

**MESCALERO APACHE TRIBE
MESCALERO, NEW MEXICO**

ORDINANCE 21-03

WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934 (25 U.S.C. §5123) and under its Revised Constitution has full power and authority to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council has the power to protect and preserve the property, wildlife and natural resources of the Tribe pursuant to Article XI, Section 1(c) of the Revised Constitution; and

WHEREAS, the Mescalero Apache Tribal Code provides that an Annual Proclamation governing hunting and fishing on the Mescalero Apache Reservation be enacted, pursuant to Chapter 15, Section 1 of said Code; and

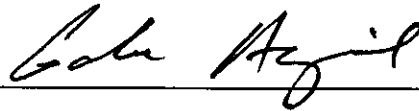
WHEREAS, the Mescalero Apache Tribal Council wishes to enact the following Annual Proclamation, which includes Tribal member hunting regulations, establishment of seasons, bag limits, licensing provisions, and fees, a copy of which is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED that the following Annual Proclamation, which contains Tribal member hunting regulations, establishment of seasons, bag limits, licensing provisions, and fees, a copy of which is attached hereto as Exhibit "A," be and hereby is adopted for the 2021-2022 hunting season.

ORDINANCE 21-03

CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 10th day of March 2021, at a legally called session of the Mescalero Apache Tribal Council, by a vote of 6 in favor, 0 opposed, 0 abstaining and 2 absent at which a quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.



Robert Gabe Aguilar, President



Ardena Orosco, Secretary

Updated
3/4/21

MESCALERO APACHE TRIBE
Tribal Members
Big Game Hunting Season
2021

- I. Permits for legal big game species must be obtained from the Mescalero Conservation Department prior to hunting.
- II. All hunters must have in their possession a valid tribal hunting permit, which shall be properly affixed to the game species immediately after the kill.
- III. All kills and the location of the kill(s) must be reported to the Mescalero Conservation Department in person or by phone within 48 hours of the harvest. A report of No Kill must also be reported within 48 hours of the last day of the hunt. The information obtained is reported to the Wildlife Biologist and used for management purposes. **Drawn hunters that do not report kills within 48 hours will not be considered for the draw for an additional three years, for a total of six (6) consecutive years for the deer hunt.**
- IV. All hunters are helping wildlife resources on the Mescalero Apache Reservation by purchasing a permit. \$10.00 per application will be contributed toward wildlife and habitat enhancement, salt, and water development.
- V. **Special Regulations regarding Affiliates – see page 2.**
- VI. **Non-tribal member tribal employees, purchasing Game Bird Permits, must abide by these rules and regulations as well. They must also show respect for tribal traditions and customs as well as tribal and federal laws. It is a privilege for non-tribal member employees to hunt on the Mescalero Apache Reservation and therefore only one offense will be tolerated by non-tribal member employees thereafter suspension of this privilege will be indefinite. (Federal Employees are not eligible)**
- VII. In order to preserve the natural beauty of the Mescalero Apache Reservation, **PLEASE DO NOT LITTER!**
- VIII. Tribal member active-duty military on leave during scheduled hunts may be granted a special permit for one cow elk and two turkeys at no cost – see page 7 and 8.
- IX. Requests for ceremonial permits shall be in writing and addressed to the Tribal Cultural Affairs Sub-Committee of the Mescalero Apache Tribal Council for approval. Request should be made by December 31, 2021 for Ceremony held the following year. Approved requests will then be forwarded to the Mescalero Conservation Department. The Conservation Department will harvest the requested deer.
- X. Only one permit per Tribal member, permits are non-refundable, except where

specified, and non-transferable. Permits are for hunt dates only.

- XI. All permits will be available for pick up at the Conservation Department one (1) day before specified hunt dates.

Special Regulations – Affiliates

Affiliates who have a spouse who is unable to accompany them due to illness, handicap, or other health related incapability will be allowed to hunt for their spouse for the duration of the annual hunts on the Mescalero Apache Reservation without the presence of the spouse:

- Provided the affiliate can show proof of marriage and has not violated the trust of the tribe in the past that would jeopardize his/her eligibility for a permit.
- Provided also, that the affiliate promises by signature below agrees to not violate any laws of any kind while in the woodland areas of the Mescalero Apache Reservation.

***** Tribal hunts are for tribal members only. Affiliates can accompany their spouse during the tribal hunts but their husband/wife has to be with them at all times. A marriage certificate does need to be on file at the Conservation Office. *****

Any affiliated person who is cited for any violation will be dealt with in the following manner:

First Offense: Cited, confiscation of firearm(s), game if harvested, and suspension of privileges for five (5) years.

Second Offense: Recommendation to the Tribal Council for Permanent Suspension of Privileges.

Notice: All permits are non-refundable and non-transferable, unless otherwise stated.

All permits are for hunt dates only; no extensions will be permitted.

I have read and understand the above special regulations and by signature will comply.

Tribal Member

Date

Affiliate Spouse

Date

MESCALERO APACHE TRIBE
Tribal Members and Affiliates
Big Game Hunting Season
2021

FERAL PIG
Tribal Members

SEASON DATES: January 1, 2021 – December 31, 2021
PERMIT COST: No Cost
NUMBER OF PERMITS: One (1) permit per applicant
LEGAL ANIMAL: Unlimited, either sex
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1
SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate. Under 17 years of age requires adult supervision at all times. Spotlighting is prohibited.

MOUNTAIN LION
Tribal Members Only

SEASON DATES: January 1, 2021 – December 31, 2021
PERMIT COST: No Cost
NUMBER OF PERMITS: One (1) permit per applicant
LEGAL ANIMAL: Unlimited, either sex
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1
SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times. Once a mountain lion is harvested it needs to be brought to the Conservation Office so a DNA sample and pre-molar tooth can be collected.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

**SPRING GOBBLER
Tribal Members**

SEASON DATES: First Hunt: April 30-May 2, 2021
Second Hunt: May 7-May 9, 2021

PERMIT COST: \$25.00
NUMBER OF PERMITS: Fifteen (15) per hunt, issued on a first come first served basis for a total of thirty (30) permits.
LEGAL ANIMAL: One (1) gobbler turkey with a visible beard
METHOD: Rifle, Archery or Non-Toxic Shotgun Shot
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times. Hunts may be canceled if extreme fire conditions exist and the reservation is in a Class 5 Fire Restriction. Tribal members can participate in both hunts if desired.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

GAME BIRDS

Tribal Members/Affiliates

Non-Tribal Member Tribal Employees

SEASON DATES: September 1, 2021 – November 1, 2021
PERMIT COST: \$10.00 – Tribal Members/Affiliates
\$20.00 – Non-Tribal Member Tribal Employees
NUMBER OF PERMITS: Twenty-five (25)
LEGAL ANIMAL: All game birds (dove, quail and pigeon species) found on the reservation, excluding the Montezuma (aka Harlequin) quail, wild turkey, waterfowl and eagles. Ten (10) per day, twenty (20) in possession after first day.
METHOD: Non-Toxic Shotgun Shot Only
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times.

Affiliates: See special regulations on page 2 of this hunt proclamation.

GAME BIRDS (Continued)
Tribal Members/Affiliates
Non-Tribal Member Tribal Employees

Non-Tribal Member Employees: Only non-tribal member tribal employees of the Mescalero Apache Tribe permanently employed full-time within the past six (6) months within the exterior boundary of the Mescalero Apache Reservation are eligible. (*Federal Employees are not eligible*) See page 1 –VI.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

BULL ELK
Tribal Members Only

SEASON DATES: October 2 – 17, 2021
PERMIT COST: \$300.00
NUMBER OF PERMITS: Twenty (20) issued by drawing
LEGAL ANIMAL: One (1) bull with at least five (5) points or more on each antler.
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

APPLICATION DEADLINE: September 16, 2021
DRAWING DATE: September 17, 2021

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate. Under 17 years of age requires adult supervision at all times. A three (3) year eligibility restriction is in effect for the bull elk hunt. Only one (1) permit per permittee. Payment will be made at time of application, No Exceptions.

Affiliates: NO HUNT

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

TURKEY

Tribal Members

SEASON DATES: November 1 – November 30, 2021
PERMIT COST: \$10.00
NUMBER OF PERMITS: One (1) permit per household
LEGAL ANIMAL: Two (2) turkeys, gobbler or hen
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – see IV on page 1
SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate. Under 17 years of age requires adult supervision at all times.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

MULE DEER/WHITETAIL DEER

ELDERS (60 years and older)

Tribal Members Only

SEASON DATES: November 1, 2021 through November 15, 2021
PERMIT COST: No Cost
NUMBER OF PERMITS: Twenty (20) issued by drawing
LEGAL ANIMAL: One (1) buck deer, bucks must be forked horn or greater
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide

APPLICATION DEADLINE: October 14, 2021

DRAWING DATE: October 15, 2021

SPECIAL REGULATIONS: Deer permits will be issued by a draw. A three (3) year eligibility restriction is in effect for the elder's deer hunt. Only one (1) application per tribal member will be accepted. If another individual is to hunt for the drawn elder, the designated individual must have written permission from the elder on file with the Conservation Department. The designated individual will be the only person to utilize the permit throughout the hunt. **Under 18 years of age requires a hunter safety certificate. Under 17 years of age requires adult supervision at all times (Must provide a copy of CIN Number). Mandatory testing for chronic wasting disease (CWD) will be required (see page 9).**

MULE DEER/WHITETAIL DEER (Continued)
ELDERS (60 years and older)
Tribal Members Only

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

MULE DEER/WHITETAIL DEER
Tribal Members Only

SEASON DATES: November 1, 2021 through November 15, 2021
PERMIT COST: \$25.00
NUMBER OF PERMITS: Twenty (20) issued by drawing
LEGAL ANIMAL: One (1) buck deer, bucks must be forked horn or greater
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

Application Deadline: October 14, 2021
Drawing Date: October 15, 2021

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times. Deer permits will be issued by a draw. A three (3) year eligibility restriction is in effect for the deer hunt. Only one (1) application per tribal member will be accepted. Payment will be due at the time of application, No Exceptions. Mandatory testing for chronic wasting disease (CWD) will be required (see page 11). ONE PER HOUSEHOLD FOR BOTH ELDERLY?

Affiliates: No Hunt

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

COW ELK
Tribal Members Only

SEASON DATES: November 16, 2021 through November 30, 2021
PERMIT COST: \$50.00
NUMBER OF PERMITS: Two hundred (225)
LEGAL ANIMAL: One (1) mature cow elk, limit two (2) per household
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times. Only two (2) permits per household. A harvest report is mandatory & needs to be turned in on all cow elk permits. If not a three (3) year ineligibility restriction will be applied. Payment will be made at time of application, ***No Exceptions.***

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

SPECIAL PERMIT
Tribal Member – Active-Duty Military

SEASON DATES: October 1, 2021 through November 30, 2021
PERMIT COST: No Cost
NUMBER OF PERMITS: Issued on a case-by-case basis
LEGAL ANIMAL: One (1) Cow Elk and (2) Turkeys, gobbler or hen
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide

SPECIAL REGULATIONS: Any Tribal Member that is actively serving in the armed forces may be granted a special permit to hunt during designated hunting dates at no cost.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

TRAPPING

Tribal Members/MAT Professional Trappers

SEASON DATES: November 1, 2021– March 31, 2021
PERMIT COST: \$15.00
NUMBER OF PERMITS: Ten (10) issued on a first come, first served basis
LEGAL ANIMAL: Unlimited furbearers (coyote, fox, bobcat, raccoon, badger, weasel, skunk and mountain lion)
METHOD: Steel-jawed traps and snares, small caliber firearm for dispatch.
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1
PROFESSIONAL PERMITS: No more than three (3) Professional Trappers working for the Mescalero Apache Tribe per trapping season (All Rules and Regulations apply).

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate (Must provide a copy of CIN Number). Under 17 years of age requires adult supervision at all times. Trapping/harvest information must be reported to the Conservation Department no later than April 15, 2021. Trappers must provide vehicle description and license plate numbers to the Conservation Department. The Conservation Department must be notified if a bear is caught. Traps must be checked every 24-48 hours. Mandatory trap reports due the 1st of each month to the Mescalero Conservation Department for CITIES tagging no later than April 30, 2021. No trapping within one mile of occupied residences (may be waived if extenuating circumstances exist).

Affiliates: NO HUNT/TRAPPING.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

BARBARY SHEEP
Tribal Members

SEASON DATES: January 1, 2021 – December 31, 2021
PERMIT COST: No Cost
NUMBER OF PERMITS: One (1) permit per applicant
LEGAL ANIMAL: Unlimited, either sex
METHOD: Rifle or Archery
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1

SPECIAL REGULATIONS: Under 18 years of age requires a hunter safety certificate. Under 17 years of age requires adult supervision at all times.

Affiliates: NO HUNT.

Notice: Permits are non-refundable and non-transferable. Permits for hunt dates only, no extensions, no exceptions.

ANTELOPE
Tribal Members **NO HUNT**

MOUNTAIN LION
Non-Tribal Members

SEASON DATES: December 15, 2021 through February 28, 2022
*** An extension may be granted through the end of March weather permitting. ***
PERMIT COST: \$500.00
NUMBER OF PERMITS: Ten (10) Issued on a first come, first served basis
LEGAL ANIMAL: EITHER SEX
METHOD: Rifle/Bow
OPEN AREA: Reservation Wide
APPLICATION FEE: \$10.00 – See IV on page 1
TRESSPASS FEE: \$100.00 per person for the duration of the hunt
NOTE:

**Mescalero Conservation Department
2021 Tribal Youth Hunts (Ages 7-17)**

Youth Bull Elk

Season Dates: October 16th – 24th, 2021
Cost: \$50.00
Number of Permits: Ten (10) issued by drawing
Legal Animal: One (1) bull with at least five (5) points or more on each antler
Method: Archery or Rifle
Application Fee: None
Open Area: Reservation Wide
Application Deadline: September 16th, 2021
Drawing Date: September 17^h, 2021

Youth Cow Elk

Season Dates: November 6th – November 14th, 2021
Cost: \$25.00
Number of Permits: Twenty (20) issued by drawing
Legal Animal: One (1) mature cow elk
Method: Archery or Rifle
Application Fee: None
Open Area: Reservation Wide
Application Deadline: September 16th, 2021
Drawing Date: September 17th, 2021

Youth Deer

Season Dates: December 19th, 2021 – January 2, 2022
Cost: \$25.00
Number of Permits: Ten (10) issued by drawing
Legal Animal: One (1) BUCK deer (whitetail or mule)
Note: Bucks must be forked horn or greater
Method: Archery or Rifle
Application Fee: None
Open Area: Reservation Wide
Application Deadline: September 17th, 2021
Drawing Date: September 18th, 2021

*Date
Change*

Special Regulations: Hunter Safety certificate REQUIRED. Adult supervision REQUIRED at all times. Only one (1) permit per household. A harvest report is mandatory & needs to be turned in within 48 hours. If not a three (3) year ineligibility restriction will be applied.

Chronic Wasting Disease (CWD) – Deer Only

For the 2021 hunting season, the Mescalero Conservation Department will be conducting chronic wasting disease testing and monitoring in deer harvested on the Mescalero Apache Reservation.

Chronic wasting disease (CWD) is a degenerative neurological disease affecting the central nervous system of deer and elk. The disease is caused by an unusually shaped protein called a prion. Prions are not like bacteria or viruses, but are able to replicate and cause gaps in the brain tissue of infected deer and elk. The disease is progressive and always fatal. The most obvious clinical sign of CWD is weight loss over time. The origin of transmission is unknown.

CWD has been detected on the Mescalero Apache Reservation during the 2016 Tribal Deer Hunting Season in the Number 4 Area; all tests result for the disease in elk have been negative in recent years. However, testing for the disease in deer has only been done recently, therefore the need to continue testing in deer. It is important to monitor for the presence of the disease in order to respond to it appropriately.

There is no evidence of CWD being contracted by humans. In Europe a very close variation of the disease known as “mad cow” disease has been contracted by humans after consumption of meat of an infected beef cow. Both diseases belong to the family of diseases known as transmissible spongiform encephalopathy (TSE).

Testing for CWD requires the removal of the brain stem and lymph nodes of deer within 48 hours of harvest. As stated above, CWD testing has been done on elk harvested on the reservation; however, it is important to continue testing for the disease in deer harvested on the reservation. Due to the serious nature of this disease CWD testing will continue to be mandatory for the tribal member deer hunts during the 2019 hunting season. Hunters should contact the Mescalero Conservation Department at 575-464-9323 as soon as possible after harvest for collection of the necessary tissue samples. This is a very important and serious matter. Those hunters that fail to have their deer samples collected **will not be considered for the deer draw for 6 consecutive years.**

Although there is no evidence that CWD can be contracted by humans, precautions should be taken when field dressing deer and elk:

- **Wear rubber gloves**
- **Bone out meat**
- **Minimize handling brain and spinal tissue**
- **Wash hands and tools thoroughly**
- **Do not eat the brain, spinal cord, eyes, tonsils, lymph nodes or other organs of harvested animals.**
- **Requested that your deer and/or elk be processed individually, without meat from other animals**

Your assistance is very much appreciated in monitoring for the presence of this disease.

Tyner Cervantes-Chief Conservation Officer