

## STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) has scheduled a regular meeting and rule hearing for Thursday, September 28, 2017, beginning at 9:00 a.m., at Lifts West Condominiums Meeting Room, 201 W. Main Street, Red River, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to Manner and Method and associated rules;

### Notice of Rule Making

The Commission may consider the following items of rulemaking at the meeting:

#### Amend

19.31.10 NMAC	Hunting and Fishing-Manner and Method of Taking
19.31.5 NMAC	Upland Game
19.31.6 NMAC	Migratory Game Bird
19.31.11 NMAC	Bear and Cougar
19.31.12 NMAC	Barbary Sheep, Oryx, and Persian Ibex
19.31.13 NMAC	Deer
19.31.14 NMAC	Elk
19.31.15 NMAC	Pronghorn Antelope
19.31.16 NMAC	Turkey
19.31.17 NMAC	Bighorn Sheep
19.31.21 NMAC	Javelina

#### Repeal

19.31.3 NMAC	Hunting and Fishing Licenses and Application
--------------	--

#### Replace

19.31.3 NMAC	Hunting and Fishing Licenses and Application
--------------	--

#### Synopsis (Bows and Crossbows):

The purpose is to amend Manner and Method and associated game rules (below) with some modifications as described below to allow for the use of illuminated pins/reticles and magnifications on bows and crossbows.

The proposed changes of 19.31.10 NMAC include some general formatting to clarify rule language, adding a change in definition to bow and crossbow for the allowance of illuminated pins/reticles and scopes of any magnification, changes to language under Paragraph A and B of Section 19 of 19.31.10 NMAC to allow the use of a crossbow during any legal sporting arm or muzzle loader hunt, and prohibit the use of crossbows during a bow only hunt unless in possession of a mobility impaired (MI) card or reasonable accommodation or otherwise allowed by rule. Removing language in Paragraph C of Section 19 of 19.31.10 NMAC as it is duplicated language.

The proposed changes to 19.31.5 NMAC include changes to definition of bow and crossbow for the allowance of illuminated pins/reticles and scopes of any magnification. Removing/renumbering language in Subsections K and M of Section 9 of 19.31.5 NMAC as it is duplicated language in 19.31.10 NMAC.

The proposed changes to 19.31.6 NMAC include changes to definition of bow and crossbow for the allowance of illuminated pins/reticles and scopes of any magnification.

The proposed changes to 19.31.11 NMAC include changes to formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification and removing the word archery and replacing with bow in Paragraph B Subsection 11 of 19.31.11 NMAC.

The proposed changes to 19.31.12 NMAC include changes to formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification and adding crossbow to Subsection 14 of 19.31.12 NMAC to allow crossbow as a legal weapon type during a muzzle loader rifle hunt.

The proposed changes to 19.31.13 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification and adding definitions of weapon types for

corresponding hunt codes to Subsection 15 of 19.31.13 NMAC; adding language of crossbows to Paragraph B of Subsection 15 of 31.31.13 NMAC.

The proposed changes to 19.31.14 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification; amend Paragraph C of Subsection 13 of 19.31.14 NMAC to replace “archery” with “bow” for the weapon type designated and adding crossbow to Subsection 15 of 19.31.14 NMAC; amend Subsection 16 of 19.31.14 NMAC added crossbow as a legal weapon type during a muzzle loader rifle hunt.

The proposed changes to 19.31.15 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification; amend Subsection 12 of 19.31.15 NMAC to replace “archery” with “bow” for weapon type designated; adding crossbow to Subsection 13 of 19.31.15 NMAC to allow crossbow as a legal weapon type during a muzzle loader rifle hunt.

The proposed changes to 19.31.16 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification; amend Subsection 12 of 19.31.16 NMAC to replace “archery” with “bow” for the weapon type designated.

The proposed changes to 19.31.17 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification and adding definitions of weapon types for corresponding hunt codes to Subsection 11 of 19.31.17 NMAC.

The proposed changes to 19.31.21 NMAC include formatting and change in definition of bow and crossbow for the allowance of illuminated pins/reticles; scopes of any magnification; amend Subsection 11 of 19.31.21 NMAC to replace “archery” with “bow” for the weapon type designated.

**Synopsis: (Donation of License):**

The purpose is to repeal and replace 19.31.3 NMAC Hunting and Fishing License and Application rule with some modifications as described below to allow for the transfer of hunting licenses to youth hunters and New Mexico resident veterans and New Mexico first responders.

The proposed changes to Paragraph F of Subsection 11 of 19.31.3 NMAC: current rule only allows for the transfer of a license to a nonprofit organization approved by the state game commission to youth hunters 17 and younger; change to rule will add transfers of license through a nonprofit to qualified New Mexico veterans and New Mexico first responders as well.

Interested persons may submit comments on the proposed changes to (bows and crossbows) rules listed above at [dgf-fieldopscomments@state.nm.us](mailto:dgf-fieldopscomments@state.nm.us); proposed changes to (donation of licenses) rules listed above at: [specialhunts@state.nm.us](mailto:specialhunts@state.nm.us); or individuals may submit written comments to the physical address below. Comments are due by 9 a.m. on September 28, 2017 when the final rule amendments will be voted on by the Commission during a public meeting on September 28, 2017. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on September 28, 2017. Full copies of text of the proposed rule changes, 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, P.O. Box 25112, Santa Fe, New Mexico 87507, or from the Department’s website at [www.wildlife.state.nm.us/commission/proposals-under-consideration/](http://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](http://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.

# **Proposed Amendment to License Donation Rule**

Amending Hunting and  
Fishing License Application  
19.31.3 NMAC

*Staff from Commission  
App. 25.2017 Agenda #10  
Exhibit A  
8/1/21*

# State Law

17-3-7 G. (3) NMSA 1978 authorizes the Director to transfer a hunting license to a nonprofit organization approved by the State Game Commission

- Request to donate license must be received in writing
- Appropriate license fees must be paid, if applicable
- No refunds offered for donated licenses



# Current Rule

NMAC 19.31.3.11 F. currently restricts hunting license donation transfers to youths age 17 or younger who are qualified through a Commission-approved nonprofit organization

Current approved nonprofit organizations:



- **Donald R. Kemp Youth Hunting Club**

- Las Cruces



- **Sportsmen for Fish and Wildlife**

- Farmington

# Transfers to Eligible Recipients

Under current rule, the Department has only been able to match approximately 61% of donation requests with eligible youth hunters.

License Year	Total Donations To DRK	To SFW	Matched
2015	35	33	17
2016	46	20	23
2017	87	31	83
2017 pending	34	21	--
<b>TOTAL</b>	<b>202</b>	<b>105</b>	<b>123</b>

# Summary of Proposed Changes to 19.31.3

- Expand the definition of eligible recipients for donated hunting licenses through Commission-approved nonprofit organizations to include resident veterans and “first responders.”
- Amend language describing the requirements for Commission-approved nonprofit organizations to accommodate the expanded definition and specify the location of the organization’s headquarters within New Mexico.

# Benefits of Proposed Amendment

- The Department would be able to match more of the license donation requests it receives with eligible recipients
- Provides additional hunting opportunities for resident veterans and first responders
- Provides hunting opportunities that would otherwise be unused when no eligible recipient can be located



# Summary of Public Comments

The amended rule has been posted to the Department's website for the past 30 days. No comments were received.

# Discussion

8/9

**RULE MAKING HEARING EXCERPTED  
MEETING MINUTES  
NEW MEXICO STATE GAME COMMISSION  
September 28, 2017  
Lifts West Condominiums Meeting Room  
201 W. Main Street  
Red River, NM 87558  
9:00 a.m. –5:00 p.m.**

**A P P E A R A N C E S**

Game Commissioner Thomas Salopek

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

**A B S E N T**                      None

**DIRECTOR SANDOVAL:** Commissioner Espinoza.

**COMMISSIONER ESPINOZA:** Present.

**DIRECTOR SANDOVAL:** Commissioner Ramos.

**COMMISSIONER RAMOS:** Good morning. I'm here.

**DIRECTOR SANDOVAL:** Commissioner Ryan.

COMMISSIONER RYAN: Excuse me. I'm here.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Here.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: Here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

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

CHAIRMAN KIENZLE: Okay. Number 10. Final rule adoption of hunting and fishing licenses rule, donation of permits or licenses, 19.31.3.11(F) NMAC. Please recall that I am Paul Kienzle, the chairman of the commission. The purpose of this hearing, again, is to receive public comment on the proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 3.11(F) of the New Mexico Administrative Code. Regarding the donation of permits, the Commission welcomes those who provided -- wow -- written comment and also take public comment today. This hearing is conducted in accordance of the Game and Fish Act and State Rules Act. The hearing is being audio taped, recorded. Anyone interested in a copy of the audio tape should contract Sandra with the New Mexico Department of Game and Fish. Public notice of this hearing was advertised in the New Mexico Register, the Albuquerque Journal, the New Mexico Sunshine Portal and on the Commission's website. Copies of the proposed changes have

been available on the Commission's website and at the Commission's office. Printed copies are available at today's hearing on a table located near the door. Again, on comment cards or your desire to speak as a member of the public, please fill out that card completely so that we can consider it as an exhibit to today's hearing. Preliminary matter, I will take any exhibits that staff has got. We'll call those, in essence those are pre-filed exhibits. That's the administrative record from the Department and then once those, that exhibit or any exhibit is entered into evidence they are for review by the public as well. I'll declare this hearing now open. Do you have any exhibits on this proposed amended rule?

CHAD NELSON: Mr. Chairman, I would like to submit a copy of the presentation that I am about to give as Exhibit -- I guess I don't know whether it's Exhibit A or D but --

ASSISTANT ATTORNEY GENERAL MARYLOU POLI: A, an A.

CHAIRMAN KIENZLE: It's for the record. Exhibit A. Thank you. Thank you, corroborator. Paul Varela. Okay. That particular Exhibit A is admitted into the record. Any other exhibits we'll deal with in due course. You can go ahead with this proposed amended rule.

CHAD NELSON: My name is Chad Nelson. I am the license and operation manager for New Mexico Game and fish. Today, we are presenting a proposed amendment to the license donation rule which is NMAC 19.31.3, Section 11(F). So under state law, Chapter 17, the Director of the Department is authorized to transfer a hunting license to a nonprofit organization that is approved by the State Game Commission. Other conditions that apply to that are that the request must be received in writing. There are no refunds for donated licenses that are done through any approved nonprofit organizations. Under current rule, the eligible recipients for donated licenses are restricted to youths 17 or under who are qualified through a Commission-approved nonprofit

organization. We currently have two approved organizations, the Donald R. Kemp Youth Hunting Club out of Las Cruces and Sportsmen for Fish and Wildlife out of Farmington. Under current rule, transfers to eligible recipients, we were able to match approximately 61 percent. This number is up slightly and one of the reasons, as you can see in this table, we have had a fairly substantial increase in donation requests this year because of some promotional activities that we engaged in to try to encourage folks to make donations. The proposed changes to 19.31.3, we propose to expand the definition of eligible recipients for donated hunting licenses through Commission-approved nonprofit organizations to include resident veterans and first responders. Those are defined. Veterans is defined by the Department of Veteran Services. First responder is defined by state law. We will also amend the language describing the requirements for Commission-approved nonprofit organizations to accommodate the expanded definition. Essentially we're just taking the word youth out so that it's a more encompassing definition for the requirements of the nonprofit. And we are also specifying that the location of the nonprofit organization's headquarters must be within New Mexico. So the proposed amendment will allow us, we think, to be able to match more license donation requests with eligible requests. Currently we are limited only to youth hunters. Sometimes, we get a lot of requests for archery or muzzleloader which, you know, kids under 18 may or may not be familiar with. It also will provide additional hunting opportunities for resident veterans and first responders which I think we can all agree are worthy recipients, and also provide hunting opportunities that would otherwise be unused if no eligible recipient can be located which under current rule was the case approximately 39 percent of the time. The amended rule has been posted to the Department's website for the past 30 days and we have received zero comments. And with that I will take any questions or discussion.

CHAIRMAN KIENZLE: Check one thing. Do we have any public comment cards?

DIRECTOR SANDOVAL: We have one.

CHAIRMAN KIENZLE: We have one? Thanks. Go ahead.

COMMISSIONER: You want to get Garrett Veneklassen first?

CHAIRMAN KIENZLE: No. You have at it.

COMMISSIONER: Chad, where does it come in to play of why we have to have New Mexico headquarters for whatever association? Where did that come from? I mean, I'm looking at it as if you have a foundation, the Rocky Mountain, you start looking up these people, they bring a lot of money into the state. If we're going to say it's limited to New Mexico headquarters, not against New Mexico because I live here. But I think we're just limiting ourselves. I have heartburn [phonetic] with that. Now that being said, on these donations, I just hunted Colorado Elk and Deer, so I was going to have to be in Colorado 10 days. So I turned in license points Colorado with elk. I turned that in, lost my money, and my tag went to the next person. And I've asked some game wardens in Cruces, I guess it's a statute that would have to be changed legislatively. Nothing against the youth, nothing against the first responders, but why can't we, if we're in a unit that 200 people put in for 100 tags. So 100 people drew and two decided to not to donate it back, why can't we go down to the list of the public hunters that put in and draw then 101 and 102 in succession. They go hunting. So an out of state, it would be an out of state youth, state youth, rifle, bow, it would stay here, who was next in succession. I think that would simplify everything and -- excuse me -- and get rid of the -- it's almost become too political. And I'm not against first responders or youth, believe me. But it's just I think we need to make it

simple. But it's not within our hands to do it. I just don't like that it's New Mexico headquarters. I don't see the point of it. But that's my opinion.

COMMISSIONER RYAN: Mr. Nelson, can you comment on where that specific provision came from in developing this rule?

DIRECTOR SANDOVAL: Mr. Chairman, Commissioner Ryan, if I may, that was in the discussion with Commissioner Espinoza and myself. He had made that request to be added into the rule.

COMMISSIONER RYAN: Commissioner Espinoza, why did you want that in the rule?

COMMISSIONER ESPINOZA: The reason I wanted that, and it may be kind globally first on the whole rule and stuff, I know Sportsmen for Fish and Wildlife. My son, Robert Jr., Tiger Espinoza, he runs that organization. He, as you noticed, he donated this year over -- or he's matched -- over 50 licenses with kids. He carries around a stack every place he goes. He goes to home with licenses to match up because he gets calls from parents late at night type thing. And you mentioned archery. Archery was one of them that he had a tough time, but he matched all but one license and that's were the first responders and the veterans came into play because he's had a lot of requests for that. New Mexico Sportsman for Fish and Wildlife, it's a lot of work for that organization to match those people. The New Mexico part of it came as simply who knows New Mexico better than a New Mexico organization. Yeah, you mentioned Rocky Mountain Elk and Deer Foundation. We have an SCI representative in the room. We have other organizations that are more than qualified. But if you guys remember a while back, we changed a rule regarding donated licenses. I think it was for oryx because out-of-state organizations couldn't match those licenses. And we changed it to encompass anybody that could. I just felt like New



Mexico organizations have, are closer in touch with New Mexico residents that we're matching because we're limiting the donation, the recipient to a New Mexico resident whether it's a youth, a veteran or first responder. I don't think we have a lack of New Mexico organizations and/or a lack of New Mexico resident first responders, veterans or youth to take on these tags. We, I think that adding those will match them. I think there's other organizations that have headquarters. I'm looking at Garrett right there. I mean, you talk about a lot of kids' opportunities. You know, you should jump on board, Garrett. You could match a lot of these. I don't think we'll have a lack of not matching, being able to match up. There's, not to say that the other organizations can't do that, but New Mexico's organizations are in touch with New Mexico residents. And that was the biggest reason for it. And again, somebody mentioned political. This gets the political out of it. It just leaves it to people that, matching the right person to the right tag. That's where New Mexico organizations came into play. If we're going to be in New Mexico, let's be in New Mexico. You know, there's other states that restrict stuff like this to their own residents. Why shouldn't we? I think it just makes it simpler again, simpler in doing that and we don't have a whole ton of organizations out there trying to match things. And I want to make one comment on Dicky's comment. I like the other states, the way they do that, going down the list. Again that's an issue that we probably, that's not relevant to this in the sense of what we're trying to do today. But I do think that's an issue we should take up in the future. But that was my reason for New Mexico.

COMMISSIONER RYAN: Thank you, Commissioner Espinoza. I respectfully disagree. And you specifically mentioned your son's organization which I know does amazing work. But I think that creates a bit of a conflict for you on this matter when there are other organizations that could qualify and do a lot. I know other organizations have previously qualified with the Department and matched and done hunts the past several years. It appears right now, though,

only a couple that are currently qualifying but I think it is limiting it too much and I just, I respectfully disagree. I am not in support of that sentence. I would propose removing the nonprofit corporate headquarters shall be located in New Mexico. I disagree with that sentence.

CHAIRMAN KIENZLE: Assistant Attorney General, I have a question. If we make any amendment, floor amendment, strike anything from this, do we have to re-publish, re-notice? Refresh my memory on the new procedure for this.

ASSISTANT ATTORNEY GENERAL MARYLOU POLI: No, you do not need to repost. We can make changes to the proposed rule. So as long as they are within the scope of the proposition and so if your next question is, what is in the scope.

CHAIRMAN KIENZLE: Yes.

ASSISTANT ATTORNEY GENERAL MARYLOU POLI: We'll decide when we come to it, okay?

CHAIRMAN KIENZLE: My question is, if we strike -- we're not adding anything to it -- but if we strike something from this, does that require re --

ASSISTANT ATTORNEY GENERAL MARYLOU POLI: Mr. Chairman, if you strike this, it is within the scope of the change, you may make that change. You may delete and not re-post and still vote on it today.

CHAIRMAN KIENZLE: Understood. Thank you. That was my understanding but I wanted to make sure that I'm getting it right.

COMMISSIONER: Garrett, where is your corporate headquarters located?

GARRETT VENEKLASEN: Albuquerque. It's in Albuquerque.

COMMISSIONER: Okay. I was just trying to figure out what the scope of this New Mexico corporate headquarters is, and I too feel like it does look limited and kind of put something in the face of the Elk Foundation, the Sheep Foundation, Rocky Mountain, Ducks Unlimited and so forth. So I don't particularly like that language and I think it should be stricken also.

COMMISSIONER 2: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER 2: I have a question. Go ahead.

CHAIRMAN KIENZLE: Robert, go.

COMMISSIONER ESPINOZA: I'll make one quick comment to everybody present and I'll go with what the Commission, what the pleasure of the Commission is as well. I think, you know, the thrust of this issue is to get first responders and veterans, to expand the opportunity. Like I said, I don't think there's a question that they're not worthy recipients of it. I guess my question would be is this rule has been open for use for, I don't know, 10, 15 years, a long time. Why haven't any other organizations applied and come forth to the Commission to be approved.

CHAIRMAN KIENZLE: That proves somebody's point that some of these nationwide organizations may not be interested in this particular issue. And I think that's an opportunity for your son's organization to keep doing what it's doing. So I don't think the past history proves that some of these larger organizations, they just, they don't want to do this. And I don't think this stops your son's organization from doing what he's already doing.

COMMISSIONER RYAN: I am aware of youth hunts that have happened by other organizations in the past few years. I don't know why someone's not qualifying right now and

maybe prior approval expired. But in the past years, decade, there have been other organizations that did youth hunts under these rules. So I'm not sure what the status is, and I think that there are other organizations that are interested in going through the approval process.

CHAIRMAN KIENZLE: (Inaudible).

CHAD NELSON: Mr. Chairman, Commissioners, so the rule was amended in January of 2014. Prior to that time, it was restricted to wish-granting organizations. In January of 2014, that language was removed so that it was any non-profit organization that promoted youth hunting.

CHAIRMAN KIENZLE: Garrett, let's give -- Garrett, have at it. Name and address.

GARRETT VENEKLASEN: Garrett Veneklasen, New Mexico Wildlife Federation, 6100 Seagull Street Northeast, Suite B105, Albuquerque, New Mexico 87109. I appreciate your comments about the, you know, state-based NGO's and their corporate headquarters being in New Mexico. But I don't think we should limit this just to state-based NGO's because again, RMEF and mule deer and sheep and turkey -- I think the end goal is to get first responders, youth, people in the field. That's the goal, right? So I don't think we should limit ourselves in having NGO's who have kids and first responders and veterans. If they have a stable of those people, the end result is to get them into the field. So let's get them in the field and not limit anybody's ability to do that. And again, we appreciate this idea. This initiative is a great initiative and again it's just about getting people out there. So even though we are a state-based organization, I think we need to open it up to everybody and give them that opportunity. Thank you very much.

COMMISSIONER SALOPEK: Mr. Chairman.

CHAIRMAN KIENZLE: Yes, sir.

COMMISSIONER SALOPEK: So, Chad, refresh my memory. We donate, when a person donates his or hers license back, in state or out of state, does out of state stay with out of state or did they all go to in-state residents on any hunting license, whatever it is.

CHAD NELSON: Mr. Chairman --

COMMISSIONER SALOPEK: And not to the youth.

CHAD NELSON: Mr. Chairman, Commissioner Salopek, currently -- I'm sorry --

SPEAKER: Need some help?

CHAD NELSON: What was that?

COMMISSIONER SALOPEK: The question is when a person donates his or her license back --

CHAD NELSON: All right, residents.

COMMISSIONER SALOPEK: -- goes to the youth. Does it only go to New Mexico residents even if it's out of state license or does out of state stay out of state? Resident or nonresident, is that right?

CHAD NELSON: Chairman, Commissioner Salopek, no. It only in practice goes to residents for youths but the rule does not restrict that. It can go to a resident or a nonresident. In practice, both of the organizations we work with are located in New Mexico.

COMMISSIONER SALOPEK: The great -- I'm just looking at it as, agreeing with what Garrett said, he said it a lot better way than I said it but any way, just wondering.

COMMISSIONER RAMOS: Mr. Chairman, Director, I believe part of the problem that we have in not distributing them all to youth out there currently with our system is that I know that the

Las Cruces chapter that's doing this, they're following a rule where they've got to have a member in their club, you know, in order to issue them out a tag versus what I think you all are doing in Farmington where they just kind of find youth out there where ever, whoever is available because of the limitations or whatever reasons. But I know that Cruces is trying to abide by that and one of the questions that they have asked is, are they limited to just membership or can they distribute them out to other youths in the area or in the state.

CHAD NELSON: Mr. Chairman, Commissioner Ramos, they are not limited to membership. The youth has to be qualified through the non-profit organization. So when we solicit the organization, if they find an eligible recipient they come back to us and say here's your eligible recipient. We consider them to be qualified.

COMMISSIONER RAMOS: Okay. I think the other thing is the public should also know that whenever someone donates the tag to the club and issues it out to a student or a youth, they do not have to pay for that permit. It's already paid for, correct?

CHAD NELSON: Mr. Chairman, Commissioner Ramos, that is correct. No refunds are offered for donated licenses. No fees are charged unless they have to buy a game hunting license and the appropriate stamps.

COMMISSIONER RAMOS: Thank you.

CHAIRMAN KIENZLE: Mr. Atkinson.

HERB ATKINSON: Mr. Chairman, I'm Herb Atkinson representing Safari Club International, 110 West Country Club Road, Suite 1, Roswell, New Mexico 88201. In the recent past, Safari Club International Foundation through our humanitarian services department has been on the list with the game department to receive tags that were turned back in like this and we have provided

youth hunters from around the United States on several occasions for when we were contacted we've always been able to find those. On top of that, we have two very large chapters in the state of New Mexico, one in Albuquerque and one in Roswell serving southeastern New Mexico and southern New Mexico where we have provided in state people before and sometimes they provided out of state people. But if for some reason our name has been removed from the list, we certainly intend to rectify that as quickly as possible and get our name back on the list. So I would stand in opposition to organizations that are only based in New Mexico. Our corporate offices are in Tucson, Arizona. And we very much desire to be on that list.

CHAIRMAN KIENZLE: And the rule, I believe, as proposed requires the organization to step up and make some demonstration to the Commission that it's qualified to receive licenses.

HERB ATKINSON: Yes, we've done that in the past and I'm not sure why our name is still not on that list. Don't know if it was scratched and started over with. But we certainly intend to rectify that and get our name back on the list to receive those donations.

CHAIRMAN KIENZLE: Sold that computer that had your name on it.

[Laughter] [Crosstalk]

COMMISSIONER ESPINOZA: Mr. Chairman, to clarify, Chad, per that rule those organizations must come in front of the Commission to be approved. Is that correct?

CHAD NELSON: Mr. Chairman, Commissioner Espinoza, that is correct.

COMMISSIONER ESPINOZA: So, if I remember right I know Sportsmen for Fish and Wildlife came in front of the Commission in Roswell and was approved at that time. And based on

memory, which is sometimes not very good, I don't remember any other organizations ever coming in front of this Commission.

CHAIRMAN KIENZLE: That's my point. If the nationwide organizations or state organizations are interested, they've got to step up and go through the process. If they're not interested or this is too small a program for them or whatever, then they're not on the approved list. So I can tell anyone who's interested, get on the list. If you're not interested or it doesn't fit within your mission or it's not something you want to take on, then don't do it. So I think past history, certainly since we changed the rule in 2014, is a good indication of who's going to participate in this and who isn't. We may get a few more people, few more organizations that participate. But it doesn't look like, even though we are opening the doors wide, like we're going to get flooded with organizations that are interested. So, anyway, Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Just a question. Even though it's not in the rule, would a potential donor be able to designate that he would like his license to go to a youth or first responder, either-or.

CHAD NELSON: Mr. Chairman, Commissioner Ricklefs, our procedure generally is we ask the person if they have a preference which organization we solicit so we would add procedures to ask whether they would prefer that their license be donated to a youth or first responder or veteran.

COMMISSIONER RICKLEFS: I think that would be good. Since we're expanding the pool of possible recipients by adding first responders, etc., I would agree that we should perhaps expand the pool and organizations to include out-of-state organizations.



CHAIRMAN KIENZLE: And let me add to what you just said. If they have the option to pick a category it seems to me the fairest way to do it is kind of like what happens when you file a lawsuit they assign a judge to you. You know, you get to pick your judge. I would say you rank them alphabetically and then you just go with the next one that's on the list rather than sort of picking and choosing. So if you've got seven youth organizations, you go 1 through 7 and 1 through 7 in that fashion rather than picking one of those seven, so it's more random or more orderly than someone at the Department affirmatively picking the organization. Otherwise, that creates a whole host of problems that we really don't want to talk about today. Making it more orderly or in effect more random is better than picking and choosing winners and losers. Okay.

COMMISSIONER RAMOS: Just one more key point that I think is important. How do you distribute the southern -- don't you have it broken up into north and south with the two clubs being one a northern and one a southern. Could you elaborate on that please.

CHAD NELSON: Mr. Chairman, Commissioner Ramos, currently we ask whether the person donating the license has a preference, which organization we solicit. If they do not have a preference, we choose the organization that's geographically closest to the hunt location. The dividing line that we use is I40 for north and south.

CHAIRMAN KIENZLE: So, Director, it doesn't have to be at this meeting, but at our next one or the next one -- can you give us or it doesn't necessarily have to be in a meeting but -- can you give us how, you know, a formal written statement or policy on how the Department handles those requests because I do not want the Department picking winners and losers. This has to be orderly or random. Otherwise, someone's going to holler at us, sooner or later cry "foul". So I think the more orderly, and it sounds like it's orderly so don't misunderstand me, but I think we need to see something in writing about how exactly these are handled.

DIRECTOR SANDOVAL: Mr. Chairman, will do, absolutely. I think that's a smart move based on this discussion. We will certainly line that out and present it to you.

CHAIRMAN KIENZLE: And you can just send it to the Commissioners. It doesn't sound like it's a new deal. So just tell us how you're doing it and we can go from there. But I need to see something in writing on it.

DIRECTOR SANDOVAL: Will do, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. Any more public comment on this? Any further written comments? I'm going to, I've already admitted Exhibit A which is the administrative record from the Department. Going to admit cards B and C, Garrett's comment card and Mr. Atkinson's comment card. Those will be admitted into the record. Anything further in writing from anyone?

DIRECTOR SANDOVAL: Mr. Chairman, could we also have an Exhibit D of the meeting sign-in sheet, that's the hearing sign-in sheet.

CHAIRMAN KIENZLE: That's fine.

DIRECTOR SANDOVAL: I think that we just have an additional person signed in on this sheet.

CHAIRMAN KIENZLE: Mystery person? Is it a real person? It doesn't say Mickey Mouse or Donald Duck, does it.

DIRECTOR SANDOVAL: Mr. Chairman, Mr. Atkinson.

CHAIRMAN KIENZLE: Okay. But we've got his card.

COMMISSIONER: He's number D [phonetic].

CHAIRMAN KIENZLE: Exhibit D is fine. We'll admit that as well.

COMMISSIONER ESPINOZA: I just have one question regarding the motion, Mr. Chairman.

CHAIRMAN KIENZLE: We didn't make a motion yet. But we can. You have a question, go ahead.

COMMISSIONER ESPINOZA: Just if I make that motion, do I just, if choose to strike the one sentence regarding New Mexico I would just make that comment. Is that correct?

CHAIRMAN KIENZLE: You would make a motion to amend the rule as proposed with that particular sentence stricken.

COMMISSIONER ESPINOZA: Okay. Thank you.

CHAIRMAN KIENZLE: Okay. I am going to close the record and now I will entertain motion on this. Yes, sir.

COMMISSIONER ESPINOZA: Mr. Chairman, I move to amend the 19.31.3 NMAC as presented by the Department to allow the Department to add resident veterans and first responders to the list of eligible recipients for donated licenses through approved non-profit organizations and to modify the requirements for non-profit organizations to accommodate expanded eligibility with the exception of striking the one sentence that non-profit corporate headquarters shall be located in New Mexico.

COMMISSIONER RYAN: I second.

CHAIRMAN KIENZLE: Any further discussion or comments? All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: Any opposed? No opposed.

Re:

Game Commission Hearing

C E R T I F I C A T E

I, Cheryl Melgarejo and Rose Leonard,  
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 of fair quality.

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.

Cheryl Melgarejo/Rose Leonard

Transcriptionist

Quality Assurance and transcript provided by:

Premier Visual Voice, LLC

[www.premiervisualvoice.com](http://www.premiervisualvoice.com): 216-246-9477



**SPEAKER'S CARD**  
New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

AGENDA ITEM 95 PLEASE PRINT

Name:	GARRETT JK		
Address:	6100 Seagull		
City:	ABQ	State:	NM Zip: 87109
Phone:			
Email:	@		
Officially Representing:	NM WF <small>(Organization(s))</small>		
Your Title:			
Do you wish to be heard?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
WRITTEN COMMENT (Below or Attached)			
DRAFTS ON DISCUSSION			
Sept. 28, 2017 State Game Commission mtg Agenda #10 Exhibit B Y.			



*Exhibit C*  
**SPEAKER'S CARD**  
New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

AGENDA ITEM \_\_\_\_\_ PLEASE PRINT

Name:	HERB ATKINSON		
Address:	110 W Colony Lane		
City:	Roswell	State:	NM Zip: 8224
Phone:			
Email:			
Officially Representing:	<small>(Organization(s))</small>		
Your Title:			
Do you wish to be heard?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
WRITTEN COMMENT (Below or Attached)			
Sept. 28, 2017 State Game Commission mtg Agenda #10 Exhibit C Y.			



### MEETING SIGN-IN SHEET

### Hearing

9A, 9B | 10A 10B

New Mexico State Game Commission

(Sign-in to be in the official record as having attended this meeting. Mark the box if you wish to be added to the meeting notifications mailing list.)

PLEASE PRINT

NAME	ADDRESS CITY, STATE, ZIP	E-MAIL ADDRESS	PHONE	ADD TO MAILING LIST
MIKE HAYNES	11 SUMAC LN. LOS ALAMOS, NM 87544	@	(505) 999-8879	<input type="checkbox"/>
GARRETT VENEKAMP	PO Box 244 SE NM 87504	@	(505) 670-2925	<input type="checkbox"/>
<del>CHRIS CHAMPA</del>	<del>AP</del>	@	<del>AP</del>	<input type="checkbox"/>
JIM WELLES MW	10600 Coors Pk Road Gith 87112 MW	@	<del>505 967-7122</del>	<input type="checkbox"/>
KEO ANDERSON	170 S Coorsway Roswell 87207	@	()	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>
		@	( )	<input type="checkbox"/>

Stake game Commission from  
Sept. 28, 2017 New Mexico  
Sept. 28, 2017 New Mexico

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 31    HUNTING AND FISHING REGULATIONS**  
**PART 3         HUNTING AND FISHING LICENSES AND APPLICATION**

**19.31.3.1       ISSUING AGENCY:** New Mexico Department of Game and Fish.  
[19.31.3.1 NMAC - Rp, 19.31.3.1 NMAC, 4-1-16]

**19.31.3.2       SCOPE:** Sportspersons interested in fishing, hunting and trapping and management of big game and furbearers in New Mexico. Additional requirements may be found in Chapter 17 NMSA and other Parts of Title 19, Chapter 31.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 4-1-16]

**19.31.3.3       STATUTORY AUTHORITY:** 17-1-14, 17-1-26, 17-3-2, 17-3-5, 17-3-7, 17-3-13, 17-3-14, and 17-3-14.1 NMSA 1978, which pertain to the types of licenses and permits available and grant the state game commission authority to create regulations setting the license fees and application procedure.  
[19.31.3.3 NMAC - Rp, 19.31.3.3 NMAC, 4-1-16]

**19.31.3.4       DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 4-1-16]

**19.31.3.5       EFFECTIVE DATE:** April 1, 2016, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 4-1-16]

**19.31.3.6       OBJECTIVE:** Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special permits and licenses issued by the department pertaining to deer, elk, pronghorn antelope, turkey, oryx, ibex, javelina, furbearer, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 4-1-16]

**19.31.3.7       DEFINITIONS:** [RESERVED]

**19.31.3.8       PUBLIC LICENSES AND PERMITS - APPLICATION FOR:**

**A.       Application form:** Application for all public licenses and permits shall be made on the standard application form provided by the department of game and fish.

**B.       Application deadline(s):** Applications for all public licenses and permits, including population management hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear, deer, oryx, javelina, and ibex hunts must be received by 5:00 p.m. on dates set by the state game commission.

**C.       One applicant per application:** No more than one person may apply under each application number for bighorn sheep, bear, and GMU 5A private land deer.

**D.       Two applicants per application:** No more than two persons may apply under the same application number for turkey, ibex and oryx.

**E.       Four applicants per application:** No more than four persons may apply under the same application number for deer, elk, pronghorn antelope, Barbary sheep and javelina.

**F.       Resident and non-resident application combination:** Any mixture or combination of residents and non-residents may make application for special drawing providing the number of applicants does not exceed the restriction of this section (subsection D, E or F).

**G.       Applications rejected:** Applications for licenses may be rejected by the department if an applicant did not:

- (1)       apply on the proper form as designated by the director;
- (2)       submit the correct or required information;
- (3)       submit the correct license or application fee, and any other required fee;
- (4)       meet the deadline date;
- (5)       comply with a current statute or rule

**H.       More applications than permits:** If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing.

**I. Increase in licenses or permits:** The number of licenses or permits available may be increased to accommodate corrections or errors by the department which results in the addition of names to the successful list.

**J. Additional choices:** Applicants for public licenses may designate additional choices for hunt periods.

**K. Application categories:** Applications for special drawing hunts will be placed into the appropriate categories, as specified in 17-3-16 NMSA 1978 by department personnel or their designee. Special drawings shall continue to draw applicants from the appropriate drawing pool progressively for each respective hunt code, starting with first choice applicants, then proceeding to second and subsequent choice applicants until the quota has been met or the pool of applicants has been exhausted.

**L. Resident and non-resident applications:**

(1) To be placed in the separate pool designated for guided hunts, an applicant must have a valid registration number issued to a New Mexico outfitter as prescribed in Paragraph H of Section 17-3-6 NMSA 1978, on their application.

(2) For an application to be successfully drawn, there must be a sufficient number of licenses or permits available for that hunt code to accommodate all applicants from their respective drawing pools.

(3) Any licenses left over from the appropriate drawing pool will be allocated as prescribed in Paragraph C of Section 17-3-16 NMSA 1978 Compilation.

**M. New Mexico department game and fish customer identification number:** All persons purchasing licenses, making application to the department for hunt drawings for public licenses and permits, and converting private landowner authorizations to licenses must have a "New Mexico department of game and fish (NMDGF) customer identification number."

(1) "NMDGF customer identification number" shall be obtained only from the department and must be obtained prior to the submission of any application or private landowner authorization.

(2) Each person making application for public drawing license, permit or private landowner authorization must use their own valid NMDGF customer identification number on his or her application.

(3) Any application received without a valid NMDGF customer identification number or false NMDGF customer number will be rejected.

**N. Trapper license restriction:** No nonresident who resides in a state that does not permit New Mexico residents to procure nonresident trapper licenses may purchase a New Mexico nonresident trapper license.

**O. Director's Authority to Adjust Licenses and Permits:** The director may adjust licenses or permit numbers for special drawings, by no more than one (1) per hunt code, to comply with Chapter 17 NMSA 1978 and its corresponding rules.

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 4-1-16]

**19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:**

**A.** Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

**B.** The amount due for a private land hunting license shall be composed of "landowner authorization certificate" fee, the appropriate "certificate of application" fee as defined in 19.30.9 NMAC and the appropriate license fee as defined in Section 17-3-13 NMSA 1978.

**C.** Licenses will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

**D.** Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lies outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 4-1-16]

**19.31.3.10 NEW MEXICO RESIDENT MILITARY AND VETERAN DISCOUNT**

**A.** A New Mexico resident, as defined in Section 17-3-4 NMSA 1978, who is active duty military or a veteran of the United States military as defined by the New Mexico department of veterans' services is eligible for a fifty percent discount on all licenses, permits and stamps as defined in 19.30.9 NMAC and in Section 17-3-13 NMSA 1978. Exceptions: No discount shall apply to the resident, disabled veteran game hunting and fishing combination license, or to any administrative fee, including the "landowner authorization certificate" fee, the certificate of application fee, and the license vendor fee.

**B.** Nonresident military personnel stationed on Fort Bliss who qualify for resident prices on big-game hunts that occur on Fort Bliss are not eligible for the resident military and veteran discount.



C. The department shall conduct audits to determine eligibility for benefits as defined under 19.31.3.10 NMAC. Failure to provide requested documentation within the timeframe specified by the department shall result in the removal of the discount and suspension of any future discounts until such time as the requested documents are received and verified.

D. Any license, permit or stamp obtained by falsely claiming this discount is unlawful.  
[19.31.3.10 NMAC - N, 4-1-16]

**19.31.3.11 RESTRICTIONS:**

A. **One license per big game species per year:** It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise allowed by rule.

B. **Validity of license or permit:** All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU that is open to hunting for that species, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

C. **Improper license and permit:** Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any game animal, fur-bearing animal, game bird or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting, fishing or trapping without a proper license as required by 17-3-1 NMSA 1978 unless otherwise exempted by a valid commission rule.

D. **Transfer of permits or licenses:** The director may grant the transfer of a hunting license or permit once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

E. **Refunds:** The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting.

F. **Donation of permits or licenses:** Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a youth 17 years of age or younger, a New Mexico resident veteran of the United States military as approved by the New Mexico department of veterans' services, or a "first responder" who is a resident of the State of New Mexico as defined by 12-10D-2(B) NMSA 1978 who has been qualified through an approved nonprofit organization that promotes youth hunting, fishing and trapping activities. The nonprofit organization's corporate headquarters shall be located in New Mexico. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit organizations prior to their participation in receiving, identifying or submitting recipients for donated licenses or permits. In order to be an approved nonprofit organization, the organization must demonstrate to the state game commission their history and ability to promote hunting, fishing, and trapping activities. However, a A once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit organization. Donation of a once-in-a-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

G. **More than one application:** It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation.

H. **Handicapped fishing or handicapped game hunting license qualifications:** To hold a handicapped fishing or handicapped game hunting license, the individual must be a resident of New Mexico and must be able to show proof of having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation will be made, relating to these licenses, upon request.

**I. Mobility impaired (MI) deer, elk, oryx, or antelope license qualifications:** To hold a mobility impaired deer, elk, oryx, or antelope license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation and then obtain department approval for MI hunt eligibility. Every person qualified as MI shall have their card/eligibility expire 48 months from the department's approval date or issuance date, whichever is later, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

**J. Youth hunts:** Only applicants who have not reached their 18<sup>th</sup> birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt. Applicants for firearm hunts must provide hunter education certificate number, or mentor youth number for appropriate species on application.

**K. Required information:** An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

**L. Military only hunts:** Applicants must be full time active military and proof of military status must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

**M. Penalty assessments:** When a person is issued a penalty assessment citation for fishing without a license or hunting small game without a license, the citation will serve as a special permit for that specific activity for 15 calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within 30 days of the date of citation issuance.

**N. Iraq/Afghanistan veteran oryx hunts:** Only New Mexico residents who served on active duty military during the Iraq or Afghanistan conflict are eligible to apply for Iraq/Afghanistan veteran oryx licenses. Proof of active duty military assignment in Iraq or Afghanistan must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

**O. Youth encouragement hunts:** Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits for those species will be eligible to apply for licenses for these hunts for 14 days subsequent to the original posting of availability of these hunts on the department website. Licenses remaining after the first 14 days of availability shall be available to any youth hunters as defined by 19.31.3.11 NMAC who are eligible to purchase an elk license.

**P. NMDGF customer identification number:** It shall be unlawful for an applicant to use another person's NMDGF customer identification number or to provide false information to obtain a NMDGF customer identification number.

**Q. Application fee:** Prior to the drawing, all applicants for special hunt drawings for public draw licenses shall pay the applicable species license fees including depredation damage stamp, the required game hunting license fee and the non-refundable application fee as defined by 19.30.9.9 NMAC. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

**R. Game hunting license fee refund:** Applicants for special hunt drawings for public draw licenses may elect to receive a refund of the game hunting license and appropriate fees if they are unsuccessful in the drawing for all of the species applied for, as long as an authorization number (pursuant to 17-3-5 NMSA 1978) has not been issued to the applicant by the department.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 4-1-16]

#### **19.31.3.12 DENIAL OR REVOCATION:**

**A.** Any applicant for any license, permit, certificate or registration will be automatically rejected if their name and other identifying factors appears on the department's revocation list or a list of provided by the wildlife violator compact.

**B.** Any applicant automatically rejected shall be afforded a revocation hearing in accordance with 19.31.2 NMAC, unless a hearing has already been offered.

**C.** Any applicant automatically rejected must re-apply for any license; permit, certificate or registration if they are found to be eligible, providing applicant shall comply with all the conditions set forth by Chapter 17 and its implementing regulations.

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 4-1-16]

**History of 19.31.3 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 2/17/81;  
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. 658, Establishing A System For Allocating Elk Licenses On Private And Public Lands Within Game Management Units, filed 6/1/88;  
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:**

19.31.3 NMAC, Hunting and Eishing License Applications, filed 1/17/01 - Repealed effective 12/30/04.  
19.31.3 NMAC, Hunting and Fishing License Applications, filed 12/30/04 – Repealed effective 4/1/16.

# Final adopted rule

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 31    HUNTING AND FISHING REGULATIONS**  
**PART 3         HUNTING AND FISHING LICENSES AND APPLICATION**

**19.31.3.1        ISSUING AGENCY:** New Mexico Department of Game and Fish.  
[19.31.3.1 NMAC - Rp, 19.31.3.1 NMAC, 10-31-17]

**19.31.3.2        SCOPE:** Sportspersons interested in fishing, hunting and trapping and management of big game and furbearers in New Mexico. Additional requirements may be found in Chapter 17 NMSA and other Parts of Title 19, Chapter 31.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 10-31-17]

**19.31.3.3        STATUTORY AUTHORITY:** 17-1-14, 17-1-26, 17-3-2, 17-3-5, 17-3-7, 17-3-13, 17-3-14, and 17-3-14.1 NMSA 1978, which pertain to the types of licenses and permits available and grant the state game commission authority to create regulations setting the license fees and application procedure.  
[19.31.3.3 NMAC - Rp, 19.31.3.3 NMAC, 10-31-17]

**19.31.3.4        DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 10-31-17]

**19.31.3.5        EFFECTIVE DATE:** October 31, 2017, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 10-31-17]

**19.31.3.6        OBJECTIVE:** Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special permits and licenses issued by the department pertaining to deer, elk, pronghorn antelope, turkey, oryx, ibex, javelina, furbearer, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 10-31-17]

**19.31.3.7        DEFINITIONS: [RESERVED]**

**19.31.3.8        PUBLIC LICENSES AND PERMITS - APPLICATION FOR:**

**A.        Application form:** Application for all public licenses and permits shall be made on the standard application form provided by the department of game and fish.

**B.        Application deadline(s):** Applications for all public licenses and permits, including population management hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear, deer, oryx, javelina, and ibex hunts must be received by 5:00 p.m. on dates set by the state game commission.

**C.        One applicant per application:** No more than one person may apply under each application number for bighorn sheep, bear, and GMU 5A private land deer.

**D.        Two applicants per application:** No more than two persons may apply under the same application number for turkey, ibex and oryx.

**E.        Four applicants per application:** No more than four persons may apply under the same application number for deer, elk, pronghorn antelope, Barbary sheep and javelina.

**F.        Resident and non-resident application combination:** Any mixture or combination of residents and non-residents may make application for special drawing providing the number of applicants does not exceed the restriction of this section (subsection D, E or F).

**G.        Applications rejected:** Applications for licenses may be rejected by the department if an applicant did not:

- (1)        apply on the proper form as designated by the director;
- (2)        submit the correct or required information;
- (3)        submit the correct license or application fee, and any other required fee;
- (4)        meet the deadline date;
- (5)        comply with a current statute or rule

**H. More applications than permits:** If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing.

**I. Increase in licenses or permits:** The number of licenses or permits available may be increased to accommodate corrections or errors by the department which results in the addition of names to the successful list.

**J. Additional choices:** Applicants for public licenses may designate additional choices for hunt periods.

**K. Application categories:** Applications for special drawing hunts will be placed into the appropriate categories, as specified in Section 17-3-16 NMSA 1978 by department personnel or their designee. Special drawings shall continue to draw applicants from the appropriate drawing pool progressively for each respective hunt code, starting with first choice applicants, then proceeding to second and subsequent choice applicants until the quota has been met or the pool of applicants has been exhausted.

**L. Resident and non-resident applications:**

(1) To be placed in the separate pool designated for guided hunts, an applicant must have a valid registration number issued to a New Mexico outfitter as prescribed in Paragraph H of Section 17-3-6 NMSA 1978, on their application.

(2) For an application to be successfully drawn, there must be a sufficient number of licenses or permits available for that hunt code to accommodate all applicants from their respective drawing pools.

(3) Any licenses left over from the appropriate drawing pool will be allocated as prescribed in Paragraph C of Section 17-3-16 NMSA 1978 Compilation.

**M. New Mexico department game and fish customer identification number:** All persons purchasing licenses, making application to the department for hunt drawings for public licenses and permits, and converting private landowner authorizations to licenses must have a "New Mexico department of game and fish (NMDGF) customer identification number."

(1) "NMDGF customer identification number" shall be obtained only from the department and must be obtained prior to the submission of any application or private landowner authorization.

(2) Each person making application for public drawing license, permit or private landowner authorization must use their own valid NMDGF customer identification number on his or her application.

(3) Any application received without a valid NMDGF customer identification number or false NMDGF customer number will be rejected.

**N. Trapper license restriction:** No nonresident who resides in a state that does not permit New Mexico residents to procure nonresident trapper licenses may purchase a New Mexico nonresident trapper license.

**O. Director's Authority to Adjust Licenses and Permits:** The director may adjust licenses or permit numbers for special drawings, by no more than one (1) per hunt code, to comply with Chapter 17 NMSA 1978 and its corresponding rules.

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 10-31-17]

#### **19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:**

**A.** Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

**B.** The amount due for a private land hunting license shall be composed of "landowner authorization certificate" fee, the appropriate "certificate of application" fee as defined in 19.30.9 NMAC and the appropriate license fee as defined in Section 17-3-13 NMSA 1978.

**C.** Licenses will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

**D.** Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lies outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 10-31-17]

#### **19.31.3.10 NEW MEXICO RESIDENT MILITARY AND VETERAN DISCOUNT**

**A.** A New Mexico resident, as defined in Section 17-3-4 NMSA 1978, who is active duty military or a veteran of the United States military as defined by the New Mexico department of veterans' services is eligible for a fifty percent discount on all licenses, permits and stamps as defined in 19.30.9 NMAC and in Section 17-3-13 NMSA 1978. Exceptions: No discount shall apply to the resident, disabled veteran game hunting and fishing

combination license, or to any administrative fee, including the "landowner authorization certificate" fee, the certificate of application fee, and the license vendor fee.

**B. Nonresident military personnel stationed on Fort Bliss who qualify for resident prices on big-game hunts that occur on Fort Bliss are not eligible for the resident military and veteran discount.**

**C. The department shall conduct audits to determine eligibility for benefits as defined under 19.31.3.10 NMAC. Failure to provide requested documentation within the timeframe specified by the department shall result in the removal of the discount and suspension of any future discounts until such time as the requested documents are received and verified.**

**D. Any license, permit or stamp obtained by falsely claiming this discount is unlawful.**  
[19.31.3.10 NMAC - N, 10-31-17]

#### **19.31.3.11 RESTRICTIONS:**

**A. One license per big game species per year:** It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise allowed by rule.

**B. Validity of license or permit:** All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU that is open to hunting for that species, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

**C. Improper license and permit:** Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any game animal, fur-bearing animal, game bird or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting, fishing or trapping without a proper license as required by Section 17-3-1 NMSA 1978 unless otherwise exempted by a valid commission rule.

**D. Transfer of permits or licenses:** The director may grant the transfer of a hunting license or permit once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

**E. Refunds:** The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting.

**F. Donation of permits or licenses:** Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a youth 17 years of age or younger, a New Mexico resident veteran of the United States military as approved by the New Mexico department of veterans' services, or a "first responder" who is a resident of the state of New Mexico as defined by Subsection B of Section 12-10D-2 NMSA 1978 who has been qualified through an approved nonprofit organization that promotes hunting, fishing and trapping activities. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit organizations prior to their participation in receiving, identifying or submitting recipients for donated licenses or permits. In order to be an approved nonprofit organization, the organization must demonstrate to the state game commission their history and ability to promote hunting, fishing, and trapping activities. A once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit organization. Donation of a once-in-a-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

**G. More than one application:** It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation.

**H. Handicapped fishing or handicapped game hunting license qualifications:** To hold a handicapped fishing or handicapped game hunting license, the individual must be a resident of New Mexico and must be able to show proof of having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation will be made, relating to these licenses, upon request.

**I. Mobility impaired (MI) deer, elk, oryx, or antelope license qualifications:** To hold a mobility impaired deer, elk, oryx, or antelope license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation and then obtain department approval for MI hunt eligibility. Every person qualified as MI shall have their card/eligibility expire 48 months from the department's approval date or issuance date, whichever is later, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

**J. Youth hunts:** Only applicants who have not reached their 18<sup>th</sup> birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt. Applicants for firearm hunts must provide hunter education certificate number, or mentor youth number for appropriate species on application.

**K. Required information:** An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

**L. Military only hunts:** Applicants must be full time active military and proof of military status must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

**M. Penalty assessments:** When a person is issued a penalty assessment citation for fishing without a license or hunting small game without a license, the citation will serve as a special permit for that specific activity for 15 calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within 30 days of the date of citation issuance.

**N. Iraq/Afghanistan veteran oryx hunts:** Only New Mexico residents who served on active duty military during the Iraq or Afghanistan conflict are eligible to apply for Iraq/Afghanistan veteran oryx licenses. Proof of active duty military assignment in Iraq or Afghanistan must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

**O. Youth encouragement hunts:** Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits for those species will be eligible to apply for licenses for these hunts for 14 days subsequent to the original posting of availability of these hunts on the department website. Licenses remaining after the first 14 days of availability shall be available to any youth hunters as defined by 19.31.3.11 NMAC who are eligible to purchase an elk license.

**P. NMDGF customer identification number:** It shall be unlawful for an applicant to use another person's NMDGF customer identification number or to provide false information to obtain a NMDGF customer identification number.

**Q. Application fee:** Prior to the drawing, all applicants for special hunt drawings for public draw licenses shall pay the applicable species license fees including depredation damage stamp, the required game hunting license fee and the non-refundable application fee as defined by 19.30.9.9 NMAC. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

**R. Game hunting license fee refund:** Applicants for special hunt drawings for public draw licenses may elect to receive a refund of the game hunting license and appropriate fees if they are unsuccessful in the drawing for all of the species applied for, as long as an authorization number (pursuant to Section 17-3-5 NMSA 1978) has not been issued to the applicant by the department.  
[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 10-31-17]

#### **19.31.3.12 DENIAL OR REVOCATION:**

**A.** Any applicant for any license, permit, certificate or registration will be automatically rejected if their name and other identifying factors appears on the department's revocation list or a list of provided by the wildlife violator compact.



**B.** Any applicant automatically rejected shall be afforded a revocation hearing in accordance with 19.31.2 NMAC, unless a hearing has already been offered.

**C.** Any applicant automatically rejected must re-apply for any license; permit, certificate or registration if they are found to be eligible, providing applicant shall comply with all the conditions set forth by Chapter 17 and its implementing regulations.

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 10-31-17]

**History of 19.31.3 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;

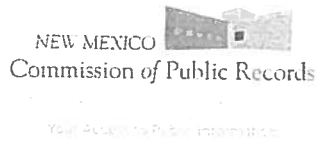
Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;

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 2/17/81;  
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. 658, Establishing A System For Allocating Elk Licenses On Private And Public Lands Within Game Management Units, filed 6/1/88;  
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:**

19.31.3 NMAC, Hunting and Fishing License Applications, filed 1/17/01 - Repealed effective 12/30/04.  
19.31.3 NMAC, Hunting and Fishing License Applications, filed 12/30/04 - Repealed effective 4/1/16.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/16 – Repealed effective 10/31/17.

# NMAC Transmittal Form



FILED WITH  
STATE RECORDS CENTER

2017 OCT -5 PM 2:11

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: New  Amendment  Repeal  Repeal/Replace  Renumber  Emergency  (ALD Use Only) Most Recent Filing Date:

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? Yes  No  Please list attachments or Internet sites if applicable.

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

### Concise Explanatory Statement for rulemaking adoption:

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

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

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

Title:

Signature: (BLACK ink only)  Date signed:

# NMAC Transmittal Form

NEW MEXICO  
Commission of Public Records

FILED WITH  
STATE RECORDS CENTER

2017 OCT -5 PM 2:11

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:  New  Amendment  Repeal  Repeal/Replace  Renumber  Emergency  (ALD Use Only) Most Recent Filing Date:

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? Yes  No  Please list attachments or Internet sites if applicable.

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

## Concise Explanatory Statement for rulemaking adoption:

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

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

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

Title:

Signature: (BLACK ink only)  Date signed: