess a hunter education certification number obtained through a New Mexico hunter training course of a hunter training course of another state which is approved by the New Mexico department of game and fish.

Mentored-youth program hunters shall be limited by age to hunt as follows:

(1) Mentored-youth under the age of ten years shall be limited to hunting small-game; or

(2) mentored-youth ten to seventeen years of age shall be limited to hunting small-game, turkey, deer, pronghorn antelope and javelina. [19.36.3.9 NMAC - N, 1/1/2013; A; 12/30/2014; A, 1/1/2021; 4/1/2024]

**19.36.3.10 PENALTY:** Any person violating the provisions of 19.36.3.8 NMAC is guilty of a petty misdemeanor and will be subject to penalties provided in Section 31-19-1, New Mexico Statutes Annotated, 1978 Compilation.

[6/25/1990; 19.36.3.10 NMAC - Rn & A, 19 NMAC 36.1.8, 1/1/2013; 4/1/2024]

#### **19.36.3.11 REVOCATION OF HUNTER TRAINING CARD:**

A. Hunter training certification will be revoked in accordance with 19.31.2 NMAC.

**B.** Hunter training certification may also be revoked for negligent use of a firearm.

[6/25/1990, 12/30/1995; 19.36.3.11 NMAC - Rn, 19 NMAC 36.1.9, 1/1/2013; A, 1/1/2021; 4/1/2024]

#### 19.36.3.12 LIVE-FIRING COURSES:

**A.** Live-firing courses may be taught in conjunction with hunter education classes, in accordance with policies and procedures developed by the agency and distributed to certified instructors.

**B.** Live-firing courses may be taught only by hunter education instructors certified in live-firing instruction.

[10/3/1991; 19.36.3.12 NMAC - Rn, 19 NMAC 36.1.10, 1/1/2013; 4/1/2024]

#### HISTORY OF 19.36.3 NMAC:

#### History of repealed materials:

19.36.3 NMAC, Hunter Education, 12/2/2014 – Repealed effective 1/1/2021. 19.36.3 NMAC, Hunter Education, 1/1/2021 – Repealed effective 4/1/2024.

			RECORDS	CENTER
<u>NMAC</u> Transmittal F	NEW MI State R	ecords Center and Arch	2024 MAR   4	PM 2: 11
Volume: XXXV Issue: 6	You	Access to Public Information 3/26/2024 Number of	pages: 2 (ALD	Use Only)
Issuing agency name and address			Seq	uence No.
New Mexico Department				Agency DFA code:
		e number:	E mail addracci	
Contact person's name: James Pitman		-476-8000	E-mail address: james.pitman@c	laf nm aoy
Type of rule action:				
New Amendment R Title number: Title name:	epeal 🖌 Emergency	Renumber	(A	LD Use) Recent filing date:
19 Natural Re	sources and Wildlife			
Chapter number: Chapter name	:			
36 Wildlife Ed	ucation and Training			
Part number: Part name:				
3 Hunter Tr	aining Act			
Amendment description (If filing			's NMAC citation (If fi	
Are there any materials incorpora	ited by reference? Plea	se list attachments or Int	ernet sites if applicab	e.
Yes No X				
If materials are attached, has co	pyright permission been re	ceived? Yes	] No	Public domain
Specific statutory or o	other authority aut	horizing rulemak	ing:	
Hunter Training Act, Se	ctions 17-2-33, et. s	eq. NMSA 1978		
Notice date(s): 01/30/2024	Hearing date(s): 03/08/2024	Rule adoption of 03/08/2024		Rule effective date:



## **Concise Explanatory Statement For Rulemaking Adoption:**

2024 MAR 14 PM 2: 11

#### 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.

The Hunter Education Rule 19.36.3 NMAC states that it is "...unlawful for any person under the age of eighteen years to purchase or apply for...hunting license[s] unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state..."

Accepting certifications from states with no age restrictions on online hunter education allows very young residents and non-residents to circumvent courses that require the student to independently demonstrate an understanding of the course information and demonstrate that they are proficient in the safety skills presented. The Department believes that these cases are fraudulent, unsafe, and unfair to deserving draw applicants.

The Department proposed changes the Hunter Education Rule to state that out-of-state hunter education certifications will be accepted only for students ages 9 and older. The updated Hunter Education Rule will be effective April 1, 2024 through March 31, 2028. The State Game Commission voted to accept this proposal with the additional change that Section 19.36.3.8 will become effective April 1, 2025 and will apply to all 2025-26 draw applications and hunts. This was done to avoid confusion during the current draw application period which is already underway.

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

Check if authority has been delegated

Michael B Sloane

.....

Title:

Director

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Michael B. Sloane Digitally signed by Michael B. Sloane Date: 2024.03.14 11:38:17 -06'00'



The State Game Commission is approving a repeal of its rule 19.36.3 NMAC – Huditer Education Rule, filed 1/1/2021 and replaced with 19.36.3 NMAC - Hunter Education Rule, adopted 3/8/2024 and effective 4/1/2024.

		NEW MEXICO STAT RECORDS CENTER	
<u>NMAC</u>		2024 MAR 14 PM 2: 1	
NE	W MEXICO te Records Center and Archi COMMISSION OF PUBLIC RECORDS Your Access to Public Information		
Volume: $\chi\chi\chiV$ Issue: 6 Publication date:	03/26/2024 Number of p	ages: 2 (ALD Use Only) Sequence No.	
Issuing agency name and address:			Agency DFA code:
New Mexico Department of Game and Fish	1		516
Contact person's name:	Phone number:	E-mail address:	
James Pitman	505-476-8000	james.pitman@dgf.nm.go	οv
Type of rule action:			ecent filing date:
New Amendment Repeal Emergency	Renumber		
19     Natural Resources and Wildlift	e		
Chapter number: Chapter name:			
36         Wildlife Education and Training	]		
Part number: Part name:			
3 Hunter Training Act	· · · · · · · · · · · · · · · · · · ·		
Amendment description (If filing an amendment):	Amendment	's NMAC citation (If filing an am	endment):
Are there any materials incorporated by reference?	Please list attachments or Inte	arnet sites if annlicable.	
Yes No X			
l If materials are attached, has copyright permission be	en received? Yes	No Public do	main
Specific statutory or other authority	authorizing rulemak	ing:	
Hunter Training Act, Sections 17-2-33,	et. seg. NMSA 1978		
Notice date(s): Hearing date(s):	Rule adoption o	late: Rule effe	ctive date:

Notice date(s):	Hearing date(s):	Rule adoption date:	Rule effective date
01/30/2024	03/08/2024	03/08/2024	04/01/2024

## **Concise Explanatory Statement For Rulemaking Adoption:**



2024 MAR 14 PM 2: 11

#### 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.

The Hunter Education Rule 19.36.3 NMAC states that it is "...unlawful for any person under the age of eighteen years to purchase or apply for...hunting license[s] unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state..."

Accepting certifications from states with no age restrictions on online hunter education allows very young residents and non-residents to circumvent courses that require the student to independently demonstrate an understanding of the course information and demonstrate that they are proficient in the safety skills presented. The Department believes that these cases are fraudulent, unsafe, and unfair to deserving draw applicants.

The Department proposed changes the Hunter Education Rule to state that out-of-state hunter education certifications will be accepted only for students ages 9 and older. The updated Hunter Education Rule will be effective April 1, 2024 through March 31, 2028. The State Game Commission voted to accept this proposal with the additional change that Section 19.36.3.8 will become effective April 1, 2025-26 draw applications and hunts. This was done to avoid confusion during the current draw application period which is already underway.

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

Check if authority has been delegated

Michael B Sloane

Title:

Director

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Michael B. Sloane Digitally signed by Michael B. Sloane Date: 2024.03.14 11:37:30 -06'00'



#### 2024 MAR 14 PM 2: 11

## TITLE 19NATURAL RESOURCES AND WILDLIFECHAPTER 36WILDLIFE EDUCATION AND TRAININGPART 3HUNTER EDUCATION

**19.36.3.1 ISSUING AGENCY:** New Mexico department of game and fish. [19.36.3.1 NMAC – Rp, 19.36.3.1 NMAC, 4/1/2024]

**19.36.3.2 SCOPE:** Hunters under the age of eighteen years. [19.36.3.2 NMAC – Rp, 19.36.3.2 NMAC, 4/1/2024]

**19.36.3.3 STATUTORY AUTHORITY:** Sections 17-2-33 through 17-2-35 NMSA 1978 create the Hunter Training Act and give the department of game and fish the authority to promulgate rules to implement the provisions of the act.

[19.36.3.3 NMAC - Rp, 19.36.3.3 NMAC, 4/1/2024]

**19.36.3.4 DURATION**: April 1, 2024 through December 31, 2028. [19.36.3.4 NMAC – Rp, 19.36.3.4 NMAC, 4/1/2024]

**19.36.3.5 EFFECTIVE DATE:** April 1, 2024, unless a later date is cited at the end of a section. [19.36.3.5 NMAC – Rp, 19.36.3.5 NMAC, 4/1/2024]

**19.36.3.6 OBJECTIVE:** Regulation designed to carry the provisions of the Hunter Training Act. [19.36.3.6 NMAC – Rp, 19.36.3.6 NMAC, 4/1/2024]

19.36.3.7 DEFINITIONS: [RESERVED]

[19.36.3.7 NMAC - Rp, 19.36.3.7 NMAC, 4/1/2024]

**19.36.3.8 HUNTER TRAINING COURSE REQUIRED:** It shall be unlawful for any person under the age of eighteen years to purchase or apply for any type of firearm hunting license unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state which is approved by the New Mexico department of game and fish. Effective April 1, 2025, an approved hunter training course of another state may only be utilized by persons age nine (9) years and older. [19.36.3.8 NMAC – Rp, 19.36.3.8 NMAC, 4/1/2024]

#### **19.36.3.9 TYPES OF COURSES:**

**A.** A person under the age of eighteen years who satisfies the requirements of either of the following training courses shall be issued a certificate following successful completion of a hunter training course:

(1) Completion of an approved hunter training course comprised of class work and firearms proficiency training and testing; or

(2) completion of an approved hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program.

**B.** Registration in the department's mentored-youth program is limited to first-time youth hunters, 8 to 17 years of age, for a period of two consecutive license years and a person shall register in the program only once.

C. Mentored-youth program hunters may hunt with a firearm only after successful completion of the written lesson and testing portion of the course and while supervised by a licensed and mentor certified or hunter education certified parent, guardian or another licensed adult with consent of the parent or guardian who is within unaided voice and sight distance.

(1) Mentors shall possess a mentor certification number obtained after completion of a hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program; or

(2) shall possess a hunter education certification number obtained through a New Mexico hunter training course of a hunter training course of another state which is approved by the New Mexico department of game and fish.

Mentored-youth program hunters shall be limited by age to hunt as follows:

(1) Mentored-youth under the age of ten years shall be limited to hunting small-game; or

D.



#### 2024 MAR 14 PM 2: 11

(2) mentored-youth ten to seventeen years of age shall be limited to hunting small-game, turkey, deer, pronghorn antelope and javelina. [19.36.3.9 NMAC – Rp, 19.36.3.9 NMAC, 4/1/2024]

**19.36.3.10 PENALTY:** Any person violating the provisions of 19.36.3.8 NMAC is guilty of a petty misdemeanor and will be subject to penalties provided in Section 31-19-1, New Mexico Statutes Annotated, 1978 Compilation.

[19.36.3.10 NMAC – Rp, 19.36.3.10 NMAC, 4/1/2024]

#### **19.36.3.11 REVOCATION OF HUNTER TRAINING CARD:**

A. Hunter training certification will be revoked in accordance with 19.31.2 NMAC.

**B.** Hunter training certification may also be revoked for negligent use of a firearm.

[19.36.3.11 NMAC – Rp, 19.36.3.11 NMAC, 4/1/2024]

#### 19.36.3.12 LIVE-FIRING COURSES:

**A.** Live-firing courses may be taught in conjunction with hunter education classes, in accordance with policies and procedures developed by the agency and distributed to certified instructors.

**B.** Live-firing courses may be taught only by hunter education instructors certified in live-firing instruction.

[19.36.3.12 NMAC - Rp, 19.36.3.12 NMAC, 4/1/2024]

#### HISTORY OF 19.36.3 NMAC:

#### History of repealed materials:

19.36.3 NMAC, Hunter Education, 12/2/2014 – Repealed effective 1/1/2021. 19.36.3 NMAC, Hunter Education, 1/1/2021 – Repealed effective 4/1/2024.

## **AGENDA ITEM #12**

NM State Game Commission Meeting: Albuquerque, NM March 8, 2024

## Rule Hearing on Hunter Education Rule 19.36.3 NMAC

ISh

Su.

Jame

to

Jepartment

New Mexico

**James Pitman, Information and Education Division Chief** 



# **Rule Development Timeline**

- August '23, October '23, March '24 present at SGC meetings
- September '23 virtual HE instructor meeting and virtual/Albuquerque public meeting
- November '23 final NMDGF proposed rule and technical information posted on website
- March '24 act on rule

Slide 2 of 6

# **Rule Development Summary**

- NM HE honors OST HE Some online HE no minimum age Very young draw applicants 2023 youngest age 3 Fraudulent, unsafe, impacts deserving applicants Original proposal
  - limit OST HE to age 10 and older



Youngest Age of NM Residents Applying for Draw Hunts w/Out of State HE



15h

Su.

Jame

10

epartment

Mexico De

# **Rule Development Summary cont'd**

- Instructor & Public Meetings
  - 54 in attendance
- 44 Written Comments
- Rural NM Concerns
  - state lines concern
  - online may be best option
- Neighboring States
  - TX 9 for in-person HE
  - AZ 9 for in-person/online HE

J. Pitman, March 8, 2024



Lish Su (Jame to epartment Mexico Slide 4 of 6

# **Current Proposal**

Propose adding language to the rule: Use of Out-of-State Hunter Education restricted to students ages 9 and older If passed, valid for 4 years: Effective April 1, '24 through March 31, '28 2024 Draw Application Period Underway: Suggest Section 19.36.3.8 valid April 1, '25 Apply to all 2025-26 applications & hunts





15h

Su.

Jame

to

cpartment

Mexico















J. Pitman, March 8, 2024

Jame & Tish Jepartment of ( New Mexico D Slide 6 of 6

## Exhibit 4

#### Proposed Changes Summary to the Hunter Education Rule 19.36.3 NMAC

The Department proposes a change to the Hunter Education Rule 19.36.3 NMAC regarding the current acceptance of any and all out-of-state hunter education certifications. The proposed change will address concerns that arose as the result of the lack of age restrictions on online hunter education certifications in some states, while still honoring certifications earned in other states by youth ages 9 and older. The updated Hunter Education Rule will be effective April 1, 2024 through March 31, 2028.

Currently the Hunter Education Rule states that it is "...unlawful for any person under the age of eighteen years to purchase or apply for...hunting license[s] unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state..."

Accepting certifications from states with no age restrictions on online hunter education allows very young residents and non-residents to circumvent courses that require the student to independently demonstrate an understanding of the course information and demonstrate that they are proficient in the safety skills presented. In some cases, individuals not yet able to pass a course independently are instead enrolled in a fully online course and heavily assisted by an adult. As a result, the youngest age of hunting draw applicants has decreased in recent years, with the youngest hunting draw applicant in 2023 being age 3.

The Department believes that these cases are fraudulent, unsafe, and unfair to deserving draw applicants. In addition to the course being fraudulently taken by a parent or guardian, it is highly unlikely that these very young individuals are able to handle a firearm and any tags drawn would be illegally utilized by a parent or guardian. If these very young individuals are hunting in the field, it is potentially creating an unsafe environment for themselves and others as it is unknown if they have the knowledge and understanding necessary to be a safe and ethical hunter. Lastly, allowing these individuals to apply for hunting draw permits decreases the chances of deserving draw applicants from being successful in the draw and has the potential to decrease hunting opportunity for deserving draw applicants.

The Department proposes changes the Hunter Education Rule to state that out-of-state hunter education certifications will be accepted only for students ages 9 and older. The updated Hunter Education Rule will be effective April 1, 2024 through March 31, 2028.

Please send comments on the proposal to <u>DGF-HunterEducation-Rule@state.nm.us</u>.

## Exhibit 5

## **Technical Information for Hunter Education Rule 19.36.3 NMAC Amendment**



**Out-of-State (OST) Hunter Education (HE) Use:** 









## **Draw Application Information:**











### **Out-of-State Hunter Education Requirements/Restrictions:**





\*may be able to hunt younger with a mentor, on family property, and/or for birds/small game only





\*not including hybrid options with an in-person component

### **New Mexico Hunter Education Courses:**







### **New Mexico Hunter Education Instructor Polling:**





(What age cut off would you propose?)



(At what age do you think a youth can safely and ethically hunt big game?)

## Written Public Comments Submitted as of 10/25/2023:



## PART 2 HUNTER TRAINING ACT

## 17-2-33. Use of firearms by minors.

A. It is unlawful after April 1, 1972, for any person born after January 1, 1958, to hunt with or shoot a firearm, unless:

(1) he is supervised by a parent, legal guardian or a responsible adult designated by the parent or guardian; or

(2) he carries a certificate indicating that he has successfully completed the New Mexico hunter training course or the hunter training course of another state which is approved by the New Mexico department of game and fish; or

(3) he is eighteen years of age or older.

B. It is unlawful after April 1, 1976, for any person under the age of eighteen years to hunt with or shoot a firearm unless he is carrying a certificate indicating that he has successfully completed the New Mexico hunter training course or a hunter training course of another state which is approved by the New Mexico department of game and fish.

C. Any person violating the pvovisions [provisions] of this section is guilty of a petty misdemeanor.

History: 1953 Comp., § 53-2-46, enacted by Laws 1971, ch. 61, § 2.

### ANNOTATIONS

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

## 17-2-34. Hunter training program; instructor certification; certificate of competency.

A. The department of game and fish shall provide a course instruction in the safe handling of firearms for individuals interested in obtaining a certificate of competency in the safe handling of firearms. The department may cooperate with the superintendent of public instruction or any reputable association or organization as determined by the department and having as one of its objectives the promotion of safety in firearm handling.

B. The department of game and fish shall prescribe the type of instruction and the qualifications of instructors and shall designate annually those persons qualified to give instruction in the safe handling of firearms. Persons designated by the department of game and fish to be instructors are authorized to give the course of instruction in the safe handling of firearms to all interested persons. Upon the completion of the course and certification to the department by the instructor, the department shall cause to be issued, to the person instructed, a certificate of competency in the safe handling of firearms, which shall be valid unless revoked by the department of game and fish for such cause as determined by regulation of the department to be unsafe handling of a firearm.

C. The department of game and fish shall promulgate rules and regulations to implement the provisions of the Hunter Training Act [<u>17-2-33</u> NMSA 1978].

History: 1953 Comp., § 53-2-47, enacted by Laws 1971, ch. 61, § 3.

## 17-2-35. Exemption.

Nothing in the Hunter Training Act [<u>17-2-33</u> to <u>17-2-36</u> NMSA 1978] shall prohibit any person from carrying or shooting a firearm while participating in an organized and supervised shooting program, or while under the immediate and direct supervision of a parent, guardian or responsible adult, or while participating in a course of instruction in the safe handling of firearms offered by the department of game and fish. However, no exemption shall permit hunting without possession of a valid hunter training certificate.

History: 1953 Comp., § 53-2-48, enacted by Laws 1971, ch. 61, § 4; 1981, ch. 306, § 1.

## 17-2-36. Short title.

This act [17-2-33 to 17-2-36 NMSA 1978] may be cited as the "Hunter Training Act".

History: 1953 Comp., § 53-2-49, enacted by Laws 1971, ch. 61, § 1.

Subject: [EXTERNAL] Hunter Education Rule (19.31.11 NMAC)

Date: Wednesday, September 27, 2023 at 4:06:07 PM Mountain Daylight Time

From: Christine Mueller

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

The problem with making a minimum online hunter's educations age of 10 years old is that when there is no in person HE classes like during covid, the kids under 10 years old have no way of hunting and loose those years they would have been able to hunt. You would be punishing the kids under 10 but able and competent enough to pass the HE.

Why not just have the state prove the wrong doers are doing wrong and not punish kids that do right.

#### Subject: [EXTERNAL] Hunter Education Rule Revision - input

Date: Wednesday, September 27, 2023 at 4:06:07 PM Mountain Daylight Time

From: Russell Ligon

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

My name is Russell Ligon, and I am a NM hunter and parent.

I cannot attend the meeting tomorrow, but would like to voice my support for the proposed changes to **close the loophole** that currently allows kids under 10 years to take online versions of hunters' education.

I support the 10 year old cut-off for online courses.

Thank you.

**Russell Ligon** 

#### Subject: [EXTERNAL] Hunter Education Minimum Age Out-of-State

Date: Wednesday, September 27, 2023 at 4:51:45 PM Mountain Daylight Time

From: Easton Hamblin

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

I would like to comment in support of this new proposal to exclude out of state online certification under the age of 10.

NM Resident for 13+ years.

--Thank you, Easton Hamblin Subject: [EXTERNAL] Hunter education reform

Date: Wednesday, September 27, 2023 at 5:12:04 PM Mountain Daylight Time

From: Chris

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

#### To whom it may concern,

I am one of those parents who had my 7 year old take the California hunter education course. The sole reason I went this route is because it is near impossible to sign my child up for the local in person hunter education program. The one or two courses that are available in our part of the state fill within 1-3 seconds of opening. This is not an exaggeration. There are 10-20 spots of in person class available in San Juan county and I'd guess there are probably 10 times as many that would like to participate.

I'd like to add that the California hunter education class my son took was much more extensive and time involved then the New Mexico in person class that my two daughters took when they were 7 and 8. The California course took my son, I was there by his side ensuring he understood everything, over 20 hours to complete.

I'm sad to hear there are people abusing the system. That said, you would need to have 8-10 times as many in person classes if you limit the age of these online classes. The only reason all of my associates and I have our kids take the classes online is because none of us were able to get our kids into the local classes.

The chief complaint being discussed is ages 5 and under supposedly taking tests and hunting. It's not 6 and 7 year olds taking the online classes. Speak to your instructors and you will find there is no question a 6 and 7 year old can be capable of taking a hunter education test.

I'd propose changing the age of the NM online course to age 6 or 7 or adding dozens more in person courses. What's currently proposed severely limits access to hunter education for kids capable and wanting to hunt with their parents.

Sincerely, Dr. Giblette
Subject: [EXTERNAL] NM Hunter Ed proposed changes

Date: Wednesday, September 27, 2023 at 7:33:40 PM Mountain Daylight Time

From: Robert T

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I absolutely support the recommended draft changes requiring hunter and tag applicants be a minimum of ten years of age.

It is absurd thinking children 3, 4, up to 9 can comprehend the hunter ed info and be safe handling a firearm in a hunting situation.

I hunt and do not want to be in the field with a youth who is not capable of thoroughly knowing hunting rules and conditions and able to physically safely handle a firearm.

Robert Truncellito Las Cruces, NM Subject: [EXTERNAL] New Hunter Education Rule

Date: Wednesday, September 27, 2023 at 7:41:29 PM Mountain Daylight Time

From: rvonwolff vwhome.org

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am a long time Hunter Education and Youth Shooting Sports Instructor. I have always had concerns about the online HE certifications and that folks might be gaming the system with adults helping their kids pass the final online tests. I have come to terms with NM's plans, by meeting some of the youth both out in the field and youth shooting sport competitions that require HE Certificates to participate. I am concerned about the out of state HE certs especially when you see a three-year-old applying for big game tags in NM with an out of state HE Certification.

I would like to amend what is being proposed the rule on age limit of 10 years of age to be able to hunt in the state of NM with an out of state HE certification. I think we could accommodate a the under 10 years of age group with an out of state HE Cert., by making them the get a stamp or something similar that shows the have presented them self to a certified NM Hunter Education Instructor and pass the Fire Arms Proficiency test that we give in NM HE Classes. The NM HE Instructor could then send in the test results to the HE Office for some type of number or stamp that could be applied to the out of state HE Card. I know there is a lot of details to work out on the particulars, I believe it is worth in and would put a lot of concerns to rest. I don't want to discriminate against the under 10 age group of youth that have worked hard but just could not get to an in person class. It is my understanding the Florida handles it this way also.

Please consider this in you thought process. Thanks.

**Richard L Von Wolff** 

Subject: [EXTERNAL] Hunter Education Changes

Date: Wednesday, September 27, 2023 at 7:52:02 PM Mountain Daylight Time

From: Wild Trout

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello

Jeff Young from Sandia Park. I have been hunting in NM since 1971, a volunteer hunter ed instructor for a dozen years (or something like that), a coach and volunteer at the Youth Hunter Education Challenge for 15 years.

I also introduced two boys to the tradition of hunting and they still hunt today.

First, thank you for the opportunity to comment.

Closing the loophole for out of state on line classes makes perfect sense. Please move forward with that.

The other changes that you propose to adopt into rule are fine EXCEPT

My biggest concern is the HUGE influx of on-set hunters. That is, hunting adults who do not have a hunting background. I have seen the problems firsthand, not just from a safety perspective, but from an ethics and responsibility standpoint. There is lack of understanding not only of firearms but of conservation in general. They have no knowledge of how we got where we are today and do not appreciate the important role Game and Fish plays in protecting our resources. It is discouraging and disappointing. Many others in my circles confuse the 2nd amendment with hunting. Hunter Education takes care of this confusion. And I would stretch to say it;s not only the onset hunters, but many who got to skip the hunter ed class or need a refresher.

I have no concern about kids taking a hunter ed course and do not believe there should be a minimum age. My oldest was 7 and my youngest was 9. I have certified kids as young as 6. And see the youngsters perform at the Youth Hunter Education Challenge. They have 150 kids there every year and thank the Lord and some incredible parents. I have never seen an accident. So please don't change the min age. I understand that isn/t what is proposed here but believe it's already coming up in some circles.

I would like to see everyone applying for a license be required to take hunter education OR at least participate in mentored hunting until they can take one. Colorado requires anyone applying or buying a tag to take it. Montana requires everyone after 1985. I understand there is a resource problem and also believe the on-line just doesn't cut it.

I understand the Game and Fish has done the best they can at meeting the demand. But, by requiring everyone to take hunter education we are protecting the resource of wildlife and our natural resources. I sat in on a zoom meeting on this with hunter education. And they confirmed that the hunting incidents and accidents DO NOT occur

Subject: [EXTERNAL] Hunter Education Rule

Date: Wednesday, September 27, 2023 at 8:57:31 PM Mountain Daylight Time

From: bif barlow

To: DGF-HunterEducation-Rule

CC: Morgan, Jennifer S., DGF

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

to whom it may concern:

Thank you for allowing me to input into the meeting.

First and foremost, maintaining the integrity of the Hunter Safety program without excluding any individual regardless of age, gender, ethnic background. financial or any other criteria potentially inhibiting them from learning firearm safety or rudimentary hunting skills is primary. To do so would potentially discourage individuals that have expressed an interest in these areas.

Having said this, a certain amount of "common sense" is applicable. As a hunter safety instructor since the 1980's I have experienced many exceptional students as well as many questionable students with age variations from 6 yr. old to advanced adulthood. Levels of comprehension, retainability of the classroom work to the demonstration of proficiency covered a vast spectrum.

The burdens & business of everyday life can create difficulties in "in person" attendance to traditional in person class, I personally feel a mechanism to validate the safe carrying, handling, storage of firearms is absolutely critical prior to using a firearm at a range, in the field, or in the home prior to issuance of a hunter safety card to any age individual. As mentioned tonight in the hunter ed zoom meeting, care to make sure the process does not over burden the NM Dept. of Game and Fish nor the volunteers is a concern. Also mentioned was the basic material covered in the program is minimally the same for all states and countries accepting reciprocity.

Would it be possible to be eligible for draw hunts of any species in New Mexico to require the hunter safety card that allows participation in draw hunts to meet minimal requirements of both didactic and demonstratable proficiency components. Currently, in my professional area of pharmacy in order to obtain a certificate certifying I personally will have the knowledge and physical skills to administer tests and treatments for Covid, Flu, and Strep a 10-hour course is required. It is all online, 6 hours of classroom work followed by 4 hours of "live" training via zoom. I am certain many vocations and professions require something similar to issue certifications. A zoom meeting could be arranged with minimal intrusions into daily schedules. Could something along this line be instituted without excluding anyone or requiring intervention from a legislative body.

Again, thank you for allowing input.

Respectfully yours,

Kenneth L Hargues

Subject: [EXTERNAL] September 27th Instructor Meeting

Date: Wednesday, September 27, 2023 at 9:03:23 PM Mountain Daylight Time

From: Brian K Frank

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

1) NM Fish and Game Crew did a wonderful presentation explaining why they proposed what they did

2) NM will never stop all dishonest hunters from extorting the online Hunter Education as long as reciprocity is allowed

3) The top program is Alaska Hunter Safety, if NM could inch their way that direction that would be great

4) I read the proposed plan for 2024; it's a great start given the hand dealt.

Subject: [EXTERNAL] Hunter Education Rule change

Date: Wednesday, September 27, 2023 at 10:46:15 PM Mountain Daylight Time

From: A Marti

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Commissioners,

I am a concerned citizen and sportsman. I love to hunt. I attended Hunter Safety training as a youth and an adult with my children who were both 12 years old at that time. I wanted them to be able to physically be able to handle a rifle by themselves, so I made them wait.

I firmly support implementing a minimum age of 10 years to attend a youth training program and to apply for a big game tag. I support the attendance of live training, not on-line training for both residents and non-residents.

A few years ago, my oldest son drew a youth elk tag. While in the field, we spotted a group of hunters so we glassed them from a distance. I saw two small boys attempting to lift their rifles up so as to shoot. Neither could do it. When we approached them, we found a grandpa, a father, and two young boys with youth tags. **Neither of those boys could handle those weapons by themselves.** And we saw no shooting sticks in their possession. This has been going on for years now. So yes, I believe that someone other than the boys would be taking the shot if available.

This situation is neither safe nor ethical. How are we supposed to believe a one year old can carry, handle, and shoot a high powered rifle?? They cannot. You have the power to fix this problem.

It is your duty to take action, please do so.

Israel L. Martinez

Subject: [EXTERNAL] Hunter Education Rule	
Date:	Thursday, September 28, 2023 at 6:23:51 AM Mountain Daylight Time
From:	Jim Bates
To:	DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Simply stated, any child under a certain age (my recommendation being "under 10") should be required to demonstrate proficiency in shooting ability (as well as the usual safety and ethics requirements) before they can hunt. A system should be put in place wherein the parent/guardian of the child would have to schedule a time/date with a G&F representative at a designated shooting facility and the child would have to physically demonstrate shooting proficiency, firearms handling, and safety. Only after "passing" such testing requirements would the child be able to purchase/apply for hunting permits.

In addition, no child under a certain age (my recommendation would be "under 6" should be allowed to participate in a "mentoring" program where the child is allowed to "hunt"...that is, shoot at wildlife with a firearm. Children of that age could accompany their parent/guardian/adult, but should not be able to actually hunt. In my opinion (and personal experience), children under the age of six are rarely competent enough with firearms to be shooting at animals, and just as importantly, are mostly incapable of understanding the ethical considerations involved in participating in hunting.

Jim Bates, Las Cruces Subject: [EXTERNAL] Opposition of proposed change to hunter education rule

Date: Thursday, September 28, 2023 at 6:53:25 AM Mountain Daylight Time

From: Jeremy Kohler

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Commission:

I am writing in opposition of the proposed change in hunter education rule regarding the age restriction for acceptance of out of state online hunter education certifications. I believe this is a case of just a few once again impacting the many. It is only speculation that some very young individuals (1-4 years old) are obtaining hunter education certificates by the actions/efforts of parents or guardians. I would also be suspicious of this, and his could very well be the case for some, but rules need to be made based on facts, not feelings. At the age of 5, both of my children were reading, writing, comprehending written material, and physically competent in the safe handling of firearms and hunting equipment. They have both had safe and successful hunts and experiences here in the state of New Mexico while being younger than 10 years old. The minimum age of 10 years old for acceptance of online hunter education certification is simply too high. If a child is of school age who is reading, writing, and comprehending academic material why should they not be eligible to obtain an online hunter education? I do appreciate the fact that there are no age restrictions for in person courses and certifications; however, it is extremely difficult to find and attend an available in person course; I tried for several years for both of my children, but could not find an open course to accommodate. As a result, both completed online courses and certifications. Again, I am in opposition to the change in the rule - as proposed. In lieu, please consider revisiting the age restriction for acceptance of online certifications to a minimum age of 5 years old - regardless of state.

Your consideration is most appreciated.

Respectfully,

Jeremy Kohler

Subject: [EXTERNAL] Hunter Ed Comment

Date: Thursday, September 28, 2023 at 8:22:41 AM Mountain Daylight Time

From: Peter Romero

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I feel like the Game and Fish should get rid of the youth mentor program. I feel that every youth hunter (every hunter for that matter) should have to take hunters education. As a hunter in the woods, I would like to know that everyone out there with me has been taught in the correct way to handle firearms.

I have seen some instances where there is no way the child can fire the rifle they are carrying around and the father has no intention of letting the child shoot the animal.

Thank you for listening.

Peter Romero Shop Teacher Moriarty/Edgewood Middle School MHS Track and Field Head Coach (Boys and Girls) Subject: [EXTERNAL] New Mexico Hunter Education Rule 19.36.3

Date: Thursday, September 28, 2023 at 8:34:59 AM Mountain Daylight Time

From: Mark Christesson

- To: DGF-HunterEducation-Rule
- CC: Mark Christesson

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

#1 Any person under the age of 12 needs to take an in person class.

#2 Any person regardless of age that has taken an On line class- regardless of what state the test was taken. Needs to take proficiency class hands on showing they are capable of safe firearm, and safe Hunting judgements.

Isn't this our ultimate, goal as instructors to teach, safe firearm handling, and hunting ethics, Even if this means the State of New Mexico stops honoring some out of state Hunter Education Online cards. Shouldn't the goal of the NM Dept. of Game and Fish be to provide NM with responsible Hunters, and respect for our wildlife.

#3. Maybe the NM Dept. of Game and Fish need to think about charging a fee, For all Hunter Safety. Classes, either online or in person.

#4. A processing fee for a person who holds an Out Of State HE Card when applying for Hunts.

Subject: [EXTERNAL] Comment on Hunters Education rule change

Date: Thursday, September 28, 2023 at 8:42:58 AM Mountain Daylight Time

From: Matthew McAfee

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

After reviewing the state game commission meeting on this topic I believe the department of Game and Fish is being vigilant in preventing fraud before it becomes widespread. I understand that it could be difficult for certain individuals to find an in person class for their child under the age of 10, but if they are already taking the time and energy to mentor a child under this age then this doesn't seem like a hurdle that would stop them. I am an adult hunter and decided to take an Online Course to see the validity of these courses, and to be quite honest I feel like this is just a check box in order to start hunting as a youth and not really a tool that will be able to be utilized to be a safe and proficient hunter. The courses are not geared toward New Mexico hunting and fail to provide any lasting instruction. At the end of the day, fraud is going to happen where there is an avenue for it. A rule change to something so new (such as online course age limits) will not affect the average hunter, or his children; and will close up any potential avenues for fraud. I am in full support of the rule change.

In the case of the 3 year old hunter that took a California online class: once people catch wind of this being an option and figure out this loophole, I believe a lot of people will be lining up to have their kids go this route, for mostly nefarious reasons. Until Law Enforcement starts to open up cases on fraud becoming present under this loophole all this can be is speculation. But, as a hunter with a young child I feel like any loophole that is already making a difficult hunting draw even more difficult should be immediately addressed and fixed. Subject: [EXTERNAL] Re: Hunter Education Changes

Date: Thursday, September 28, 2023 at 9:37:22 AM Mountain Daylight Time

From: Wild Trout

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Amended comment. Obviously, I think at some point, a kid cannot physically be able to hunt. A 1 year old or ever a 3 or 4 year old is too young.

But it should be left up to the instructor and parents to determine capability. 7 seems to be a good age

Jeff

On Wed, Sep 27, 2023, 7:52 PM Wild Trout <<u>jeff.young.elk@gmail.com</u>> wrote: Hello

Jeff Young from Sandia Park. I have been hunting in NM since 1971, a volunteer hunter ed instructor for a dozen years (or something like that), a coach and volunteer at the Youth Hunter Education Challenge for 15 years.

I also introduced two boys to the tradition of hunting and they still hunt today.

First, thank you for the opportunity to comment.

Closing the loophole for out of state on line classes makes perfect sense. Please move forward with that.

The other changes that you propose to adopt into rule are fine EXCEPT

My biggest concern is the HUGE influx of on-set hunters. That is, hunting adults who do not have a hunting background. I have seen the problems firsthand, not just from a safety perspective, but from an ethics and responsibility standpoint. There is lack of understanding not only of firearms but of conservation in general. They have no knowledge of how we got where we are today and do not appreciate the important role Game and Fish plays in protecting our resources. It is discouraging and disappointing. Many others in my circles confuse the 2nd amendment with hunting. Hunter Education takes care of this confusion. And I would stretch to say it;s not only the onset hunters, but many who got to skip the hunter ed class or need a refresher.

I have no concern about kids taking a hunter ed course and do not believe there should be a minimum age. My oldest was 7 and my youngest was 9. I have certified kids as young as 6. And see the youngsters perform at the Youth Hunter Education Challenge. They have 150 kids there every year and thank the Lord and some incredible parents. I have never seen an accident. So please don't change the min age. I understand that isn/t what is proposed here but believe it's already coming up in some circles.

Subject: [EXTERNAL] Hunter Education Rule topic

Date: Thursday, September 28, 2023 at 2:24:59 PM Mountain Daylight Time

From: Jason Granger

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

I have more of a question than a comment for the proposal to the online hunter ed requirement.

What will happen to those who have already passed a Hunter Ed course from another state but are NM residents. For example, my son is 10 years old but took the California Hunter Ed class online at age 9. There were no in person classes offered in January of 2022 due to COVID. He also could not take the NM online Hunter Ed because NM does not allow under 10 years of age to take the online. I also recently tried to sign him up for a in person hunter Ed course at the Wehinahpay Boy Scout Camp near Sacramento, NM to have him enjoy a in person class but was turned down since he had already successfully passed the California Hunter Ed online class.

I guess to ask my question, what will be required of our youth who have already passed a online course and had no other option at the time due to COVID or even lack of classes in those individuals area.

Thank you for your time.

Thanks,

Jason Granger

Subject: [EXTERNAL]

Date: Saturday, September 30, 2023 at 4:09:50 PM Mountain Daylight Time

From: Jeff Duran

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Sent from my iPhone

Subject: [EXTERNAL] Hunter Education

Date: Friday, October 6, 2023 at 3:08:39 PM Mountain Daylight Time

From: Seth Heath

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

In respect to the re-evaluation of the current rules surrounding hunter education requirements.

1. There should be a requirement of at least 10 to obtain a license. 8 on a mentored hunt and to attend Hunter Education for credit.

2. Online-only courses do not meet the standard.

3. A hybrid course with a hands-on portion is acceptable. online rules and regulations, hands-on safety demonstrations, and tests.

4. Offer hunter education in schools that request it and focus on certifying teachers who want to become accredited hunter ed instructors.

While we want to encourage youth hunting we want to ensure the safety of hunters and the ethical administration of the test.

Seth Heath Tijeras, NM Bowhunter Ed Instructor Subject: [EXTERNAL] rule change
Date: Friday, October 6, 2023 at 3:10:08 PM Mountain Daylight Time
From: LuAnn Kilday
To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I have been a hunter ed instructor since 2005. Throughout my years teaching it has been hard for the younger kids to handle the firearms for proficiencies. I feel there needs to be a minimum age requirement for NM. When you have a 5 year old that cannot properly hold a firearm and you give them a pellet gun so they can pass, well it is disturbing.

The online only certification is not good. Kids need to physically go through a class and show they can safely display proper muzzle control and gun handling.

I am for a minimum age (or even weight as some kids are smaller) requirement that the department needs to implement.

Thank you, LuAnn Kilday

Sent from the Connect for Hotmail app

Subject: [EXTERNAL] Position on Age

Date: Friday, October 6, 2023 at 3:19:51 PM Mountain Daylight Time

From: William VanNostran

To: DGF-HunterEducation-Rule

CC: VanNostran, William R Capt CAP NM060, VanNostran, Regan A C/CMSgt CAP NM060, Regan A VanNostran, Dina VanNostran

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Ma'am,

I do not agree children under age of 10 should be able to earn a NM Hunters Ed certification. As a certified NRA instructor and NMGF Hunter Ed instructor, and firearm instructor for Cadets in the USAF AUX, I have experienced first had that most children are not mature enough even at 15 years old to train or shoot high power platforms such as M4s, 300 win mag, 7.62, or similar.

I vote no for any child under the age of 10 to be offered the opportunity to earn a Hunters Ed certification nor should they participate in NMGF big game draw.

Respectfully,

Capt Will VanNostran NMWG Unit 060 Commander Subject: [EXTERNAL] Very Young Children Passing Hunter Education

Date: Friday, October 6, 2023 at 3:50:08 PM Mountain Daylight Time

From: Michael O'Neill

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

How young can a person be to handle a firearm correctly and safely? My personal experience teaching youth says 8 years old. I have seen 8 year old girls that raise animals for 4-H properly handle a shotgun. I have also seen 13 year boys that only have muscle in two thumbs from video games that cannot handle a shotgun. What is the minimum stock length on a hunting firearm? I would say 12 inches. Some youth may not have enough bone length to correctly shoulder and be able to safely pull the trigger. Thank You.

Subject: [EXTERNAL] No change to current law

Date: Friday, October 6, 2023 at 5:08:20 PM Mountain Daylight Time

From: Jason

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

No change to current Hunter Ed law currently in place. I feel the department should be more worried about the spike in applying from 2020 to now in 18 and older, that don't even have to have hunters education at all. If this is about safety then make it about safety. 18 and older with no weapon or hunting experience in the outdoors is more of a safety issue than a 6 year old with his father with more than likely generation of hunting and weapon experience.

## Subject: [EXTERNAL] Comment from HE volunteer instructor

Date: Friday, October 6, 2023 at 5:08:56 PM Mountain Daylight Time

From: Grant Bloom

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Greetings,

This email is to document my input during the comment period for the DGF potential rule change 19.36.3. I have been a hunter education and DGF volunteer for approximately 5 years. I fully endorse the departments proposal for a rule change regarding younger age applicants for NM certificates. I did not understand the two commissioners concerns at all. Their concerns were not clear nor well articulated. As I gleaned though, there was a general concern over limiting or turning away either young NM resident hunters or younger hunters in general. I do not share any concern related to that.

The DGF should be congratulated on researching the potential online "loop=hole" and the proposed rule change to address it.

Finally, I urge the commission to adopt the rule change as proposed by DGF staff.

Grant Bloom DGF Hunter Education Volunteer instructor Subject: [EXTERNAL] Hunter education rule

Date: Friday, October 6, 2023 at 8:04:13 PM Mountain Daylight Time

From: Marcella Talamante

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

#### Good afternoon,

I am in favor of implementing a minimum age for accepting out of state hunter education certification. There is an hoop hole to online courses currently. This action would uphold consistency and the integrity of the program. Hunting is a privilege and should not be rushed into my a young person. Waiting to be eligible is a good, as it reinforces the values and beliefs of being a responsible hunter.

Have a great day! Marcella

## Subject: [EXTERNAL] Hunter Education Rule Ammendment

Date: Saturday, October 7, 2023 at 6:53:48 AM Mountain Daylight Time

From: Jacob Valdez

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To who this may concern,

I do not agree with the Hunter Education Rule Ammendment.

The kids are very young, they can not read and understand the information they are looking at, plus not to mention short term memory. They need to absorb all the information so they can hunt safely. The purpose of having the educational aspect is for the individual hunter to learn the knowledge and responsibility of hunting safely, not the adult, I'm assuming will be assisting the young hunter.

As for the field test, will they be required to take it? As instructors, I, we need to evaluate if the hunter can safely handle and use the firearm in a safe and proper manner, will the young hunter even be able to hold up the firearm? The department needs to look at ALL the responsibilities that are required for the hunter to hunt safely and enjoy their hunt!

Respectfully, Jacob Valdez

Sent from Yahoo Mail on Android

Subject: [EXTERNAL] No to the proposal .

Date: Sunday, October 8, 2023 at 1:14:20 PM Mountain Daylight Time

From: Chandy Kneese

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Subject: [EXTERNAL] Hunter Education Rule proposal

Date: Monday, October 9, 2023 at 8:54:46 AM Mountain Daylight Time

From: Mike Lindsay

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Greetings,

I've been involved with NM Hunter Education for several years as an instructor.

I wholeheartedly support the proposal for the age 10 requirement.

As instructors, we strive to help our students understand the material and practical applications, giving them an opportunity to become safe and ethical firearm handlers. At too early an age this is impossible to assess, especially in an on-line environment.

By accepting out of state on-line HE with no age limits, we are just giving greedy folks another chance for a "tag" and cheating the youth out of acquiring the needed education to become safe and ethical hunters.

In closing, I will add that I believe that the face-to-face classes are much better than the online classes, however we just don't have enough volunteer instructors to go around.

Respectfully, Michael J. Lindsay HE Instructor San Juan County Subject: [EXTERNAL] Input to hunter education rule change

Date: Tuesday, October 10, 2023 at 8:35:49 PM Mountain Daylight Time

From: Larry Kincaid

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

With respect to the conversation about the loophole in the hunter education rule that has been exploited to allow non-residents as young as three years old (so far) to apply for hunting licenses and tags, I find it difficult to believe that the game commission seems to believe that the issue needs to be discussed and that input from hunter education instructors is necessary. It should be self-evident that the licensed three year old was nothing more than a proxy. Fix this, and stop wasting time at Commission meetings debating the issue.

Larry Kincaid Albuquerque NMDGF Senior Hunter Education Instructor

#### Subject: [EXTERNAL] Hunter education Rule Comment

Date: Tuesday, October 10, 2023 at 9:43:04 PM Mountain Daylight Time

From: Benjamin Martin

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

#### Greetings,

I would like to place my input as the rule change for hunter education.

1) I would recommend a minimum age limit of 7 years old.

I recommend this due to the fact of the physical ability of the a child being able to properly handle a rifle which meets the hunting requirements of successfully harvesting a large game animal such as an Elk. Another reason is the accountability of comprehension of material in the hunter education course

2) To eliminate the issue of obtaining an online certificate through another state, why don't we handle this similar to the Concealed Carry Weapon permit-meaning that if you are a New Mexico resident you are required to have a New Mexico CCW permit, make it mandatory if you are New Mexico Resident you are required to go through the New Mexico Hunter's Education course period.

3) No online courses taken by anyone under 10 years of age, the child shall take the face-to-face HE course. This is where the instructors can make the determination if a 3 year old coming into the course is able to 1. Comprehend the information of the course by demonstrating skill sets and 2. Being able to physically demonstrate skill sets successfully.

I would worry that a child under the age of 7, as seen in courses I have instructed, have difficulty in handling firearms of normal size. Meaning their demonstration of the physical abilities in safety trail, fence crossing, shooting positions, and firearm carries are unable to effective be able to safely utilize the firearm. There may be some cases where a 3 year old, 5 year old or 6 year old have the cognitive ability to understand the material it typical that they do not. Due to the rarity of cognitive comprehension of all material and demonstration of skill sets we should limit children who are under 7 years of age. I have experienced some 7 year olds have difficulty in the material and skill sets so I would imagine someone younger would definitely have problems and in actuality it would be the parents who are the ones who are actually utilizing the firearm and hunting the animal.

Best Regards.

#### Ben Martin

Volunteer Hunter's Ed/OHV/Livefire/Archery Instructor

Subject: [EXTERNAL] Proposed HE Rule Amendment

Date: Friday, October 13, 2023 at 1:37:58 PM Mountain Daylight Time

From: John Harding

To: DGF-HunterEducation-Rule

# CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

## To the DG& F and Commission,

All I taught He for the department for over 25 years. My feeling is the Rule proposal is warranted, however I disagree with online training. How can department He policy be presented without hands on in classroom training. All students benefit from class room training regardless of age. Here in the classroom proper safety conveyance highlights the importance of safety. In the field and in the home. I get hunter Ed instructors are fewer than in the past. Why is this? Well I think because of online training there is a lack of volunteers who don't see a need to step up to help. Years before online training we were told we had over 640 volunteers. Today we have only 240. I think this is correct. Game warden Bob Livingston once said and I quote" if you can't demonstrate proficiency with an high power weighted rifle then you shouldn't be allowed in the field. To me online training for anyone under 12 is just another form of poaching. The question is why have we allowed this. Safety in the field is paramount for all hunters. There is no better way to set the proper mind set of youth than Classroom training. On another note we have since Covid hunters that have no training at all and are not from family hunting background. I think they should be required to take a classroom course before being allowed in the field. Only time will tell if hunting accident rise because of lack of hands in classroom training.

Thanks for this opportunity to comment.

Subject: [EXTERNAL] Rule Change

Date: Friday, October 13, 2023 at 2:59:35 PM Mountain Daylight Time

From: kwjo@comcast.net

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am a hunter education instructor and have taught many classes. I do not believe a 3 year old has the mental capacity to carry a firearm in the woods. I have had 8 and 9 year olds who could not safely carry a firearm and some that can. I think the age should be at least 8 years old. If this proposal passes, I think The student should be required to demonstrate to hunter education instructor.

This sounds like an effort to get a family more tags or more opportunity to get a tag

Subject: [EXTERNAL] Hunters Ed ProposalDate: Monday, October 16, 2023 at 12:44:40 PM Mountain Daylight TimeFrom: Jonathan Skiles

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

I wanted to comment on the discussion from the 9/28 meeting that centered around increasing the hunting age for youth who utilize out-of-state hunter's education programs. The general proposal of the meeting was to increase the hunting age to 10 for youth using non-resident HE courses. I didn't hear anyone from the general public in the meeting who was in favor of this proposal. I too am opposed to making the age of 10 the starting point for youth hunters in general (as a side note, I think the NM online HE course should be available to children >8 y/o, not just those older than 11). If a minimum age must be established for online HE courses (from any state), I think 7 or 8 would be much more reasonable. Many of us live in rural areas and have a difficult time getting our kids in the inperson courses that are limited in availability and often require a fair amount of travel. The online HE courses provide extensive education to children and give them the opportunity to start hunting with their parents while the interest is still vibrant and hasn't been eclipsed by some other distraction yet.

I agree that 1-3-year-old children are not personally passing online HE, nor are they hunting (the parent/guardian is likely using the tag themselves), but penalizing the rest of our children for several individuals trying to usurp the system doesn't seem right either. Please avoid making 10 the designated age that children are deemed safe to hunt. Children younger than 10 can safely hunt under the watchful eye of their parents, and the decision of when I child should be able to begin hunting should primarily be the parent's determination.

Thank you for your consideration, Jonathan Skiles Subject: [EXTERNAL] Hunter ed age

Date: Tuesday, October 17, 2023 at 9:40:39 AM Mountain Daylight Time

From: joseph callan

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am for the rule change to make it age 10 minimum. I don't think most kids younger than 10 are able to comprehend and retain the information well enough. The mentored hunter program is a better bet for young hunters who are motivated enough but too young for the course. Thank you, Joe Callan

Subject: [EXTERNAL] Age limits on Hunter Ed

Date: Tuesday, October 17, 2023 at 5:31:34 PM Mountain Daylight Time

From: nathaniel montoya

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I strongly disagree with letting very young kids to take and pass the on line Hunter Ed courses. I feel that they are not mature enough to actually comprehend the course and pass efficiently and safely. I also feel in person classroom teaching is the best way to learn about firearm safety and Hunter education.

Sent from Yahoo Mail on Android

Subject: [EXTERNAL] HE rule.

Date: Wednesday, October 18, 2023 at 7:53:39 AM Mountain Daylight Time

From: frentzelmw

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I can't believe the Game Commission wants to allow children as young as 3 to apply for big game hunts. It doesn't matter if kids that young.can get past online education classes. They do not have the maturity and dexterity to handle firearms safely. I have been a HE instructor for almost 20 years, and I have seen first hand the difficulty kids have handling firearms. The rash of shootings we have in Albuquerque demonstrate how kids between 12 and 17 lack the maturity to understand the responsibility attached to handling firearms.

My son, grandson and granddaughter have all passed HE classes. They understand that having firearms is a matter of life and death.

Martin Frentzel 505 218 4100

Sent from my T-Mobile 5G Device

Subject: [EXTERNAL] Minimum age for online is appropriate.

Date: Tuesday, October 24, 2023 at 11:56:02 AM Mountain Daylight Time

From: Nick Nack Outdoors

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I support this proposed rule change. The NM game commission does a great job of honoring and trusting youth as soon as they are ready to hunt. This rule would allow those youth who may have skills beyond their years to prove their skills in person. While avoiding dishonest hunters from acquiring tags under the names of children.

I trust a 5 year old who comes to a class and proves their skills to an instructor, I do not trust a 3 year old who went to California's website.

Nick

Sent from my iPhone

Subject: [EXTERNAL]

Date: Friday, December 15, 2023 at 10:35:25 AM Mountain Standard Time

From: Smoked Turkey

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am responding to the potential change in hunter Ed to limit the age of kids passing Hunter Ed from out of state online courses. I am 100 percent against it, the department of game and fish should not be determining who can and cannot pass Hunter safety. It is 100 percent up to the parents. If you think it's fraud then investigate it and make the parents show that the kid in question can shoot. My son absolutely could have hunted when he was 3 and he wanted to but I told him he had to learn to read which he did and was reading by 4 years old. Then when he was 6 i was going to enroll him into hunter safety but covid hit and there was no in person class. So we waited and then we found out about California and he took it and passed. Since then he has been successful on a couple antelope hunts. He is now 9 years old and he was on a 12u club baseball team. He is way more mature than kids his age. So just because you think an age is too young it's not up to you.

And fraud is happening like crazy with adults, it's already happening where hunters put their wives in and their parents in and then hunt off those tags. So I'm sure there's dads putting their kids in and hunting off their tag but that's no reason to punish law abiding citizens whose kids can hunt at a young age.

So set an age where the kid would have to prove that they will shoot on their own. Make the parents send video of the kids shooting. That solves it and if they can't prove it then they get banned from putting in for 5 years. That will solve a lot of issues.

Thanks Kevin Subject: [EXTERNAL] Hunter Education Rule, 19.36.3 NMGAF

Date: Wednesday, December 20, 2023 at 3:10:17 PM Mountain Standard Time

From: Jason

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

### To NMDGF,

I don't understand such a major rule change for 2-4 people (1-3 years old) applying for Big game tags. If I understand your data correctly there is around 10 kids ages 5-6 a year actually drawing a tag for a big game animal, in the time frame from witch data you have provided. Around 40 applying but not drawing a tag a year. I would guess of those 40, 90 plus % come from a family with major hunting roots and probably even NM guides and outfitters kids. I would also say odds are 100% these kids love hunting, are safe, and are good at shooting. With that said, I fill more safe with these kids and family's in the outdoors than the 18-70 year olds that don't have to have any hunters safety or any hunting knowledge and can still apply and hunt New Mexico. Witch NM had a major influx in applications in 18-70 plus year olds during the same time frame your providing for your youth data. Again I don't understand your reason for a major law change. Is it because of the 2-4 kids ages 1-3, is it because you fill a 6 year old is not safe to be in outdoors hunting with his family, is it because of the minimal 10 tags a year this age groups gets? If so, Is the 18-70 plus year olds that stared applying in 2020 with no hunter safety requirements are they safe to the public in the outdoors, are they actually hunting their tag or someone else, are they part of anti hunting organization that just apply to keep hunters from getting the tag? This law change is not ok for the 5-7 year olds that have been through the process and most have probably already hunted a big game animal. What about all the 7.8,9,10,11,ex... year olds that took hunters ed in 2020-2022 when every single state was online only. Better yet is everyone that has on-line hunters Ed going to have to retake hunters ed with in person class? We are trying to pass this tradition on to the next generation not tell them they cant hunt now and have to wait 2-4 years, but nobody else has to.

It such a low number of kids why would you not adopt in the kids already in system and say starting 2024 we only expect hunters Ed from 9 year olds and older from these states. Or as my first email stated, starting in 2024 everyone that is applying in NM has to have Hunters Ed in-class. That way if this is about safety then safety is for everyone, or if this is about 10 tags the 5-6 year olds are getting a year, you may fill they are not the ones hunting the tag. Than we can easily make the same argument for 10 plus tags the 18-70 years olds, so they would need a hunters Ed change as well.

Last the biggest issue is the NMDGF will have is you cant support and will not be able to provide enough hunter Ed inclass this law/ influx will start. Ask Arizona youth how easy it is to get into a hunters Ed in-class the last 10 years. Arizona has had to start making changes to there hunters Ed because people can not get into classes. I say this because your department is already sending out emails asking for Hunter ED volunteers because classes fill up fast and you have not even changed the law.

We are trying to get kids into hunting not take them out. I just hope this is looked at for what it is and put on hold to really be examined and fairly applied to everyone that wants to hunt New Mexico or keep it the way it is. Don't out kids that already been applying and hunting.

Thanks for your time.

Subject: [EXTERNAL] Comments on proposed rule change

Date: Tuesday, January 2, 2024 at 11:31:41 AM Mountain Standard Time

From: dsheft82@pvtn.net

To: DGF-HunterEducation-Rule

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I would like to express my strong support for the proposed changes to the Hunter Education rule as proposed by the New Mexico Department of Game and Fish. I firmly believe that the Department's analysis of the problem is completely accurate and the proposal will help to address the situation.

David L. Heft PO Box 13 Mayhill, NM 88339 575-687-4207
Subject: Fwd: [EXTERNAL] Hunter education change

Date: Thursday, January 18, 2024 at 11:22:46 AM Mountain Standard Time

From: Sloane, Michael B., DGF

To: Pitman, James, DGF

FYI

Michael B. Sloane Director New Mexico Department of Game and Fish 1 Wildlife Way Santa Fe, NM 87507

Ph.: <u>505/476-8148</u> Fax: <u>505/476-8123</u>

Conserving New Mexico's Wildlife for Future Generations.

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

Begin forwarded message:

From: Jeremy Chambers <huntr4l1fe@msn.com>
Date: January 18, 2024 at 11:17:52 AM MST
To: "Sloane, Michael B., DGF" <michael.sloane@dgf.nm.gov>
Subject: [EXTERNAL] Hunter education change

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern:

Was told today that hunter education age has changed for out of state hunter ed courses and they will no longer recognize their certification under 9. While I understand that people take advantage my problem is that I have kids that I've seen hunt this previous year and have done so safely and have accomplished a successful harvest. Now these kids will be forced to sit aside this year cause of a new policy. A policy that isn't written anywhere, the new 24,25 rules clearly states all that's required is a hunter education certification in or out of state. I feel strongly that age kids 5 and over with mentor supervision are perfectly capable of havin a safe and successful hunt and would like to see this new policy reconsidered.

Sent from my iPhone

Subject: Re: [EXTERNAL] Hunting age requirement

Date: Sunday, February 18, 2024 at 2:10:25 PM Mountain Standard Time

From: Sloane, Michael B., DGF

To: Chad Farrell

CC: Pitman, James, DGF

Chad - thanks for reaching out with your thoughts. At the current time, anyone with a Hunter Ed certification can apply. The State Game Commission will consider the issue at its March 8 meeting. I will be sure your comment is included.

Mike

Michael B. Sloane Director New Mexico Department of Game and Fish 1 Wildlife Way Santa Fe, NM 87507

Ph.: 505/476-8148 Fax: 505/476-8123

Conserving New Mexico's Wildlife for Future Generations.

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient[s] and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited, unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

On Feb 18, 2024, at 1:19 PM, Chad Farrell <chadfarrell@rocketmail.com> wrote:

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please consider postponing the new age requirement rule until 2025. This will give parents and kids time to get the new hunter's education required. I would also add that I think the age for this new requirement should be lowered to at least 8 years old. Two of my three kids killed their first deer at age 8 and the other at age 9.

Thanks Chad Farrell

•

ME &	(Plea	ise Place Form in Appropriate Agend
AGENDA ITEN	1 1	PLEASI
Name: /	odd i	71
Address:	12 BRO	vo Ka
i		
City: LO	slunas	State: NM Zip: 87
Phone: 5	05 23	8-5759
Email: TTa	odd welch i	Nine Gmail, Co
Officially Rep		None
		(Organization(s))
Your Title:		
Do you wish	to be heard?	Yes No
	WRITTEN COM	MENT (Believ Children)
attine of a		
		ALL ALL
100 A	1. 72.72	
	<u></u>	
-		

and showing it to have and

of postary waished much be able to

Suggerstants the principal the class

DENTING ON PART AND MARY HAVE YHELD

Sandon + Passel

Mini Horagipai an anal (1)

Todd Welch

HE instructor out of Belen, Live Fire classes Traditional, Field Day, Bowhunter

Need the online class as only somany volunteers And classes for inperson classes, Students can take online at will.

I appreciate the Pept. Looking into the possibility OF FRAND as I always thought it would be easily taken advantage of.

My 3 concerns. with the New Language. Destricting Youth hunters. A Fyearold can attend an inperson class in NM and if success ful can apply in the draw. The Same student if taking the same classout OF state would not be able to apply iF Successful in plassing the class, with the PROPSEd Language.

Loss of Reciprocity with other states
 The impact this may have YHEC.

My sotution would be to have the New Language to the Rule Read as such.

Part 2 - Existing 10 yeaks and younger Musthave guardian Present. - For NM Traditional courses - Fielday and HE Camps Add New Language to the Rule. 10 years and older restriction Also applies to students with out of state HE Certifications in "IF taken mastate Without Restrictions to NM" HE similar

MEETING SIGN-IN SHEET 3/8/24 I tem 12 (HUNTER Cd) New Mexico State Game Commission (Sign-in to be in the official record as having attended this meeting. Mark the box if you wish to be added to the meeting notifications mailing list.)

_
Ξ
R
<b>A</b>
S
Ā
2
_

ADD TO MAILING LIST D  $\square$  $\square$  $\square$  $\square$  $\square$  $\square$ @ CMAIL. (OM (505) 552-6704 ı ï I ī i ı I I I ı ī ı PHONE Bar MMul & 1, k. 0 RC-ଡ B ଡ 8 ଡ 8 3 ଡ 0 ଡ 0 MA NATCHION E-MAIL ADDRESS RACUTA NA STUD CITY, STATE, ZIP ADDRESS MARK MATTAINI 6 L - 12 - 12 NAME

An audio recording file of the March 08, 2024 rule hearing for the Hunter Education Rule 19.36.3 NMAC has been submitted with this packet for inclusion in the record.

## COMMISSION MEETING AGENDA BRIEFING

Meeting Date:	<u>March 8, 2024</u>	Agenda Number: <u>12</u>
Presenter:	James Pitman	Corroborator:
Agenda	Title: Rule Hearing on Hunter	Education Rule 19.36.3 NMAC

### 1. Summary of Agenda Item

Sections 17-2-33 through 17-2-35 NMSA 1978 create the Hunter Training Act and give the Department of Game and Fish the authority to promulgate rules to implement the provisions of the Act. The Hunter Education Rule 19.36.3 NMAC contains regulation designed to carry out the provisions of the Hunter Training Act. Rule clarification is needed to address recent advances in available technology that allow very young children (ex. age 3) to take and pass an online Hunter Education course and apply for the big game draw in New Mexico. Proposed changes address this rule clarification based on available data and public input.

Specific proposed changes include:

- Adding new language into rule that clarifies students utilizing Out-of-State Hunter Education Certifications in New Mexico are restricted to hunters ages 9 and older.
- If passed, this rule would be valid for 4 years, effective April 1, 2024, valid through March 31, 2028.
  - Given that the 2024 draw application period is well underway and an April 1, 2024 implementation has the potential to impact current draw applications, the Department is providing an alternative\* that section 19.36.3.8 become valid starting April 1, 2025 and be implemented for all 2025-26 draw applications.

### 2. Background Information

While online Hunter Education courses existed prior to the Covid-19 pandemic, the number of available online Hunter Education courses, and public utilization of said online course offerings, increased significantly during the Covid-19 Pandemic.

Some states that offer online Hunter Education courses do not set a minimum age to take and pass their courses online. The Hunter Education Rule 19.26.3 NMAC allows a hunter training course of another state to meet the hunter training course requirements in New Mexico. Rule clarification is needed to prevent students of any age meeting the current course requirement needed to hunt and submit applications for the big game draw in New Mexico.

Specific proposed changes include:

• Adding new language into rule that clarifies students utilizing Out-of-State Hunter Education Certifications in New Mexico are restricted to hunters ages 9 and older.

- If passed, this rule would be valid for 4 years, effective April 1, 2024, valid through March 31, 2028.
  - Given that the 2024 draw application period is well underway and an April 1, 2024 implementation has the potential to impact current draw applications, the Department is providing an alternative that section 19.36.3.8 become valid starting April 1, 2025 and be implemented for all 2025-26 draw applications.

### 3. Strategic Plan References and Possible Impacts of Agenda Item

Amending the rule to address age requirements and restrictions for hunter training courses will help reduce the likelihood of hunter accidents due to very young children, unable to safely handle a firearm and unable to retain an understanding of firearm safety, attempting to hunt. Amending the rule to address age requirements and restrictions will also help reduce the likelihood of parents or guardians submitting big game draw applications for very young children in an attempt to illegally hunt themselves on any drawn tags.

4. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

No conflict is known to exist in rules or statutes.

5. Description and Summary of Public Involvement Process and Results

The Department posted, via its website, the proposed changes to the Hunter Education Rule, including the notice of public record, the summary of proposed changes, the technical information utilized in rule development, the underline/strikethrough version of the proposed rule, and a clean copy of the proposed rule. The Department also posted the presentations discussing proposed changes to the rule on the Department's website, as well as posting the agenda item briefings and recordings of both the initial rule discussion and subsequent discussion presentations from the August 25, 2023 and October 27, 2023 Commission meetings. The Department held a virtual stakeholder meeting for Hunter Education instructors online, via Zoom, on September 27, 2023 and held a general public meeting in Albuquerque, as well as virtually via Zoom, on September 28, 2023. The Department has received a total of 44 public comments as of March 4, 2024 via the <u>DGF-HunterEducation-Rule@state.nm.us</u> email address and comment cards at the public meeting.

6. Suggested Motion

The Department respectfully suggests one of the following motions unless Commission discretion indicates a different course of action:

Option 1 (as noticed):

"Move to adopt the proposed changes to 19.36.3 NMAC as presented by the Department, with an effective date of April 1, 2024, and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives."

Option 2 (alternative):

"Move to adopt the proposed changes to 19.36.3 NMAC as presented by the Department, with an effective date of April 1, 2024, with the amendment that section 19.36.3.8 will

become effective April 1, 2025 and apply to all 2025-26 draw applications and hunts, and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives."

#### TITLE 19 NATURAL RESOURCES AND WILDLIFE

### CHAPTER 36 WILDLIFE EDUCATION AND TRAINING

### PART 3 HUNTER EDUCATION

**19.36.3.1 ISSUING AGENCY:** New Mexico department of game and fish.

[12/30/95; 19.36.3.1 NMAC - Rn, 19 NMAC 36.1.1, 1/1/2013; A, 1/1/2021; 4/1/2024]

**19.36.3.2 SCOPE:** Hunters under the age of eighteen years.

[12/30/95; 19.36.3.2 NMAC - Rn & A, 19 NMAC 36.1.2, 1/1/2013; A, 1/1/2021; 4/1/2024]

**19.36.3.3 STATUTORY AUTHORITY:** Sections 17-2-33 through 17-2-35 NMSA 1978 create the Hunter Training Act and give the department of game and fish the authority to promulgate rules to implement the provisions of the act.

[12/30/1995; 19.36.3.3 NMAC - Rn & A, 19 NMAC 36.1.3, 1/1/2013; 4/1/2024]

# 19.36.3.4DURATION:January 1, 2021 through December 31, 2024.April 1, 2024 through December 31,<br/>2028.2028.

[12/30/1995; 19.36.3.4 NMAC - Rn, 19 NMAC 36.1.4, 1/1/2013; A, 1/1/2021; 4/1/2024]

# **19.36.3.5** EFFECTIVE DATE: December 30, 1995 <u>April 1, 2024</u>, unless a later date is cited at the end of a section.

[12/30/1995; 19.36.3.5 NMAC - Rn & A, 19 NMAC 36.1.5, 1/1/2013; 4/1/2024]

**19.36.3.6 OBJECTIVE:** Regulation designed to carry the provisions of the Hunter Training Act.

[12/30/1995; 19.36.3.6 NMAC - Rn, 19 NMAC 36.1.6, 1/1/2013; 4/1/2024]

### 19.36.3.7DEFINITIONS: [RESERVED]

**19.36.3.8 HUNTER TRAINING COURSE REQUIRED:** It shall be unlawful for any person under the age of eighteen years to purchase or apply for any type of firearm hunting license unless that person has first successfully completed the New Mexico hunter training course or a hunter training course of another state which is approved by the New Mexico department of game and fish. An approved hunter training course of another state may only be utilized by persons age nine (9) years and older.

[6/25/1990; 19.36.3.8 NMAC - Rn & A, 19 NMAC 36.1.7, 1/1/2013; A, 1/1/2021; 4/1/2024]

### **19.36.3.9 TYPES OF COURSES:**

**A.** A person under the age of eighteen years who satisfies the requirements of either of the following training courses shall be issued a certificate following successful completion of a hunter training course:

(1) Completion of a<u>n approved</u> hunter training course comprised of class work and firearms proficiency training and testing; or

(2) completion of a<u>n approved</u> hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program.

**B.** Registration in the department's mentored-youth program is limited to first-time youth hunters, 8 to 17 years of age, for a period of two consecutive license years and a person shall register in the program only once.

**C.** Mentored-youth program hunters may hunt with a firearm only after successful completion of the written lesson and testing portion of the course and while supervised by a licensed and mentor certified or hunter education certified parent, guardian or another licensed adult with consent of the parent or guardian who is within unaided voice and sight distance.

(1) Mentors shall possess a mentor certification number obtained after completion of a hunter training course comprised of a written lesson and testing and current registration in the department's mentored-youth program; or

(2) shall possess a hunter education certification number obtained through a New Mexico hunter training course of another state which is approved by the New Mexico department of game and fish.

**D.** Mentored-youth program hunters shall be limited by age to hunt as follows:

(1) Mentored-youth under the age of ten years shall be limited to hunting small-game; or

(2) mentored-youth ten to seventeen years of age shall be limited to hunting small-game, turkey, deer, pronghorn antelope and javelina.

[19.36.3.9 NMAC - N, 1/1/2013; A; 12/30/2014; A, 1/1/2021; 4/1/2024]

**19.36.3.10 PENALTY:** Any person violating the provisions of 19.36.3.8 NMAC is guilty of a petty misdemeanor and will be subject to penalties provided in Section 31-19-1, New Mexico Statutes Annotated, 1978 Compilation.

[6/25/1990; 19.36.3.10 NMAC - Rn & A, 19 NMAC 36.1.8, 1/1/2013; 4/1/2024]

### **19.36.3.11 REVOCATION OF HUNTER TRAINING CARD:**

- A. Hunter training certification will be revoked in accordance with 19.31.2 NMAC.
- **B.** Hunter training certification may also be revoked for negligent use of a firearm.

[6/25/1990, 12/30/1995; 19.36.3.11 NMAC - Rn, 19 NMAC 36.1.9, 1/1/2013; A, 1/1/2021; 4/1/2024]

#### **19.36.3.12** LIVE-FIRING COURSES:

**A.** Live-firing courses may be taught in conjunction with hunter education classes, in accordance with policies and procedures developed by the agency and distributed to certified instructors.

**B.** Live-firing courses may be taught only by hunter education instructors certified in live-firing instruction.

[10/3/1991; 19.36.3.12 NMAC - Rn, 19 NMAC 36.1.10, 1/1/2013; 4/1/2024]

### HISTORY OF 19.36.3 NMAC:

### History of repealed materials:

19.36.3 NMAC, Hunter Education, 12/2/2014 – Repealed effective 1/1/2021.

19.36.3 NMAC, Hunter Education, 1/1/2021 – Repealed effective 4/1/2024.