

# GENERAL INFORMATION FOR AUTHORIZED USES OF WILDLIFE FOR EDUCATION & SCIENTIFIC PURPOSES



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This is an information sheet compiled for quick references; it is the applicant's responsibility to know the rules that apply to requested activities and wildlife species.

New Mexico statute [§17-3-29 NMSA 1978](#) and regulation [19.35.6 NMAC](#) provide for the authorized uses of wildlife for education, law enforcement, research and scientific purposes. These activities that expand scientific knowledge, educate, or similarly promote the conservation of New Mexico's wildlife must meet stringent standards to be authorized and permitted by New Mexico Department of Game & Fish (department).

**“Scientific purposes”** shall mean the possession or take of protected wildlife for conducting research or monitoring for management purposes, as approved by the department.

**“Taking”** shall mean the act of killing, capturing, pursuing, harassing, salvaging, retaining, or sacrificing protected wildlife by any means or device including attempting to take by the use of any method.

**“Protected wildlife”** shall mean those taxonomic groups listed in Chapter 17, NMSA 1978, including any species that are listed as either state or federally threatened or endangered (see pages 3-5)

## **Permit holder(s) and sub-permittee's defined**

- Permits are issued to individuals rather than to parties or organizations.
- Permit must be in possession of permittee/subpermittees when conducting activities.
- A permittee may have subpermittees, provided their names, qualifications and signatures are included in the application. Individuals should be included as subpermittees only if they take or possess protected wildlife when outside the immediate supervision of the permittee.

## **Permit process**

- Submit a complete application: contact information, exact species, number of take for each species, locations of take for each species, methods, disposition, purpose/rationale/justification for activities, qualification of permittee and subpermittees, signatures of permittee and subpermittees.
- Enclose annual fee stated on application form (see fee exemptions 19.35.6.16 NMAC).
- Allow a processing time up to six weeks, applicants must ensure completeness of application. Incomplete applications and missing documentation will substantially delay this process and the application will not be reviewed until all the application requirements are met.
- Issuance: Permits will be issued only to qualified applicants, for legitimate purposes that benefit the species and the state of New Mexico, subject to department review and approval.

## **Permit authorization period**

- Initial permits shall be issued for one year. Permit renewals may be approved for up to three years subject to director approval.
- Renewals and multi-year permits will only be issued if requested and applicant is in good standing, annual fees and reports must be submitted, received, and approved by the department prior to renewal or reissuance of any permit.

## **Amendments**

- Amendments to permits must be requested in writing, include justification, and be signed by permittee and any proposed additional sub-permittees.
- Payment of a fee approved by the director shall be required for each permit amendment.
- Permits must be amended prior to any changes in activities, including the addition of subpermittees, type and numbers of wildlife to be collected, and collection locations and time frames.

## **Salvage**

- Any form of salvage (temporary or permanent) of protected wildlife requires a permit from NMDGF. Species protected by federal law may also require the appropriate federal permit.
- Permit exemption: persons that salvage or aid in salvaging dead, injured or otherwise incapacitated wildlife at the direction of the department or others authorized for such possession; and designated cooperators and department contractors provided the activities are consistent with their contractual or cooperative duties.

## **Annual Reports - 19.35.6.11 NMAC**

- A permit holder must submit an annual report by the deadline specified by the director.
- Annual reports must be submitted, received, and approved by the department prior to renewal or reissuance of any permit.
- The annual report shall include the disposition of all wildlife taken pursuant to the permit and any additional information required by the permit.
- Annual reports shall be completed in a format as determined by the department. All data submitted shall become property of the department.

## **Other licenses or permits required**

- It is the applicant's responsibility to obtain authorization from City, County, State or Federal agencies that require such license or permit to conduct proposed activities.
- The director may require permittee's and sub-permittee's to purchase the appropriate hunting, fishing or trapping license when applicable. Applicants can refer to the NMDGF Rules & Information Booklet for license options and prices. Licenses are available online at the department website.

## **Director's authority to deny an application if: 19.35.6.13 NMAC**

- it is determined that the applicant has provided false or incomplete information;
- it conflicts with current conservation measures, negatively affects local or regional species numbers, or is contrary to angling, hunting, or trapping objectives;
- it does not represent a valid scientific or educational benefit;
- any applicant or permittee fails to comply with all of the application requirements, director's conditions, permit provisions, or rule requirements as non-compliant.

## **Violations and Enforcement:**

- Any violation of state statutes, rules, or permit provisions, including amendments, may result in cooperative compliance or denial of a permit in addition to any applicable civil, criminal or administrative remedies and penalties.
- The signature of an applicant, permittee, or sub-permittee on any application, annual report, permit, or any other department document, shall obligate the signatory to adhere to all applicable statutes, rules, and permit provisions.
- The director may declare any permittee who fails to comply with all requirements or provisions as ineligible for future permits until all violations are corrected and the appropriate certificate of compliance fees are paid in full.

## New Mexico Statutes & Regulations Links

- [New Mexico Statutes](#) Chapter 17 NMSA 1978
- [Natural Resources and Wildlife Regulations](#) Title 19, Chapter 30 - 36

### **17-3-29 NMSA 1978. Permit to take game, birds or fish as specimens or for scientific or propagating purposes; eligibility; issuance; contents; nonassignable; sale for food purposes prohibited.**

The state director may issue permits to any person to take, capture, kill, transport within or out of the state any game, birds or fish mentioned in this chapter at any time when satisfied that such person desires the same exclusively as specimens or for scientific or propagating purposes. Such permit shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, the name of the place to which the same is to be transported and the name of the persons shipping such game, birds or fish, and shall be signed by him. Such permit shall not be transferable nor shall it be lawful to sell or barter any of the animals, birds or fish taken or exported under such permit for food purposes, and the holder of such permit shall be liable to the penalties provided in this chapter if he violates any of its provisions.

### **17-2-3 NMSA 1978. Protected wildlife species and game fish defined.**

#### **A. The following mammals are game mammals:**

- (1) all of the family Tayassuidae (javelina);
- (2) within the family Bovidae:
  - (a) all of the genus Bison (American bison) except where raised in captivity for domestic or commercial meat production;
  - (b) all of the genus Capra (ibex) except for the domestic species of goats;
  - (c) all of the genus Ovis (bighorn sheep) except for the domestic species of sheep;
  - (d) all of the genus Ammotragus (aoudad);
  - (e) all of the genus Tragelaphus (kudu); and
  - (f) all of the genus Oryx (oryx);
- (3) all of the family Antilocapridae (American pronghorn);
- (4) all of the family Cervidae (elk and deer);
- (5) all of the family Ochotonidae (pikas);
- (6) all of the genus Sciurus (squirrels); *tree squirrels Gray & Abert's*
- (7) all of the genus Tamiasciurus (red squirrels);
- (8) all of the genus Marmota (marmots) of the family Sciuridae;
- (9) all of the family Ursidae (bear); and
- (10) all of the species Concolor (cougar) of the genus Felis and family Felidae.

#### **B. The following birds are game birds:**

- (1) all of the family Anatidae (waterfowl);
- (2) all of the family Tetraonidae (grouse and ptarmigans);
- (3) all of the family Phasianidae (quail, partridges and pheasants);
- (4) all of the family Meleagridae (wild turkeys) except for the domestic strains of turkeys;
- (5) all of the family Percidae (francolins);
- (6) all of the family Gruidae (cranes);
- (7) all of the family Rallidae (rails, coots and gallinules);
- (8) all of the family Charadriidae (plovers, turnstones and surfbirds);
- (9) all of the family Scolopacidae (shorebirds, snipe, sandpipers and curlews);
- (10) all of the family Recurvirostridae (avocets and stilts);
- (11) all of the family Phalaropodidae (phalaropes); and
- (12) all of the family Columbidae (wild pigeons and doves) except for the domestic strains of pigeons.

#### **C. The following fish are game fish:**

- (1) all of the family Salmonidae (trout);
- (2) all of the family Esocidae (pike);
- (3) all of the family Ictaluridae (catfish);
- (4) all introduced species of the family Serranidae (sea bass and white bass);
- (5) all of the family Centrarchidae (sunfish, crappie and bass);
- (6) all of the family Percidae (walleye pike and perch);
- (7) all introduced species of the family Pomadasyidae (sargo); and
- (8) all introduced species of the family Sciaenidae (corvina, bairdiella and redfish).

**17-2-13 NMSA 1978. Songbirds; trapping, killing or injuring prohibited.**

It shall be unlawful for any person to shoot, ensnare or trap for the purpose of killing or in any other manner to injure or destroy any songbird, or birds whose principal food consists of insects, comprising all the species and varieties of birds represented by the several families of bluebirds, including the western and mountain bluebirds; also bobolinks, catbirds, chickadees, cuckoos, which includes the chaparral bird or roadrunner (*Geococcyx novo mexicanus*), flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nuthatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, waxwings, whippoorwills [whippoorwills], woodpeckers, wrens, and all other perching birds which feed entirely or chiefly on insects. This section does not prohibit the killing of such birds for scientific purposes under permits from the department of game and fish.

**17-2-14 NMSA 1978. Hawks, vultures and owls; taking, possessing, trapping, destroying, maiming or selling prohibited; exception by permit; penalty.**

- A. It is unlawful for any person to take, attempt to take, possess, trap or ensnare or in any manner to injure, maim or destroy birds of the order Falconiformes, comprising all of the species and varieties of birds represented by the several families of vultures and hawks, and all of the order Stringiformes, comprising all of the species and varieties of owls. It is also unlawful to purchase, sell or trade, or to possess for the purpose of selling or trading, any parts of these birds.
- B. The director of the department of game and fish may issue permits to allow any person to take, possess, trap, ensnare or destroy any bird protected by this section or to possess, give, purchase, sell or trade, or to possess for the purpose of selling or trading, any parts of any birds protected by this section. Permits shall be granted for the following purposes:
  - (1) Indian religious purposes;
  - (2) scientific purposes in accordance with law and the regulations of the department of game and fish; or
  - (3) falconry purposes in accordance with law and the regulations of the department.
- C. Notwithstanding any other law, any person engaged in the commercial raising of poultry or game birds may take, capture or kill any hawk, owl or vulture that has killed such poultry or game birds. The owner of such game or poultry farm who takes action under this provision shall report this action to the department of game and fish, which shall verify the necessity of the action taken.
- D. Any person violating the provisions of this section is guilty of a petty misdemeanor.

**17-5-2 NMSA 1978. Fur-bearing and nongame animals defined; property of state.**

The following quadrupeds are hereby defined as fur-bearing animals, to wit: muskrat, mink, weasel, beaver, otter, nutria, masked or blackfooted ferret, ringtail cat, raccoon, pine marten, coatimundi, badgers, bobcat and all species of foxes. These animals and their pelts are hereby declared to be the property of the state until they shall have been lawfully taken, killed or captured as provided by Sections 17-5-1 through 17-5-9 NMSA 1978, except as to beaver and beaver pelts, the taking of which shall be subjected to the application of Section 17-3-31 NMSA 1978.

**17-2-4.2 NMSA 1978. Amphibians and reptiles; protected; permits; unlawful taking; misdemeanor; penalties.**

- A. All species, except for those collected in rattlesnake roundups, for fish bait or for lizard races, of native, free-ranging amphibians and reptiles are hereby classified as protected nongame animals for commercial taking purposes. The commercial taking or capturing of native, free-ranging amphibians and reptiles is prohibited except by a permit issued by the state game commission.
- B. The state game commission shall adopt rules necessary to administer Paragraph (14) of Subsection A of Section 17-1-14 NMSA 1978 and this section to assure that viable populations of native, free-ranging amphibians and reptiles are maintained in the state.
- C. If the state game commission determines that it will offer permits to take or capture native, free-ranging amphibians or reptiles, the commission shall adopt a rule listing protected native, free-ranging amphibians and reptiles that may be taken or captured after taking into consideration any criteria that can be shown to have an effect from commercial takings on the viability of the species population in the state.

- D. Unlawful taking of a native, free-ranging amphibian or reptile consists of intentionally taking or capturing, for commercial purposes, a regulated native, free-ranging amphibian or reptile without a valid permit from the state game commission.
- E. Amphibians and reptiles may be removed, captured or destroyed without a permit, by any person, in emergency situations involving an immediate threat to human life or private property.
- F. Whoever commits unlawful taking of a native, free-ranging amphibian or reptile is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) per occurrence and not more than one thousand dollars (\$1,000) per occurrence or be imprisoned for not more than one year or both.
- G. As referred to in this section, "taking" means the act of seizing amphibians or reptiles for a commercial purpose.

**19.35.10 NMAC      PROTECTION FOR AMPHIBIANS AND REPTILES:**

<http://www.nmcpr.state.nm.us/nmac/parts/title19/19.035.0010.htm>

**19.33.6 NMAC      THREATENED AND ENDANGERED SPECIES OF NEW MEXICO:**

<http://www.nmcpr.state.nm.us/nmac/parts/title19/19.033.0006.htm>