

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Drive, Los Alamos, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Javelina rule.

Synopsis:

The proposal is to adopt a new Javelina rule, 19.31.21 NMAC, which will become effective April 1, 2019. The current Javelina rule is set to expire on March 31, 2019.

The proposed new rule will include adjusting hunting seasons for calendar dates. For example, if a 5-day hunt typically starts on a Saturday, this date shifts earlier during each year of the 4-year rule. To avoid having these hunts occur earlier and earlier, the dates need to be "reset" during each new 4-year rule cycle. We propose removing manner and method references from the Javelina rule and include it in the manner and method rule to open later in 2018. No changes to number of licenses or open areas are being proposed. A full text of changes will be available on the Department's website at www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Javelina rule at DGF-Javelina-Rules@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on May 21, 2018. The final proposed rule will be voted on by the Commission during a public meeting on May 22, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on May 22, 2018.

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

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

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



NOTICE STATE GAME COMMISSION MEETING

On Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Dr., Los Alamos, New Mexico, the State Game Commission will meet in public session to hear and consider action as appropriate on the following: Department Awards; Revocations; Request to Dispose of Vehicles and Other Assets; Update on the Construction of Albuquerque Office Complex; Update on Bighorn Sheep Status in Cochiti Canyon; Recognition of Cooperation by the Department and the City of Los Alamos on Implementation of Bear Resistant Trash Receptacles to Reduce Human-Bear Interactions; Subsequent Discussion for Potential Rule Changes on the Barbary Sheep, Oryx and Persian Ibex Rule; Rule Making Hearing on Final Rule Changes on the Bighorn Sheep Rule – 19.31.17 NMAC for the 2019-2023 Seasons; Rule Making Hearing on Final Rule Changes on the Javelina Rule – 19.31.21 NMAC for the 2019-2023 Seasons; Rule Making Hearing on Final Rule Changes on the Pronghorn Antelope Rule – 19.31.15 NMAC for the 2019-2023 Seasons; Repeal of Pronghorn License Allocation System – 19.30.12 NMAC; General Public Comment; Closed Executive Session; and Request by Private Citizen for the Commission to Receive Donated Property in Union County for a Shooting Range located in Clayton, New Mexico.

Copies of the agenda can be obtain from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504, or from the Department's website. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

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

Clean Copy-Initial Proposed Rule

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 21 JAVELINA

19.31.21.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
 [19.31.21.1 NMAC - Rp, 19.31.21.1 NMAC, 4-1-19]

19.31.21.2 SCOPE: Sportspersons interested in javelina hunting and management. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.
 [19.31.21.2 NMAC - Rp, 19.31.21.2 NMAC, 4-1-19]

19.31.21.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
 [19.31.21.3 NMAC - Rp, 19.31.21.3 NMAC, 4-1-19]

19.31.21.4 DURATION: April 1, 2019 through March 31, 2023.
 [19.31.21.4 NMAC - Rp, 19.31.21.4 NMAC, 4-1-19]

19.31.21.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
 [19.31.21.5 NMAC - Rp, 19.31.21.5 NMAC, 4-1-19]

19.31.21.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of javelina licenses by the department.
 [19.31.21.6 NMAC - Rp, 19.31.21.6 NMAC, 4-1-19]

19.31.21.7 DEFINITIONS:

- A. **“Department”** shall mean the New Mexico department of game and fish.
- B. **“Director”** shall mean the director of the New Mexico department of game and fish.
- C. **“Either sex” or “ES”** shall mean any one animal of the species.
- D. **“Game management unit” or “GMU”** shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.
- E. **“Web sale”** shall refer to accessing the department’s internet address to initiate the process to purchase specific javelina hunting licenses as designated by the director annually.
- F. **“Wildlife management areas” or “WMAs”** shall mean those areas as described in 19.34.5 NMAC, Wildlife Management Areas.
 [19.31.21.7 NMAC - Rp, 19.31.21.7 NMAC, 4-1-19]

19.31.21.8 ADJUSTMENT OF LICENSES, AUTHORIZATIONS AND HARVEST LIMITS: The director, with the verbal concurrence of the chairperson or their designee, may adjust the number of licenses for javelina up or down by no more than twenty percent of the total licenses available in the area or GMU to address significant changes in population levels or habitat availability. The director may consider requests from organizations or private landowners working with children suffering from terminal illness or disease to change season dates, weapon types or bag limits to provide for special hunting situations on a case by case basis. The director may change or cancel all hunts on military lands to accommodate closures on those lands; if changed, the season length and bag limit shall remain the same as assigned on the original hunt code.
 [19.31.21.8 NMAC - Rp, 19.31.21.8 NMAC, 4-1-19]

19.31.21.9 JAVELINA HUNTING SEASONS: Javelina hunts for the 2019-2020 through the 2022-2023 hunt seasons shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, sporting arms, number of licenses, and bag limit. All WMAs shall remain closed to javelina hunting, except the prairie-chicken, Heart Bar, and Socorro-Escondida WMAs are open to javelina hunting.

A. Entry hunts:

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except	1/1-3/31	1/1-3/31	1/1-3/31	1/1-3/31	JAV-1-100	150	ES

GMU 28, youth only							
GMUs 19, 23, 24, 25, 26 and 27	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-101	300	ES
	2/1-3/1	2/1-3/1	2/1-3/1	2/1-3/1	JAV-1-102	1000	ES
GMU 28 McGregor range, military only	12/28- 12/29	1/2-1/3	1/1-1/2	12/31/2022 -1/1/2023	JAV-1-105	5	ES
GMU 28 McGregor range	12/28- 12/29	1/2-1/3	1/1-1/2	12/31/2022 -1/1/2023	JAV-1-106	5	ES

B. Over-the-counter hunts: The hunt area shall be statewide except GMUs 19, 23, 24, 25, 26, 27 and 28.

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except GMUs 19, 23, 24, 25, 26, 27 and 28	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-103	300	ES
	1/16-3/31	1/16-3/31	1/16-3/31	1/16-3/31	JAV-1-104	1000	ES

C. Properly licensed youth deer or elk hunters that possess JAV-1-100 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt. Properly licensed deer or elk hunters that possess JAV-2-103 and JAV-1-104 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt, except in GMUs 19, 23, 24, 25, 26, 27 and 28. Hunters must use the same weapon type listed on their respective deer or elk license.

[19.31.21.9 NMAC - Rp, 19.31.21.11 NMAC, 4-1-19]

HISTORY OF 19.31.21 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

- Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67;
- Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67;
- Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68;
- Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68;
- Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68;
- Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68;
- Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68;
- Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69;
- Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69;
- Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69;
- Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69;
- Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70;
- Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70;
- Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70;
- Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71;
- Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71;
- Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71;
- Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;
- Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;

Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;

Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;

Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;

Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;

Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;

Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;

Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74;

Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;

Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74;

Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;

Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;

Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;

Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;

Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;

Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;

Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79;

Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;

Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;

Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;

Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;

Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;

Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;

Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;

Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;

Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;

Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;

Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;

Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;

Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;

Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;

Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

- 19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3-31-2003.
- 19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3-31-2005.
- 19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3-31-2007.
- 19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 12-1-2006 - duration expired 3-31-2009.
- 19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 3-13-2009 - duration expired 3-31-2011.
- 19.31.21 NMAC, Javelina, filed 8-15-2010 - duration expired 3-31-2015.
- 19.31.21 NMAC, Javelina, filed 3-17-2015 - duration expired 3-31-2019.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 21 JAVELINA

19.31.21.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.21.1 NMAC - Rp, 19.31.21.1 NMAC,]

19.31.21.2 SCOPE: Sportspersons interested in javelina hunting and management. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.
[19.31.21.2 NMAC - Rp, 19.31.21.2 NMAC,]

19.31.21.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.21.3 NMAC - Rp, 19.31.21.3 NMAC,]

19.31.21.4 DURATION: April 1, 2019~~5~~ through March 31, 20~~23~~24.
[19.31.21.4 NMAC - Rp, 19.31.21.4 NMAC,]

19.31.21.5 EFFECTIVE DATE: April 1, 2019~~5~~, unless a later date is cited at the end of a section.
[19.31.21.5 NMAC - Rp, 19.31.21.5 NMAC,]

19.31.21.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of javelina permits and licenses by the department.
[19.31.21.6 NMAC - Rp, 19.31.21.6 NMAC,]

19.31.21.7 DEFINITIONS:

~~A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.~~

~~B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take javelina.~~

~~C. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.~~

~~D. "Crossbows" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.~~

~~EA. "Department" shall mean the New Mexico department of game and fish.~~

~~FB. "Director" shall mean the director of the New Mexico department of game and fish.~~

~~GC. "Either sex" or "ES" shall mean any one animal of the species.~~

~~HD. "Game management unit" or "GMU" shall mean those areas as described in 19.30.4~~

NMAC, Boundary Descriptions for Game Management Units.

~~I. "License" shall mean a valid official document that is issued or approved by the director that each person hunting javelina in New Mexico must have or obtain prior to hunting.~~

~~J. "License year" shall mean the period from April 1 through March 31.~~

~~K. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.~~

~~L. "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be fired from the shoulder.~~

~~M. "Muzzle loader or muzzle loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle loader shotguns shall be only those shotguns capable of being fired from the shoulder.~~

~~QE. "Web sale" shall refer to accessing the department's internet address to initiate the process to purchase specific javelina hunting licenses as designated by the director annually.~~

~~NF. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC, Boundary Descriptions for Wildlife Management Areas.~~

[19.31.21.7 NMAC - Rp, 19.31.21.7 NMAC,]

19.31.21.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS AND HARVEST

LIMITS: The director, with the verbal concurrence of the chairman ~~person~~ or ~~his~~ ~~their~~ designee, may adjust the number of licenses ~~or permits~~ for javelina up or down by no more than twenty percent of the total ~~permits licenses~~ available in the area or GMU to address significant changes in population levels or habitat availability. The director may consider requests from organizations or private landowners working with children suffering from terminal illness or disease to change season dates, weapon types or bag limits to provide for special hunting situations on a case by case basis. The director may change or cancel any ~~all~~ hunts on military lands to accommodate closures on those lands; ~~provided the subsequent hunts have if changed, the same~~ season length and bag limit ~~shall remain the same~~ as assigned on the original hunt code.

[19.31.21.8 NMAC - Rp, 19.31.21.8 NMAC,]

19.31.21.9 JAVELINA LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One license per javelina per year: It shall be unlawful for anyone to hold more than one permit or license for javelina during a current license year unless otherwise allowed by rule.

B. Validity of license or permit: All javelina entry permits, licenses or authorizations shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit or license.

C. Youth only (YO) hunts: It shall be unlawful for anyone to apply for a youth only (YO) javelina license, except as allowed by 19.31.3.11 NMAC.

D. Military only hunts: It shall be unlawful for anyone to apply for a military only javelina license, except as allowed by 19.31.3.11 NMAC.

E. License purchase: Over the counter javelina hunters must purchase a javelina license at least two days prior to hunting javelina.

[19.31.21.9 NMAC - Rp, 19.31.21.9 NMAC, 4-1-15; A, 1-17-17]

19.31.21.10 JAVELINA MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Seasons and hours: Javelina may be only hunted or taken during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one javelina during a current license year unless otherwise provided by regulation.

C. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of javelina that are improperly notched.

D. Use of dogs in hunting: It shall be unlawful to use dogs to hunt javelina, except leashed dogs may be used to locate wounded or dead javelina. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

E. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any javelina by use of baits or scents. Scent masking agents on one's person are allowed.

F. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any javelina.

G. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any javelina.

H. Killing out of season: It shall be unlawful to kill any javelina out of their respective hunting seasons.

I. Legal sporting arms or weapon types for javelina are as follows: any center fire rifle; any center fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle loading rifles (muzzle loading handguns are legal sporting arms for javelina); bows and arrows; and crossbows and bolts.

J. Bullets: It shall be unlawful to take or attempt to take javelina by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft nosed or hollow pointed bullets may be used in hunting or taking javelina.

K. Areas closed to javelina hunting: The following areas shall remain closed to javelina hunting, except as permitted by regulation: all wildlife management areas, except the following lesser prairie chicken areas: Black Hills east and west; Claudell; Crossroads 1-5; Gallina Wells 1, 1A, 1B, and 2-6; Liberty; Marshall; Milnesand; north, south, and east Bluit; Wayside; Antelope Flats; Bledsoe; Little Dipper; Pitchfork; Ranger lake; and Sandhills Prairie conservation area.

[19.31.21.10 NMAC - Rp, 19.31.21.10 NMAC, 4-1-15]

19.31.21.419 JAVELINA HUNTING SEASONS: Javelina hunts for the 2019-20202015-16 through the 2022-20232018-19 hunt seasons shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, sporting arms, number of licenses, and bag limit. All WMAs shall remain closed to javelina hunting, except the prairie-chicken, Heart Bar, and Socorro-Escondida WMAs are open to javelina hunting. Hunt codes for javelina hunts allowing "any legal weapon" type shall be designated JAV-1, hunt codes for javelina hunts allowing "archery only" weapon type shall be designated as JAV-2. Youth hunters must provide their hunter education certification number on their application. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts. Military only hunters must be full-time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. The open area for the JAV-2-101, JAV-1-100, and the JAV-1-102 hunts include the Big Hatchets special management area in GMU 26.

A. Entry hunts:

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
statewide, YO	1/1	3/31	JAV-1-100	150	ES
GMUs 19, 23, 24, 25, 26 and 27	1/1	1/31	JAV-2-101	300	ES
	2/1	3/1	JAV-1-102	1000	ES
28 McGregor range, military only. This hunt is the last weekend in December each year.	12/26/2015 12/31/2016 12/30/2017 12/29/2018	12/27/2015 1/1/2017 12/31/2017 12/30/2018	JAV-1-105	5	ES
28 McGregor range. This hunt is the last weekend in December each year.	12/26/2015 12/31/2016 12/30/2017 12/29/2018	12/27/2015 1/1/2017 12/31/2017 12/30/2018	JAV-1-106	5	ES

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except GMU 28, youth only	1/1-3/31	1/1-3/31	1/1-3/31	1/1-3/31	JAV-1-100	150	ES
GMUs 19, 23, 24, 25, 26 and 27	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-101	300	ES
	2/1-3/1	2/1-3/1	2/1-3/1	2/1-3/1	JAV-1-102	1000	ES
GMU 28 McGregor range, military only	12/28-12/29	1/2-1/3	1/1-1/2	12/31/2022-1/1/2023	JAV-1-105	5	ES
GMU 28 McGregor range	12/28-12/29	1/2-1/3	1/1-1/2	12/31/2022-1/1/2023	JAV-1-106	5	ES

B. Over-the-counter hunts: The hunt area shall be statewide except GMUs 19, 23, 24, 25, 26, 27 and 28.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
Statewide except GMUs 19, 23, 24, 25, 26, 27 and 28	1/1	1/31	JAV-2-103	300	ES
	1/16	3/31	JAV-1-104	1000	ES

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-103	300	ES

GMUs 19, 23, 24, 25, 26, 27 and 28	1/16-3/31	1/16-3/31	1/16-3/31	1/16-3/31	JAV-1-104	1000	ES
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C. Properly licensed youth deer or elk hunters that possess JAV-1-100 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt. Properly licensed deer or elk hunters that possess JAV-2-103 and JAV-1-104 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt, except in GMUs 19, 23, 24, 25, 26, 27 and 28. Hunters must use the same weapon type listed on their respective deer or elk license.

[19.31.21.9 NMAC - Rp, 19.31.21. 11 NMAC,]

HISTORY OF 19.31.21 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

- Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67;
- Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67;
- Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68;
- Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68;
- Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68;
- Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68;
- Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68;
- Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69;
- Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69;
- Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69;
- Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69;
- Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70;
- Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70;
- Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70;
- Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71;
- Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71;
- Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71;
- Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;
- Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;
- Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;
- Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;
- Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;
- Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;
- Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;
- Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;
- Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74;
- Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;
- Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibx, filed 5/29/74;
- Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;

Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;
Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;
Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;
Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;
Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;
Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79;
Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;
Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;
Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;
Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;
Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;
Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;
Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;
Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;
Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;
Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;
Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;
Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;
Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;
Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;
Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3-31-2003.
19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3-31-2005.
19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3-31-2007.
19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 12-1-2006 - duration expired 3-31-2009.
19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 3-13-2009 - duration expired 3-31-2011.
19.31.21 NMAC, Javelina, filed 8-15-2010 - duration expired 3-31-2015.
19.31.21 NMAC, Javelina, filed 3-17-2015 - duration expired 3-31-2019.

Final Adopted Rule

FILED WITH
STATE RECORDS CENTER

2018 MAY 31 PM 1:20

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 21 JAVELINA

19.31.21.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.21.1 NMAC - Rp, 19.31.21.1 NMAC, 4-1-19]

19.31.21.2 SCOPE: Sportspersons interested in javelina hunting and management. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.
[19.31.21.2 NMAC - Rp, 19.31.21.2 NMAC, 4-1-19]

19.31.21.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.21.3 NMAC - Rp, 19.31.21.3 NMAC, 4-1-19]

19.31.21.4 DURATION: April 1, 2019 through March 31, 2023.
[19.31.21.4 NMAC - Rp, 19.31.21.4 NMAC, 4-1-19]

19.31.21.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
[19.31.21.5 NMAC - Rp, 19.31.21.5 NMAC, 4-1-19]

19.31.21.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of javelina licenses by the department.
[19.31.21.6 NMAC - Rp, 19.31.21.6 NMAC, 4-1-19]

19.31.21.7 DEFINITIONS:
A. **“Department”** shall mean the New Mexico department of game and fish.
B. **“Director”** shall mean the director of the New Mexico department of game and fish.
C. **“Either sex” or “ES”** shall mean any one animal of the species.
D. **“Game management unit” or “GMU”** shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.
E. **“Web sale”** shall refer to accessing the department’s internet address to initiate the process to purchase specific javelina hunting licenses as designated by the director annually.
F. **“Wildlife management areas” or “WMAs”** shall mean those areas as described in 19.34.5 NMAC, Wildlife Management Areas.
[19.31.21.7 NMAC - Rp, 19.31.21.7 NMAC, 4-1-19]

19.31.21.8 ADJUSTMENT OF LICENSES, AUTHORIZATIONS AND HARVEST LIMITS: The director, with the verbal concurrence of the chairperson or their designee, may adjust the number of licenses for javelina up or down by no more than twenty percent of the total licenses available in the area or GMU to address significant changes in population levels or habitat availability. The director may consider requests from organizations or private landowners working with children suffering from terminal illness or disease to change season dates, weapon types or bag limits to provide for special hunting situations on a case by case basis. The director may change or cancel all hunts on military lands to accommodate closures on those lands; if changed, the season length and bag limit shall remain the same as assigned on the original hunt code.
[19.31.21.8 NMAC - Rp, 19.31.21.8 NMAC, 4-1-19]

19.31.21.9 JAVELINA HUNTING SEASONS: Javelina hunts for the 2019-2020 through the 2022-2023 hunt seasons shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, sporting arms, number of licenses, and bag limit. All WMAs shall remain closed to javelina hunting, except the prairie-chicken, Heart Bar, and Socorro-Escondida WMAs are open to javelina hunting.

A. Entry hunts:

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except	1/1-3/31	1/1-3/31	1/1-3/31	1/1-3/31	JAV-1-100	150	ES

GMU 28, youth only							
GMUs 19, 23, 24, 25, 26 and 27	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-101	300	ES
	2/1-3/1	2/1-3/1	2/1-3/1	2/1-3/1	JAV-1-102	1000	ES
GMU 28 McGregor range, military only	12/28- 12/29	1/2-1/3	1/1-1/2	12/31/2022 -1/1/2023	JAV-1-105	5	ES
GMU 28 McGregor range	12/28- 12/29	1/2-1/3	1/1-1/2	12/31/2022 -1/1/2023	JAV-1-106	5	ES

B. Over-the-counter hunts: The hunt area shall be statewide except GMUs 19, 23, 24, 25, 26, 27 and 28.

open GMUs or areas	2019-2020 hunt dates	2020-2021 hunt dates	2021-2022 hunt dates	2022-2023 hunt dates	hunt code	licenses	bag limit
Statewide except GMUs 19, 23, 24, 25, 26, 27 and 28	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	JAV-2-103	300	ES
	1/16-3/31	1/16-3/31	1/16-3/31	1/16-3/31	JAV-1-104	1000	ES

C. Properly licensed youth deer or elk hunters that possess JAV-1-100 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt. Properly licensed deer or elk hunters that possess JAV-2-103 and JAV-1-104 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt, except in GMUs 19, 23, 24, 25, 26, 27 and 28. Hunters must use the same weapon type listed on their respective deer or elk license.

[19.31.21.9 NMAC - Rp, 19.31.21.11 NMAC, 4-1-19]

HISTORY OF 19.31.21 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

- Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67;
- Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67;
- Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68;
- Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68;
- Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68;
- Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68;
- Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68;
- Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69;
- Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69;
- Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69;
- Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69;
- Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70;
- Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70;
- Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70;
- Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71;
- Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71;
- Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71;
- Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;
- Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;

Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;

Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;

Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;

Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;

Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;

Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;

Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74;

Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;

Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74;

Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;

Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;

Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;

Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;

Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;

Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;

Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79;

Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;

Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;

Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;

Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;

Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;

Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;

Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;

Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;

Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;

Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;

Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;

Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;

Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;

Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;

Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3-31-2003.

19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3-31-2005.

19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3-31-2007.

19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 12-1-2006 - duration expired 3-31-2009.

19.31.15 NMAC, Pronghorn Antelope and Javelina, filed 3-13-2009 - duration expired 3-31-2011.

19.31.21 NMAC, Javelina, filed 8-15-2010 - duration expired 3-31-2015.

19.31.21 NMAC, Javelina, filed 3-17-2015 - duration expired 3-31-2019.

NMAC Transmittal Form

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Commission of Public Records

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

Issuing agency name and address: Agency DFA code:

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

Type of rule action: (ALD Use Only) Most Recent Filing Date:
New Amendment Repeal Emergency Renumber

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment Description (If filing an Amendment): Amendment's NMAC Citation (If filing an Amendment):

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

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

Concise Explanatory Statement for rulemaking adoption:

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule Adoption date: Rule Effective date:

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 rulemaking was undertaken to adopt a new Javelina rule, 19.31.21 NMAC, which will become effective April 1, 2019. The current Javelina rule is set to expire on March 31, 2019. The new rule will include adjusting hunting seasons for calendar dates. For example, if a 5-day hunt typically starts on a Saturday, this date shifts earlier during each year of the 4-year rule. To avoid having these hunts occur earlier and earlier, the dates need to be "reset" during each new 4-year rule cycle. We removed manner and method references from the Javelina rule and include it in the manner and method rule to open later in 2018. No changes to number of licenses or open areas were made. There have been no changes between the published proposed rule and the final rule. There were no substantive arguments made through public comment that were not accepted. To view public comments, please visit www.wildlife.state.nm.us/commission/meeting-agendas/ and click on the Hearing Archive tab. The resulting rule was based on what

Continued on reverse side

**Findings required for rulemaking adoption
continued**

was best for the resource and overall hunter satisfaction.

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

Name:

Alexandra Sandoval

Check if authority has been delegated

Title:

Director, NMDGF

Signature: (BLACK ink only)

Alexandra Sandoval

Date signed:

5/25/18



Wildlife Management Division

Javelina

19.31.21 NMAC

May 22, 2018

New Mexico State Game Commission Meeting

Los Alamos, NM

Wildlife Management Division

EXHIBIT

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Harvest Data

2016-17 New Mexico Javelina Hunter Harvest Report, New Mexico Department of Game and Fish

AREA	Hunt code	Weapon	Hunt dates	Licenses Sold/Converted		No. of Hunters Reported	Success Rate	Number of Days Hunted	Estimated Harvest		Satisfaction Rating
				Limit	Bag				Males	Females	
Statewide (excluding Unit 28 and WSMR) Youth Only	JAV-1-100	Any Legal	Jan 1 - Mar 31, 2017	100	ES	87	38	4.16	16	6	3.60
Units 19, 23-27	JAV-1-102	Any Legal	Feb. 1 - Mar 1, 2017	1000	ES	920	34	3.21	111	92	3.39
Statewide (excluding Units 19, 23-28)	JAV-1-104	Any Legal	Jan. 16 - Mar 31, 2017	999	ES	895	24	4.53	85	58	3.07
Unit 28 McGregor Range - Military Only	JAV-1-105	Any Legal	Dec. 26-27	5	ES	4	0	1.50	0	0	NA
Unit 28 McGregor Range	JAV-1-106	Any Legal	Dec. 26-27	5	ES	5	0	2.00	0	0	4.00
Units 19, 23-27	JAV-2-101	Bow	Jan. 1 - 31, 2017	301	ES	281	35	3.78	29	33	3.35
Statewide (excluding Units 19, 23-28)	JAV-2-103	Bow	Jan. 1 - 31, 2017	96	ES	87	16	4.98	6	2	2.73
Javelina Hunts Total				2506		2279	30%	3.87	246	192	3.36



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Public comment summary

- **Move youth hunt to start Feb. 1 because of javelina archery hunt conflict (1)**
- **Lower cost of javelina license (1)**

Javelina biology

- **Yearlong breeding season**
- **Up to 2 litters in 1 year**
- **Greatest reproductive potential of any North American big game**
 - **Hunting likely does not impact populations**





Proposed changes

- **Adjust seasons for calendar dates ***
- **No proposed changes to javelina rule**
 - **Modified javelina in 2016**

Questions?



@ The Azure Gate

Wildlife Management Division

JAVELINA RULE PROPOSED CHANGES, 2019-2023

- Adjust seasons for calendar dates
 - o For example, if a 5-day hunt typically starts on a Saturday, this date shifts earlier during the course of a 4-year rule and occurs earlier during each year the 4-year rule is active. To avoid having these hunts occur earlier and earlier, the dates need to be “reset” during each new 4-year rule cycle. See the table below for an example hunt.

Example hunt dates, current rule	Example hunt dates, new rule
10/10/2015 – 10/14/2015	10/12/2019 – 10/16/2019
10/08/2016 – 10/12/2016	10/10/2020 – 10/14/2020
10/07/2017 – 10/11/2017	10/09/2021 – 10/13/2021
10/06/2018 – 10/10/2018	10/08/2022 – 10/12/2022

- No other proposed changes
- Summary of last javelina amendment in mid-2016:
 - o Offer OTC hunts for undersubscribed javelina hunts w/a maximum number of licenses to be issued OTC (300 for archery, 1000 for rifle – the same as the draw hunt numbers would have been)
 - o Increase youth hunters from 100 to 150
 - o Allowing licensed deer & elk hunters to hunt javelina during their deer/elk hunt

If you would like to comment on the proposal, please send an email to:
DGF-Javelina-Rules@state.nm.us

EXHIBIT

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Technical Information for Javelina Rule Development



Survey and Harvest Data

Javelina management remains centered on monitoring harvest, density, and distribution reports from hunters and field staff. Limiting the number of hunting licenses available and distributing hunters across the landscape meets management goals. Javelina have a yearlong breeding season and can have up to 2 litters in 1 year, resulting in the greatest reproductive potential of any North American big game. Because of this, hunting likely does not detrimentally impact javelina populations. Javelina population surveys are not conducted. Populations are scattered throughout the southwest and southeast New Mexico, however recent observations suggest expansion of javelina into parts of northwest New Mexico. Amendments to the javelina rule in 2016 were approved by the State Game Commission including; offering unsubscribed hunts as over-the-counter with a maximum number of licenses to be sold and allowing some licensed deer and elk hunters to hunt javelina during their deer or elk season.

2014-15 New Mexico Javelina Hunter Harvest Report, New Mexico Department of Game and Fish													
SOUTHERN NEW MEXICO													
All Hunts	GMU	Hunt code	Weapon	Hunt Dates	Licenses	Bag	No. of	%	Success	Number of Days	Estimated Harvest		Satisfaction
					Sold or Converted	Limit	Hunters Reported	Reprtd	Rate	Hunted	Males	Females	Rating
All Hunts	Statewide (excluding 19, 23-28)	JAV-1-100	Any Legal	Jan. 1-Mar. 31	100	ES	92	92%	25%	3.3	13	3	3.4
	GMUs 19, 23-28	JAV-1-102	Any Legal	Feb. 1-15	1001	ES	947	95%	23%	3.1	78	58	3.0
	Statewide (excluding 19, 23-28)	JAV-1-104	Any Legal	Jan. 16-Mar. 31	883	ES	778	88%	22%	5.0	61	43	3.0
	GMU 28 McGregor, Military Only	JAV-1-105	Any Legal	Dec. 27-28	5	ES	4	80%	67%	1.3	1	1	3.7
	GMUs 19, 23-28	JAV-2-101	Archery	Jan. 16-31	300	ES	293	98%	22%	3.5	3	12	3.1
	Statewide (excluding 19, 23-28)	JAV-2-103	Archery	Jan. 1-15	76	ES	77	91%	10%	4.8	1	3	2.6
	Javelina Hunts Total							2186	92%	22%	3.8	159	121

2015-16 New Mexico Javelina Hunter Harvest Report, New Mexico Department of Game and Fish												
All Hunts	AREA	Hunt code	Weapon	Hunt dates	Licenses	Bag	%	Success	Number of Days	Estimated Harvest		Satisfaction
					Sold/Converted	Limit	Reprtd	Rate	Hunted	Males	Females	Rating
All Hunts	Statewide (excluding Unit 28 and WSMR) Youth Only	JAV-1-100	Any Legal	Jan. 1 - Mar. 31, 2016	100	ES	88	36	9	11	3.50	
	Units 19, 23-27	JAV-1-102	Any Legal	Feb. 1 - Mar. 1, 2016	1000	ES	90	33	115	94	3.29	
	Statewide (excluding Units 19, 23-28)	JAV-1-104	Any Legal	Jan. 16 - Mar. 31, 2016	867	ES	85	22	63	47	3.03	
	Unit 28 McGregor Range - Military Only	JAV-1-105	Any Legal	Dec. 26-27	5	ES	0	0	0	0	4.00	
	Unit 28 McGregor Range	JAV-1-106	Any Legal	Dec. 26-27	5	ES	100	0	0	0	3.00	
	Units 19, 23-27	JAV-2-101	Bow	Jan. 1 - 31, 2016	277	ES	64	38	41	26	3.48	
	Statewide (excluding Units 19, 23-28)	JAV-2-103	Bow	Jan. 1 - 31, 2016	76	ES	93	23	7	2	2.98	
Javelina Hunts Total						2330		89%	30%	256	181	3.22

2016-17 New Mexico Javelina Hunter Harvest Report, New Mexico Department of Game and Fish													
All Hunts	AREA	Hunt code	Weapon	Hunt dates	Licenses	Bag	No. of	%	Success	Number of Days	Estimated Harvest		Satisfaction
					Sold/Converted	Limit	Hunters Reported	Success Rate	Hunted	Males	Females	Rating	
All Hunts	Statewide (excluding Unit 28 and WSMR) Youth Only	JAV-1-100	Any Legal	Jan. 1 - Mar. 31, 2017	100	ES	87	38	4.16	16	6	3.60	
	Units 19, 23-27	JAV-1-102	Any Legal	Feb. 1 - Mar. 1, 2017	1000	ES	920	34	3.21	111	92	3.39	
	Statewide (excluding Units 19, 23-28)	JAV-1-104	Any Legal	Jan. 16 - Mar. 31, 2017	999	ES	895	24	4.53	85	58	3.07	
	Unit 28 McGregor Range - Military Only	JAV-1-105	Any Legal	Dec. 26-27	5	ES	4	0	1.50	0	0	NA	
	Unit 28 McGregor Range	JAV-1-106	Any Legal	Dec. 26-27	5	ES	5	0	2.00	0	0	4.00	
	Units 19, 23-27	JAV-2-101	Bow	Jan. 1 - 31, 2017	301	ES	281	35	3.78	29	33	3.35	
	Statewide (excluding Units 19, 23-28)	JAV-2-103	Bow	Jan. 1 - 31, 2017	96	ES	87	16	4.98	6	2	2.73	
Javelina Hunts Total						2506		2279	30%	387	246	192	3.36



Tatman, Nicole, DGF

From: Chapman, Terry [REDACTED]
Sent: Monday, January 29, 2018 2:12 PM
To: DGF-Javelina-Rules
Subject: Javelina Question

NMGF...

Anyone going to talk about lowing the cost for Javelina licenses. It's pretty bad when a Javelina tag costs more than an Antelope tag. That's one reason I quit applying myself and my family for Javelina.

Thanks,

Terry Chapman RN, BSN

Cardiology Unit, Cardiac Cath Lab and Cardiac & Pulmonary Rehab - Manager
[REDACTED]
[REDACTED]



Tatman, Nicole, DGF

From: Kevin Menicucci [REDACTED]
Sent: Tuesday, January 23, 2018 8:28 AM
To: DGF-Javelina-Rules
Subject: Javelina Suggestion

I would suggest moving the start date for the youth hunt to start February 1st because it is quite interesting to be stocking Javelina with a bow and then having youth hunters shoot them with rifles. It has happened to me several times and it is getting to the point that it is not worth it to hunt them anymore.

Thank you

Kevin A. Menicucci, CRIS, LUTCF
Sr. Vice President



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MEETING SIGN-IN SHEET

New Mexico State Game Commission

HEARING 2A JAVELINA RULE

(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.)

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*No public comment
AG*

EXHIBIT
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**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION**

Holiday Inn Express
60 Entrada Drive
Los Alamos, NM 87544
Tuesday May 22, 2018

9:00 a.m. – 5:00 p.m.

A P P E A R A N C E S

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Thomas Salopek

Game Commissioner Craig Peterson

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

A B S E N T

None

[Audio in progress-Roll call]

COMMISSIONER: Here.

DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: Present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

DIRECTOR SANDOVAL: Chairman Kienzle, I believe we have a quorum.

CHAIRMAN KIENZLE: I'm going to screw this up so my apologies in advance. Hearing Officer's opening statement. This hearing will please come to order. My name is Paul Kienzle. I am Chairman of the State Game Commission. I will be serving as the hearing officer and may be advised by the Commission and its counsel from the Office of the Attorney General. The purpose of this hearing is for consideration of the Commission for final adoption of the following proposed rules. There are four in front of us today. I will read a summary of the four and then we will take them in order. We will vote at the end of each particular final rule. First hearing item is

number 1 for the Commission to receive public comment on proposed new bighorn sheep rule Title 19, Chapter 31, Part 17 of the New Mexico Administrative Code which will become effective April 1, 2019. The current bighorn sheep rule is set to expire on March 31, 2019. Second hearing item is number 2 for the Commission to receive public comment on proposed new Javelina rule Title 19, Chapter 31, Part 21 of the New Mexico Administrative Code which will become effective on April 1, 2019. Current Javelina rule is set to expire on March 31, 2019. Third hearing item is number 3, for the Commission to receive public comment on proposed new pronghorn antelope rule Title 19, Chapter 31, Part 15 of the New Mexico Administrative Code which will become effective on April 1, 2019. Current pronghorn antelope rule is set to expire on March 31, 2019. Fourth hearing item is number 4, for the Commission to receive public comment on the proposed repeal of the pronghorn allocation system rule Title 19, Chapter 30, Part 12 of the New Mexico Administrative Code which the repeal will become effective on March 31, 2019. The new pronghorn antelope rule Title 19, Chapter 31, Part 15 will replace the current pronghorn licensing allocation systems rule. These sets of hearings are being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. The hearing is being audiotape recorded. Anyone interested in a copy of the audio tape record should contact Sandra with the Department of Game and Fish. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal and the Santa Fe New Mexican, the New Mexico sunshine portal and on the Department's website. Copies of the proposed new rule have been available on the Department's website and at the Department office. Those that are speaking today, I need you to sign an attendance sheet and we will deal with that again to make sure we get that into the record. The attendance sheet while not exactly at the back of the room is at the side of the room and we will later enter that into the record as an exhibit. Now, let's see,

these sets of rule hearings will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for view by the public but exhibits may not be removed from this room. Colonel Griego will enforce that rule I'm sure. After all exhibits are entered, we will proceed to the presentation of the proposed rule after which testimony will be taken from anyone who has signed in in accordance with what I said earlier. I will place a time limit, typically I think we've had 2 minutes per speaker. For good cause or at discretion of the chair that time limit can be waived. In order to ensure that the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to (1) identify themselves by name and who they are affiliated with for the record each time you are recognized or each time you speak at the microphone which is to say, speak at the microphone not from your seat. And (2) speak loud and clear so the audio record is accurate and contains all of your comments. After a person has offered comment, they may be questioned by the hearing officer or other members of the Commission. The audience may direct questions to the Commission which may or may not then be answered by the Commission or by members of the Department subject to how that is handled by the Chair. This hearing is not subject to judicial rules of evidence. However, in the interest of efficiency, I do reserve the right to limit any testimony or comment deemed irrelevant, redundant or unduly repetitious. The Commission may discuss the proposed rules after public comment portion of the hearing. Final Commission action including adoption of the rules may occur after the conclusion of the presentation and public comment period of the hearing. If members of the Department recall, we do an informational portion, we close the record and then we actually go to a final action vote on the agenda item that's before us. As I said at the outset, we will vote on each agenda item as the record is closed on that rather than rolling them all up in one big vote at the end. I think the better practice is to

take things individually rather than lumping them all together under the circumstances today. Okay, all of that having been said, I think I did the throat clearing part.

Hearing item number 2. This is the informational portion of rulemaking hearing on final rule changes on the Javelina Rule 19.31.21 NMAC for the 2019-23 seasons. I will declare this hearing now open. Are there any exhibits for proposed amendments to rule 19.31.21 for the record?

STEWART LILEY: Mr. Chairman, there are 6 exhibits for the record: Exhibit 1, notice of the rule making; Exhibit 2, the initial proposed rule; Exhibit 3, the presentation being presented to the Commission today; Exhibit 4, the summary of the proposed changes; Exhibit 5, the technical info that was relied upon to develop the rule; and Exhibit 2 [phonetic], the two public comments we had during the rulemaking process.

CHAIRMAN KIENZLE: You've marked those exhibits 1 through 6?

STEWART LILEY: Mr. Chairman, that is correct.

CHAIRMAN KIENZLE: Exhibits 1 through 6 are admitted into the record. Does the public have any written documents they wish to enter into the record at this time? They'll get another opportunity (indiscernible/background noise). I don't see anything. Stewart, would you please introduce the proposed rule for 19.31.21?

STEWART LILEY: Mr. Chairman, Members of the Commission, if you recall about two years ago we amended this rule to better adjust how we hunt Javelina in the state. We created that kind of Boot Hill portion that was the draw area and the rest of the state was open for the over-the-counter hunts that were up to [phonetic] licenses sold. Just wanted to show you that overall we have about a 30 percent success rate on Javelina. The success rates by over-the-counter hunts

versus some of the success rates on the Boot Hill, and the Boot Hill is definitely a little bit, gets some higher success but the statewide is still high success. The public comments we had, two like I said. There was one that talked about moving the youth hunt to start on February 5th because of conflict with archery. We didn't really receive much on that. We didn't think it was a big issue. We didn't really move on that proposal because of it. We felt that the structure of the hunt so far has been fairly productive so we didn't move that. And the other is statutory change looking for [phonetic] licenses. That is not a Commission change. That would have to go through statute to adjust license cost for Javelina. Real quick biology, you know they are really highly productive or can be. It's really environmental conditions that are driving Javelina and productivity population, not really harvest mortality. So hunting probably really doesn't have impact on hunting populations. It's more on climatic conditions and what that landscape looks like for Javelina rather than hunting. Our proposed changes, again, is just adjusting the seasons for the calendar dates and then no other proposed changes to the Javelina rule based upon what the last minute was—excuse me, the last amendment two years ago was. With that, I'll take questions.

CHAIRMAN KIENZLE: Any questions or comments from the Commission? Are there, anyone signed up on this one? I guess there will be no standing and identifying yourself then for this one. And that's marked for Number 7?

DIRECTOR SANDOVAL: Correct.

CHAIRMAN KIENZLE: Attendance sheet is marked as Number 7. I'll admit Exhibit 7 along with Exhibit 6 into the record. Anything further on this one from the Department's perspective?

STEWART LILEY: Not at this time, no.

CHAIRMAN KIENZLE: Anyone from the public? Not seeing or hearing anyone from the public, I'll close the informational portion of this hearing and we will move to the action portion of item number 2b. Can I get a motion on this please?

COMMISSIONER PETERSON: Mr. Chairman, I move to adopt the proposed changes to 19.31.21 NMAC as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with state records and archives.

VICE-CHAIRMAN MONTOYA: Second.

CHAIRMAN KIENZLE: Any questions? Comments? Further discussion? All in favor on action item number 2b and the motion that's on the table. All in favor.

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed?

[Laughter]

CHAIRMAN KIENZLE: No opposed. Okay.

COMMISSIONER: We were asleep [phonetic] there, Mr. Chairman.

[Crosstalk]

CHAIRMAN KIENZLE: I used a different rigamarole there. I just threw you off a little bit. My apologies.

CERTIFICATE

I, Rose Leonard and I, Cheryl Melgarejo,
DO HEREBY CERTIFY that the
above captioned transcription was prepared by me;
that the RECORDING was reduced to typewritten
transcript by me; that I listened to the entire
RECORDING; that the foregoing transcript is a
complete record of all material included thereon,
and that the foregoing pages are a true and correct
transcription of the recorded proceedings, to the
best of my knowledge and hearing ability. The
recording was good.

I FURTHER CERTIFY that I am neither employed
by nor related to nor contracted with (unless
excepted by the rules) any of the parties or
attorneys in this matter, and that I have no
interest whatsoever in the final disposition of this
matter.

Rose Leonard

(Name of Transcriptionist)

Cheryl Melgarejo

(Name of Transcriptionist)

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**APPROVAL OF MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
Tuesday May 22, 2018
Holiday Inn Express (Meeting Room)
60 Entrada Dr. Los Alamos, NM 87544
9:00 a.m. – 5:00 p.m.**

Alexandra Sandoval, Director and Secretary

Date

**Paul M. Kienzle III, Chairman
New Mexico State Game Commission**

Date

AS/scd