

**STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE**

The New Mexico State Game Commission (“Commission”) has scheduled a regular meeting and rule hearing for Friday, November 30, 2018, beginning at 8:00 a.m. at the Roswell Convention and Civic Center, 912 N. Main St, Roswell, NM 88201, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Hunting and Fishing Licenses and Application rule.

**Synopsis:**

The proposal is to adopt a new Hunting and Fishing Licenses and Application rule, 19.31.3 NMAC, which will become effective April 1, 2019.

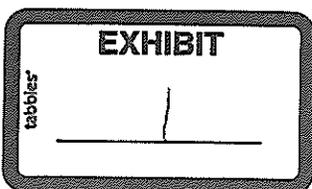
The proposed rule amends the Private Land Pronghorn Antelope and Elk Licenses section to accommodate current and previous changes to the Pronghorn, Elk and E-PLUS rules, adjusts the Validity of Licenses restriction to accommodate current unitization agreements, eliminates duplications with other rules in the restrictions section, and amends the game hunting license fee refund. A more detailed summary, and the full text of changes, is available on the Department’s website at: [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us).

Interested persons may submit comments on the proposed changes to the Hunting and Fishing Licenses and Application rule 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 5:00 p.m. on November 29, 2018. The final proposed rule will be voted on by the Commission during a public meeting on November 30, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on November 30, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department’s website at [www.wildlife.state.nm.us/commission/proposals-under-consideration/](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.



## Clean Copy-Initial Proposed 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, 4-1-2019]

**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 1978 and other Parts of Title 19, Chapter 31 NMAC.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 4-1-2019]

**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, 4-1-2019]

**19.31.3.4 DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 4-1-2019]

**19.31.3.5 EFFECTIVE DATE:** April 1, 2019, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 4-1-2019]

**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, furbearers, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 4-1-2019]

**19.31.3.7 DEFINITIONS:** [Reserved]

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

**A. Application form:** Application for all public licenses and permits shall be submitted via the department website.

**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.

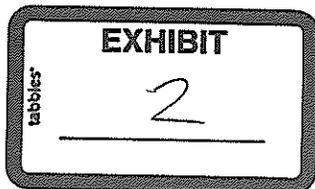
**E. Four applicants per application:** No more than four persons may apply under the same application number for deer, elk, pronghorn antelope, Barbary sheep and javelina.

**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 online 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; or
- (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 Subsection C of Section 17-3-16 NMSA 1978.

**M. New Mexico department of 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 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, 4-1-2019]

#### **19.31.3.9 PRIVATE LAND - ELK LICENSES:**

**A.** Private land licenses for elk will not be issued through the public draw.

**B.** The amount due for a private land elk license in the primary and special management zones as defined in 19.31.14 NMAC shall be composed of the "landowner authorization certificate" fee and the appropriate "certificate of application" fee as defined in 19.30.9 NMAC, and the appropriate license fees as defined in Sections 17-3-13 and 17-3-7 NMSA 1978.

**C.** Licenses for primary and special management zones will be issued only up to the number of authorizations allotted for each ranch and only to persons who provide a valid authorization and ranch number and pay the appropriate fees.

**D.** Ranch codes allowing purchase of private-land elk licenses in the secondary management zone, as defined in 19.31.14 NMAC, will be issued to landowners in accordance with 19.30.5 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 4-1-2019]

#### **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 - Rp, 19.31.3.10 NMAC, 4-1-2019]

#### 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 dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule for the species, or by the hunt code printed on the permit, license or carcass tag. Hunting licenses are valid on areas designated as public or private land per a current unitization agreement between the Department and U.S. bureau of land management, New Mexico state land office or other public land holding entity or landowner. The unitization agreement may apply to all small game, turkey and big game species. 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 prior to the hunt start date, 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. Transfer requests must be submitted in writing prior to the hunt start date. 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. Refund requests must be submitted in writing prior to the hunt start date.

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 pronghorn license qualifications:** To hold a mobility impaired deer, elk, oryx, or pronghorn 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 only 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 any youth-only hunt, including federal youth waterfowl hunt days. Applicants must provide a 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. 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.

**O. 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.

**P. 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. This provision may be rescinded by the director if such action is approved by the chairperson of the state game commission. This rescission may only take effect if the director moves to rescind between January 1, 2019 and June 30, 2019. If no such action is taken then the provision will remain unchanged.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 4-1-2019]

#### **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, 4-1-2019]

#### **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.

## Initial Proposed 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, [10-17-2005] 4-1-2019]

**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 1978 and other Parts of Title 19, Chapter 31 NMAC.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, [10-17-2005] 4-1-2019]

**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, [10-17-2005] 4-1-2019]

**19.31.3.4 DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, [10-17-2005] 4-1-2019]

**19.31.3.5 EFFECTIVE DATE:** ~~October 31, 2017~~ April 1, 2019, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, [10-17-2005] 4-1-2019]

**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, furbearers, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, [10-17-2005] 4-1-2019]

**19.31.3.7 DEFINITIONS:** [Reserved]

**19.31.3.8 PUBLIC DRAW 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 submitted via the department website.

**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 online 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; or
- (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 Subsection C of Section 17-3-16 NMSA 1978.

**M. New Mexico department of 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 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, [40-17-2005] 4-1-2019]

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

**A.** Private land licenses for elk and pronghorn antelope will not be issued through the public draw without an application deadline.

**B.** The amount due for a private land hunting elk license in the primary and special management zones as defined in 19.31.14 NMAC shall be composed of the "landowner authorization certificate" fee, and the appropriate "certificate of application" fee as defined in 19.30.9 NMAC, and the appropriate license fees as defined in Sections 17-3-13 and 17-3-7 NMSA 1978.

**C.** Licenses for primary and special management zones will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form provide a valid authorization and ranch number and pay the appropriate fees.

**D.** Authorizations for elk licenses Ranch codes allowing purchase of private-land elk licenses in the secondary management zone, as defined in 19.31.14 NMAC, will be issued to landowners in accordance with 19.30.5 NMAC, 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, [40-17-2005] 4-1-2019]

**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 - Rp, 19.31.3.10 NMAC, [10-17-2005] 4-1-2019]

#### **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 specified by rule for the species, or by the hunt code printed on the permit, license or carcass tag. Hunting licenses are valid on areas designated as public or private land per a current unitization agreement between the department and U.S. bureau of land management, New Mexico state land office or other public land holding entity or landowner. The unitization agreement may apply to all small game, turkey and big game species. Except that a 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. Transfer requests must be submitted in writing prior to the hunt start date. 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. Refund requests must be submitted in writing prior to the hunt start date.

**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 pronghorn antelope license qualifications:** To hold a mobility impaired deer, elk, oryx, or pronghorn 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 only 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 any youth-only hunt, including federal youth waterfowl hunt days. Applicants for firearm hunts must provide a 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.]N. 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.]O. 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.]P. 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. This provision may be rescinded by the director if such action is approved by the chairperson of the state game commission. This rescission may only take effect if the director moves to rescind between January 1, 2019 and June 30, 2019. If no such action is taken then the provision will remain unchanged.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, [10-17-2005] 4-1-2019]

**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, ~~10-17-2005~~ 4-1-2019]

**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.

## Copy of State Record Corrections

**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, 1-1-2019]

**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 1978 and other Parts of Title 19, Chapter 31 NMAC.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 1-1-2019]

**19.31.3.3      STATUTORY AUTHORITY:** Sections 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, 1-1-2019]

**19.31.3.4      DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1-1-2019]

**19.31.3.5      EFFECTIVE DATE:** January 1, 2019, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1-1-2019]

**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, furbearers, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1-1-2019]

**19.31.3.7      DEFINITIONS:** [Reserved]

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

**A.      Application form:** Application for all public licenses and permits shall be submitted via the department website.

**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 online 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; or
- (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 Subsection C of Section 17-3-16 NMSA 1978.

**M. New Mexico department of 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 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, 1-1-2019]

#### **19.31.3.9 PRIVATE LAND - ELK LICENSES:**

**A.** Private land licenses for elk will not be issued through the public draw.

**B.** The amount due for a private land elk license in the primary and special management zones as defined in 19.31.14 NMAC shall be composed of the "landowner authorization certificate" fee and the appropriate "certificate of application" fee as defined in 19.30.9 NMAC, and the appropriate license fees as defined in Sections 17-3-13 and 17-3-7 NMSA 1978.

**C.** Licenses for primary and special management zones will be issued only up to the number of authorizations allotted for each ranch and only to persons who provide a valid authorization and ranch number and pay the appropriate fees.

**D.** Ranch codes allowing purchase of private-land elk licenses in the secondary management zone, as defined in 19.31.14 NMAC, will be issued to landowners in accordance with 19.30.5 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 1-1-2019]

#### **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 - Rp, 19.31.3.10 NMAC, 1-1-2019]

#### 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 dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule for the species, or by the hunt code printed on the permit, license or carcass tag. Hunting licenses are valid on areas designated as public or private land per a current unitization agreement between the Department and U.S. bureau of land management, New Mexico state land office or other public land holding entity or landowner. The unitization agreement may apply to all small game, turkey and big game species. 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 prior to the hunt start date, 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. Transfer requests must be submitted in writing prior to the hunt start date. 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. Refund requests must be submitted in writing prior to the hunt start date.

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 pronghorn license qualifications:** To hold a mobility impaired deer, elk, oryx, or pronghorn 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 only 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 any youth-only hunt, including federal youth waterfowl hunt days. Applicants must provide a 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. 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.

**O. 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.

**P. 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. This provision may be rescinded by the director if such action is approved by the chairperson of the state game commission. This rescission may only take effect if the director moves to rescind between January 1, 2019 and June 30, 2019. If no such action is taken then the provision will remain unchanged.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 1-1-2019]

#### **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, 1-1-2019]

#### **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.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/16 - Repealed effective 1/1/19

## Final Adopted Rule

2018 DEC -7 PM 1:27

**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, 1-1-2019]

**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 1978 and other Parts of Title 19, Chapter 31 NMAC.  
[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 1-1-2019]

**19.31.3.3**      **STATUTORY AUTHORITY:** Sections 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, 1-1-2019]

**19.31.3.4**      **DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1-1-2019]

**19.31.3.5**      **EFFECTIVE DATE:** January 1, 2019, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1-1-2019]

**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, furbearers, and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1-1-2019]

**19.31.3.7**      **DEFINITIONS:** [Reserved]

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

**A. Application form:** Application for all public licenses and permits shall be submitted via the department website.

**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 or E).

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

- (1) apply on the proper online 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;
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- (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.

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**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.

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

**M. New Mexico department of 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.

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(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 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, 1-1-2019]

#### **19.31.3.9 PRIVATE LAND - ELK LICENSES:**

**A.** Private land licenses for elk will not be issued through the public draw.

**B.** The amount due for a private land elk license in the primary and special management zones as defined in 19.31.14 NMAC shall be composed of the "landowner authorization certificate" fee and the appropriate "certificate of application" fee as defined in 19.30.9 NMAC, and the appropriate license fees as defined in Sections 17-3-13 and 17-3-7 NMSA 1978.

**C.** Licenses for primary and special management zones will be issued only up to the number of authorizations allotted for each ranch and only to persons who provide a valid authorization and ranch number and pay the appropriate fees.

**D.** Ranch codes allowing purchase of private-land elk licenses in the secondary management zone, as defined in 19.31.14 NMAC, will be issued to landowners in accordance with 19.30.5 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 1-1-2019]

#### **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 - Rp, 19.31.3.10 NMAC, 1-1-2019]

#### 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 dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule for the species, or by the hunt code printed on the permit, license or carcass tag. Hunting licenses are valid on areas designated as public or private land per a current unitization agreement between the Department and U.S. bureau of land management, New Mexico state land office or other public land holding entity or landowner. The unitization agreement may apply to all small game, turkey and big game species. 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 prior to the hunt start date, 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. Transfer requests must be submitted in writing prior to the hunt start date. 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. Refund requests must be submitted in writing prior to the hunt start date.

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 pronghorn license qualifications:** To hold a mobility impaired deer, elk, oryx, or pronghorn 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 only 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 any youth-only hunt, including federal youth waterfowl hunt days. Applicants must provide a 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. 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.

**O. 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.

**P. 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. This provision may be rescinded by the director if such action is approved by the chairperson of the state game commission. This rescission may only take effect if the director moves to rescind between January 1, 2019 and June 30, 2019. If no such action is taken then the provision will remain unchanged.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 1-1-2019]

#### **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, 1-1-2019]

#### **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;

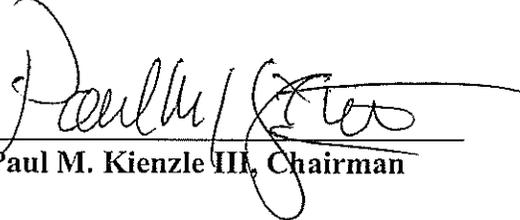
Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 2/17/81;  
Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary 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.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/16 - Repealed effective 1/1/19.

Dated at Roswell, this 30<sup>th</sup> day of November, 2018.

STATE GAME COMMISSION

  
Paul M. Kienzle III, Chairman

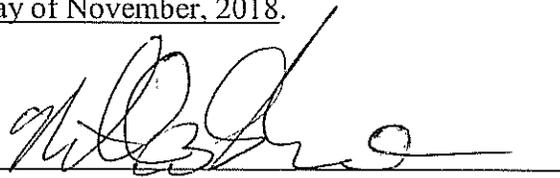
ATTEST:  
  
Michael B. Sloane, Secretary

CERTIFICATE OF AUTHENTICATION

State of New Mexico            )  
  ) ss  
County of Chaves                )

I, Michael B. Sloane, Director of the Department of Game and Fish of the State of New Mexico, do hereby certify that the foregoing amendment or rule 19.31.3 NMAC Licenses and Application rule is a true copy of said amendment of the State Game Commission of the State of New Mexico; that said amendment has been adopted, signed, and filed in the office of the Director in accordance with Section 17-2-5, New Mexico Statutes Annotated, 1978 Compilation, and in the office of the State Records Center of the State of New Mexico in accordance with Section 14-4-1, New Mexico Statutes Annotated, 1978 Compilation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Director at Roswell, New Mexico, this 30<sup>th</sup> day of November, 2018.

  
Michael B. Sloane, Director



# NMAC Transmittal Form

2018 DEC -7 PM

Your Access to Public Information

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

Issuing agency name and address:  Agency DFA code:

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

Type of rule action: (ALD Use Only) Most recent filing date:   
New  Amendment  Repeal  Emergency  Renumber

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? 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:

Specific statutory or other authority authorizing rulemaking:

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

Findings required for rulemaking adoption:  
Findings MUST include:  
- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;  
- Reasons for any change between the published proposed rule and the final rule; and  
- Reasons for not accepting substantive arguments made through public comment.

**Findings required for rulemaking adoption:**

continued

2018 DEC -7 P

our Access to Public Information

The rulemaking was undertaken to repeal and replace the Licenses and Application rule, 19.31.3 NMAC. The new rule specifies that licenses are valid per current unitization agreements; that unitization agreements may apply to all big-game, small-game and turkey; changes language to accommodate changes and avoid duplication with other rules; and changes the game hunting license refund section to allow the director, with concurrence of the commission chair to rescind this provision. The effective date of the new rule is changed to 1/1/19 due to the inclusion of specific time-frame for rescission. Five public comments were received, but none were applicable to any of the specific changes proposed.

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

Name:

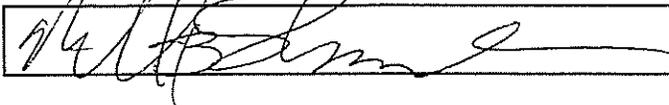
Michael B. Sloane

Check if authority has been delegated

Title:

Director, NMDGF

Signature: (BLACK ink only)



Date signed:

12/6/18

# NMAC

## Transmittal Form

NEW MEXICO  
Commission of Public Records

2018 DEC -7 PM 1:07

Your Access to Public Information

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  Emergency  Renumber  (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):

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#### Findings required for rulemaking adoption:

##### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Continued on next page

**Findings required for rulemaking adoption:**

continued

The rulemaking was undertaken to repeal and replace the Licenses and Application rule, 19.31.3 NMAC. The new rule specifies that licenses are valid per current unitization agreements; that unitization agreements may apply to all big-game, small-game and turkey; changes language to accommodate changes and avoid duplication with other rules; and changes the game hunting license refund section to allow the director, with concurrence of the commission chair to rescind this provision. The effective date of the new rule is changed to 1/1/19 due to the inclusion of specific time-frame for rescission. Five public comments were received, but none were applicable to any of the specific changes proposed.

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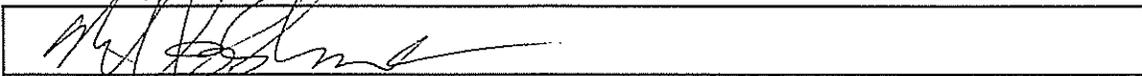
Michael B. Sloane

Check if authority has been delegated

Title:

Director, NMDGF

Signature: (BLACK ink only)



Date signed:

12/6/18

2018 DEC -7 PM 1:57

The New Mexico State Game Commission (Department of Game and Fish) approved, at its 11/30/2018 hearing, to repeal its rule 19.31.3 NMAC, Licenses and Application, filed 10/31/2017, and to replace it with a new rule 19.31.3 NMAC, Licenses and Application of the same name. On November 30, 2018, the New Mexico State Game Commission adopted the new 19.31.3 NMAC, effective January 1, 2019.

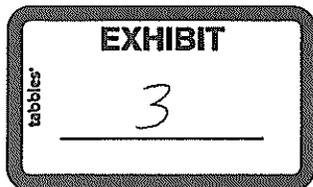
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# **Final Proposed Amendments to Licenses and Application Rule**

Amending Hunting and Fishing  
Licenses and Application

19.31.3 NMAC



# **Summary of Proposed Changes to 19.31.3**

- All hunting licenses are valid on areas designated as public or private land per a current unitization agreement. Specify that unitization agreements may apply to all small game, turkey and big game species.
- Amend restrictions and Private Lands Use System (PLUS) sections to accommodate changes to other rules.
- Allow the Director, with concurrence of the Commission Chairperson, to rescind the refund option for game hunting licenses purchased through the big-game draw application.

# Public Comments

- The Department received five public comments
  - ✓ No comments received were applicable to the changes proposed.

**Questions?**



#### LICENSES AND APPLICATION RULE PROPOSED CHANGES

- Specify that hunting licenses are valid on areas designated as public or private land pursuant to a current unitization agreement between the Department and the U.S. Bureau of Land Management, New Mexico State Land Office or other public land holding entity or landowner.
- Specify that land access under unitization agreements may apply to hunts for all small game, turkey and big game species. Unitization agreements are currently only valid for deer and Barbary sheep.
- Amend the Private Land – Pronghorn Antelope and Elk section (19.31.3.9) to reflect changes to Pronghorn, E-PLUS and Elk rules.
- Amend the Restrictions section (19.31.3.11) to accommodate changes and eliminate duplication with Upland Game, Migratory Game Bird, and individual species rules.
- Amend the Game Hunting License Fee refund

If you would like to comment on the proposal, please send an email to: [specialhunts@state.nm.us](mailto:specialhunts@state.nm.us)





PUBLIC COMMENTS REGARDING PROPOSED CHANGES TO 19.31.3 NMAC

Comment 1

From: Joe Meyer
To: Hunts, Special, DGF
Cc:
Subject: Application process change for leftover hunts

Sent: Fri 9/7/2018 9:31 PM

I would like to see a change made for leftover hunts. that an application draw process be done for leftover deer, javelina and or elk etc. because I do not have high-speed Internet and I feel a 2nd draw process would be more fair using the draw system and would make a few more \$\$\$ for Game & Fish. Up to 3 choices per species. Sent from my iPhone

Comment 2

From: Steve West
To: Hunts, Special, DGF
Cc:
Subject: [EXT] Honest opinion

Sent: Wed 9/26/2018 7:42 PM

To whom it may concern:

Hello,

My name is Steve West
I am a lifelong resident of NM,
I am an Albuquerque Resident.

The system of big game hunting license thru the draw system should be reconsidered ,or better utilized as a tool for Non Residents to obtain certain hunting license

& the over the counter sales from NMDGF, or authorized vendor should then be re- instated for New Mexico Residents. .... Especially Resident Deer, also including Resident Elk. Even if our state still uses draw for Non Resident license that would be a good source ,& system for wildlife revenue. I am curious on how much of an increase or decrease in number of Resident ,& Non Resident License occured from when the draw went into effect until 2017.

With the severe problems of cwd

That is witnessed within our state an increase in depredation hunts for either sex or antlerless only would help cull the areas effected most. These hunts should be offered at other than regular season, & over the counter for Residents.

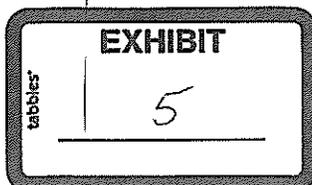
Desert big hom could be an over the counter tag for Resident ,& draw for Non resident. Same with Bear, Cougar, Ibex, Barbary sheep, Oryx

All available to residents (o.t.c) purchase. As for Non Resident, they could be held for as a lottery draw.

Please Bring this subject up for deliberation or approval by council and voted on by us New Mexico Residents in an open ballot.

Thank you very much for your time , & patience with a New Mexico Hunter.

Steve West



### Comment 3

From: DR  
To: Hunts, Special, DGF  
Cc:  
Subject: Proposal Comments

Sent: Mon 8/27/2018 11:37 AM

To All Concerned;

My comments are related to the changes in the "Manner and Method" and license rules proposed by the New Mexico Game and Fish Department.

I understand and agree with the language change from disabled to mobility impaired.

I've heard but not confirmed that the mobility impaired antelope season is proposed to be after a/the general season opener? This would only make this mobility impaired hunt MUCH more difficult. The intent is to provide an opportunity for challenged individuals that want to get out to enjoy the New Mexico outdoors. What value is added (to this hunt) by hampering these already challenged people?

I also agree strongly that ALL wildlife should be managed by biology and NOT politics!

Thank you for this opportunity to comment. Sincerely,

David Ristau

### Comment 4

From: Bruce Rankin  
To: Hunts, Special, DGF  
Cc:  
Subject: Small game licenses.

Sent: Sat 9/8/2018 5:03 PM

Hello, Distinguished leader's. Please consider removal of the need to purchase small game licenses in Order to purchase a large game licenses. This is an necessary collection of revenues. Fellow hunters think, there is no need to purchase small game licenses in order to hunt or fish other species for which they may no interest in. Thank you all the great work that all of you do to make hunting, fishing and the outdoor sporting activities great in the Land of Enchantment Great.

Sincerely,  
Bruce A. Rankin.

### Comment 5

From: Steve West  
To: Hunts, Special, DGF  
Cc:  
Subject:

Sent: Mon 9/10/2018 3:42 PM

Hello i am hoping you are taking request. Please make deer hunting license over the counter & available for all hunters. Thankyou for your time,& service.  
Mr.West



NEW MEXICO STATE GAME COMMISSION MEETING  
ROSWELL CONVENTION AND CIVIC CENTER  
EXHIBIT HALL  
912 N. MAIN ST., ROSWELL, NM 88201

PUBLIC RULE HEARING  
NOVEMBER 30, 2018

\*\* This is an expedited portion of New Mexico State Game Commission Meeting.

Public Rule Hearing 6a and 6b. Audio [4:17:43 to 4:23:55] \*\*

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APPEARANCES

Chairman Paul Kienzle  
Vice Chairman William Montoya  
Game Commissioner Thomas Salopek  
Game Commissioner Robert Ricklefs  
Game Commissioner Ralph Ramos  
Game Commissioner Craig Peterson  
Game Commissioner Chance Chase

ABSENT

None

1 CHAIRMAN KIENZLE: Saving the best for last. Hearing Item No. 6. Informational  
2 Rule Making Hearing on the New Hunting and Fishing Licenses and Application Rule  
3 19.31.3 NMAC. This hearing is now open. Are there any exhibits on the New Rule  
4 19.31.3 for the record?

5 CHAD NELSON: Mr. Chairman, I have five exhibits to submit for the record. Exhibit  
6 1 is the notice of rulemaking. Exhibit 2 is the initial proposed rule. Exhibit 3 is the  
7 presentation that I will be giving today. Exhibit 4 is the summary of proposed  
8 changes. And Exhibit 5 is the five public comments that we received.

9 CHAIRMAN KIENZLE: Thank you. I will admit Exhibits 1 through 5 as identified.  
10 You can go ahead and introduce the rule. Thank you.

11 CHAD NELSON: All right. Today I'm going to be presenting the final proposed  
12 amendments to the Hunting and Fishing Licenses and Application Rule 19.31.3  
13 NMAC. The major changes we will be making, we will be making all hunting licenses  
14 valid on areas designated as public or private land per a current unitization  
15 agreement. We will also so specify that unitization agreements may apply to all small  
16 game, big game, and turkey. We will be amending the restrictions and private lands  
17 used systems sections to accommodate changes to other rules. Some of which are  
18 being passed today, some of which were passed before. And finally, we will be  
19 allowing the director with the concurrence of the commission chairperson to rescind  
20 the refund option for game hunting licenses purchased through the big game draw  
21 application. And I would like to clarify that that only applies to the game hunting  
22 purchase. All species licenses will be refunded as they always have.

23 CHAIRMAN KIENZLE: On those refunds, resending that refund option. How much,  
24 in terms of dollars, does that net to the Department?

25 CHAD NELSON: Mr. Chairman, that will depend on the number of applicants,

1 obviously. We anticipate that we would lose some applicants. If we had the same  
2 number of applicants as we had the previous year, when we set another record, it  
3 would be approximately \$1.4 million, so we anticipate, you know, anywhere between  
4 \$750,000 to \$1.4 million.

5 CHAIRMAN KIENZLE: Skies the limit? Okay.

6 UNIDENTIFIED SPEAKER: Per year.

7 CHAD NELSON: We received five public comments. The rule has been posted  
8 since the middle of October to the website. None of the comments received were  
9 applicable to any of the specific proposed changes that we are proposing.

10 CHAIRMAN KIENZLE: Somebody was just bored. With a comment. Anything else  
11 to admit into the record? Exhibits?

12 CHAD NELSON: No, Mr. Chairman. However, the Department would specially  
13 request that this rule be passed with an effective date of January 1<sup>st</sup>.

14 CHAIRMAN KIENZLE: 2019.

15 CHAD NELSON: 2019.

16 CHAIRMAN KIENZLE: Take up an amendment. Sounds like. There are no people  
17 signed in to speak. I will admit the sign in sheet, there are no comment cards, as  
18 Exhibit 6. You have no further exhibits?

19 CHAD NELSON: Mr. Chairman, no.

20 CHAIRMAN KIENZLE: Comments submitted, and testimony heard during this rule  
21 hearing will be reviewed by the Commission and discussed during open session of  
22 today's meeting. The Commission will vote on the proposed rule at that time. Thank  
23 you for your participation. Let the record show that this rulemaking hearing was  
24 adjourned at 1:27 p.m. These are all getting shorter. Comforting.

25 DIRECTOR SLOANE: All part of the fiendish plan.

1 CHAIRMAN KIENZLE: Yes. With that, I will -- on Item No. 6 I will entertain a motion  
2 to amend the proposed rule to show an effective date of January 1, 2019 and that is  
3 in section 19. -- did I say January 1? January 1, 2019 and that is in 19.31.3.5  
4 effective date. Someone needs to say so moved.

5 COMMISSIONER PETERSON: So moved.

6 COMMISSIONER SALOPEK: Second.

7 CHAIRMAN KIENZLE: Someone needs to second it other than the man that  
8 [indiscernible] any discussion on the proposed motion to amend? Hearing nothing,  
9 all in favor of the proposed amendment?

10 COMMISSIONERS: Aye.

11 CHAIRMAN KIENZLE: None opposed? Okay. So the proposed rule -- I need a  
12 motion on the proposed rule as amended.

13 VICE CHAIRMAN MONTOYA: So moved, Mr. Chairman.

14 COMMISSIONER PETERSON: Second.

15 CHAIRMAN KIENZLE: Somebody needs to read the blurb.

16 UNIDENTIFIED SPEAKER: Okay. Move to adopt the proposed changes to 19.31.3  
17 as amended and as presented by the Department to allow the Department to make  
18 major -- -- minor corrections to comply with filing this rule with state records and  
19 archives.

20 UNIDENTIFIED SPEAKER: Second.

21 CHAIRMAN KIENZLE: Second. Got a second? Any further discussion, question, or  
22 comments? All in favor?

23 COMMISSIONERS: Aye.

24 CHAIRMAN KIENZLE: Ayes have it. Any opposed? No. Okay. I think we're done.  
25

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