

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) will be hosting a hybrid virtual meeting and rule hearing on Friday, August 19, 2022 beginning at 9:00 a.m. at the University of New Mexico – Gallup Campus, Room STC 200, 705 Gurley Ave., Gallup, New Mexico 87301. For instructions on how to attend this meeting either in person or virtually, visit the Department’s website at <http://www.wildlife.state.nm.us/commission/webcast/>. The purpose of this meeting is to hear and consider action as appropriate on the following: Repeal of the Landowner Certification of Non-Navigable Water Rule 19.31.22. NMAC.

Synopsis for Landowner Certification of Non-Navigable Water Rule 19.31.22 NMAC:

The proposal is to permanently repeal the Landowner Certification of Non-Navigable Water Rule 19.31.22 NMAC. On March 1, 2022, the New Mexico State Supreme Court issued a ruling from the bench that the Landowner Certification of Non-navigable Water Rule 19.31.22 NMAC is unconstitutional. Later that same day, the State Game Commission repealed the rule on an emergency basis in accordance with emergency rule provisions in 14-4-5.6 NMSA (1978). The Supreme Court also issued a Writ of Mandamus on March 2, 2022 wherein the State Game Commission was ordered to cease further implementation of 19.31.22 NMAC and withdraw the regulations as void and unconstitutional. The 180-day limit on an emergency rule will expire on August 28, 2022. Therefore, there is a need to permanently repeal the rule in accordance with the Writ of Mandamus.

A full text of changes is available on the Department’s website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Fisheries Rule at: DGF-Non-NavigableRule@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on August 2, 2022. The final proposed rule will be voted on by the Commission during a hybrid virtual public meeting on August 19, 2022. Interested persons may also provide data, views or arguments, orally or in writing, at the hybrid virtual public rule hearing to be held August 19, 2022.

Full copies of the 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 <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.