

COMMISSION MEETING AGENDA BRIEFING

Meeting Date: June 3, 2010

Agenda Item Number: 17

Presenter: Dan Brooks

Back-up for Details: Chris Chadwick

Agenda Title: Importation of Live Non-Domestic Animals, Birds and Fish (19.35.7 NMAC), and Game and Fish Licenses/Permits (19.30.9 NMAC).

1) Summary of Agenda Item: The Department will present draft rule amendments for Importation of Non-domestic animals (19.35.7 NMAC) and Game and Fish Licenses/Permits (19.30.9 NMAC). The Department has been working on these amendments and seeking public input since May 3, 2007. This is an update only item for the commission, with the Department proposing to seek final action at the July 2010 commission meeting. The Department is recommending repealing the current rule because of extensive changes. The following is a highlight of importation changes the new rule includes:

- Creates a section that defines the Director's authority to:
 1. Designate domesticated animals where no importation permit is required from the Department.
 2. Develop a species importation list (minimum of 4 groups) including conditions under which an animal may be imported into the state.
 3. Determine eligibility requirements for future importation, should anyone violate the provisions of importation, including proposing corrective measures
 4. Create administrative fees up to \$500 (COC) for failure to comply with importation (for admin review, inspections, updating files, etc)
 5. Designate an individual as a qualified expert
 6. Determine all forms and applications
 7. Determine all notices and postings
 8. Determine an additional fee up to \$25 for anyone requesting their application be expedited.
 - Allows for a Director's review (1st layer of appeal) prior to an appeal to the commission.
 - Expands current intrastate movement for animal health emergency (beyond cervids/Game Parks)
 - Creates series of administrative restrictions to complement criminal violations
 - Creates additional health and facility allowances
 - Minor changes to fisheries (fee structure and ornamental fish)
 - Creates a hold harmless/immunity provision requirement
 - Creates more definitions, including a dangerous animal definition for predatory or venomous animals
 - Creates warning notices requirements for dangerous animals
 - Adds different importation fees relating to number of animals to be imported
- A variety of other changes are also being proposed for amendment.

2) **Strategic Plan References & Possible Impacts of Agenda Item:**

Objective 8: That through 2014 hunting and fishing opportunities are maintained through prevention and control of wildlife diseases.

Strategy 8.1: Detect, monitor, manage, and prevent the spread of wildlife diseases through coordination with the New Mexico Department of Health, the New Mexico Livestock Board, the New Mexico Department of Agriculture, USDA Animal Plant and Health Inspection Service, USDA Wildlife Services, and USDA Veterinary Services and other appropriate agencies.

Action Plan: 8.1.1 Adopt and enforce rules as required by statute to control, eradicate, or prevent the spread of a contagious disease, pest or parasite, to or among game animals.

8.1.5 Manage the importation of protected species of live animals, birds, or fish into New Mexico.

The Department continues to deal with issues and concerns relating to disease, hybridization and predation from free-ranging and captive species of wild animals. The current proposals for the importation rule upholds protective measures while seeking some flexibility in allowing people to comply with specific importation requirements.

3) **Estimated Distribution, Abundance, Habitat Requirements, Breeding Habits and Economic Values (§17-1-26, NMSA, 1978) of Species if Applicable:** A main emphasis in the importation rule is to protect New Mexico from introduction of infectious/contagious diseases, crossbreeding and displacement by non-desirable species. This emphasis is to insure that managed species abundance, habitats and economic value are not negatively affected by imported animals.

4) **Considerations Regarding Duplications and /or Conflicts with Existing Rules or Statutes:** State laws require the Commission to establish rules to control and prevent disease outbreaks (17-1-14.B.15 NMSA 1978), and emphasizes importation permitting is in place to protect [the State] against importation of undesirable species and the introduction of infectious or contagious diseases (17-3-32 NMSA 1978).

5) **Description and Summary of Public Involvement Process and Results:** The Department has held public meetings since April 2007 to seek comments on rule amendments for importation. Meetings have been held in Albuquerque, Farmington, Las Cruces, Roswell and Santa Fe. The Department has also posted this rule on its website and is still taking comments.

6) **Suggested Motion:** This is a discussion item. No motion is requested, unless Commission discretion indicates that specific direction through a motion is warranted.