

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

The New Mexico State Game Commission (“Commission”) will be hosting a virtual meeting and rule hearing on Thursday, December 3, 2020, beginning at 9:00 a.m. For instructions on how to virtually attend this meeting, visit the Department’s website at <http://www.wildlife.state.nm.us/commission/webcast/>. The purpose of this meeting is to hear and consider action as appropriate on the following: 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 January 1, 2021.

The proposed rule adds the definition of “returning Iraq/Afghanistan veteran” to determine eligibility for special oryx hunts established elsewhere in rule and changes the eligibility requirements for Mobility Impaired applications. 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 December 2, 2020. The final proposed rule will be voted on by the Commission during a public meeting on December 3, 2020. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on December 3, 2020.

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 visit 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.

**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, 1/1/2021]

**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, 1/1/2021]

**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, 1/1/2021]

**19.31.3.4 DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1/1/2021]

**19.31.3.5 EFFECTIVE DATE:** January 1, 2020, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1/1/2021]

**19.31.3.6 OBJECTIVE:** Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special draw permits and licenses issued by the department pertaining to deer, elk, pronghorn, bighorn sheep, Barbary sheep, bear, turkey, oryx, ibex, javelina, furbearers, small game and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1/1/2021]

**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, Sandhill crane, pheasant, turkey, pronghorn, elk, Barbary sheep, 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. If any licenses or permits are available after the drawing is completed, those licenses or permits may be sold online via secondary sale.
- 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 youth-only Sandhill crane, youth-only pheasant, turkey, ibex and oryx.
- E. Four applicants per application:** No more than four persons may apply under the same application number for Sandhill crane, pheasant, deer, elk, pronghorn, 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;
  - (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 permits and/or 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, 1/1/2021]

**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, 1-1-2021]

**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, 1/1/2021]

#### **19.31.3.11 RESTRICTIONS/REQUIREMENTS:**

**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. Improper license and permit:** Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any big-game, small game or fur-bearing animal, turkey 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.

**C. 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.

**D. 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.

**E. 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.

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

**G. 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 attest to having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation may be made, relating to these licenses, upon request.

**H. 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 crutches; or one or more permanent disabilities or conditions which substantially limit the individual’s ability to walk; and then obtain department approval for MI

hunt eligibility. Every person qualified as MI shall have their card/eligibility expire 48 months from the issuance date, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

**I. Youth only hunts:** Only applicants who are 17 years of age or younger on 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 have a valid hunter education certificate number, or mentor youth number for appropriate species.

**J. 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.

**K. Military only hunts:** Applicants must be full time active military and proof of military status must be received by the department prior to applying for any military only hunt.

**L. Returning 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. Applicants must provide proof of appropriate active-duty military service prior to applying for any returning Iraq/Afghanistan veteran oryx hunt.

**M. 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.

**N. 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 draw 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.

**O. License, permit and stamp requirements:** A game hunting or game hunting and fishing license is required to hunt any small game species, and an annual game hunting or game hunting and fishing license is required to apply for or purchase any big-game or turkey license (exception: disabled veteran card holders). A habitat management and access validation is required in conjunction with any hunting, fishing, or trapping license (exceptions: persons under age 18, free fishing license holders over age 70, and disabled veteran card holders). A habitat stamp is required in conjunction with any hunting, fishing, or trapping license on forest service or bureau of land management (BLM) properties (exceptions: anglers and trappers under age 12, free fishing license holders over age 70, and disabled veteran card holders). Migratory bird hunters must possess a Harvest Information Program (HIP) number. Waterfowl hunters must also possess a federal duck stamp. Nonresidents must have a nongame hunting license or any valid hunting license to hunt unprotected or nongame species. Draw permits must be accompanied by the appropriate hunting license(s) and stamp(s). Additional permits may be required for specific hunting and fishing activities pursuant to 19.31.6.9 NMAC, 19.31.5.8 NMAC and 19.31.4.13 NMAC.

**P. Penalty assessments:** When a person is issued a penalty assessment citation for fishing without a license, hunting small game without a license, or failing to possess an applicable habitat management and access validation, habitat stamp or second rod validation; the citation will serve as a license 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.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 1/1/2021]

**19.31.3.12 DENIAL OR REVOCATION:** 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.

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 1/1/2021]

#### **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 10/5/2017 - Repealed effective 1/1/19.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/7/2018 - Repealed effective 1/1/2020.

## 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, 1/1/20201/1/2021]

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[19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 1/1/20201/1/2021]

**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, 1/1/20201/1/2021]

**19.31.3.4      DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1/1/20201/1/2021]

**19.31.3.5      EFFECTIVE DATE:** January 1, 20202021, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1/1/20201/1/2021]

**19.31.3.6      OBJECTIVE:** Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special draw permits and licenses issued by the department pertaining to deer, elk, pronghorn, bighorn sheep, Barbary sheep, bear, turkey, oryx, ibex, javelina, furbearers, small game and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1/1/20201/1/2021]

**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, Sandhill crane, pheasant, turkey, pronghorn, elk, Barbary sheep, 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. If any licenses or permits are available after the drawing is completed, those licenses or permits may be sold online via secondary sale.

**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 youth-only Sandhill crane, youth-only pheasant, turkey, ibex and oryx.

**E.      Four applicants per application:** No more than four persons may apply under the same application number for Sandhill crane, pheasant, deer, elk, pronghorn, 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;
- (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 permits and/or 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, [1/4/2020/1/2021](#)]

#### **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, [1/4/2020/1/2021](#)]

#### **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, 4/1/2020/1/2021]

### **19.31.3.11 RESTRICTIONS/REQUIREMENTS:**

**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. Improper license and permit:** Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any big-game, small game or fur-bearing animal, turkey 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.

**C. 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.

**D. 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.

**E. 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.

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

**G. 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 attest to having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation may be made, relating to these licenses, upon request.

**H. 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 one or more severely restricts the movement in both arms or who has a combination of permanent disabilities or conditions which substantially limit

the individual's ability to walk; ~~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.

**I. Youth only hunts:** Only applicants who are 17 years of age or younger on 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 have a valid hunter education certificate number, or mentor youth number for appropriate species.

**J. 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.

**K. Military only hunts:** Applicants must be full time active military and proof of military status must be received by the department prior to applying for any military only hunt.

**L. Returning 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. Applicants for returning Iraq/Afghanistan veteran oryx hunts must provide proof of appropriate active-duty military service prior to applying for any returning Iraq/Afghanistan veteran oryx hunt.

**M. 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.

**N. 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 draw 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.

**O. License, permit and stamp requirements:** A game hunting or game hunting and fishing license is required to hunt any small game species, and an annual game hunting or game hunting and fishing license is required to apply for or purchase any big-game or turkey license (exception: disabled veteran card holders). A habitat management and access validation is required in conjunction with any hunting, fishing, or trapping license (exceptions: persons under age 18, free fishing license holders over age 70, and disabled veteran card holders). A habitat stamp is required in conjunction with any hunting, fishing, or trapping license on forest service or bureau of land management (BLM) properties (exceptions: anglers and trappers under age 12, free fishing license holders over age 70, and disabled veteran card holders). Migratory bird hunters must possess a Harvest Information Program (HIP) number. Waterfowl hunters must also possess a federal duck stamp. Nonresidents must have a nongame hunting license or any valid hunting license to hunt unprotected or nongame species. Draw permits must be accompanied by the appropriate hunting license(s) and stamp(s). Additional permits may be required for specific hunting and fishing activities pursuant to 19.31.6.9 NMAC, 19.31.5.8 NMAC and 19.31.4.13 NMAC.

**P. Penalty assessments:** When a person is issued a penalty assessment citation for fishing without a license, hunting small game without a license, or failing to possess an applicable habitat management and access validation, habitat stamp or second rod validation; the citation will serve as a license 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.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 4/1/2020/1/1/2021]

**19.31.3.12 DENIAL OR REVOCATION:** 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.

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 4/1/2020/1/1/2021]

#### **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 10/5/2017 - Repealed effective 1/1/19.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/7/2018 - Repealed effective 1/1/2020.

Final Adopted Rule

FILED WITH  
NEW MEXICO STATE  
RECORDS CENTER

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**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, 1/1/2021]

**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, 1/1/2021]

**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, 1/1/2021]

**19.31.3.4 DURATION:** Permanent.  
[19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1/1/2021]

**19.31.3.5 EFFECTIVE DATE:** January 1, 2020, unless a later date is cited at the end of a section.  
[19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1/1/2021]

**19.31.3.6 OBJECTIVE:** Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special draw permits and licenses issued by the department pertaining to deer, elk, pronghorn, bighorn sheep, Barbary sheep, bear, turkey, oryx, ibex, javelina, furbearers, small game and other species determined by the state game commission.  
[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1/1/2021]

**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, Sandhill crane, pheasant, turkey, pronghorn, elk, Barbary sheep, 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. If any licenses or permits are available after the drawing is completed, those licenses or permits may be sold online via secondary sale.

**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 youth-only Sandhill crane, youth-only pheasant, turkey, ibex and oryx.

**E. Four applicants per application:** No more than four persons may apply under the same application number for Sandhill crane, pheasant, deer, elk, pronghorn, 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:

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- (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 permits or 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, 1/1/2021]

**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.

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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, 1/1/2021]

**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, 1/1/2021]

**19.31.3.11 RESTRICTIONS/REQUIREMENTS:**

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. **Improper license and permit:** Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any big-game, small game or fur-bearing animal, turkey 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.

C. **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.

D. **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.

E. **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

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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.

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

**G. 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 attest to having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation may be made, relating to these licenses, upon request.

**H. 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 permanent mobility restriction which limits their activity to a walker, wheelchair, or crutches; or one or more permanent disabilities or conditions which substantially limit the individual's ability to walk; and then obtain department approval for MI hunt eligibility. Every person qualified as MI shall have their card/eligibility expire 48 months from the issuance date, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

**I. Youth only hunts:** Only applicants who are 17 years of age or younger on 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 have a valid hunter education certificate number, or mentor youth number for appropriate species.

**J. 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.

**K. Military only hunts:** Applicants must be full time active military and proof of military status must be received by the department prior to applying for any military only hunt.

**L. Returning 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. Applicants must provide proof of appropriate active-duty military service prior to applying for any returning Iraq/Afghanistan veteran oryx hunt.

**M. 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.

**N. 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 draw 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.

**O. License, permit and stamp requirements:** A game hunting or game hunting and fishing license is required to hunt any small game species, and an annual game hunting or game hunting and fishing license is required to apply for or purchase any big-game or turkey license (exception: disabled veteran card holders). A habitat management and access validation is required in conjunction with any hunting, fishing, or trapping license (exceptions: persons under age 18, free fishing license holders over age 70, and disabled veteran card holders). A habitat stamp is required in conjunction with any hunting, fishing, or trapping license on forest service or bureau of

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land management (BLM) properties (exceptions: anglers and trappers under age 12, free fishing license holders over age 70, and disabled veteran card holders). Migratory bird hunters must possess a Harvest Information Program (HIP) number. Waterfowl hunters must also possess a federal duck stamp. Nonresidents must have a nongame hunting license or any valid hunting license to hunt unprotected or nongame species. Draw permits must be accompanied by the appropriate hunting license(s) and stamp(s). Additional permits may be required for specific hunting and fishing activities pursuant to 19.31.6.9 NMAC, 19.31.5.8 NMAC and 19.31.4.13 NMAC.

**P. Penalty assessments:** When a person is issued a penalty assessment citation for fishing without a license, hunting small game without a license, or failing to possess an applicable habitat management and access validation, habitat stamp or second rod validation; the citation will serve as a license 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.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 1/1/2021]

**19.31.3.12 DENIAL OR REVOCATION:** 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.

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 1/1/2021]

#### **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 5/31/1967;  
Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967;  
Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968;  
Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968;  
Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968;  
Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968;  
Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968;  
Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969;  
Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969;  
Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969;  
Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969;  
Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970;  
Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970;  
Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970;  
Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971;  
Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971;  
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 6/9/1971;  
Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971;  
Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972;  
Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972;

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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 6/26/1972;

Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972;

Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973;

Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973;

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 5/31/1973;

Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974;

Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974;

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 5/29/1974;

Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/1975;

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 3/24/1975;

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 6/25/1975;

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 2/23/1976;

Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977;

Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/1978;

Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979;

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 2/22/1980;

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 2/17/1981;

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 3/10/1982;

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 3/9/1983;

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 4/2/1984;

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 4/18/1985;

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 3/25/1986;

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 2/12/1987;

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 12/18/1987;

Regulation No. 658, Establishing A System For Allocating Elk Licenses On Private And Public Lands Within Game Management Units, filed 6/1/1988;

Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989;

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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 3/20/1989; 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 11/21/1989; 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 2/8/1991; 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 3/4/1992; 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 3/11/1993.

**History of Repealed Material:**

19.31.3 NMAC, Hunting and Fishing License Applications, filed 1/17/2001 - Repealed effective 12/30/2004.  
19.31.3 NMAC, Hunting and Fishing License Applications, filed 12/30/2004 - Repealed effective 4/1/2016.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/2016 - Repealed effective 10/31/2017.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 10/5/2017 - Repealed effective 1/1/2019.  
19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/7/2018 - Repealed effective 1/1/2020.



# NMAC

## Transmittal Form

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

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.

Continued on next page

**Findings required for rulemaking adoption:**

continued

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The rulemaking was undertaken to repeal and replace the Licenses and Application rule, 19.31.3 NMAC. The new rule specifies eligibility requirements to apply for returning Iraq/Afghanistan veteran oryx draw hunts established in rule; and changes the eligibility requirements for the Mobility Impaired (MI) certification that allows the card holder to apply for Mobility Impaired Only hunts established elsewhere in rule. The State Game Commission added the word "permanent" by amendment in its motion to approve, to clarify that only applicants with permanent disabilities or conditions qualify for the MI certification. The effective date is 1/1/2021 to allow for the new requirements to be implemented prior to the Department opening the big game draw application in mid to late January. One public comment was received, but it was not 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)**

Michael B. Sloane

Digitally signed by Michael B. Sloane  
Date: 2020.12.07 15:23:53 -07'00'

**Date signed:**

# NMAC

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**Findings required for rulemaking adoption:**  
continued

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Director, NMDGF

**Signature: (BLACK ink only)**

**Date signed:**

Michael B. Sloane

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The New Mexico State Game Commission (Department of Game and Fish) approved, at its 12/03/2020 hearing, to repeal its rule 19.31.3 NMCA, Hunting and Fishing Licenses and Application (filed 1/1/2020), and replace it with 19.31.3 NMAC Hunting and Fishing Licenses and Application, effective January 1, 2021.

# Final Proposed Amendments to Hunting and Fishing Licenses and Application Rule (19.31.3 NMAC)



# Summary of Proposed Changes

## Proposed amendments:

- Add the eligibility requirements to apply for returning Iraq/Afghanistan veterans oryx hunts.
- Change the eligibility requirements for Mobility Impaired certification to require disabilities or conditions that specifically limit the individual's ability to walk.



# Public Input

- The Department received one public comment expressing concern about bow hunters being unable to use a crossbow.
- The Department also sought and received feedback on the eligibility requirements from several nonprofit organizations that work with disabled hunters.





## **Proposed Changes to the Hunting and Fishing Licenses and Application Rule:**

- 1) Add the definition of returning Iraq/Afghanistan veterans to determine eligibility for oryx hunts established in NMAC 19.31.12.
- 2) Change the eligibility requirements for the Mobility Impaired certification to focus on the hunter's mobility limitations (specifically their ability to walk).

**Exhibit 5: Public comment**

**From:** Tom King <tomking50@msn.com>  
**Sent:** Saturday, November 21, 2020 5:28 PM  
**To:** Hunts, Special, DGF <specialhunts@state.nm.us>  
**Subject:** [EXT] Mobility Impaired Rule Change

In Reference to:

[Licenses and Application Rule 19.31.3 NMAC Clean Copy](#)

I see that the Department is proposing to change the Mobility Impaired Rule, citing draw applicants “gaming the system” by applying for Mobility Impaired as first choice then regular draw for subsequent choices.

Here is a real life situation: A hunter wishes to bow hunt, draws a license in the regular draw but a injury prevents him/her from drawing a bow of sufficient poundage or draw a bow at all. If they get a Mobility Impaired certificate, they can hunt with a crossbow and fulfill a life long dream to hunt with a bow. The Department is proposing to totally eliminate this hunter and many like them from bow hunting. The same person may be able to rifle hunt by using shooting sticks, tripod or other methods to support the rifle. There are many things that make up handicapped, not being able to walk is just one of them.

The following are questions I am posing, I do not know the answers to them:

- Will the new rule be in violation of the NM State statute on handicapped and mobility impaired? I so not know the statute number.
- Will the new rule be in violation of Federal statutes on handicapped?

Perhaps a wording that would allow cross bow hunting to qualified mobility impaired people and not be able to apply for other mobility impaired hunts would work

Thanks,

Tom King  
731 Road 2900  
Aztec NM, 87410  
Ph: 505-320-0227  
[tomking50@msn.com](mailto:tomking50@msn.com)

**New Mexico State Game Commission Meeting - December 3, 2020  
Registration/Sign-In Sheet**

First	Last	Email	Address	City	State	Zip	Phone	Organization	Title	Wish to Speak	Agenda Item	Questions & Comments
Bart	Hanson	Bthanson@aol.com	1113 S 4th Street	Artesia	NM	88210	(575) 703-1161	HSP CAC		Yes	5	
Cody	Skinner	cskinner@bulldogs.org	PO Box 111	Artesia	NM	88210	(575) 308-3476	Artesia Public Schools	Principal	Yes		I think reducing the number of districts from 5 to 1 is NOT what is best for my region (southeast).
Pat	McCasland	Mccasland_67@msn.com	PO Box 718	Eunice	NM	88231	(575) 631-1667		SE Committee Member	Maybe		
Kyle	Jackson	Ryu5558@yahoo.com								Yes		Habitat Stamp
Tristanna	Bickford	tristanna.bickford@state.nm.us	1 Wildlife Way	Santa Fe	NM	87507	(505) 476-8026	New Mexico Department of Game and Fish	Communications Director	No		
Karen	Roybal	Kroyba76@gmail.com		Albuquerque	NM	87105				No		
Jesse	Deubel	jesse@nmwildlife.org	6100 Seagull Street NE	Albuquerque	NM	87109	(505) 440-2621	New Mexico Wildlife Federation	Executive Director	Yes		
Wally	Haussamen	whaussamen@comcast.net	3394 Apple Cross Place	Las Cruces	NM	88005	(805) 610-3669		Retired	No		
Seth	Heath	swheath1@yahoo.com	2 Marietta Court, Suite A 74	Edgewood	NM	87015	(505) 681-0662			Maybe		Just want to watch the meeting. Not sure what's on the agenda.
Jude	Martinez	judemartinez22@gmail.com								Yes		
Kent	SALxsr	Kentsala@aol.com								Yes		I wish to speak on two agenda items but they are not listed.
Harris	Klein	hkrm@comcast.net	712 Charles Pl NW	Los Ranchos	NM	87107	(505) 974-0232	Trout Unlimited	State Council Chair	Yes	8	
Fatemeh	Namdar-Yeganeh	fazebear@gmail.com	Po Box 20553	Albuquerque	NM	87154	(505) 787-3080			Yes		
Erin	Hunt	erinhunt81@gmail.com								No		
Jennifer	Morgan	jennifer.morgan@state.nm.us	7816 Alamo Rd NW	Albuquerque	NM	87120	(505) 263-8581	New Mexico Department of Game and Fish	Hunter Education Program Manager	No		
Craig	Sanchez	craig.sanchez@state.nm.us	7816 Alamo Rd NW	Albuquerque	NM	87120	(505) 222-4713	New Mexico Department of Game and Fish	Assistant Chief, Education	No		
Mark	Mattaini	mmattaini@gmail.com	PO Box 1045	Paguate	NM	87040	(505) 552-6304			Yes		
Angie	Kelic	sty@mit.edu	4509 Canyon Ct NE	Albuquerque	NM	87111				Yes		Would like to speak on hunting in the Sandia foothills specific to parts of the Glenwood Hills neighborhood that adjoin the wilderness space directly.
Julee	Overbay	juleeoverbay@yahoo.com		Peralta	NM	87042				Yes		
Ryan	Blickem	rbllickem@nmda.nmsu.edu	MSC APR	Las Cruces	NM	88003	(575) 646-2670	NMDA	Policy Analyst	No		
Michael	Dax	mdax@defenders.org	2400 Camino Capitan	Santa Fe	NM	87505		Defenders of Wildlife	NM Representative	No		
Andrew	Gray	andrew.gray@state.nm.us	1912 W Second St	Roswell	NM	88201	(575) 626-6135	New Mexico Department of Game and Fish	Captain	No		
Kerrie	Romero	kerrie@romero.com	51 Bogan Rd	Stanley	NM	87056	(505) 440-5298	New Mexico Council of Outfitters and Guides	Executive Director	No		
Hal	Marshall	hmarshall777@yahoo.com	1084 San Isidoro Rd	Los Alamos	NM	87544	(505) 662-2796			X		
Cassidi	Cobos	cassidi.cobos@retranches.com	792 Ladder Road	Caballo	NM	87931	(575) 644-7733	TESF		No		
Max	Henkels	mhenkels@nmda.nmsu.edu								No		
Cyndi	Tuell	cyndi@westernwatersheds.org						Western Watersheds Project		Maybe		I'm just reviewing the agenda and I'm not certain whether or not I wish to speak at call to the public.
Jeff	Young	canyoung5@juno.com								No		
Cyndi	Namdar-Yeganeh	fazebear@gmail.com	Po Box 20553	Albuquerque	NM	87154	(505) 787-3080			Yes		
Joel	Gay	jgay598@gmail.com		Albuquerque	NM			Backcountry Hunters and Anglers	Chairman	Yes	9, 14	
Ross	Morgan	ross.morgan@state.nm.us	7816 Alamo Rd NW	Albuquerque	NM	87120	(505) 379-5017	New Mexico Department of Game and Fish	Northwest Region Public Information Of	No		
Earl	Conway	way2busy2fish@aol.com	12913 Blackstone Rd NE	Albuquerque	NM	87111	(505) 610-5156	New Mexico Bass Nation	Conservation Director	Yes		Agenda Item 5.B.2.2. Adobe Whitewater Club of NM, NM Wildlife Federation, and NM Chapter of Backcountry Hunters & Anglers v. Hon New Mexico Bass Nation would like to inform the Commission that members have been denied legal access to public waters by New Mexico State Parks law enforcement and management at several New Mexico State Parks including Elephant Butte (Rio Grande River) and Navajo (San Juan River) reservoirs. These confrontational and sometimes dangerous encounters have occurred both inside and outside of NMSP lease boundaries. Specifically NMSP ticketed or turned back "trespassers" for legally boating into New Mexico waters from Colorado on Navajo reservoir where NMSP has no authority other than boating safety enforcement. NMGN ask that NMSP be required to comply with New Mexico Law (Chapter 17-2-7.1, NMSA 1978) prohibits interference with another person who is lawfully hunting, trapping or fishing in an area where those activities are permitted. Jan 2, 2020. We also believe that NMSP is violating lease agreements with the Bureau of Reclamation and the U.S. Army Corps of Engineers and failing to meet the legal and regulatory conditions of those leases with respect to access, hunting and angling provisions within the lease and imposed by standing NEPA decisions, especially as it applies to Elephant Butte Reservoir.
Darrell	Cole	darrell.cole@state.nm.us	7816 Alamo Rd NW	Albuquerque	NM	87120		New Mexico Department of Game and Fish	Sergeant	Maybe		
Jacob	Davidson	jacob.davidson@state.nm.us								No		
Seth	Heath	swheath1@yahoo.com	30 S Vista Valle Dr	Tirejas	NM	87059	(505) 681-0662			No		
Joshua	Utson	Joshurban0621@gmail.com								No		
Jennifer	Black	jennifer@medicinamassage.org								No		
Kyle	Jackson	kyle.jackson@vermejo.com	PO Drawer E	Raton	NM	87740	(575) 635-8188			Yes		Habitat stamp proposal

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NEW MEXICO GAME AND FISH DEPARTMENT

VIRTUAL MEETING

December 3, 2020

PRESENT:

- Sharon Salazar Hickey, Chairwoman
- Roberta Salazar-Henry, Vice-Chairwoman
- Tirzio Lopez, Commissioner
- Jimmy Bates, Commissioner
- Gail Cramer, Commissioner
- David Soules, Commissioner
- Jeremy Vesbach, Commissioner



1           Moving to agenda item number 10, the rule-making  
2 hearing on repealing and replacing the hunting and fishing  
3 license and application rule.

4           Commissioner Lopez, will you be able to stay on for a  
5 little bit with this rule -- discussion?

6           COMMISSIONER LOPEZ: Yes, Madam chair. Yes.

7           THE CHAIRPERSON: Thank you, sir. I really do  
8 appreciate that.

9           So let me say -- give me one moment, please.

10          This hearing will, please, come to order. My name is  
11 Sharon Salazar Hickey, chair to the commission. I will be  
12 serving as a hearing officer and be advised by the  
13 commission's counsel from the office of attorney general.

14          The purpose of this hearing is for consideration of  
15 final adoption of the following proposed rule by the  
16 commission. The hearing item is for the commission to  
17 receive public comment on the new hunting and fishing  
18 licenses and application rule Title 19 Chapter 31 of the  
19 New Mexico Administrative Code. The new rule will become  
20 effective on January 1, 2021.

21          These hearings are being conducted in accordance with  
22 the provisions of the game and fish act and the State Rules  
23 Act. These hearings are being audio taped and video  
24 recorded. Anyone interested in a copy of the audio tape or  
25 video recording should contact Tristanna Bickford with the



1 Game and Fish Department.

2 Public notice of this hearing was advertised in the  
3 New Mexico Register, the New Mexico Sunshine Portal, and  
4 the Department's website. Copies of the proposed  
5 amendments has been available on the Department's website.

6 Those wishing to comment here today must have  
7 registered to submit public comment on the Zoom Webinar  
8 platform.

9 These rule hearings will be conducted in the following  
10 manner. Staff will present pre-filed exhibits. Exhibits  
11 admitted into evidence and are available for review by the  
12 public on the Department's website. After all exhibits are  
13 entered, we will proceed to the presentation of the  
14 proposed rule, after which testimony will be taken from the  
15 audience. Participants are asked to raise their hand in  
16 the Zoom Webinar platform and wait until they are called  
17 upon to speak.

18 In order to ensure that the hearing is accurately  
19 recorded, only one person at a time shall be allowed to  
20 speak. Any person recognized to speak is asked to do the  
21 two things -- the following things: identify yourself,  
22 first by name and who you are affiliated with for the  
23 record each time you are recognized, and second, speak  
24 loudly and clearly to accurately record your comments.  
25 After a person has offered comments, they will stand for



1 questions from the hearing officer and the audience may  
2 also ask questions of anyone offering comments after being  
3 recognized by me.

4 These hearings are not subject to judicial rule of  
5 evidence; however, in the interest of efficiency, I will  
6 reserve the right to limit any testimony deemed irrelevant,  
7 redundant, or unduly repetitive. The commission may  
8 discuss the proposed new rules after the public comment  
9 portion of the hearing. Final commission action, including  
10 adoptions of the rules, may occur after the conclusion of  
11 the presentation and public comment of this hearing.

12 So let us begin.

13 In the preliminary matter of item number 10A, hearing  
14 rule making hearing on the new hunting and fishing license  
15 and application rule, that is 19.31.3 of the New Mexico  
16 Administrative Code, this hearing is now open.

17 Are there any exhibits for the proposed new rule to  
18 19.31.3 for the record? And I'm going to turn that over to  
19 Chad Nelson, sir.

20 ASSISTANT CHIEF NELSON: Thank you, Madam Chair. I do  
21 have five exhibits.

22 THE CHAIRPERSON: Thank you. And what are they?

23 ASSISTANT CHIEF NELSON: Exhibit 1 is the notice of  
24 proposed rulemaking.

25 Exhibit 2 is the clean copy and strikethrough versions



1 of the rule.

2 Exhibit 3 is the presentation that I will be giving  
3 here today.

4 Exhibit 4 is the summary of proposed changes.

5 And Exhibit 5 is the public comment that we received.

6 THE CHAIRPERSON: Thank you. Exhibits are now  
7 admitted into the record. So let us proceed. Chad, can  
8 you please introduce that new -- new rule for 19.31.3?  
9 Thank you.

10 ASSISTANT CHIEF NELSON: Yes, Madam Chair. So I'm here  
11 to present final proposed amendments to the hunting and  
12 fishing licenses and application rule, 19.31.3 NMAC.

13 The two changes that we are proposing to make: number  
14 one, we need to add the eligibility requirements to apply  
15 for returning Iraq and Afghanistan veteran (indiscernible).  
16 These were removed due to an oversight during the rule  
17 development process in 2018, so we need to add them back so  
18 that we, essentially, can enforce this as residents only.  
19 The second change is to change the eligibility requirements  
20 for the mobility-impaired certification to require  
21 disabilities or conditions that specifically limit the  
22 individual's ability to walk.

23 A little background on this -- we did discuss this  
24 last time. Essentially, the mobility-impaired  
25 certification is a four-year certification. It currently



1 includes sort of nonambulatory conditions like permanent  
2 disabilities in both -- one or both shoulders, et cetera.  
3 It also currently allows the use of a crossbow on a bow  
4 hunt as one of the four things it allows. It allows you to  
5 shoot from a vehicle. It allows you to have an assistant  
6 to help reduce a wounded animal to possession. It allows  
7 the use of a crossbow on a -- on a bow hunt, and it allows  
8 applicants to apply for mobility-impaired-only hunts that  
9 are set aside in rule for deer, elk, antelope, and oryx.

10 So the intent is for the mobility-impaired  
11 certification to be a shoot-from-vehicle permit and not  
12 really a crossbow permit, but I do want to also clarify  
13 that we are not intending to disallow the use of a crossbow  
14 on an archery hunt altogether. We have a different  
15 certification which is called a reasonable accommodation  
16 permit. Folks can apply for that if they have a temporary  
17 condition or if they want to use a crossbow on an archery  
18 hunt. And I'll get into that a little bit further here in a  
19 moment.

20 We did receive one public comment which expressed some  
21 concern about bow hunters not being able to use a crossbow  
22 anymore. Again, that will still be available under the  
23 reasonable accommodation permit which must be requested  
24 every year. It just would not be a four-year per -- four-  
25 year certification. It would be a permit that you would



1 have to apply for each year. That would also allow people  
2 with temporary conditions to obtain accommodations that  
3 they would need, like shoot-from-the-vehicle and having an  
4 assistant. So I wanted to clarify that -- that we're not  
5 disallowing crossbow use on an archery hunt.

6 The Department, per the commission's direction, did  
7 seek and receive feedback from several nonprofit  
8 organizations that work with disabled hunters. The  
9 primary -- there was some discussion that -- about a  
10 specific distance -- being able to walk a specific  
11 distance. We ultimately did not include that. We sort of,  
12 you know, it just sort of seemed like that would maybe add  
13 some complication to the requirements.

14 One piece of feedback we did receive that the dep --  
15 the commission may want to consider amending the language  
16 for is we had a suggestion to add the word "permanent" in  
17 the first sentence so that that would clarify that all  
18 conditions for which you would be eligible have to be  
19 permanent. So it does say permanent in the second  
20 sentence, but the Department, I think, would recommend that  
21 we add the word "permanent" in the language such that it  
22 reads, "the individual has a permanent mobility restriction  
23 that limits their activity to a walker or wheelchair or  
24 crutches". That, I believe, can be done by an amendment  
25 when the commission approves the rule. So unless I am



1 mistaken on that, I believe you can amend the rule to add  
2 that word when you approve the rule. And with that, I  
3 would stand for any questions.

4 THE CHAIRPERSON: Thank you, Chad Nelson.

5 Chief, do we have any commissioners who would like to  
6 ask some questions at this time? Vice Chair?

7 VICE CHAIRPERSON: No.

8 THE CHAIRPERSON: Comment? Very good.

9 VICE CHAIRPERSON: No, I'd just like -- I'd just like  
10 to make that amendment to the rule --

11 THE CHAIRPERSON: Absolutely.

12 VICE CHAIRPERSON: That helps -- that separates from  
13 being a permanent disability versus that reasonable-  
14 accommodation issue.

15 THE CHAIRPERSON: Or temporary disability, right?

16 VICE CHAIRPERSON: Yeah.

17 THE CHAIRPERSON: Commissioner Vesbach?

18 COMMISSIONER VESBACH: I agree.

19 THE CHAIRPERSON: Okay. If no further discussion,  
20 Lance Cherry, do we have any members of the public who  
21 would like to speak?

22 CHIEF CHERRY: Madam Chair, we have no one.

23 THE CHAIRPERSON: Thank you, sir. Okay. Well then in  
24 that case, I think we are ready to close this hearing.  
25 Those that are registered and participated in the hearing



1 would be -- would have been included in the attendance  
2 sheet, but we didn't have that, so therefore, the comments  
3 submitted and the testimony heard during this rule hearing  
4 will be reviewed by the commission and discussed during the  
5 open session of today's meeting.

6 The commission will vote on the proposed rule at this  
7 time, so I would like to thank everyone present for their  
8 participation today.

9 Let the record show that this rulemaking hearing was  
10 adjourned at exactly 1:43 p.m.

11 So Director Sloane, if we could, before we proceed, I  
12 think I heard -- Vice Chair, was that a motion? Would you  
13 like to make a motion, please?

14 VICE CHAIRPERSON: Yes, Madam Chair. I'd like to make  
15 a motion to move to adopt the proposed changes to 19.31.3  
16 NAMC with the amendment to include the word "permanent" in  
17 the second line in front of -- after the word -- after  
18 this -- in the sentence that says, to a certified medical  
19 physician that the individual has a permanent mobility  
20 restriction which limits their activity to a walker,  
21 wheelchair, or to crutches in that sentence. And --

22 THE CHAIRPERSON: Thank you, Vice Chair. Do I have a  
23 second?

24 VICE CHAIRPERSON: Wait. And to allow the Department  
25 to make minor changes or corrections to comply with filing



1 this rule with the State records and archives.

2 THE CHAIRPERSON: Perfect.

3 COMMISSIONER BATES: Madam Chair, I'll second.

4 THE CHAIRPERSON: Thank you, Commissioner Bates.

5 Okay. Secretary Director Michael Sloane, may we proceed  
6 with a roll call vote?

7 DIRECTOR SLOANE: Commissioner Vesbach?

8 COMMISSIONER VESBACH: Yes.

9 DIRECTOR SLOANE: Commissioner Soules?

10 COMMISSIONER SOULES: Yes.

11 DIRECTOR SLOANE: Commissioner Lopez?

12 COMMISSIONER LOPEZ: Yes.

13 DIRECTOR SLOANE: Commissioner Cramer?

14 COMMISSIONER CRAMER: Yes.

15 DIRECTOR SLOANE: Commissioner Bates?

16 COMMISSIONER BATES: Yes.

17 DIRECTOR SLOANE: Vice Chair Salazar-Henry?

18 VICE CHAIRPERSON: Yes.

19 DIRECTOR SLOANE: Chair Salazar Hickey?

20 THE CHAIRPERSON: Yes.

21 DIRECTOR SLOANE: Madam Chair, the motion passes  
22 unanimously.

23 THE CHAIRPERSON: Thank you, sir. That is very good.

24 (End of audio)

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C E R T I F I C A T I O N

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I, Ashley Knox, certify that the foregoing transcript is a true and accurate record of the proceedings.



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Ashley Knox

eScribers  
352 Seventh Avenue, Suite #604  
New York, NY 10001

Date: December 19, 2020

