

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) will be hosting a meeting and rule hearings on Friday October 14, 2022 beginning at 9:00 a.m. at the Farm and Ranch Museum, 4100 Dripping Springs Rd, Las Cruces, NM 88011. The purpose of this meeting is to hear and consider action as appropriate on the presentation of proposed changes to the following five rules: Turkey, Deer, Elk, Manner and Method of Taking, and Licensing and Application.

Synopsis:

The proposal is to amend the following rules: 1) Turkey Rule 19.31.16 NMAC, which will become effective April 1, 2023. The most recent version of the rule will expire on March 31, 2023; 2) Deer Rule 19.31.13 NMAC, which will become effective April 1, 2023. The most recent version of the rule will expire on March 31, 2023; 3) Elk Rule, 19.31.14 NMAC, which will become effective April 1, 2023. The most recent version of the rule will expire on March 31, 2023; 4) Manner and Method of Taking 19.31.10 NMAC, which will become effective on April 1, 2023. This rule does not expire; and 5) Licensing and Application 19.31.3 NMAC, which will become effective April 1, 2023. This rule does not expire.

PROPOSED CHANGES TO THE TURKEY RULE: 1) Extend the spring season, including Entry Permit hunts, to close on May 15; 2) Adjust hunt dates by calendar date; 3) Evaluate the potential to open certain closed GMUs based on turkey population status; 4) Add a once-in-a-lifetime Entry Permit hunt for Gould’s Turkey in GMU 26 and 27 with up to 5 permits. The hunt will occur from May 1 - 30 to reduce potential impacts of hunting on breeding activity and to accommodate later breeding activity of Gould’s turkeys compared to other NM turkey subspecies; 5) Remove W.S. Huey WMA youth hunt due to low turkey numbers; 6) Define dates and permit numbers for the Washington Ranch Youth Hunt and add BLM Black River Management Area to the hunt area; 7) Add the LBar acquisition to the Marquez WMA entry hunt; 8) Prohibit shooting turkeys on the roost.

PROPOSED CHANGES TO THE DEER RULE:

General Statewide Proposed Changes: 1) Modify the definition of a muzzle-loader only hunts to include only those muzzle-loading firearms that do not have a scope (for all big game species); 2) Adjust season dates to account for calendar shift. For example, if a hunt normally starts on a Saturday, this date shift would be maintained throughout the rule so the hunts continue to start on a Saturday; 3) Adjust some hunts to minimize overlap of weapons used or species hunted; 4) Adjust draw license numbers based on biological data and management goals: a) Reductions in GMUs: 2B, 12, 29, 30, 31, 32, 34, 37, 38, 39, and 55; b) Slight increases in GMUs: 5B, 6A/6C, 7, 8, 9, 14, 19, 20, 21, 23, 24, 26, 27, 40, 42, 43, 45, 47, 48, 49, 53, 56, 58, 59.

Specific Proposed Changes: 5) Create an October youth hunt in GMUs 2A and 2B; move most of the youth licenses from November into October: a) GMU 2A: 25 licenses in October, 15 licenses in November; b) GMU 2B: 125 licenses in October, 25 licenses in November 6) Create a November rifle hunt on L Bar/Marquez WMA in GMU 9 (10 licenses); 7) Designate GMU 8 as a Quality Unit; 8) Add a second hunt code for White Sands Missile Range (Rhodes Canyon and Stallion Range hunts; 5 licenses each); 9) Create new hunts where deer populations have increased: a) January FAD archery hunts in GMUs 7 and 9 (15 licenses each); b) December FAWTD rifle hunts in GMUs 21 and 26 (25 licenses each); c) September FAMD and FAWTD archery hunts in GMU 27 (30 FAMD and 15 FAWTD licenses); d) November ESWTD hunt in GMU 55A, 55B (private land, unlimited licenses); 10) Open River Ranch, Double E, and Pipkin Ranch WMAs to deer hunting for those with valid licenses for the GMU; 11) Remove language “Excluding Fort Stanton” for the GMU 36 deer hunts; 12) Reduce youth licenses on Huey WMA in GMU 33 from 2 hunts of 10 licenses each to 2 hunts of 5 licenses each.

PROPOSED CHANGES TO THE ELK RULE:

General Statewide proposed changes: 1) Modify the definition of a muzzle-loader only hunt to include those muzzle-loading firearms that do not have a scope (for all big game species); 2) Adjust season dates to account for calendar shift. For example, if a hunt normally starts on a Saturday, this date shift would be maintained throughout the rule so the hunts continue to start on a Saturday; 3) Adjust some hunts to minimize overlap of weapons used or species hunted; 4) Adjust draw license numbers based on biological data and management goals: a) Reductions in GMUs: 9, 16A, 16B/22, 16C, 16E, 19, 50, 53, 54 (Colin Neblett), & 55A (Valle Vidal); b) Slight increases in GMUs: 2, 4, 6B, 13, 23, 30, 34, 36, 42/47/59, 51, & 57/58.

Specific Proposed changes: 5) Increase antlerless elk licenses in GMU 2 to address expanding elk population; 6) Increase antlerless elk licenses on the Rio Chama WMA to address a more resident elk population; 7) Increase antlerless elk licenses in GMU 6B in the Valles Caldera and eliminate the mobility impaired hunt because it has not been drawn in the last 4 years and will not be in the next 4 years; 8) Increase elk licenses on Marquez WMA and combine the hunt with the newly acquired LBar property: a) Acquisition of the LBar by NMDGF shifts public ownership from 65% to 69% of Primary Management Zone within GMU 9; 9) Decrease elk licenses overall in GMU 9; 10) Shift late season antlerless elk hunt in GMU 10 to begin earlier in December; 11) Expand Primary Management Zone boundary in GMU 13 to reflect elk use: a) This expansion would shift public land ownership proportion from 58% to 63%; public license numbers will increase slightly to reflect this change; 12) Expand Primary Management Zone boundary in GMU 17, to reflect elk use; a) This expansion would shift public land ownership proportion from 86% to 83%; however, public license numbers will remain unchanged; 13) Decrease some mid and late-October mature bull rifle hunts in GMUs 16A, 16B/22, 16C, and 16E; 14) Eliminate the elk hunt of 3 licenses in GMU 19 (White Sands Missile Range); 15) Create a new antlerless elk hunt in GMU 23 south of NM highway 7; 16) Shift a hunt to later dates in GMU 24; 17) Increase licenses in GMU 30 and open GMU 29 to be hunted in conjunction; 18) Create two new antlerless elk hunts in GMU 34 to occur in late January and early February, and increase Youth Encouragement licenses; 19) Create a new antlerless elk hunt in GMU 36 in late January and increase Youth Encouragement licenses. Additionally, change all MB bag limits to ES; 20) Increase licenses in the combined elk hunts in GMUs 42/47/59 to address an increase in public land access; 21) Include GMU 39 with GMU 43 in a draw hunt - this would not increase licenses; 22) Shift the zone designation in GMU 46 from Special Management Zone to Secondary Management Zone; 23) Shift 25 archery licenses in GMU 48 into the muzzleloader and rifle hunts; 24) Re-distribute the Youth Encouragement licenses in GMU 50 to GMU 51; 25) Eliminate the antlerless hunt north of Sunshine Valley Road in GMU 53; 26) Decrease licenses on Colin Neblett WMA; 27) Decrease licenses on Valle Vidal; 28) Establish an archery hunt in the combined GMU 57/58 area; 29) Re-define "Encouragement Hunts" to be available to resident youth who did not draw a big game hunt in the draw for the first 14-days of availability, then offer to any youth after the first 14-days. This recommendation would remove the ability for seniors to purchase encouragement hunt licenses.

PROPOSED CHANGES TO THE MANNER AND METHOD RULE: Several changes will be made to conform with changes to other NMAC Rules, or to codify changes that were agreed upon during those rule development processes. The changes are: 1) Change the requirement that female ibex with horns that are 15 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage, to female ibex with horns 20 inches or longer; 2) Include a requirement that female Barbary sheep with horns 18 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage; 3) Change the definition of muzzle loader hunts to preclude the use of scopes; 4) Prohibit shooting turkeys from a roost.

PROPOSED CHANGES TO THE LICENSING AND APPLICATION RULE: Change the requirement for proving veteran status prior to applying for the new veteran-only oryx draw hunt.

A full text of changes for all rules will be available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the rules as follows: 1) Turkey Rule at DGF-Gamebird@state.nm.us; 2) Deer Rule at DGF-Deer-Rule@state.nm.us; 3) Elk Rule at DGF-Elk-Rule@state.nm.us; 4) Manner and Method of Taking Rule and 5) Licensing and Application Rule at Elise.Goldstein@state.nm.us. Individuals may also submit written comments to the physical address below. Comments are due by 8:00 a.m. on October 13, 2022. The final proposed rules will be voted on by the Commission during a public meeting on October 14, 2022. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearings to be held on October 14, 2022.

Full copies of text of the proposed new rules, 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/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us 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 Sections 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations Sections 17-1-26, et seq. NMSA 1978.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 10 HUNTING AND FISHING - MANNER AND METHOD OF TAKING

19.31.10.1 ISSUING AGENCY: New Mexico department of game and fish.
[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 4/1/2019]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4/1/2019]

19.31.10.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-2-1, 17-2-2, 17-2-2.1, 17-2-4.2, 17-2-6, 17-2-10.1, 17-2-13, 17-2-14, 17-2-20, 17-2-32, 17-2-43, 17-3-2, 17-3-29, 17-3-31, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4, 17-5-5 and 17-6-3 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.
[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 4/1/2019; A, 4/1/2020]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4/1/2019]

19.31.10.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4/1/2019]

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting, fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2019]

19.31.10.7 DEFINITIONS:

- A. "Angling"** shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.
- B. "Angling hook"** shall mean a single, double, or treble (triple) point attached to a single shank.
- C. "Any sporting arm"** shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- D. "Arrow" or "Bolt"** shall mean only those arrows or bolts having broadheads with cutting edges except that "judo", "blunt" or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.
- E. "Bag limit"** shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.
- F. "Bait"** as used in section 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.
- G. "Bait"** as used in sections 12 and 13 of 19.31.10 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.
- H. "Baiting"** shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in 17-2-3 NMSA 1978.
- I. "Bait fish"** is defined as those nongame fish which are not otherwise protected by statute or regulation.
- J. "Barbless lure or fly"** shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids or other foods are not considered barbless lures or flies.

- K.** “**Big game species**” shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.
- L.** “**Big game sporting arms**” shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- M.** “**Body-grip trap**” shall mean a rotating jaw trap designed to capture a furbearer by the body.
- N.** “**Bow**” shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.
- O.** “**Bow fishing**” shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.
- P.** “**Bullet**” shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.
- Q.** “**Cellular**”, “**Wi-Fi**” or “**satellite camera**” shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.
- R.** “**Chumming**” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.
- S.** “**Compressed air gun**” shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.
- T.** “**Crossbow**” shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.
- U.** “**Department**” shall mean the New Mexico department of game and fish.
- V.** “**Director**” shall mean the director of the New Mexico department of game and fish.
- W.** “**Drainage**” shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.
- X.** “**Drone**” is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as “unmanned aerial vehicle (UAV)” or “unmanned aerial vehicle systems (UAVS)”.
- Y.** “**Established road**” is defined as follows:
- (1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures; or
 - (2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.
- Z.** “**Foothold trap**” shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.
- AA.** “**Foot encapsulating trap**” shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.
- BB.** “**Furbearer**” shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.
- CC.** “**Game management unit**” or “**GMU**” shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.
- DD.** “**Jaw spread**” shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.
- EE.** “**Laminated**” shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.
- FF.** “**Land set**” shall mean any foothold trap or snare set on land.
- GG.** “**License year**” shall mean the period from April 1 through March 31.

HH. “Locate” shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

II. “Migratory game bird” shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

JJ. “Muzzle-loader” or “muzzle-loading firearms” shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

KK. “Nets” shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.

LL. “Non-toxic shot” shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

MM. “Protected species” shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6 NMAC: and

(4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.

NN. “Retention” or “retain” shall mean the holding of live protected species in captivity.

OO. “Restricted muzzle-loading rifle” shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

PP. “Shotgun” shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

QQ. “Snagging” is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

RR. “Snare” shall mean a wire or cable with a single closing device designed to capture a furbearer.

SS. “Spear fishing” shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.

TT. “Sporting arm types” shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

(1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);

(2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);

(3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);

(4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms with open or “iron” sights only (ex. ELK-3-XXX).

UU. “Take” shall mean to hunt, fish, kill or capture any protected species or parts thereof.

VV. “Trap” shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

WW. “Trotline” shall be synonymous with “set line” or “throw line” or “jug”, “Yo-Yo line” or “limb line”, and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

XX. “Upland game” shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

YY. “Water set” shall mean any trap or snare set fully in water.

ZZ. “Wildlife management area” or “WMA” shall mean those areas as described in 19.34.5 NMAC.

AAA. “Written permission” shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner’s property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property’s location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.

BBB. “Zone” shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2019; A, 4/1/2020; A, 4/1/2022]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section 17-2-20 NMSA 1978.
[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 4/1/2019]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It is unlawful to possess, sell or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another “Possession certificate”: It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;
- (3) the date and GMU where the game or furbearer was lawfully taken;
- (4) the lawful possessor’s name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;
- (5) the date and place of the donation or transaction;
- (6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and

- (7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) description of the parts involved;
- (3) the date and GMU where the game was taken;
- (4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;
- (5) the date and place of the transaction or sale; and
- (6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice or permit from the department, with the exception of obviously shed antlers. All shed antlers collected in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.

[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2019]

19.31.10.10 PERMITS AND LICENSES ISSUED:

A. Proof of license: Each licensee or permittee must have a copy of their hunting, fishing or trapping license or their department issued collection permit in their possession while hunting, fishing, trapping or collecting protected species in New Mexico. Licenses or permits may be in electronic or paper format. The authorization number for fishing or game hunting is also valid pursuant to Subsection C of Section 17-3-5 NMSA 1978. The license, authorization or permit must be produced upon request by any law enforcement officer authorized to enforce Chapter 17 NMSA 1978.

B. Permits and licenses, other than hunting, fishing or trapping licenses, which authorize the holder to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell species listed as group II, III or IV on the directors "species importation list" or any protected species may only be issued by the director or their designee as authorized by Chapter 17 NMSA 1978 and 19.35 NMAC.

C. Permit or license provisions: Specific provisions for applications, conditions, reporting and other stipulations for permits or licenses will be provided by the department with each permit and license.

D. Violation of permit or license provisions or importation/possession of un-permitted wildlife:

(1) It is unlawful for any person receiving any permit or license pursuant to state game commission rule to violate any provision of state game commission rule or any provision listed on the permit or license.

(2) Any violation of Chapter 17 NMSA 1978, state game commission rule or any permit provision shall render that permit or license invalid. If such an invalidated permit or license authorized possession of any species listed as group II, III or IV on the directors "species importation list" or any protected species, the animals shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978.

(3) It is unlawful to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell any live animal listed as group II, III or IV on the directors "species importation list" or any protected species without a department issued permit or license or contrary to the provisions of Chapter 17 NMSA 1978, state game commission rule or any department issued permit.

(4) Any animal possessed contrary to this section shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. Any dangerous, venomous, invasive species or any diseased animals may be destroyed to protect human safety, native wildlife populations or livestock.

(5) Any person who has had an animal seized from them shall have no more than 30 days to arrange for the illegal animal to be transported out of New Mexico and pay for the care and transportation rendered. Failure to make these arrangements within 30 days will result in the animal being considered abandoned. Abandoned animals will be disposed of at the discretion of the department.

E. Release of wildlife: It is unlawful for any person or persons to release, intentionally or otherwise; or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department except department employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 4/1/2019]

19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harr, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

E. Hunting after air travel: It shall be unlawful for anyone to hunt for or take any protected species until after the start of legal hunting hours on the day following any air travel except by regularly scheduled commercial airline flights or legitimate direct flight to the final destination.

F. Use of aircraft for spotting game: It shall be unlawful to use aircraft or drone to spot or locate and relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action.

G. Using information gained from air flight:

(1) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any aircraft until 48 hours after such aircraft use.

(2) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any drone at any time.

H. Aircraft, drone and vehicle exemptions to this rule: The Director may exempt a person from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) **Exception:** Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility-Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) **Crossbow use:** The holder of a MI card may use a crossbow during any bow hunt.

(3) **Assistance for MI hunters:** The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019]

19.31.10.12 BIG GAME AND TURKEY:

A. Legal hunting hours: A person may only take or attempt to take any big game species or turkey during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take big game or turkey outside of legal hunting hours.

B. Killing out of season: It is unlawful to take or attempt to take any big game species or turkey outside of the established hunting season.

C. Bag limit: It is unlawful for any person to take any big game species or turkey other than the legal bag limit as specified on their big game or turkey license or as indicated by the hunt code, or for any bear hunter to take a sow with cub(s), or any cub less than one year old, or for any cougar hunter to take a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

(1) It is unlawful for any person to hunt for or take more than one animal of any big game species per year unless otherwise allowed by state game commission rule.

(2) It is unlawful for any person to hunt for or take more than two cougars per year unless otherwise allowed by state game commission rule.

E. Exceeding the bag limit on turkey: It is unlawful for any person to hunt for or take more than two bearded turkeys during the spring turkey season or more than one turkey during the fall turkey season unless otherwise specifically allowed by 19.31.16 NMAC.

F. Proof of sex or bag limit: It is unlawful for anyone to transport or possess the carcass of any big game species or turkey without proof of sex or bag limit (except donated parts when accompanied by a proper possession certificate). Proof of sex or bag limit shall be:

(1) Bear and cougar – External genitalia of any bear or cougar killed shall remain naturally attached to the pelt and be readily visible until the pelt has been inspected and pelt-tagged by a department official.

(2) Barbary sheep ~~and oryx~~ – The horns of any Barbary sheep ~~or oryx~~ taken shall remain naturally attached to the skull or skull plate. If the horns of any female Barbary sheep are 18 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(3) Deer – The antlers of any buck deer taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless deer or the naturally attached female genitalia shall accompany the carcass in the same manner.

(4) Elk – The antlers of any bull elk taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless elk or the naturally attached female genitalia shall accompany the carcass in the same manner.

(5) Pronghorn - The horns, scalp and both ears of any pronghorn taken shall remain naturally attached to the skull or skull plate and must accompany the carcass until arriving at a residence, taxidermist, meat processing facility or place of final storage. If the horns of a female pronghorn are longer than its ears, and the bag limit is F/IM, the external genitalia must remain naturally attached to the hide/carcass, as appropriate, and be visible to provide proof of legal bag limit until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(6) Bighorn sheep - The horns of any ram shall remain naturally attached to the skull or skull plate and the external genitalia of any ewe taken shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(7) Persian ibex - The horns of any ibex shall remain naturally attached to the skull or skull plate. If the horns of any female ibex are 20 1/2 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(8) Turkey – When the bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(9) Javelina – The skull of each javelina shall be proof of bag limit and must be retained until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(10) Oryx - The horns of any oryx taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage.

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, upon harvesting an animal, shall immediately and completely notch out the appropriate month and day on the carcass tag. Prior to moving any part of the carcass from the kill site, the licensed hunter shall remove the entire backing material from the carcass tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate

location on the antler or horn leaving the entire face of the tag visible. All tags shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. The antler/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) Electronic Tagging of harvested game: Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department's electronic tagging (e-tag) application to receive an e-tag number specific to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

(3) The proper location to attach all carcass tags and e-tags:

(a) The proper location to attach the carcass tag or e-tag on any game species is to attach it conspicuously on the hock tendon on either hind leg.

(b) The proper location to attach the carcass tag or e-tag on javelina is to adhere it to the head/skull around the nose.

(c) The proper location to attach the carcass tag or e-tag on a turkey is to adhere it around the leg above the foot and below the feathers on the thigh.

(d) The proper location to attach the carcass tag or e-tag on a bear or cougar is to adhere it around the ankle area of the hide above the foot. Bear and cougar carcass tags authorize possession of those animals until pelt tagged in accordance with state game commission rule or for five days from date of kill, whichever comes first.

(i) Any bear or cougar killed shall be tagged with a pelt tag furnished free of charge by the department.

(ii) The hunter who kills the bear or cougar or the hunter's designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.

(iii) Any hunter who appoints a designee to present the skull and pelt for pelt tagging is required to contact a conservation officer prior to having the pelt inspected and tagged.

(iv) The pelt tag shall remain attached until the pelt is tanned.

(v) Skulls with mouths closed may not be accepted until the mouth is opened by the hunter or designee.

(vi) Licensed bear or cougar hunters or their designees who provide false or fraudulent information regarding the required information including, but not limited to, sex, date or location of harvest shall be assessed 20 revocation points pursuant to 19.31.2 NMAC.

(e) The proper location to attach an antler tag or e-tag is to adhere the tag around the main beam of the antler between any of the points or tines as close to the base as possible to prevent the tag from coming off.

(f) The proper location to attach a horn tag or e-tag is to adhere the tag around the horn as close to the base as possible to prevent the tag from coming off.

H. It is unlawful:

(1) for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag or e-tag as prescribed;

(2) to possess any portion of a big game or turkey carcass that does not have a properly notched carcass tag attached to it or a completed e-tag attached to it, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of legal bag limit until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a

department official, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(5) to use a carcass or antler tag that is cut, torn, notched or mutilated. Cut, torn, notched or mutilated tags are no longer valid for the take of a big game species or turkey; or

(6) to use a previously issued carcass or antler tag once a duplicate has been obtained or to use the carcass, antler tag or e-tag of any other person. Any previous carcass or antler tag assigned to a license which is replaced by a duplicate is void and no longer valid for the take of a big game species or turkey.

I. Once-in-a lifetime hunts: It is unlawful for any person to apply for, receive or use any once-in-a lifetime license if they have ever held a once-in-a lifetime license for that species which has the same bag limit or eligibility requirements.

J. Youth-only (YO), mobility-impaired (MI), Iraq/Afghanistan veterans (I/A) and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, veteran I/A or MO license or any military discounted license except as allowed by state game commission rule.

K. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

L. Use of dogs in hunting:

(1) It is unlawful to use dogs to hunt or pursue big game species or turkey, except for bear and cougar.

(2) Dogs may be used only to hunt bear and cougar during open seasons unless otherwise restricted. It is unlawful to:

(a) hunt for or pursue bear or cougar with dog(s) on the Valle Vidal except holders of bear entry permits for the hunting of bear only;

(b) hunt for or pursue bear or cougar with dog(s) during any September big game bow season statewide except as otherwise allowed by state game commission rule;

(c) release dog(s) to pursue or hold bear or cougar outside of legal hunting hours or during closed season or in a closed area or zone;

(d) to pursue bear or cougar with dog(s) without the licensed hunter, who intends to kill or who kills the bear or cougar, present continuously from the initial release of any dog(s).

(3) It is unlawful to use dog(s) to assist in the recovery of wounded or dead big game or turkey except as follows:

(a) Dog(s) may be used to assist in the recovery of wounded game provided that no more than two dogs may be used at any one time to locate a wounded or dead deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey.

(b) Dog(s) used to assist in the recovery of deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey shall be leashed and under the control of the handler at all times and cannot be used to pursue or harass wildlife. No person assisting in the recovery of a wounded animal may shoot or kill the animal being tracked unless they are a licensed hunter for that species, season and area and they intend to tag the animal as their own.

M. Use of bait: It is unlawful for any person to take or attempt to take any big game species or turkey by use of baiting or for any person to take or attempt to take big game or turkey from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, natural kills, carrion or offal are not considered bait unless they have been moved or placed there from another location. It is unlawful to create, maintain or use any bait station in hunting bear or cougar. It is unlawful to use any scent attractant in hunting bears.

N. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any big game species or turkey.

O. Hunting captive big game species: It is unlawful to take or attempt to take any big game species within any fence or enclosure, or by use of any fence or enclosure, which significantly restricts or limits the free ingress or egress of that big game species except as allowed by permit from the department. Any fence which is 7.5 feet tall or taller shall be considered game proof and hunting within any such enclosure, even if there are open gate(s), is unlawful. Exception: Net wire fencing commonly used as sheep or goat fencing which is not taller than four feet is not considered to significantly restrict or limit the free ingress or egress of any protected species.

P. Use of calling devices: It is unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any big game species or turkey, except javelina, bear and cougar.

Q. Automatic firearms: It is unlawful to take or attempt to take any big game species or turkey with a fully automatic firearm.

R. Bullets: It is unlawful to take or attempt to take any big game species or turkey by the use of a prohibited bullet.

S. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any big game species or turkey unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

T. Legal sporting arm types:

(1) It is unlawful to use any sporting arm type for big game species other than those defined under big game sporting arms except for cougar and javelina which may be taken with those defined under any sporting arm. For cougar and javelina, compressed air guns must be .22 caliber or larger and shotguns must fire a single slug or #4 buckshot or larger.

(2) It is unlawful to use any sporting arm type for a big game species which does not correspond with the hunt code authorized sporting arm type.

(3) It is unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the wrong ranch, in the wrong area or in the wrong GMU: It is unlawful for any person to hunt in any location, GMU or ranch other than that area specified on their license or permit unless otherwise allowed by state game commission rule.

(1) A landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A licensed big game hunter may hunt a landowner's contiguous private property which extends into an adjoining GMU(s) only when a department agreement exists and must adhere to the department issued agreement unless otherwise restricted by state game commission rule.

V. Restricted areas on White Sands missile range:

(1) It is unlawful to drive or ride in a motor vehicle into an area signed "no hunting" or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) It is unlawful for a licensed hunter to enter an area signed "no hunting" or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) It is unlawful for a licensed security badged hunter to hunt or take any oryx in an area other than their "to be assigned" area.

W. Validity of licenses and unitizations: All big game and turkey licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity.

X. Hunting on public land with a private land only license: It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking devices: It is unlawful to attach any collar or electronic tracking device to any big game species or turkey except as specifically authorized by the department.

Z. License purchase: Bear or cougar hunters must purchase their bear or cougar license at least two calendar days prior to taking or attempting to take any bear or cougar. It is unlawful for any bear or cougar hunter to take or attempt to take a bear or cougar within two calendar days of purchasing their license.

AA. Zones: It is unlawful to pursue, take or attempt to take a bear or cougar in a closed zone. Zones will close pursuant to 19.31.11 NMAC.

BB. Valle Vidal: It is unlawful to hunt bear or cougar on the Valle Vidal except for properly licensed bear or cougar hunters that also possess a Valle Vidal elk hunting license (only during the dates and with the sporting arm type specified on their elk license) and holders of a Valle Vidal bear entry permit (only during their entry permit hunt dates).

CC. Cougar ID: It is unlawful for any person to hunt for cougar without having completed the department's cougar ID course and having the verification code printed on their license.

DD. Use of cellular, Wi-Fi or satellite cameras: It is unlawful for any person to use any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting for any big game animal. Exception: This section does not apply to cellular or satellite phones which are kept on one's person and not used remotely or department employees and their designees while performing their official duties.

EE. It shall be illegal to shoot any turkey on a roost.
[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019; A, 5/19/2020]

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

A. Upland game hunting hours: Upland game species may be hunted or taken only during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take upland game outside of legal hunting hours.

B. Killing out of season: It is unlawful to kill any migratory game bird or upland game out of season.

C. Exceeding the bag limit: It is unlawful for any person to take or attempt to take more than one daily bag limit of any migratory game bird species or upland game species allowed by state game commission rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Possession limit: It is unlawful for any person to possess more than one possession limit of any migratory game bird or upland game species.

E. Proof of species or sex: It is unlawful for any person to possess any migratory bird or upland game without proof of species or sex as required below:

(1) One foot shall remain attached to each quail taken until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(2) The head or one leg of each pheasant taken must remain attached to the bird until the bird arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(3) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

F. Youth-only (YO), mobility-impaired (MI), ~~Iraq/Afghanistan veterans (I/A)~~ and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, ~~I/A~~ or MO license or any military discounted license except as allowed by state game commission rule.

G. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

H. Use of dogs in hunting: Dog(s) may be used to hunt migratory game bird species and upland game. It is unlawful to pursue migratory game birds or upland game with dog(s) outside of the hunting seasons established except in conjunction with a permitted event.

I. Use of bait: It is unlawful for any person to take or attempt to take any migratory game bird species or upland game by use of baiting or for any person to take or attempt to take migratory game birds or upland game from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, carrion or offal are not considered bait unless they have been moved there from another location.

J. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any migratory game bird species or upland game species.

K. Use of calling devices: It is unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird or upland game species. During the light goose conservation order hunt dates, electronic calling devices are allowed for the take of light geese.

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game bird or upland game species with a fully automatic firearm.

M. Non-toxic shot: It is unlawful for any person to use or possess any shotgun shell loaded with anything other than non-toxic shot or for any person using a muzzle-loading shotgun to possess anything other than non-toxic shot while hunting for any migratory game bird species, except when hunting dove, band-tailed pigeon or eastern sandhill crane. Non-toxic shot is required for all migratory game birds and upland game species on Bernardo WMA, La Joya WMA, and Huey WMA.

N. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any migratory game bird or upland game species unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

O. Legal sporting arms and ammunition: It is unlawful to use sporting arms other than those listed below to take or attempt to take of any migratory game bird or upland game species.

(1) The following are legal sporting arms for pheasants and quail:

- (a) shotguns firing shot;
- (b) bows; and
- (c) crossbows.

(2) The following are legal sporting arms for dusky grouse, chukar, Eurasian collared-dove, Abert's squirrels, Arizona gray squirrels, fox squirrels, eastern gray squirrels and red squirrels:

- (a) shotguns firing shot;
- (b) rimfire firearms;
- (c) muzzle-loading firearms;
- (d) bows;
- (e) crossbows; and
- (f) compressed air guns, .177 caliber or larger.

(3) The following are legal sporting arms for migratory game birds:

(a) shotguns firing shot, shotguns shall not be capable of holding more than three shells except while hunting light geese during the light goose conservation order hunt dates, as defined in 19.31.6 NMAC;

- (b) bows; and
- (c) crossbows.

P. Areas closed to migratory game bird hunting: It shall be unlawful to hunt migratory game birds in that portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

Q. Collars or tracking devices: It is unlawful for any person to attach any collar or electronic tracking device to any migratory game bird or upland game except as specifically authorized by the department.

R. Use of traps and snares: It is unlawful for any person to intentionally set any trap, snare, cage, box or other device to capture or attempt to capture any migratory game bird or upland game or for any person to intentionally capture or attempt to capture any migratory game bird or upland game unless specifically allowed by license or permit.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019]

19.31.10.14 FISHING:

A. Angling: Game fish may be taken by angling in all waters that are open for fishing.

B. Season and hours: It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

C. Closed waters: It is unlawful to fish in any water closed by state game commission rule.

D. Ice fishing: It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.

E. Hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, angling shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

F. Trotlines: Game fish may be taken by use of trotlines in any water except those listed below, however:

- (1) It is unlawful for any person to set more than one trotline at a time.
- (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
- (3) It is unlawful for any trotline to have more than 25 angling hooks.
- (4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.

- (5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.
- (6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

- (7) It is unlawful to set or use a trotline in any public water with the following exceptions:

Drainage:	Rivers:	Lakes:
Rio Grande drainage	Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake	Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake
Pecos river drainage	Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties	Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir
Canadian river drainage	Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line	Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake
San Juan river drainage	San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion	Navajo lake
Gila river and San Francisco river drainage	Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line	None
Statewide	As described above	Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing

- (8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. Spearfishing and bow fishing:

(1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. Use of nets: It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:

Rio Grande drainage
Elephant Butte and Caballo reservoirs
Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park
Canadian river drainage
San Juan river drainage
Gila river and San Francisco river drainages

Approved bait fish species:

Fathead minnow, red shiner and shad
Fathead minnow, red shiner, shad and golden shiner
Fathead minnow red shiner, and shad

Fathead minnow, red shiner, white sucker and shad

Fathead minnow and red shiner

Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:

Statewide
Heron reservoir

Approved dead baitfish species:

Common carp
White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows and seines. All protected species of fish taken in seines, nets and traps shall be immediately returned to the water.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. Permits for taking bait fish: The director may issue permits for the use of nets, seines, traps or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking and duration of the permit. The permittee shall report monthly, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A of 19.31.4.11 NMAC.

Q. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 11 years of age and younger to take and possess game fish in numbers exceeding current bag and possession limits. In granting such permission the director may specify bag and possession limits and manner and method of taking for such waters.

R. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

S. Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance

to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

Z. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

(3) **Chumming:** Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC. [19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019; A, 4/1/2022]

19.31.10.15 FURBEARERS:

A. Shooting hours:

(1) **Hunting and falconry –** Restricted to the period one-half hour before sunrise to one-half hour after sunset except that a licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand-held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

(2) **Trapping –** There are no restrictions on shooting hours for trapping.

B. Legal methods of taking furbearers shall include any sporting arm, falconry, traps and snares.

C. Dogs are allowed for hunting all furbearers during open season.

D. It is unlawful to kill any mink, otter, black-footed ferret, coatimundi or Pacific (pine) marten.

E. It is unlawful to kill any furbearer outside of the seasons established for that species, except as authorized by state statute or otherwise allowed by game commission rule.

F. Raccoon may be hunted or trapped during the extended season with a current trapper license. Only cage traps and foot encapsulating traps are allowed for raccoon trapping during this period. It is unlawful to hunt or trap raccoon during the extended season contrary to this section.

G. All land sets must be visually checked every calendar day. Water sets must be checked at least once every other calendar day. A licensed trapper may designate an agent to check their set traps and snares on alternating check days, but the licensed trapper must personally check the traps every other check day. Any person may be designated as an agent for any licensed trapper, but the agent must possess written permission from the trapper and a valid trapper license. The permission must include the licensed trapper's full name, contact information, and the agent must know the location of traps.

H. It is unlawful for any person to trap for any furbearer without having successfully completed a department approved trapper education course.

I. It is unlawful for any person to hunt for any furbearer without having successfully completed either the New Mexico trapper education course or a New Mexico law and species identification course.

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

K. It is unlawful to place or use restricted-use pesticides for the take of any furbearer.

L. The following restrictions shall apply to traps that could reasonably be expected to catch a furbearer:

(1) Each trap or snare must be either permanently marked with, or have a tag securely attached with, a department issued user-identification number or the name and address of the trapper using the trap or snare.

(2) No foothold trap with an outside jaw spread larger than six and one-half inches, or seven inches maximum if laminated above the jaw surfaces, or tooth-jawed trap may be used in making a land set.

(3) No body-grip trap with an inside jaw spread greater than seven inches may be set on land. Body-grip traps with inside jaw spreads of between six and seven inches set on land must be recessed in a cubby at least eight inches from the entrance.

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

(5) No land set shall be placed on public land within one-half mile of:

(a) an established and maintained public campground or boat-launching area;

(b) a designated and signed roadside rest area, public picnic area or trailhead.

“Trailhead” as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

(c) an occupied dwelling without written permission of the occupant of the dwelling.

(6) It shall be unlawful to make a land set within 75 feet of the edge of any public road or trail (including any culvert or structure located beneath it) if no right of way fence is present, except on private land. No land set shall be made within any right of way fence on any public road. “Public road” as used herein shall mean any road, street or thoroughfare open to motorized vehicle travel which was constructed and is maintained with public funds and is open to the public; or any road, street or thoroughfare open to motorized vehicle travel that is officially numbered or named on the most current published map issued by a municipal, state or federal agency and is open to the public. “Trail” as used herein shall mean any officially designated, mapped, maintained, and marked path open for public use and published on the most current map issued by a state or federal land management agency.

(7) No land set may be placed within 150 feet of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land.

(8) It is unlawful to place, set or maintain any land set within 30 feet of any bait over two ounces in weight which is visible to airborne raptors. Bones that are entirely free of bait are legal.

(9) No foothold trap with an inside jaw spread larger than seven and one-half inches or body-grip trap with a jaw spread greater than 12 inches shall be used in making a water set.

(10) Body-grip traps used in water sets with a jaw spread of eight inches or more must be submerged in water to their jaw pivot or deeper.

(11) Any snare set on land must have a lock or break-away device which is designed to release or fail when a maximum of 350 pounds of pressure is applied to it. Locks or break-away devices must be attached in a way which leaves no part of the snare attached to an animal when it releases or fails. All snares must be securely anchored and cannot be attached to a drag. Exception: foot snares.

(12) Each foothold trap set on land must have at least two separate swivel points in the anchor chain. At least one of these swivel points must be within six inches of the trap.

M. A release device or catchpole shall be carried by trappers, and all captured animals must be removed or released from any trap or snare at the time of check. In cases where assistance is required for safe release of the animal, or when biological data is sought by the department, the department must be notified as soon as possible.

N. It is unlawful to set any trap or snare on land without stakes, chains, drags or other anchoring such that any furbearer, coyote or wolf caught will be prevented from escaping with the trap.

O. No person may kill any species listed in 19.33.6 NMAC - LIST OF THREATENED AND ENDANGERED SPECIES, including by the use of any body-grip trap or snare.

P. As long as the Mexican wolf is listed as a federally threatened or endangered species in the United States, any trapper who captures a Mexican wolf must report the capture to the U.S. fish and wildlife interagency field team:

(1) as soon as possible to arrange for radio-collaring and release of the wolf; or

(2) within 24 hours if the wolf is released or has pulled out of the trap.

Q. Tagging:

(1) Every person who takes a bobcat in New Mexico shall present the pelt for tagging in New Mexico prior to transporting the pelt out of the state, prior to selling the pelt, or no later than April 14, annually; whichever occurs first.

(2) Every person who presents a bobcat for tagging shall display a current New Mexico trapper license except residents 11 years of age or younger. Tags may be obtained from any conservation officer or any department office. In addition, pelts may be tagged by New Mexico licensed fur dealers following policies set forth by the department.

(3) It is unlawful for any person to transport across state lines, sell, barter, otherwise dispose of, or possess any bobcat pelt taken in New Mexico that has not been tagged in accordance with this rule.

(4) It is unlawful to present for tagging, or to have tagged with a New Mexico tag, any pelt from a bobcat taken outside of New Mexico.

(5) It is unlawful for any licensed fur dealer to charge a fee for tagging any bobcat. It is unlawful for a licensed fur dealer to refuse to tag a bobcat unless the licensed fur dealer has cause to believe the bobcat was taken in another state or jurisdiction, or the bobcat was unlawfully taken in New Mexico. Licensed fur dealers who believe a bobcat has been taken illegally, or has been presented for pelt tagging in New Mexico when it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

(6) It is unlawful for licensed fur dealers to tag any bobcat contrary to this rule, purchase any bobcat pelt which has not been tagged, or is not immediately pelt tagged at the time of purchase.

R. Tampering with traps: It is unlawful to destroy, damage, disturb, steal or remove any trap, snare or trapped wildlife without permission of the owner of the trap or snare. Nothing in this subsection shall prohibit a person from releasing any domestic animal from a trap or snare.

S. Exemptions: The provisions of this section shall not apply to personnel of the department of game and fish or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes.

[19.31.10.15 NMAC - N, 4/1/2020]

19.31.10.16 LANDS AND WATERS OWNED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE STATE GAME COMMISSION:

A. Posting of signs: The state game commission may prohibit, modify, condition or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.

B. Violating provisions of posted signs: It is unlawful to violate the provisions of posted signs on areas under the control of, leased by or managed by the state game commission.

C. Trespass on state game commission owned lands: It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 4/1/2019]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with electric or gas motors shall be permitted only during the season and hours when fishing is

permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed:

Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: **Bear canyon lake WMA, Bill Evans lake WMA, Green Meadow, Fenton lake WMA, Hopewell, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.**

C. No motors allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: **Bernardo WMA, La Joya WMA, Jackson lake WMA, McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.**

D. No boats or floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: **Bonito lake, Monastery lake, and Red River hatchery pond.**

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2019]

19.31.10.18 HUNTING ON PRIVATE LAND WITHOUT WRITTEN PERMISSION AND SEIZURE OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR SHED ANTLERS:

A. It is unlawful to knowingly enter upon any private property to take or attempt to take any game animal, furbearer, game bird or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

B. Any game animal, furbearer or game bird taken in violation of this section or Section 30-14-1 NMSA 1978 is unlawfully taken and shall be subject to seizure.

C. All shed antlers collected in violation of any New Mexico state game commission, state or federal land closure, in violation of Section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 NMSA 1978 or state game commission rule remain property of the State of New Mexico and shall be seized.

D. Exception: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 4/1/2019]

19.31.10.19 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

A. No habitat management and access validation stamp (HMAV), contrary to Section 17-4-34 NMSA 1978;

B. No habitat stamp (Sikes Act), contrary to 19.31.10 NMAC;

C. Size limit violations on fish, contrary to 19.31.10 NMAC;

D. Trotline violations, contrary to 19.31.10 NMAC;

E. Use of bait or prohibited lure or fly in a special trout water or noodling, contrary to 19.31.10 NMAC;

F. Disturbing the bottom "shuffling" in a special trout water, contrary to 19.31.10 NMAC;

G. Use of bait fish, contrary to 19.31.10 NMAC;

H. Release of bait fish, contrary to Section 17-3-28 NMSA 1978;

I. More than two lines or two lines without stamp, contrary to 19.31.10 NMAC;

J. Exceeding the daily bag limit or the possession limit of fish by two fish or less, contrary to 19.31.10 NMAC;

K. Snagging or keeping snagged game fish, contrary to 19.31.10 NMAC;

L. Spearfishing and bow fishing violations, contrary to 19.31.10 NMAC;

M. Unlawfully fishing in waters with age or individuals with disabilities use restrictions, contrary to 19.31.10 NMAC;

N. Boat or other floating device violation, contrary to 19.31.10 NMAC;

O. Use of live protected species as a decoy, contrary to 19.31.10 NMAC;

P. Use of an electronic calling device, contrary to 19.31.10 NMAC;

Q. Use of unapproved shot or shotgun capable of holding more than three shells while hunting migratory game birds, contrary to 19.31.10 NMAC;

R. Unlawful ammunition/ bullet/ shot or unlawful caliber, contrary to 19.31.10 NMAC;

S. Hunting hours violations, contrary to 19.31.10 NMAC;

- T.** Possession of game animal parts found in field, contrary to 19.31.10 NMAC;
- U.** Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;
- V.** Harassing protected species, contrary to 19.31.10 NMAC;
- W.** Driving off road or on a closed road, contrary to 19.31.10 NMAC;
- X.** Violation of posted signs, contrary to 19.31.10 NMAC;
- Y.** Unlawful use of dogs, contrary to 19.31.10 NMAC;
- Z.** Unlawful use of cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;
- AA.** Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC; or
- BB.** Any violation of section 15 of 19.31.10 NMAC.

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2019;Rn, 19.31.10.18 4/1/2020]

19.31.10.20 SEIZURE:

Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule.

[19.31.10.20 NMAC - N, 4/1/2019]

19.31.10.21 DIRECTOR'S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL

IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director's sole discretion, necessitates such accommodation. This includes allowing the use of a scope of not greater than 1X magnification on muzzle-loading firearms by a person with a visual disability which substantially limits a major life activity and cannot be corrected by glasses or contact lenses. In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other state game commission rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2019]

HISTORY OF 19.31.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously file with the Commission of Public Records - State Records Center and Archives:

DFR 67-5 Basic Regulation No. 500, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Birds, Fish or Bullfrogs, or parts thereof, Taken in New Mexico, Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 5-25-67.

DGF 68-11 Basic Regulation No. 525, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Game Birds, Game Fish or Bullfrogs, or parts thereof, Taken in New Mexico, the Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 8-21-68.

DGF 72-6 Basic Regulation 550 Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, and Use of Department Lands, 5-31-72.

Regulation No. 612 Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, 3-2-82.

Regulation No. 677 Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, Camping Near a Water Hole, 6-25-90.

Order No. 5-91 Requiring that Live-Firing Courses by Taught only by Department of Game and Fish and Volunteer Hunter Education Instructors Certified in Live-Firing Instruction, 10-3-91.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3-1-95.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Amended 4-1-2018.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Replaced 4/1/2019.

History of Repealed Material:

- 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4-1-2007.
- 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 11-7-2016.
- 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2019.

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: New Amendment Repeal Emergency Renumber (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

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

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

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

Specific statutory or other authority authorizing rulemaking:

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

2022 OCT 21 PM 2:15

Concise Explanatory Statement For Rulemaking Adoption:

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.

Several changes are being made to conform with changes to other NMAC Rules, or to codify changes that were agreed upon during those rule development processes. The changes are: 1) Change the requirement that female ibex with horns that are 15 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage, to female ibex with horns 20 inches or longer; 2) Include a requirement that female Barbary sheep with horns 18 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage; 3) Change the definition of muzzle loader hunts to preclude the use of scopes; 4) Prohibit shooting turkeys from a roost.

There were no changes made between the published proposed rule and the final rule. A wide array of public comments were submitted. To view public comments, please visit www.wildlife.state.nm.us/commission/meeting-agendas/ and click on the Hearing Archive tab. It was not possible to incorporate all of the comments into the final rule as many of the comments were mutually exclusive. The resulting rule was based on what was best for the resource and overall hunter satisfaction.

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

Name:

Michael B. Sloane

Check if authority has been delegated

Title:

Director, New Mexico Department of Game and Fish

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Michael B. Sloane Digitally signed by Michael B. Sloane
Date: 2022.10.21 08:05:22 -06'00'

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TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 10 HUNTING AND FISHING - MANNER AND METHOD OF TAKING

19.31.10.1 ISSUING AGENCY: New Mexico department of game and fish.
[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 4/1/2023]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4/1/2023]

19.31.10.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-2-1, 17-2-2, 17-2-2.1, 17-2-4.2, 17-2-6, 17-2-10.1, 17-2-13, 17-2-14, 17-2-20, 17-2-32, 17-2-43, 17-3-2, 17-3-29, 17-3-31, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4, 17-5-5 and 17-6-3 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.
[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 4/1/2023]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4/1/2023]

19.31.10.5 EFFECTIVE DATE: April 1, 2023, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4/1/2023]

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting, fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2023]

19.31.10.7 DEFINITIONS:

- A. "Angling"** shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.
- B. "Angling hook"** shall mean a single, double, or treble (triple) point attached to a single shank.
- C. "Any sporting arm"** shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- D. "Arrow" or "Bolt"** shall mean only those arrows or bolts having broadheads with cutting edges except that "judo", "blunt" or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.
- E. "Bag limit"** shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.
- F. "Bait"** as used in 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.
- G. "Bait"** as used in 19.31.10.12 NMAC and 19.31.10.13 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.
- H. "Baiting"** shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in Section 17-2-3 NMSA 1978.
- I. "Bait fish"** is defined as those nongame fish which are not otherwise protected by statute or regulation.
- J. "Barbless lure or fly"** shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids or other foods are not considered barbless lures or flies.

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K. “**Big-game species**” shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.

L. “**Big-game sporting arms**” shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

M. “**Body-grip trap**” shall mean a rotating jaw trap designed to capture a furbearer by the body.

N. “**Bow**” shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

O. “**Bow fishing**” shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

P. “**Bullet**” shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.

Q. “**Cellular**”, “**Wi-Fi**” or “**satellite camera**” shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.

R. “**Chumming**” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

S. “**Compressed air gun**” shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.

T. “**Crossbow**” shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

U. “**Department**” shall mean the New Mexico department of game and fish.

V. “**Director**” shall mean the director of the New Mexico department of game and fish.

W. “**Drainage**” shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

X. “**Drone**” is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as “unmanned aerial vehicle (UAV)” or “unmanned aerial vehicle systems (UAVS)”.

Y. “**Established road**” is defined as follows:

(1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures; or

(2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

Z. “**Foothold trap**” shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

AA. “**Foot encapsulating trap**” shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.

BB. “**Furbearer**” shall mean any quadruped defined as a fur-bearing animal in Section 17-5-2 NMSA 1978.

CC. “**Game management unit**” or “**GMU**” shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

DD. “**Jaw spread**” shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

EE. “**Laminated**” shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

FF. “**Land set**” shall mean any foothold trap or snare set on land.

GG. “**License year**” shall mean the period from April 1 through March 31.

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HH. “Locate” shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

II. “Migratory game bird” shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

JJ. “Muzzle-loader” or “muzzle-loading firearms” shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

KK. “Nets” shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.

LL. “Non-toxic shot” shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

MM. “Protected species” shall mean any of the following animals:

- NMSA 1978;
- (1) all animals defined as protected wildlife species and game fish under Section 17-2-3
 - (2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;
 - (3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6

NMAC: and

- (4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.

NN. “Retention” or “retain” shall mean the holding of live protected species in captivity.

OO. “Restricted muzzle-loading rifle” shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

PP. “Shotgun” shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

QQ. “Snagging” is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

RR. “Snare” shall mean a wire or cable with a single closing device designed to capture a furbearer.

SS. “Spearg fishing” shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.

TT. “Sporting-arm types” shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

- (1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);
- (2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);
- (3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);
- (4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms with open or “iron” sights only (ex. ELK-3-XXX).

UU. “Take” shall mean to hunt, fish, kill or capture any protected species or parts thereof.

VV. “Trap” shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

WW. “Trotline” shall be synonymous with “set line” or “throw line” or “jug”, “Yo-Yo line” or “limb line”, and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

XX. “Upland game” shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

YY. “Water set” shall mean any trap or snare set fully in water.

ZZ. “Wildlife management area” or “WMA” shall mean those areas as described in 19.34.5 NMAC.

AAA. “Written permission” shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner’s property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property’s location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 NMAC and 19.31.14 NMAC.

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BBB. "Zone" shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2023]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section 17-2-20 NMSA 1978.
[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 4/1/2023]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It is unlawful to possess, sell or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another "Possession certificate": It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;
- (3) the date and GMU where the game or furbearer was lawfully taken;
- (4) the lawful possessor's name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;
- (5) the date and place of the donation or transaction;
- (6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and
- (7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) description of the parts involved;
- (3) the date and GMU where the game was taken;
- (4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;
- (5) the date and place of the transaction or sale; and
- (6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice or permit from the department, with the exception of obviously shed antlers. All shed antlers collected in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.
[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2023]

19.31.10.10 PERMITS AND LICENSES ISSUED:

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A. Proof of license: Each licensee or permittee must have a copy of their hunting, fishing or trapping license or their department issued collection permit in their possession while hunting, fishing, trapping or collecting protected species in New Mexico. Licenses or permits may be in electronic or paper format. The authorization number for fishing or game hunting is also valid pursuant to Subsection C of Section 17-3-5 NMSA 1978. The license, authorization or permit must be produced upon request by any law enforcement officer authorized to enforce Chapter 17 NMSA 1978.

B. Permits and licenses, other than hunting, fishing or trapping licenses, which authorize the holder to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell species listed as group II, III or IV on the directors "species importation list" or any protected species may only be issued by the director or their designee as authorized by Chapter 17 NMSA 1978 and 19.35 NMAC.

C. Permit or license provisions: Specific provisions for applications, conditions, reporting and other stipulations for permits or licenses will be provided by the department with each permit and license.

D. Violation of permit or license provisions or importation/possession of un-permitted wildlife:

(1) It is unlawful for any person receiving any permit or license pursuant to state game commission rule to violate any provision of state game commission rule or any provision listed on the permit or license.

(2) Any violation of Chapter 17 NMSA 1978, state game commission rule or any permit provision shall render that permit or license invalid. If such an invalidated permit or license authorized possession of any species listed as group II, III or IV on the directors "species importation list" or any protected species, the animals shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978.

(3) It is unlawful to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell any live animal listed as group II, III or IV on the directors "species importation list" or any protected species without a department issued permit or license or contrary to the provisions of Chapter 17 NMSA 1978, state game commission rule or any department issued permit.

(4) Any animal possessed contrary to this section shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. Any dangerous, venomous, invasive species or any diseased animals may be destroyed to protect human safety, native wildlife populations or livestock.

(5) Any person who has had an animal seized from them shall have no more than 30 days to arrange for the illegal animal to be transported out of New Mexico and pay for the care and transportation rendered. Failure to make these arrangements within 30 days will result in the animal being considered abandoned. Abandoned animals will be disposed of at the discretion of the department.

E. Release of wildlife: It is unlawful for any person or persons to release, intentionally or otherwise; or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department except department employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[19.31.10.10 NMAC - Rp, 19.31.10.10 NMAC, 4/1/2023]

19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

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D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harr, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

E. Hunting after air travel: It shall be unlawful for anyone to hunt for or take any protected species until after the start of legal hunting hours on the day following any air travel except by regularly scheduled commercial airline flights or legitimate direct flight to the final destination.

F. Use of aircraft for spotting game: It shall be unlawful to use aircraft or drone to spot or locate and relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action.

G. Using information gained from air flight:

(1) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any aircraft until 48 hours after such aircraft use.

(2) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any drone at any time.

H. Aircraft, drone and vehicle exemptions to this rule: The Director may exempt a person from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) **Exception:** Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility-Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) **Crossbow use:** The holder of a MI card may use a crossbow during any bow hunt.

(3) **Assistance for MI hunters:** The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 4/1/2023]

19.31.10.12 BIG GAME AND TURKEY:

A. Legal hunting hours: A person may only take or attempt to take any big game species or turkey during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take big game or turkey outside of legal hunting hours.

B. Killing out of season: It is unlawful to take or attempt to take any big game species or turkey outside of the established hunting season.

C. Bag limit: It is unlawful for any person to take any big game species or turkey other than the legal bag limit as specified on their big game or turkey license or as indicated by the hunt code, or for any bear hunter to take a sow with cub(s), or any cub less than one year old, or for any cougar hunter to take a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

(1) It is unlawful for any person to hunt for or take more than one animal of any big game species per year unless otherwise allowed by state game commission rule.

(2) It is unlawful for any person to hunt for or take more than two cougars per year unless otherwise allowed by state game commission rule.

E. Exceeding the bag limit on turkey: It is unlawful for any person to hunt for or take more than two bearded turkeys during the spring turkey season or more than one turkey during the fall turkey season unless otherwise specifically allowed by 19.31.16 NMAC.

F. Proof of sex or bag limit: It is unlawful for anyone to transport or possess the carcass of any big game species or turkey without proof of sex or bag limit (except donated parts when accompanied by a proper possession certificate). Proof of sex or bag limit shall be:

(1) Bear and cougar – External genitalia of any bear or cougar killed shall remain naturally attached to the pelt and be readily visible until the pelt has been inspected and pelt-tagged by a department official.

(2) Barbary sheep. The horns of any Barbary sheep taken shall remain naturally attached to the skull or skull plate. If the horns of any female Barbary sheep are 18 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(3) Deer – The antlers of any buck deer taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless deer or the naturally attached female genitalia shall accompany the carcass in the same manner.

(4) Elk – The antlers of any bull elk taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless elk or the naturally attached female genitalia shall accompany the carcass in the same manner.

(5) Pronghorn - The horns, scalp and both ears of any pronghorn taken shall remain naturally attached to the skull or skull plate and must accompany the carcass until arriving at a residence, taxidermist, meat processing facility or place of final storage. If the horns of a female pronghorn are longer than its ears, and the bag limit is F/IM, the external genitalia must remain naturally attached to the hide/carcass, as appropriate, and be visible to provide proof of legal bag limit until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(6) Bighorn sheep - The horns of any ram shall remain naturally attached to the skull or skull plate and the external genitalia of any ewe taken shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(7) Persian ibex - The horns of any ibex shall remain naturally attached to the skull or skull plate. If the horns of any female ibex are 20 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(8) Turkey – When the bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(9) Javelina – The skull of each javelina shall be proof of bag limit and must be retained until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(10) Oryx - The horns of any oryx taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage.

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, upon harvesting an animal, shall immediately and completely notch out the appropriate month and day on the carcass tag. Prior to moving any part of the carcass from the kill site, the licensed hunter shall remove the entire backing material from the carcass tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate

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location on the antler or horn leaving the entire face of the tag visible. All tags shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. The antler/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) Electronic Tagging of harvested game: Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department's electronic tagging (e-tag) application to receive an e-tag number specific to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

(3) The proper location to attach all carcass tags and e-tags:

- (a)** The proper location to attach the carcass tag or e-tag on any game species is to attach it conspicuously on the hock tendon on either hind leg.
- (b)** The proper location to attach the carcass tag or e-tag on javelina is to adhere it to the head/skull around the nose.
- (c)** The proper location to attach the carcass tag or e-tag on a turkey is to adhere it around the leg above the foot and below the feathers on the thigh.
- (d)** The proper location to attach the carcass tag or e-tag on a bear or cougar is to adhere it around the ankle area of the hide above the foot. Bear and cougar carcass tags authorize possession of those animals until pelt tagged in accordance with state game commission rule or for five days from date of kill, whichever comes first.
 - (i)** Any bear or cougar killed shall be tagged with a pelt tag furnished free of charge by the department.
 - (ii)** The hunter who kills the bear or cougar or the hunter's designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.
 - (iii)** Any hunter who appoints a designee to present the skull and pelt for pelt tagging is required to contact a conservation officer prior to having the pelt inspected and tagged.
 - (iv)** The pelt tag shall remain attached until the pelt is tanned.
 - (v)** Skulls with mouths closed may not be accepted until the mouth is opened by the hunter or designee.
 - (vi)** Licensed bear or cougar hunters or their designees who provide false or fraudulent information regarding the required information including, but not limited to, sex, date or location of harvest shall be assessed 20 revocation points pursuant to 19.31.2 NMAC.
- (e)** The proper location to attach an antler tag or e-tag is to adhere the tag around the main beam of the antler between any of the points or tines as close to the base as possible to prevent the tag from coming off.
- (f)** The proper location to attach a horn tag or e-tag is to adhere the tag around the horn as close to the base as possible to prevent the tag from coming off.

H. It is unlawful:

- (1)** for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag or e-tag as prescribed;
- (2)** to possess any portion of a big game or turkey carcass that does not have a properly notched carcass tag attached to it or a completed e-tag attached to it, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;
- (3)** to possess any bear or cougar or parts thereof which has not been pelt tagged within five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;
- (4)** for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of legal bag limit until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a

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department official, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(5) to use a carcass or antler tag that is cut, torn, notched or mutilated. Cut, torn, notched or mutilated tags are no longer valid for the take of a big game species or turkey; or

(6) to use a previously issued carcass or antler tag once a duplicate has been obtained or to use the carcass, antler tag or e-tag of any other person. Any previous carcass or antler tag assigned to a license which is replaced by a duplicate is void and no longer valid for the take of a big game species or turkey.

I. Once-in-a lifetime hunts: It is unlawful for any person to apply for, receive or use any once-in-a lifetime license if they have ever held a once-in-a lifetime license for that species which has the same bag limit or eligibility requirements.

J. Youth-only (YO), mobility-impaired (MI), veteran and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, veteran or MO license or any military discounted license except as allowed by state game commission rule.

K. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

L. Use of dogs in hunting:

(1) It is unlawful to use dogs to hunt or pursue big game species or turkey, except for bear and cougar.

(2) Dogs may be used only to hunt bear and cougar during open seasons unless otherwise restricted. It is unlawful to:

(a) hunt for or pursue bear or cougar with dog(s) on the Valle Vidal except holders of bear entry permits for the hunting of bear only;

(b) hunt for or pursue bear or cougar with dog(s) during any September big game bow season statewide except as otherwise allowed by state game commission rule;

(c) release dog(s) to pursue or hold bear or cougar outside of legal hunting hours or during closed season or in a closed area or zone;

(d) to pursue bear or cougar with dog(s) without the licensed hunter, who intends to kill or who kills the bear or cougar, present continuously from the initial release of any dog(s).

(3) It is unlawful to use dog(s) to assist in the recovery of wounded or dead big game or turkey except as follows:

(a) Dog(s) may be used to assist in the recovery of wounded game provided that no more than two dogs may be used at any one time to locate a wounded or dead deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey.

(b) Dog(s) used to assist in the recovery of deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey shall be leashed and under the control of the handler at all times and cannot be used to pursue or harass wildlife. No person assisting in the recovery of a wounded animal may shoot or kill the animal being tracked unless they are a licensed hunter for that species, season and area and they intend to tag the animal as their own.

M. Use of bait: It is unlawful for any person to take or attempt to take any big game species or turkey by use of baiting or for any person to take or attempt to take big game or turkey from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, natural kills, carrion or offal are not considered bait unless they have been moved or placed there from another location. It is unlawful to create, maintain or use any bait station in hunting bear or cougar. It is unlawful to use any scent attractant in hunting bears.

N. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any big game species or turkey.

O. Hunting captive big game species: It is unlawful to take or attempt to take any big game species within any fence or enclosure, or by use of any fence or enclosure, which significantly restricts or limits the free ingress or egress of that big game species except as allowed by permit from the department. Any fence which is 7.5 feet tall or taller shall be considered game proof and hunting within any such enclosure, even if there are open gate(s), is unlawful. Exception: Net wire fencing commonly used as sheep or goat fencing which is not taller than four feet is not considered to significantly restrict or limit the free ingress or egress of any protected species.

P. Use of calling devices: It is unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any big game species or turkey, except javelina, bear and cougar.

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Q. Automatic firearms: It is unlawful to take or attempt to take any big game species or turkey with a fully automatic firearm.

R. Bullets: It is unlawful to take or attempt to take any big game species or turkey by the use of a prohibited bullet.

S. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any big game species or turkey unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

T. Legal sporting arm types:

(1) It is unlawful to use any sporting arm type for big game species other than those defined under big game sporting arms except for cougar and javelina which may be taken with those defined under any sporting arm. For cougar and javelina, compressed air guns must be .22 caliber or larger and shotguns must fire a single slug or #4 buckshot or larger.

(2) It is unlawful to use any sporting arm type for a big game species which does not correspond with the hunt code authorized sporting arm type.

(3) It is unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the wrong ranch, in the wrong area or in the wrong GMU: It is unlawful for any person to hunt in any location, GMU or ranch other than that area specified on their license or permit unless otherwise allowed by state game commission rule.

(1) A landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A licensed big game hunter may hunt a landowner's contiguous private property which extends into an adjoining GMU(s) only when a department agreement exists and must adhere to the department issued agreement unless otherwise restricted by state game commission rule.

V. Restricted areas on White Sands missile range:

(1) It is unlawful to drive or ride in a motor vehicle into an area signed "no hunting" or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) It is unlawful for a licensed hunter to enter an area signed "no hunting" or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) It is unlawful for a licensed security badged hunter to hunt or take any oryx in an area other than their "to be assigned" area.

W. Validity of licenses and unitizations: All big game and turkey licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity.

X. Hunting on public land with a private land only license: It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking devices: It is unlawful to attach any collar or electronic tracking device to any big game species or turkey except as specifically authorized by the department.

Z. License purchase: Bear or cougar hunters must purchase their bear or cougar license at least two calendar days prior to taking or attempting to take any bear or cougar. It is unlawful for any bear or cougar hunter to take or attempt to take a bear or cougar within two calendar days of purchasing their license.

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AA. Zones: It is unlawful to pursue, take or attempt to take a bear or cougar in a closed zone. Zones will close pursuant to 19.31.11 NMAC.

BB. Valle Vidal: It is unlawful to hunt bear or cougar on the Valle Vidal except for properly licensed bear or cougar hunters that also possess a Valle Vidal elk hunting license (only during the dates and with the sporting arm type specified on their elk license) and holders of a Valle Vidal bear entry permit (only during their entry permit hunt dates).

CC. Cougar ID: It is unlawful for any person to hunt for cougar without having completed the department's cougar ID course and having the verification code printed on their license.

DD. Use of cellular, Wi-Fi or satellite cameras: It is unlawful for any person to use any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting for any big game animal. Exception: This section does not apply to cellular or satellite phones which are kept on one's person and not used remotely or department employees and their designees while performing their official duties.

EE. It shall be illegal to shoot any turkey on a roost.
[19.31.10.12 NMAC - Rp, 19.31.10.12 NMAC, 4/1/2023]

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

A. Upland game hunting hours: Upland game species may be hunted or taken only during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take upland game outside of legal hunting hours.

B. Killing out of season: It is unlawful to kill any migratory game bird or upland game out of season.

C. Exceeding the bag limit: It is unlawful for any person to take or attempt to take more than one daily bag limit of any migratory game bird species or upland game species allowed by state game commission rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Possession limit: It is unlawful for any person to possess more than one possession limit of any migratory game bird or upland game species.

E. Proof of species or sex: It is unlawful for any person to possess any migratory bird or upland game without proof of species or sex as required below:

(1) One foot shall remain attached to each quail taken until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(2) The head or one leg of each pheasant taken must remain attached to the bird until the bird arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(3) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

F. Youth-only (YO), mobility-impaired (MI) and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, or MO license or any military discounted license except as allowed by state game commission rule.

G. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

H. Use of dogs in hunting: Dog(s) may be used to hunt migratory game bird species and upland game. It is unlawful to pursue migratory game birds or upland game with dog(s) outside of the hunting seasons established except in conjunction with a permitted event.

I. Use of bait: It is unlawful for any person to take or attempt to take any migratory game bird species or upland game by use of baiting or for any person to take or attempt to take migratory game birds or upland game from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, carrion or offal are not considered bait unless they have been moved there from another location.

J. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any migratory game bird species or upland game species.

K. Use of calling devices: It is unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird or upland game species. During the light goose conservation order hunt dates, electronic calling devices are allowed for the take of light geese.

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game bird or upland game species with a fully automatic firearm.

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M. Non-toxic shot: It is unlawful for any person to use or possess any shotgun shell loaded with anything other than non-toxic shot or for any person using a muzzle-loading shotgun to possess anything other than non-toxic shot while hunting for any migratory game bird species, except when hunting dove, band-tailed pigeon or eastern sandhill crane. Non-toxic shot is required for all migratory game birds and upland game species on Bernardo WMA, La Joya WMA, and Huey WMA.

N. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any migratory game bird or upland game species unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

O. Legal sporting arms and ammunition: It is unlawful to use sporting arms other than those listed below to take or attempt to take of any migratory game bird or upland game species.

(1) The following are legal sporting arms for pheasants and quail:

- (a) shotguns firing shot;
- (b) bows; and
- (c) crossbows.

(2) The following are legal sporting arms for dusky grouse, chukar, Eurasian collared-dove, Abert's squirrels, Arizona gray squirrels, fox squirrels, eastern gray squirrels and red squirrels:

- (a) shotguns firing shot;
- (b) rimfire firearms;
- (c) muzzle-loading firearms;
- (d) bows;
- (e) crossbows; and
- (f) compressed air guns, .177 caliber or larger.

(3) The following are legal sporting arms for migratory game birds:

(a) shotguns firing shot, shotguns shall not be capable of holding more than three shells except while hunting light geese during the light goose conservation order hunt dates, as defined in 19.31.6 NMAC;

- (b) bows; and
- (c) crossbows.

P. Areas closed to migratory game bird hunting: It shall be unlawful to hunt migratory game birds in that portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

Q. Collars or tracking devices: It is unlawful for any person to attach any collar or electronic tracking device to any migratory game bird or upland game except as specifically authorized by the department.

R. Use of traps and snares: It is unlawful for any person to intentionally set any trap, snare, cage, box or other device to capture or attempt to capture any migratory game bird or upland game or for any person to intentionally capture or attempt to capture any migratory game bird or upland game unless specifically allowed by license or permit.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2023]

19.31.10.14 FISHING:

A. Angling: Game fish may be taken by angling in all waters that are open for fishing.

B. Season and hours: It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

C. Closed waters: It is unlawful to fish in any water closed by state game commission rule.

D. Ice fishing: It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.

E. Hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, angling shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

F. Trotlines: Game fish may be taken by use of trotlines in any water except those listed below, however:

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- (1) It is unlawful for any person to set more than one trotline at a time.
- (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
- (3) It is unlawful for any trotline to have more than 25 angling hooks.
- (4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.
- (5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.
- (6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or

marked as follows:

(a) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

- (7) It is unlawful to set or use a trotline in any public water with the following exceptions:

Drainage:	Rivers:	Lakes:
Rio Grande drainage	Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake	Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake
Pecos river drainage	Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties	Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir
Canadian river drainage	Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line	Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake
San Juan river drainage	San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion	Navajo lake
Gila river and San Francisco river drainage	Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line	None
Statewide	As described above	Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. Spearfishing and bow fishing:

(1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. Use of nets: It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

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J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner
Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park	Fathead minnow red shiner, and shad
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:	Approved dead baitfish species:
Statewide	Common carp
Heron reservoir	White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows and seines. All protected species of fish taken in seines, nets and traps shall be immediately returned to the water.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. Permits for taking bait fish: The director may issue permits for the use of nets, seines, traps or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking and duration of the permit. The permittee shall report monthly, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A of 19.31.4.11 NMAC.

Q. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 11 years of age and younger to take and possess game fish in numbers exceeding current bag and possession limits. In granting such permission the director may specify bag and possession limits and manner and method of taking for such waters.

R. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

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S. Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

Z. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

(3) **Chumming:** Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC. [19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2023]

19.31.10.15 FURBEARERS:

A. Shooting hours:

(1) **Hunting and falconry** – Restricted to the period one-half hour before sunrise to one-half hour after sunset except that a licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand-held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

(2) **Trapping** – There are no restrictions on shooting hours for trapping.

B. Legal methods of taking furbearers shall include any sporting arm, falconry, traps and snares.

C. Dogs are allowed for hunting all furbearers during open season.

D. It is unlawful to kill any mink, otter, black-footed ferret, coatimundi or Pacific (pine) marten.

E. It is unlawful to kill any furbearer outside of the seasons established for that species, except as authorized by state statute or otherwise allowed by game commission rule.

F. Raccoon may be hunted or trapped during the extended season with a current trapper license. Only cage traps and foot encapsulating traps are allowed for raccoon trapping during this period. It is unlawful to hunt or trap raccoon during the extended season contrary to this section.

G. All land sets must be visually checked every calendar day. Water sets must be checked at least once every other calendar day. A licensed trapper may designate an agent to check their set traps and snares on alternating check days, but the licensed trapper must personally check the traps every other check day. Any person may be designated as an agent for any licensed trapper, but the agent must possess written permission from the trapper and a valid trapper license. The permission must include the licensed trapper's full name, contact information, and the agent must know the location of traps.

H. It is unlawful for any person to trap for any furbearer without having successfully completed a department approved trapper education course.

I. It is unlawful for any person to hunt for any furbearer without having successfully completed either the New Mexico trapper education course or a New Mexico law and species identification course.

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

K. It is unlawful to place or use restricted-use pesticides for the take of any furbearer.

L. The following restrictions shall apply to traps that could reasonably be expected to catch a furbearer:

(1) Each trap or snare must be either permanently marked with, or have a tag securely attached with, a department issued user-identification number or the name and address of the trapper using the trap or snare.

(2) No foothold trap with an outside jaw spread larger than six and one-half inches, or seven inches maximum if laminated above the jaw surfaces, or tooth-jawed trap may be used in making a land set.

(3) No body-grip trap with an inside jaw spread greater than seven inches may be set on land. Body-grip traps with inside jaw spreads of between six and seven inches set on land must be recessed in a cubby at least eight inches from the entrance.

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

(5) No land set shall be placed on public land within one-half mile of:

(a) an established and maintained public campground or boat-launching area;

(b) a designated and signed roadside rest area, public picnic area or trailhead.

“Trailhead” as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

(c) an occupied dwelling without written permission of the occupant of the dwelling.

(6) It shall be unlawful to make a land set within 75 feet of the edge of any public road or trail (including any culvert or structure located beneath it) if no right of way fence is present, except on private land. No land set shall be made within any right of way fence on any public road. “Public road” as used herein shall mean any road, street or thoroughfare open to motorized vehicle travel which was constructed and is maintained with public funds and is open to the public; or any road, street or thoroughfare open to motorized vehicle travel that is officially numbered or named on the most current published map issued by a municipal, state or federal agency and is open to the public. “Trail” as used herein shall mean any officially designated, mapped, maintained, and marked path open for public use and published on the most current map issued by a state or federal land management agency.

(7) No land set may be placed within 150 feet of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land.

(8) It is unlawful to place, set or maintain any land set within 30 feet of any bait over two ounces in weight which is visible to airborne raptors. Bones that are entirely free of bait are legal.

(9) No foothold trap with an inside jaw spread larger than seven and one-half inches or body-grip trap with a jaw spread greater than 12 inches shall be used in making a water set.

(10) Body-grip traps used in water sets with a jaw spread of eight inches or more must be submerged in water to their jaw pivot or deeper.

(11) Any snare set on land must have a lock or break-away device which is designed to release or fail when a maximum of 350 pounds of pressure is applied to it. Locks or break-away devices must be attached

in a way which leaves no part of the snare attached to an animal when it releases or fails. All snares must be securely anchored and cannot be attached to a drag. Exception: foot snares.

(12) Each foothold trap set on land must have at least two separate swivel points in the anchor chain. At least one of these swivel points must be within six inches of the trap.

M. A release device or catchpole shall be carried by trappers, and all captured animals must be removed or released from any trap or snare at the time of check. In cases where assistance is required for safe release of the animal, or when biological data is sought by the department, the department must be notified as soon as possible.

N. It is unlawful to set any trap or snare on land without stakes, chains, drags or other anchoring such that any furbearer, coyote or wolf caught will be prevented from escaping with the trap.

O. No person may kill any species listed in 19.33.6 NMAC - LIST OF THREATENED AND ENDANGERED SPECIES, including by the use of any body-grip trap or snare.

P. As long as the Mexican wolf is listed as a federally threatened or endangered species in the United States, any trapper who captures a Mexican wolf must report the capture to the U.S. fish and wildlife interagency field team:

(1) as soon as possible to arrange for radio-collaring and release of the wolf; or

(2) within 24 hours if the wolf is released or has pulled out of the trap.

Q. Tagging:

(1) Every person who takes a bobcat in New Mexico shall present the pelt for tagging in New Mexico prior to transporting the pelt out of the state, prior to selling the pelt, or no later than April 14, annually; whichever occurs first.

(2) Every person who presents a bobcat for tagging shall display a current New Mexico trapper license except residents 11 years of age or younger. Tags may be obtained from any conservation officer or any department office. In addition, pelts may be tagged by New Mexico licensed fur dealers following policies set forth by the department.

(3) It is unlawful for any person to transport across state lines, sell, barter, otherwise dispose of, or possess any bobcat pelt taken in New Mexico that has not been tagged in accordance with this rule.

(4) It is unlawful to present for tagging, or to have tagged with a New Mexico tag, any pelt from a bobcat taken outside of New Mexico.

(5) It is unlawful for any licensed fur dealer to charge a fee for tagging any bobcat. It is unlawful for a licensed fur dealer to refuse to tag a bobcat unless the licensed fur dealer has cause to believe the bobcat was taken in another state or jurisdiction, or the bobcat was unlawfully taken in New Mexico. Licensed fur dealers who believe a bobcat has been taken illegally, or has been presented for pelt tagging in New Mexico when it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

(6) It is unlawful for licensed fur dealers to tag any bobcat contrary to this rule, purchase any bobcat pelt which has not been tagged, or is not immediately pelt tagged at the time of purchase.

R. Tampering with traps: It is unlawful to destroy, damage, disturb, steal or remove any trap, snare or trapped wildlife without permission of the owner of the trap or snare. Nothing in this subsection shall prohibit a person from releasing any domestic animal from a trap or snare.

S. Exemptions: The provisions of this section shall not apply to personnel of the department of game and fish or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 4/1/2023]

19.31.10.16 LANDS AND WATERS OWNED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE STATE GAME COMMISSION:

A. **Posting of signs:** The state game commission may prohibit, modify, condition or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.

B. **Violating provisions of posted signs:** It is unlawful to violate the provisions of posted signs on areas under the control of, leased by or managed by the state game commission.

C. **Trespass on state game commission owned lands:** It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department.

[19.31.10.16 NMAC - Rp, 19.31.10.16 NMAC, 4/1/2023]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed: Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: Bear canyon lake WMA, Bill Evans lake WMA, Green Meadow, Fenton lake WMA, Hopewell, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.

C. No motors allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: Bernardo WMA, La Joya WMA, Jackson lake WMA, McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.

D. No boats or floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: Bonito lake, Monastery lake, and Red River hatchery pond.

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2023]

19.31.10.18 HUNTING ON PRIVATE LAND WITHOUT WRITTEN PERMISSION AND SEIZURE OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR SHED ANTLERS:

A. It is unlawful to knowingly enter upon any private property to take or attempt to take any game animal, furbearer, game bird or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

B. Any game animal, furbearer or game bird taken in violation of this section or Section 30-14-1 NMSA 1978 is unlawfully taken and shall be subject to seizure.

C. All shed antlers collected in violation of any New Mexico state game commission, state or federal land closure, in violation of Section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 NMSA 1978 or state game commission rule remain property of the State of New Mexico and shall be seized.

D. Exception: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 4/1/2023]

19.31.10.19 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

A. No habitat management and access validation stamp (HMAV), contrary to Section 17-4-34 NMSA 1978;

B. No habitat stamp (Sikes Act), contrary to 19.31.10 NMAC;

C. Size limit violations on fish, contrary to 19.31.10 NMAC;

D. Trotline violations, contrary to 19.31.10 NMAC;

E. Use of bait or prohibited lure or fly in a special trout water or noodling, contrary to 19.31.10 NMAC;

F. Disturbing the bottom "shuffling" in a special trout water, contrary to 19.31.10 NMAC;

G. Use of bait fish, contrary to 19.31.10 NMAC;

H. Release of bait fish, contrary to Section 17-3-28 NMSA 1978;

I. More than two lines or two lines without stamp, contrary to 19.31.10 NMAC;

J. Exceeding the daily bag limit or the possession limit of fish by two fish or less, contrary to 19.31.10 NMAC;

K. Snagging or keeping snagged game fish, contrary to 19.31.10 NMAC;

L. Spearfishing and bow fishing violations, contrary to 19.31.10 NMAC;

M. Unlawfully fishing in waters with age or individuals with disabilities use restrictions, contrary to 19.31.10 NMAC;

N. Boat or other floating device violation, contrary to 19.31.10 NMAC;

O. Use of live protected species as a decoy, contrary to 19.31.10 NMAC;

P. Use of an electronic calling device, contrary to 19.31.10 NMAC;

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- Q. Use of unapproved shot or shotgun capable of holding more than three shells while hunting migratory game birds, contrary to 19.31.10 NMAC;
- R. Unlawful ammunition/ bullet/ shot or unlawful caliber, contrary to 19.31.10 NMAC;
- S. Hunting hours violations, contrary to 19.31.10 NMAC;
- T. Possession of game animal parts found in field, contrary to 19.31.10 NMAC;
- U. Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;
- V. Harassing protected species, contrary to 19.31.10 NMAC;
- W. Driving off road or on a closed road, contrary to 19.31.10 NMAC;
- X. Violation of posted signs, contrary to 19.31.10 NMAC;
- Y. Unlawful use of dogs, contrary to 19.31.10 NMAC;
- Z. Unlawful use of cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;
- AA. Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC: or
- BB. Any violation of section 15 of 19.31.10 NMAC.

[19.31.10.19 NMAC - Rp, 19.31.10.19 NMAC, 4/1/2023]

19.31.10.20 SEIZURE:

Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule.

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2023]

19.31.10.21 DIRECTOR'S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL

IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director's sole discretion, necessitates such accommodation. This includes allowing the use of a scope of not greater than 1X magnification on muzzle-loading firearms by a person with a visual disability which substantially limits a major life activity and cannot be corrected by glasses or contact lenses. In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other state game commission rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2023]

HISTORY OF 19.31.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously file with the Commission of Public Records - State Records Center and Archives:

DFR 67-5 Basic Regulation No. 500, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Birds, Fish or Bullfrogs, or parts thereof, Taken in New Mexico, Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 5-25-67.

DGF 68-11 Basic Regulation No. 525, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Game Birds, Game Fish or Bullfrogs, or parts thereof, Taken in New Mexico, the Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 8-21-68.

DGF 72-6 Basic Regulation 550 Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, and Use of Department Lands, 5-31-72.

Regulation No. 612 Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, 3-2-82.

Regulation No. 677 Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, Camping Near a Water Hole, 6-25-90.

Order No. 5-91 Requiring that Live-Firing Courses by Taught only by Department of Game and Fish and Volunteer Hunter Education Instructors Certified in Live-Firing Instruction, 10-3-91.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3-1-95. 2022 OCT 21 PM 2: 17
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Amended 4-1-2018.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Replaced 4/1/2019.

History of Repealed Material:

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4-1-2007.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 11-7-2016.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2019.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2023.

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: New Amendment Repeal Emergency Renumber (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment):

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

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

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

Specific statutory or other authority authorizing rulemaking:

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

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Concise Explanatory Statement For Rulemaking Adoption:

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.

We are repealing the current rule and replacing it with a new rule.

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

Name:

Michael B. Sloane

Check if authority has been delegated

Title:

Director, New Mexico Department of Game and Fish

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Michael B. Sloane Digitally signed by Michael B. Sloane
Date: 2022.10.21 08:04:39 -06'00'

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The New Mexico State Game Commission (Department of Game and Fish) approved, at its 10/14/2022 hearing, to repeal its rule 19.31.10 NMAC, Hunting and Fishing – Manner and Method of Taking, filed 12/7/2018, effective 4/1/2023.

Manner & Method
19.31.10 NMAC
Licensing & Application
19.31.3 NMAC

October 14, 2022

New Mexico State Game Commission Meeting



Public Feedback

- Hosted 4 hybrid in-person/virtual public meetings (78 attended in person, 74 tuned in virtually)
- 7 emails (muzzleloader specific) to official email as of 10/13/22
- The Department also received various public comments to individual species rules (deer, elk, pronghorn, exotics, and turkey) during the rule development process.
- Muzzle-loader definition received the most feedback



Proposed changes: muzzle-loader

- Muzzleloader will be legal with open or “iron” sights only

Year	% greater success rate of rifle vs. muzzle-loader hunts
2017	+4%
2018	+3%
2019	0%
2020	+2%
2021	+1%

	% greater success
2017-2021	2%
1988-2000	17%

Year	% greater success rate of rifle vs. muzzle-loader hunts
1988	+18%
1989	+16%
1990	+23%
1991	+7%
1992	+18%
1993	+20%
1994	+25%
1995	+13%
1996	+12%
1997	+21%
1998	+21%
1999	+14%
2000	+14%



Proposed changes, continued

- Proposed changes, Manner & Method
 - Prohibit shooting turkeys from a roost
 - F/IM ibex bag limit modified from 15 inches to 20 inches
 - New bag limit for F/IM barbary sheep: Any female barbary or male barbary with horns 18 inches or longer



Proposed changes, continued

- Licensing & Application
 - Modify the Iraq/Afghanistan veteran oryx hunt to allow any NM resident veteran to apply
 - NM resident veterans must provide a valid DD-214 prior to applying for any Veteran oryx hunt.



Questions





COMMISSION MEETING AGENDA BRIEFING

Meeting Date: October 14, 2022

Agenda Number: 7

Presenter: Stewart Liley

Corroborator: N/A

Agenda Title: Rule Making Hearing on Hunting and Fishing - Manner and Method of Taking Rule (19.31.10 NMAC) and Licensing and Application (19.31.3 NMAC)

1. Summary of Agenda Item

The Department will present proposed changes to the Hunting and Fishing - Manner and Method of Taking Rule (19.31.10 NMAC) and Licensing and Application (19.31.3 NMAC). These changes are being made to conform with changes to other NMAC rules, or to codify changes that were agreed upon during those rule development processes.

The proposed changes are: 1) Change the requirement that female ibex with horns that are 15 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage, to female ibex with horns 20 inches or longer; 2) Include a requirement that female Barbary sheep with horns 18 inches or longer retain the external genitalia naturally attached to the hide or carcass and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage; 3) Change the definition of muzzle loader hunts to preclude the use of scopes; 4) Prohibit shooting turkeys from a roost; 5) change the requirement for proving veteran status prior to applying for the new veteran-only oryx draw hunt.

Background Information

The proposal to change items 1, 2 and 5 above will conform with recently approved changes to the Barbary Sheep, Oryx, and Persian Ibex Rule 19.31.12 NMAC; the change to item 3 above will address management needs as discussed during rule development for all relevant game species; and the change to item 4 above is to codify a change agreed upon during the Turkey Rule 19.31.16 NMAC development process.

2. Strategic Plan References and Possible Impacts of Agenda Item

The process as presented to the Commission meets the Conservation Services Program Objectives 2 and 5 of the Department's Strategic Plan: FY 2019 – FY 2023

3. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

None

4. Description and Summary of Public Involvement Process and Results

The Department has held 4 hybrid in person/virtual public meetings in Las Cruces, Roswell, Raton, and Albuquerque (78 people attended in person and 74 tuned in virtually). We have received various public comments to individual species rules (deer,

elk, pronghorn, and exotics) during the big game rule development process. Proposed changes to the rule have been posted on the Department's website.

Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

“Move to repeal and replace 19.31.10 NMAC, as presented by the Department and allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.”

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 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 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 veterans who served on active duty military during the Iraq or Afghanistan conflict who have served a minimum of 90 days active duty service in the U.S. Military, or six continuous years in the National Guard or Military Reserve Component, or who were commissioned officers of the U.S. Public Health or National Oceanic and Atmospheric Administration are eligible to apply for Iraq/Afghanistan Veteran oryx licenses. Applicants must have been honorably discharged from the U.S. military, and must provide a valid DD-214 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]

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 10 HUNTING AND FISHING - MANNER AND METHOD OF TAKING

19.31.10.1 ISSUING AGENCY: New Mexico department of game and fish.

[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 4/1/2019]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.

[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4/1/2019]

19.31.10.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-2-1, 17-2-2, 17-2-2.1, 17-2-4.2, 17-2-6, 17-2-10.1, 17-2-13, 17-2-14, 17-2-20, 17-2-32, 17-2-43, 17-3-2, 17-3-29, 17-3-31, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4, 17-5-5 and 17-6-3 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.
[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 4/1/2019; A, 4/1/2020]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4/1/2019]

19.31.10.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4/1/2019]

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting, fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2019]

19.31.10.7 DEFINITIONS:

- A. “Angling”** shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.
- B. “Angling hook”** shall mean a single, double, or treble (triple) point attached to a single shank.
- C. “Any sporting arm”** shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- D. “Arrow” or “Bolt”** shall mean only those arrows or bolts having broadheads with cutting edges except that “judo”, “blunt” or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.
- E. “Bag limit”** shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.
- F. “Bait”** as used in section 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.
- G. “Bait”** as used in sections 12 and 13 of 19.31.10 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.
- H. “Baiting”** shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in 17-2-3 NMSA 1978.
- I. “Bait fish”** is defined as those nongame fish which are not otherwise protected by statute or regulation.
- J. “Barbless lure or fly”** shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids or other foods are not considered barbless lures or flies.
- K. “Big game species”** shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.
- L. “Big game sporting arms”** shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- M. “Body-grip trap”** shall mean a rotating jaw trap designed to capture a furbearer by the body.
- N. “Bow”** shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.
- O. “Bow fishing”** shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

P. “**Bullet**” shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.

Q. “**Cellular**”, “**Wi-Fi**” or “**satellite camera**” shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.

R. “**Chumming**” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

S. “**Compressed air gun**” shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.

T. “**Crossbow**” shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

U. “**Department**” shall mean the New Mexico department of game and fish.

V. “**Director**” shall mean the director of the New Mexico department of game and fish.

W. “**Drainage**” shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

X. “**Drone**” is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as “unmanned aerial vehicle (UAV)” or “unmanned aerial vehicle systems (UAVS)”.

Y. “**Established road**” is defined as follows:

(1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures; or

(2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

Z. “**Foothold trap**” shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

AA. “**Foot encapsulating trap**” shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.

BB. “**Furbearer**” shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.

CC. “**Game management unit**” or “**GMU**” shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

DD. “**Jaw spread**” shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

EE. “**Laminated**” shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

FF. “**Land set**” shall mean any foothold trap or snare set on land.

GG. “**License year**” shall mean the period from April 1 through March 31.

HH. “**Locate**” shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

II. “**Migratory game bird**” shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

JJ. “**Muzzle-loader**” or “**muzzle-loading firearms**” shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

KK. “**Nets**” shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.

LL. “**Non-toxic shot**” shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

MM. “**Protected species**” shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6

NMAC: and

- (4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.
- NN.** “**Retention**” or “**retain**” shall mean the holding of live protected species in captivity.
- OO.** “**Restricted muzzle-loading rifle**” shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.
- PP.** “**Shotgun**” shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.
- QQ.** “**Snagging**” is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.
- RR.** “**Snare**” shall mean a wire or cable with a single closing device designed to capture a furbearer.
- SS.** “**Speare fishing**” shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.
- TT.** “**Sporting arm types**” shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:
- (1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);
 - (2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);
 - (3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);
 - (4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms **with open or “iron” sights only** (ex. ELK-3-XXX).
- UU.** “**Take**” shall mean to hunt, fish, kill or capture any protected species or parts thereof.
- VV.** “**Trap**” shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.
- WW.** “**Trotline**” shall be synonymous with “set line” or “throw line” or “jug”, “Yo-Yo line” or “limb line”, and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.
- XX.** “**Upland game**” shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.
- YY.** “**Water set**” shall mean any trap or snare set fully in water.
- ZZ.** “**Wildlife management area**” or “**WMA**” shall mean those areas as described in 19.34.5

NMAC.

AAA. “**Written permission**” shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner’s property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property’s location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.

BBB. “**Zone**” shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2019; A, 4/1/2020; A, 4/1/2022]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section 17-2-20 NMSA 1978.
[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 4/1/2019]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It is unlawful to possess, sell or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another “Possession certificate”: It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;
- (3) the date and GMU where the game or furbearer was lawfully taken;
- (4) the lawful possessor's name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;
- (5) the date and place of the donation or transaction;
- (6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and
- (7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) description of the parts involved;
- (3) the date and GMU where the game was taken;
- (4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;
- (5) the date and place of the transaction or sale; and
- (6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice or permit from the department, with the exception of obviously shed antlers. All shed antlers collected in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.
[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2019]

19.31.10.10 PERMITS AND LICENSES ISSUED:

A. Proof of license: Each licensee or permittee must have a copy of their hunting, fishing or trapping license or their department issued collection permit in their possession while hunting, fishing, trapping or collecting protected species in New Mexico. Licenses or permits may be in electronic or paper format. The authorization number for fishing or game hunting is also valid pursuant to Subsection C of Section 17-3-5 NMSA 1978. The license, authorization or permit must be produced upon request by any law enforcement officer authorized to enforce Chapter 17 NMSA 1978.

B. Permits and licenses, other than hunting, fishing or trapping licenses, which authorize the holder to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell species listed as group II, III or IV on the directors "species importation list" or any protected species may only be issued by the director or their designee as authorized by Chapter 17 NMSA 1978 and 19.35 NMAC.

C. Permit or license provisions: Specific provisions for applications, conditions, reporting and other stipulations for permits or licenses will be provided by the department with each permit and license.

D. Violation of permit or license provisions or importation/possession of un-permitted wildlife:

- (1) It is unlawful for any person receiving any permit or license pursuant to state game commission rule to violate any provision of state game commission rule or any provision listed on the permit or license.
- (2) Any violation of Chapter 17 NMSA 1978, state game commission rule or any permit provision shall render that permit or license invalid. If such an invalidated permit or license authorized possession of any species listed as group II, III or IV on the directors "species importation list" or any protected species, the animals shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978.
- (3) It is unlawful to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell any live animal listed as group II, III or IV on the directors "species importation list" or any protected

species without a department issued permit or license or contrary to the provisions of Chapter 17 NMSA 1978, state game commission rule or any department issued permit.

(4) Any animal possessed contrary to this section shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. Any dangerous, venomous, invasive species or any diseased animals may be destroyed to protect human safety, native wildlife populations or livestock.

(5) Any person who has had an animal seized from them shall have no more than 30 days to arrange for the illegal animal to be transported out of New Mexico and pay for the care and transportation rendered. Failure to make these arrangements within 30 days will result in the animal being considered abandoned. Abandoned animals will be disposed of at the discretion of the department.

E. Release of wildlife: It is unlawful for any person or persons to release, intentionally or otherwise; or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department except department employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 4/1/2019]

19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harry, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

E. Hunting after air travel: It shall be unlawful for anyone to hunt for or take any protected species until after the start of legal hunting hours on the day following any air travel except by regularly scheduled commercial airline flights or legitimate direct flight to the final destination.

F. Use of aircraft for spotting game: It shall be unlawful to use aircraft or drone to spot or locate and relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action.

G. Using information gained from air flight:

(1) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any aircraft until 48 hours after such aircraft use.

(2) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any drone at any time.

H. Aircraft, drone and vehicle exemptions to this rule: The Director may exempt a person from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) **Exception:** Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility-Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) **Crossbow use:** The holder of a MI card may use a crossbow during any bow hunt.

(3) **Assistance for MI hunters:** The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019]

19.31.10.12 BIG GAME AND TURKEY:

A. Legal hunting hours: A person may only take or attempt to take any big game species or turkey during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take big game or turkey outside of legal hunting hours.

B. Killing out of season: It is unlawful to take or attempt to take any big game species or turkey outside of the established hunting season.

C. Bag limit: It is unlawful for any person to take any big game species or turkey other than the legal bag limit as specified on their big game or turkey license or as indicated by the hunt code, or for any bear hunter to take a sow with cub(s), or any cub less than one year old, or for any cougar hunter to take a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

(1) It is unlawful for any person to hunt for or take more than one animal of any big game species per year unless otherwise allowed by state game commission rule.

(2) It is unlawful for any person to hunt for or take more than two cougars per year unless otherwise allowed by state game commission rule.

E. Exceeding the bag limit on turkey: It is unlawful for any person to hunt for or take more than two bearded turkeys during the spring turkey season or more than one turkey during the fall turkey season unless otherwise specifically allowed by 19.31.16 NMAC.

F. Proof of sex or bag limit: It is unlawful for anyone to transport or possess the carcass of any big game species or turkey without proof of sex or bag limit (except donated parts when accompanied by a proper possession certificate). Proof of sex or bag limit shall be:

(1) Bear and cougar – External genitalia of any bear or cougar killed shall remain naturally attached to the pelt and be readily visible until the pelt has been inspected and pelt-tagged by a department official.

(2) Barbary sheep ~~and oryx~~ – The horns of any Barbary sheep ~~or oryx~~ taken shall remain naturally attached to the skull or skull plate. **If the horns of any female Barbary sheep are 18 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible** until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(3) Deer – The antlers of any buck deer taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless deer or the naturally attached female genitalia shall accompany the carcass in the same manner.

(4) Elk – The antlers of any bull elk taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless elk or the naturally attached female genitalia shall accompany the carcass in the same manner.

(5) Pronghorn - The horns, scalp and both ears of any pronghorn taken shall remain naturally attached to the skull or skull plate and must accompany the carcass until arriving at a residence, taxidermist, meat processing facility or place of final storage. If the horns of a female pronghorn are longer than its ears, and the bag limit is F/IM, the external genitalia must remain naturally attached to the hide/carcass, as appropriate, and be visible to provide proof of legal bag limit until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(6) Bighorn sheep - The horns of any ram shall remain naturally attached to the skull or skull plate and the external genitalia of any ewe taken shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(7) Persian ibex - The horns of any ibex shall remain naturally attached to the skull or skull plate. If the horns of any female ibex are 20 +5 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(8) Turkey – When the bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(9) Javelina – The skull of each javelina shall be proof of bag limit and must be retained until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(10) Oryx - The horns of any oryx taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage.

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, upon harvesting an animal, shall immediately and completely notch out the appropriate month and day on the carcass tag. Prior to moving any part of the carcass from the kill site, the licensed hunter shall remove the entire backing material from the carcass tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate location on the antler or horn leaving the entire face of the tag visible. All tags shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. The antler/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) **Electronic Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department's electronic tagging (e-tag) application to receive an e-tag number specific to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

(3) **The proper location to attach all carcass tags and e-tags:**

(a) The proper location to attach the carcass tag or e-tag on any game species is to attach it conspicuously on the hock tendon on either hind leg.

(b) The proper location to attach the carcass tag or e-tag on javelina is to adhere it to the head/skull around the nose.

(c) The proper location to attach the carcass tag or e-tag on a turkey is to adhere it around the leg above the foot and below the feathers on the thigh.

(d) The proper location to attach the carcass tag or e-tag on a bear or cougar is to adhere it around the ankle area of the hide above the foot. Bear and cougar carcass tags authorize possession of those animals until pelt tagged in accordance with state game commission rule or for five days from date of kill, whichever comes first.

(i) Any bear or cougar killed shall be tagged with a pelt tag furnished free of charge by the department.

(ii) The hunter who kills the bear or cougar or the hunter's designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.

(iii) Any hunter who appoints a designee to present the skull and pelt for pelt tagging is required to contact a conservation officer prior to having the pelt inspected and tagged.

(iv) The pelt tag shall remain attached until the pelt is tanned.

(v) Skulls with mouths closed may not be accepted until the mouth is opened by the hunter or designee.

(vi) Licensed bear or cougar hunters or their designees who provide false or fraudulent information regarding the required information including, but not limited to, sex, date or location of harvest shall be assessed 20 revocation points pursuant to 19.31.2 NMAC.

(e) The proper location to attach an antler tag or e-tag is to adhere the tag around the main beam of the antler between any of the points or tines as close to the base as possible to prevent the tag from coming off.

(f) The proper location to attach a horn tag or e-tag is to adhere the tag around the horn as close to the base as possible to prevent the tag from coming off.

H. It is unlawful:

(1) for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag or e-tag as prescribed;

(2) to possess any portion of a big game or turkey carcass that does not have a properly notched carcass tag attached to it or a completed e-tag attached to it, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of legal bag limit until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a department official, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(5) to use a carcass or antler tag that is cut, torn, notched or mutilated. Cut, torn, notched or mutilated tags are no longer valid for the take of a big game species or turkey; or

(6) to use a previously issued carcass or antler tag once a duplicate has been obtained or to use the carcass, antler tag or e-tag of any other person. Any previous carcass or antler tag assigned to a license which is replaced by a duplicate is void and no longer valid for the take of a big game species or turkey.

I. Once-in-a lifetime hunts: It is unlawful for any person to apply for, receive or use any once-in-a lifetime license if they have ever held a once-in-a lifetime license for that species which has the same bag limit or eligibility requirements.

J. Youth-only (YO), mobility-impaired (MI), Iraq/Afghanistan veterans (IA) and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, veteran IA or MO license or any military discounted license except as allowed by state game commission rule.

K. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

L. Use of dogs in hunting:

(1) It is unlawful to use dogs to hunt or pursue big game species or turkey, except for bear and cougar.

(2) Dogs may be used only to hunt bear and cougar during open seasons unless otherwise restricted. It is unlawful to:

(a) hunt for or pursue bear or cougar with dog(s) on the Valle Vidal except holders of bear entry permits for the hunting of bear only;

(b) hunt for or pursue bear or cougar with dog(s) during any September big game bow season statewide except as otherwise allowed by state game commission rule;

(c) release dog(s) to pursue or hold bear or cougar outside of legal hunting hours or during closed season or in a closed area or zone;

(d) to pursue bear or cougar with dog(s) without the licensed hunter, who intends to kill or who kills the bear or cougar, present continuously from the initial release of any dog(s).

(3) It is unlawful to use dog(s) to assist in the recovery of wounded or dead big game or turkey except as follows:

(a) Dog(s) may be used to assist in the recovery of wounded game provided that no more than two dogs may be used at any one time to locate a wounded or dead deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey.

(b) Dog(s) used to assist in the recovery of deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey shall be leashed and under the control of the handler at all times and cannot be used to pursue or harass wildlife. No person assisting in the recovery of a wounded animal may shoot or kill the animal being tracked unless they are a licensed hunter for that species, season and area and they intend to tag the animal as their own.

M. Use of bait: It is unlawful for any person to take or attempt to take any big game species or turkey by use of baiting or for any person to take or attempt to take big game or turkey from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, natural kills, carrion or offal are not considered bait unless they have been moved or placed there from another location. It is unlawful to create, maintain or use any bait station in hunting bear or cougar. It is unlawful to use any scent attractant in hunting bears.

N. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any big game species or turkey.

O. Hunting captive big game species: It is unlawful to take or attempt to take any big game species within any fence or enclosure, or by use of any fence or enclosure, which significantly restricts or limits the free ingress or egress of that big game species except as allowed by permit from the department. Any fence which is 7.5 feet tall or taller shall be considered game proof and hunting within any such enclosure, even if there are open gate(s), is unlawful. Exception: Net wire fencing commonly used as sheep or goat fencing which is not taller than four feet is not considered to significantly restrict or limit the free ingress or egress of any protected species.

P. Use of calling devices: It is unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any big game species or turkey, except javelina, bear and cougar.

Q. Automatic firearms: It is unlawful to take or attempt to take any big game species or turkey with a fully automatic firearm.

R. Bullets: It is unlawful to take or attempt to take any big game species or turkey by the use of a prohibited bullet.

S. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any big game species or turkey unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

T. Legal sporting arm types:

(1) It is unlawful to use any sporting arm type for big game species other than those defined under big game sporting arms except for cougar and javelina which may be taken with those defined under any sporting arm. For cougar and javelina, compressed air guns must be .22 caliber or larger and shotguns must fire a single slug or #4 buckshot or larger.

(2) It is unlawful to use any sporting arm type for a big game species which does not correspond with the hunt code authorized sporting arm type.

(3) It is unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the wrong ranch, in the wrong area or in the wrong GMU: It is unlawful for any person to hunt in any location, GMU or ranch other than that area specified on their license or permit unless otherwise allowed by state game commission rule.

(1) A landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A licensed big game hunter may hunt a landowner's contiguous private property which extends into an adjoining GMU(s) only when a department agreement exists and must adhere to the department issued agreement unless otherwise restricted by state game commission rule.

V. Restricted areas on White Sands missile range:

(1) It is unlawful to drive or ride in a motor vehicle into an area signed "no hunting" or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) It is unlawful for a licensed hunter to enter an area signed "no hunting" or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) It is unlawful for a licensed security badged hunter to hunt or take any oryx in an area other than their “to be assigned” area.

W. Validity of licenses and unitizations: All big game and turkey licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity.

X. Hunting on public land with a private land only license: It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking devices: It is unlawful to attach any collar or electronic tracking device to any big game species or turkey except as specifically authorized by the department.

Z. License purchase: Bear or cougar hunters must purchase their bear or cougar license at least two calendar days prior to taking or attempting to take any bear or cougar. It is unlawful for any bear or cougar hunter to take or attempt to take a bear or cougar within two calendar days of purchasing their license.

AA. Zones: It is unlawful to pursue, take or attempt to take a bear or cougar in a closed zone. Zones will close pursuant to 19.31.11 NMAC.

BB. Valle Vidal: It is unlawful to hunt bear or cougar on the Valle Vidal except for properly licensed bear or cougar hunters that also possess a Valle Vidal elk hunting license (only during the dates and with the sporting arm type specified on their elk license) and holders of a Valle Vidal bear entry permit (only during their entry permit hunt dates).

CC. Cougar ID: It is unlawful for any person to hunt for cougar without having completed the department’s cougar ID course and having the verification code printed on their license.

DD. Use of cellular, Wi-Fi or satellite cameras: It is unlawful for any person to use any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting for any big game animal. Exception: This section does not apply to cellular or satellite phones which are kept on one’s person and not used remotely or department employees and their designees while performing their official duties.

EE. It shall be illegal to shoot any turkey on a roost.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019; A, 5/19/2020]

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

A. Upland game hunting hours: Upland game species may be hunted or taken only during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take upland game outside of legal hunting hours.

B. Killing out of season: It is unlawful to kill any migratory game bird or upland game out of season.

C. Exceeding the bag limit: It is unlawful for any person to take or attempt to take more than one daily bag limit of any migratory game bird species or upland game species allowed by state game commission rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Possession limit: It is unlawful for any person to possess more than one possession limit of any migratory game bird or upland game species.

E. Proof of species or sex: It is unlawful for any person to possess any migratory bird or upland game without proof of species or sex as required below:

(1) One foot shall remain attached to each quail taken until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(2) The head or one leg of each pheasant taken must remain attached to the bird until the bird arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(3) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

F. Youth-only (YO), mobility-impaired (MI), Iraq/Afghanistan veterans (IA) and military-only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, IA or MO license or any military discounted license except as allowed by state game commission rule.

G. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

H. Use of dogs in hunting: Dog(s) may be used to hunt migratory game bird species and upland game. It is unlawful to pursue migratory game birds or upland game with dog(s) outside of the hunting seasons established except in conjunction with a permitted event.

I. Use of bait: It is unlawful for any person to take or attempt to take any migratory game bird species or upland game by use of baiting or for any person to take or attempt to take migratory game birds or upland game from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, carrion or offal are not considered bait unless they have been moved there from another location.

J. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any migratory game bird species or upland game species.

K. Use of calling devices: It is unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird or upland game species. During the light goose conservation order hunt dates, electronic calling devices are allowed for the take of light geese.

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game bird or upland game species with a fully automatic firearm.

M. Non-toxic shot: It is unlawful for any person to use or possess any shotgun shell loaded with anything other than non-toxic shot or for any person using a muzzle-loading shotgun to possess anything other than non-toxic shot while hunting for any migratory game bird species, except when hunting dove, band-tailed pigeon or eastern sandhill crane. Non-toxic shot is required for all migratory game birds and upland game species on Bernardo WMA, La Joya WMA, and Huey WMA.

N. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any migratory game bird or upland game species unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

O. Legal sporting arms and ammunition: It is unlawful to use sporting arms other than those listed below to take or attempt to take of any migratory game bird or upland game species.

(1) The following are legal sporting arms for pheasants and quail:

- (a) shotguns firing shot;
- (b) bows; and
- (c) crossbows.

(2) The following are legal sporting arms for dusky grouse, chukar, Eurasian collared-dove, Abert's squirrels, Arizona gray squirrels, fox squirrels, eastern gray squirrels and red squirrels:

- (a) shotguns firing shot;
- (b) rimfire firearms;
- (c) muzzle-loading firearms;
- (d) bows;
- (e) crossbows; and
- (f) compressed air guns, .177 caliber or larger.

(3) The following are legal sporting arms for migratory game birds:

(a) shotguns firing shot, shotguns shall not be capable of holding more than three shells except while hunting light geese during the light goose conservation order hunt dates, as defined in 19.31.6 NMAC;

- (b) bows; and
- (c) crossbows.

P. Areas closed to migratory game bird hunting: It shall be unlawful to hunt migratory game birds in that portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

Q. Collars or tracking devices: It is unlawful for any person to attach any collar or electronic tracking device to any migratory game bird or upland game except as specifically authorized by the department.

R. Use of traps and snares: It is unlawful for any person to intentionally set any trap, snare, cage, box or other device to capture or attempt to capture any migratory game bird or upland game or for any person to intentionally capture or attempt to capture any migratory game bird or upland game unless specifically allowed by license or permit.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019]

19.31.10.14 FISHING:

A. Angling: Game fish may be taken by angling in all waters that are open for fishing.

B. Season and hours: It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

C. Closed waters: It is unlawful to fish in any water closed by state game commission rule.

D. Ice fishing: It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.

E. Hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, angling shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

F. Trotlines: Game fish may be taken by use of trotlines in any water except those listed below, however:

- (1) It is unlawful for any person to set more than one trotline at a time.
- (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
- (3) It is unlawful for any trotline to have more than 25 angling hooks.
- (4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.

(5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.

(6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

(7) It is unlawful to set or use a trotline in any public water with the following exceptions:

Drainage:

Rio Grande drainage

Pecos river drainage

Canadian river drainage

San Juan river drainage

Gila river and San Francisco river drainage

Statewide

Rivers:

Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake

Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties

Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line

San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion

Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line

As described above

Lakes:

Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake

Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir

Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake Navajo lake

None

Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. Spearfishing and bow fishing:

- (1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC or in any river or stream.
- (2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.
- H. Noodling or hand fishing:** It is unlawful to catch any game fish by hand without the use of angling equipment.
- I. Use of nets:** It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.
- J. Illegal device or substance:** It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.
- K. Bait:**
- (1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.
- (2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.
- L. Use of bait fish:** It is unlawful to use or possess any baitfish while angling except as follows:
- (1) The following baitfish species can be used live or dead unless otherwise prohibited:
- | | |
|--|--|
| Water: | Approved bait fish species: |
| Rio Grande drainage | Fathead minnow, red shiner and shad |
| Elephant Butte and Caballo reservoirs | Fathead minnow, red shiner, shad and golden shiner |
| Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park | Fathead minnow red shiner, and shad |
| Canadian river drainage | Fathead minnow, red shiner, white sucker and shad |
| San Juan river drainage | Fathead minnow and red shiner |
| Gila river and San Francisco river drainages | Fathead minnow |
- (2) The following bait fish species can only be used as dead bait unless otherwise prohibited:
- | | |
|-----------------|--|
| Water: | Approved dead baitfish species: |
| Statewide | Common carp |
| Heron reservoir | White sucker |
- (3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.
- M. Methods for taking bait fish for personal use:** Licensed anglers and children 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows and seines. All protected species of fish taken in seines, nets and traps shall be immediately returned to the water.
- N. Illegal taking of bait fish:**
- (1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.
- (2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.
- (3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.
- O. Permits for taking bait fish:** The director may issue permits for the use of nets, seines, traps or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking and duration of the permit. The permittee shall report monthly, to the department, the species, numbers and poundage of bait fish taken during the preceding month.
- P. Limit on angling hooks:** It is unlawful to angle with more than two barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A of 19.31.4.11 NMAC.
- Q. Eradication of fish:** In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 11 years of age and younger to take and possess game fish in numbers exceeding current bag and possession limits. In granting such permission the director may specify bag and possession limits and manner and method of taking for such waters.
- R. Possession and release of live game fish:**
- (1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

S. Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

Z. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

(3) **Chumming:** Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC. [19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019; A, 4/1/2022]

19.31.10.15 FURBEARERS:

A. Shooting hours:

(1) Hunting and falconry – Restricted to the period one-half hour before sunrise to one-half hour after sunset except that a licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand-held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

(2) Trapping – There are no restrictions on shooting hours for trapping.

B. Legal methods of taking furbearers shall include any sporting arm, falconry, traps and snares.

C. Dogs are allowed for hunting all furbearers during open season.

D. It is unlawful to kill any mink, otter, black-footed ferret, coatimundi or Pacific (pine) marten.

E. It is unlawful to kill any furbearer outside of the seasons established for that species, except as authorized by state statute or otherwise allowed by game commission rule.

F. Raccoon may be hunted or trapped during the extended season with a current trapper license. Only cage traps and foot encapsulating traps are allowed for raccoon trapping during this period. It is unlawful to hunt or trap raccoon during the extended season contrary to this section.

G. All land sets must be visually checked every calendar day. Water sets must be checked at least once every other calendar day. A licensed trapper may designate an agent to check their set traps and snares on alternating check days, but the licensed trapper must personally check the traps every other check day. Any person may be designated as an agent for any licensed trapper, but the agent must possess written permission from the trapper and a valid trapper license. The permission must include the licensed trapper's full name, contact information, and the agent must know the location of traps.

H. It is unlawful for any person to trap for any furbearer without having successfully completed a department approved trapper education course.

I. It is unlawful for any person to hunt for any furbearer without having successfully completed either the New Mexico trapper education course or a New Mexico law and species identification course.

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

K. It is unlawful to place or use restricted-use pesticides for the take of any furbearer.

L. The following restrictions shall apply to traps that could reasonably be expected to catch a furbearer:

(1) Each trap or snare must be either permanently marked with, or have a tag securely attached with, a department issued user-identification number or the name and address of the trapper using the trap or snare.

(2) No foothold trap with an outside jaw spread larger than six and one-half inches, or seven inches maximum if laminated above the jaw surfaces, or tooth-jawed trap may be used in making a land set.

(3) No body-grip trap with an inside jaw spread greater than seven inches may be set on land. Body-grip traps with inside jaw spreads of between six and seven inches set on land must be recessed in a cubby at least eight inches from the entrance.

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

(5) No land set shall be placed on public land within one-half mile of:

(a) an established and maintained public campground or boat-launching area;

(b) a designated and signed roadside rest area, public picnic area or trailhead.

“Trailhead” as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

(c) an occupied dwelling without written permission of the occupant of the dwelling.

(6) It shall be unlawful to make a land set within 75 feet of the edge of any public road or trail (including any culvert or structure located beneath it) if no right of way fence is present, except on private land. No land set shall be made within any right of way fence on any public road. “Public road” as used herein shall mean any road, street or thoroughfare open to motorized vehicle travel which was constructed and is maintained with public funds and is open to the public; or any road, street or thoroughfare open to motorized vehicle travel that is officially numbered or named on the most current published map issued by a municipal, state or federal agency and is open to the public. “Trail” as used herein shall mean any officially designated, mapped, maintained, and marked path open for public use and published on the most current map issued by a state or federal land management agency.

(7) No land set may be placed within 150 feet of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land.

(8) It is unlawful to place, set or maintain any land set within 30 feet of any bait over two ounces in weight which is visible to airborne raptors. Bones that are entirely free of bait are legal.

(9) No foothold trap with an inside jaw spread larger than seven and one-half inches or body-grip trap with a jaw spread greater than 12 inches shall be used in making a water set.

(10) Body-grip traps used in water sets with a jaw spread of eight inches or more must be submerged in water to their jaw pivot or deeper.

(11) Any snare set on land must have a lock or break-away device which is designed to release or fail when a maximum of 350 pounds of pressure is applied to it. Locks or break-away devices must be attached in a way which leaves no part of the snare attached to an animal when it releases or fails. All snares must be securely anchored and cannot be attached to a drag. Exception: foot snares.

(12) Each foothold trap set on land must have at least two separate swivel points in the anchor chain. At least one of these swivel points must be within six inches of the trap.

M. A release device or catchpole shall be carried by trappers, and all captured animals must be removed or released from any trap or snare at the time of check. In cases where assistance is required for safe release of the animal, or when biological data is sought by the department, the department must be notified as soon as possible.

N. It is unlawful to set any trap or snare on land without stakes, chains, drags or other anchoring such that any furbearer, coyote or wolf caught will be prevented from escaping with the trap.

O. No person may kill any species listed in 19.33.6 NMAC - LIST OF THREATENED AND ENDANGERED SPECIES, including by the use of any body-grip trap or snare.

P. As long as the Mexican wolf is listed as a federally threatened or endangered species in the United States, any trapper who captures a Mexican wolf must report the capture to the U.S. fish and wildlife interagency field team:

- (1) as soon as possible to arrange for radio-collaring and release of the wolf; or
- (2) within 24 hours if the wolf is released or has pulled out of the trap.

Q. Tagging:

(1) Every person who takes a bobcat in New Mexico shall present the pelt for tagging in New Mexico prior to transporting the pelt out of the state, prior to selling the pelt, or no later than April 14, annually; whichever occurs first.

(2) Every person who presents a bobcat for tagging shall display a current New Mexico trapper license except residents 11 years of age or younger. Tags may be obtained from any conservation officer or any department office. In addition, pelts may be tagged by New Mexico licensed fur dealers following policies set forth by the department.

(3) It is unlawful for any person to transport across state lines, sell, barter, otherwise dispose of, or possess any bobcat pelt taken in New Mexico that has not been tagged in accordance with this rule.

(4) It is unlawful to present for tagging, or to have tagged with a New Mexico tag, any pelt from a bobcat taken outside of New Mexico.

(5) It is unlawful for any licensed fur dealer to charge a fee for tagging any bobcat. It is unlawful for a licensed fur dealer to refuse to tag a bobcat unless the licensed fur dealer has cause to believe the bobcat was taken in another state or jurisdiction, or the bobcat was unlawfully taken in New Mexico. Licensed fur dealers who believe a bobcat has been taken illegally, or has been presented for pelt tagging in New Mexico when it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

(6) It is unlawful for licensed fur dealers to tag any bobcat contrary to this rule, purchase any bobcat pelt which has not been tagged, or is not immediately pelt tagged at the time of purchase.

R. Tampering with traps: It is unlawful to destroy, damage, disturb, steal or remove any trap, snare or trapped wildlife without permission of the owner of the trap or snare. Nothing in this subsection shall prohibit a person from releasing any domestic animal from a trap or snare.

S. Exemptions: The provisions of this section shall not apply to personnel of the department of game and fish or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes.
[19.31.10.15 NMAC - N, 4/1/2020]

19.31.10.16 LANDS AND WATERS OWNED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE STATE GAME COMMISSION:

A. Posting of signs: The state game commission may prohibit, modify, condition or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.

B. Violating provisions of posted signs: It is unlawful to violate the provisions of posted signs on areas under the control of, leased by or managed by the state game commission.

C. Trespass on state game commission owned lands: It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 4/1/2019]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed:

Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: **Bear canyon lake**

WMA, Bill Evans lake WMA, Green Meadow, Fenton lake WMA, Hopewell, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.

C. No motors allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: **Bernardo WMA, La Joya WMA, Jackson lake WMA, McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.**

D. No boats or floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: **Bonito lake, Monastery lake, and Red River hatchery pond.**

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2019]

19.31.10.18 HUNTING ON PRIVATE LAND WITHOUT WRITTEN PERMISSION AND SEIZURE OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR SHED ANTLERS:

A. It is unlawful to knowingly enter upon any private property to take or attempt to take any game animal, furbearer, game bird or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

B. Any game animal, furbearer or game bird taken in violation of this section or Section 30-14-1 NMSA 1978 is unlawfully taken and shall be subject to seizure.

C. All shed antlers collected in violation of any New Mexico state game commission, state or federal land closure, in violation of Section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 NMSA 1978 or state game commission rule remain property of the State of New Mexico and shall be seized.

D. Exception: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 4/1/2019]

19.31.10.19 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

A. No habitat management and access validation stamp (HMAV), contrary to Section 17-4-34 NMSA 1978;

B. No habitat stamp (Sikes Act), contrary to 19.31.10 NMAC;

C. Size limit violations on fish, contrary to 19.31.10 NMAC;

D. Trotline violations, contrary to 19.31.10 NMAC;

E. Use of bait or prohibited lure or fly in a special trout water or noodling, contrary to 19.31.10 NMAC;

F. Disturbing the bottom "shuffling" in a special trout water, contrary to 19.31.10 NMAC;

G. Use of bait fish, contrary to 19.31.10 NMAC;

H. Release of bait fish, contrary to Section 17-3-28 NMSA 1978;

I. More than two lines or two lines without stamp, contrary to 19.31.10 NMAC;

J. Exceeding the daily bag limit or the possession limit of fish by two fish or less, contrary to 19.31.10 NMAC;

K. Snagging or keeping snagged game fish, contrary to 19.31.10 NMAC;

L. Spearfishing and bow fishing violations, contrary to 19.31.10 NMAC;

M. Unlawfully fishing in waters with age or individuals with disabilities use restrictions, contrary to 19.31.10 NMAC;

N. Boat or other floating device violation, contrary to 19.31.10 NMAC;

O. Use of live protected species as a decoy, contrary to 19.31.10 NMAC;

P. Use of an electronic calling device, contrary to 19.31.10 NMAC;

Q. Use of unapproved shot or shotgun capable of holding more than three shells while hunting migratory game birds, contrary to 19.31.10 NMAC;

R. Unlawful ammunition/ bullet/ shot or unlawful caliber, contrary to 19.31.10 NMAC;

S. Hunting hours violations, contrary to 19.31.10 NMAC;

T. Possession of game animal parts found in field, contrary to 19.31.10 NMAC;

U. Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;

V. Harassing protected species, contrary to 19.31.10 NMAC;

W. Driving off road or on a closed road, contrary to 19.31.10 NMAC;

X. Violation of posted signs, contrary to 19.31.10 NMAC;

Y. Unlawful use of dogs, contrary to 19.31.10 NMAC;

Z. Unlawful use of cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;

AA. Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC: or

BB. Any violation of section 15 of 19.31.10 NMAC.

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2019;Rn, 19.31.10.18 4/1/2020]

19.31.10.20 SEIZURE:

Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule.

[19.31.10.20 NMAC - N, 4/1/2019]

19.31.10.21 DIRECTOR'S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL

IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director's sole discretion, necessitates such accommodation. **This includes allowing the use of a scope of not greater than 1X magnification on muzzle-loading firearms by a person with a visual disability which substantially limits a major life activity and cannot be corrected by glasses or contact lenses.** In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other state game commission rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2019]

HISTORY OF 19.31.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously file with the Commission of Public Records - State Records Center and Archives:

DFR 67-5 Basic Regulation No. 500, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Birds, Fish or Bullfrogs, or parts thereof, Taken in New Mexico, Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 5-25-67.

DGF 68-11 Basic Regulation No. 525, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Game Birds, Game Fish or Bullfrogs, or parts thereof, Taken in New Mexico, the Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 8-21-68.

DGF 72-6 Basic Regulation 550 Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, and Use of Department Lands, 5-31-72.

Regulation No. 612 Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, 3-2-82.

Regulation No. 677 Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, Camping Near a Water Hole, 6-25-90.

Order No. 5-91 Requiring that Live-Firing Courses by Taught only by Department of Game and Fish and Volunteer Hunter Education Instructors Certified in Live-Firing Instruction, 10-3-91.

From: [Jerry Cogburn](#)
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] Comments on 19.31.10.7 Definitions
Date: Friday, September 9, 2022 12:46:08 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Regarding the proposed prohibition on the use of scoped or magnified sights on muzzle loaders, I am 68 years old and, I am sure I am not the only senior citizen experiencing age related difficulty in seeing iron sights on fire arms. As we age things closest to our eyes get harder to see, which is when we start using reading glasses. Reading glasses clear up objects within 18 to 24 inches of our eyes, but as a result of magnification, anything beyond that becomes too blurry to see. Due to age related changes in my eyesight, prohibiting me from the use of scopes on any firearm would prohibit me from using that firearm to humanly harvest game animals.

Due to the limited effective range of bows, crossbows and muzzle loaders, I see no need for any magnification over 4X, yet 4X would be sufficient to permit seniors to see the sight and target well enough to harvest the targeted game as humanely as possible. If the department is sure some limits must be placed on these types of firearms, perhaps they could be limited in magnification power.

Sent from [Mail](#) for Windows

From: [John Eddleman](#)
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] muzzleloader scope proposal
Date: Saturday, October 1, 2022 12:57:02 PM

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Please enter my comments for the upcoming hearing, I'm retired and my vision is getting worse. I don't take any long shots past 200 but without my scope I'll be forced to apply for a rifle tag or just not spend my money with NM anymore. It has been difficult to draw to say the least I've drawn muzzleloader tags this year but if we lose the scopes this will deeply effect my way of hunting in the future

thank you for your time

John E.
575-519-8775

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From: [Robert Cole](#)
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] New Muzzleloader Scope Rule Proposal
Date: Friday, September 9, 2022 7:42:06 PM

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As an older hunter it is increasing difficult for me to use iron or peep sights. Therefore I am opposed to eliminating scopes on muzzleloaders. A scope allows me to be sure of my shot helping to reduce or eliminate the chance of a marginal hit resulting in a wounded and lost animal. Please reconsider this proposed rule.

Sincerely,
Robert Cole
rlcole1985@gmail.com

From: [Chad Nelson](#)
To: [DGF-Elk-Rule](#); [Goldstein, Elise J., DGF](#); [DGF-Deer-Rule](#)
Subject: [EXTERNAL] RE: 19.31.10 NMAC
Date: Wednesday, October 12, 2022 3:24:27 AM

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G&F's proposal to remove scopes from muzzleloaders is extremely suspect. They rely on statistical trickery and misdirection to say that it's biologically necessary.

The misdirection is that they relentlessly focus on comparing muzzleloader against rifle in terms of range, and then say that increased range for muzzleloaders due to technological advancements has increased success rates. They claim to prove this by showing DIFFERENCES in success rates between rifle and muzzleloader from 1988-2000 and 2017-2021.

Comparing ONLY differences between rifle and muzzleloader success rate percentages is an enormous red flag.

They calculated the differences using the actual success rates, so why aren't they demonstrating the increase by showing the MUZZLELOADER success rates?

If harvest is unsustainably high as G&F indirectly claims because the success rates have supposedly increased, why don't they show anyone the muzzleloader harvest numbers?

Instead G&F presents a hugely misleading comparison of differences between muzzleloader and rifle success rates, which supposedly proves that success rates are closer to rifle from 2017-2021 (2% lower) than they were from 1988-2000 (supposedly 17% lower).

It's a little tricky, but they claim to prove that success rates have increased for muzzleloader OVERALL, but they ONLY show differences in success rates for muzzleloader RELATIVE to rifle.

Unless they use rifle success rates to set muzzleloader license numbers, this comparison makes no sense.

The date ranges they compare is where the statistical trickery comes in: Mandatory harvest reporting was established in 19.30.10 NMAC in 2013.

How can G&F compare relative success rate data from 1988-2000 against data from 2017-2021 with a straight face?

The penalty established in rule for failure to report is rejection of all draw applications for the following year. That's a very strong incentive for hunters to comply with the requirement that DID NOT EXIST from 1988-2000.

Presumably response rates increased dramatically after 2013 because of the severe penalty.

This relatively obvious statistical trick is the ONLY evidence they present to prove that it's biologically necessary to remove scopes.

The date ranges they compare should be a MASSIVE red flag. They're comparing apples to oranges when the entire difference from 1988-2000 could potentially be explained entirely by dramatically lower response rates.

The entire proposal to reduce the success rate by removing scopes also contradicts the mathematical example they point to in their proposal summary.

If the target harvest is 100 and the success rate is 25% (without scopes) then they offer 400 licenses to achieve the target of 100.

G&F's biological goal is to limit harvest, not success rates. The goal is to determine the number of licenses that will achieve sustainable harvest (number of animals killed), not to determine what success rate will allow the same number of licenses. There is no target success rate in the example, it says the target HARVEST is 100. They set the number at 400 BECAUSE the success rate is 25%. 25% of 400 is 100, which is the goal.

So if the success rate has increased and is now 35% with scopes, they could only set the number at 285 to achieve 100 harvested.

It's just absurdly misleading to claim to know the success rate "without scopes" when removing scopes is the entire proposal. How can they set the number of licenses without knowing the success rate? How did they already do that for pronghorn and ibex?

Apparently because a tiny number of muzzleloader hunters can shoot accurately at long distances using advanced (and very expensive) technology, G&F says that scopes MUST be removed for all muzzleloader hunts to reduce the success rate instead of the number of licenses.

As a hunter, the idea of removing scopes for muzzleloaders is pretty offensive. Removing scopes will reduce the distance of shots for sure, but it will also decrease accuracy overall.

Inaccurate shots will almost certainly increase the incidence of wounding loss, which will not be reflected in their harvest data. If a hunter wounds an animal and doesn't recover it, no harvest will be recorded, but the animal may still have been killed.

The actual rule change to 19.31.10 NMAC requiring open sights for muzzleloaders is now being presented on the G&F website as simply necessary to "conform with changes that are being made to the individual species rules."

So this radical overhaul of muzzleloader hunting in New Mexico is now just a technical correction?

G&F is now saying that because license numbers have already been set for pronghorn and ibex on the assumption that open sights will be required, the Commission now MUST require open sights.

All of this is just incredibly dishonest.

The whole proposal layers misleading claims on top of each other so that people think something has to be done about the muzzleloader apocalypse they describe.

They should show the actual muzzleloader success rates and harvest numbers to demonstrate that it's biologically necessary to change something. If harvest is too high or success rates have increased, they should follow their own example and lower license numbers.

From: [Robert D. Loftis](#)
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] Scoped Sights and Muzzleloaders
Date: Friday, September 9, 2022 3:29:52 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am writing in opposition to the proposed changes to using scoped sites for muzzleloader hunts. I have been trying to introduce my sons to hunting, and have been disappointed in how difficult that seems to be in New Mexico. Short license windows and difficulty drawing tags have significantly limited our opportunities. Muzzleloader youth hunts give young hunters an opportunity to hunt earlier in the season with less competition and pressure. Making muzzleloaders hunts more difficult further limits young hunters chances for success. We should be encouraging youth to love and appreciate hunting, wildlife and the outdoors, not increasing the disappointment and frustration for families. Not everyone can afford private guided hunts. If changes to muzzleloader hunts are warranted, youth should be exempted and allowed to continue to use scopes. We did not even draw a youth muzzleloader tag this year, another year on the sidelines for my child. Frustrating!

Thank you,

Robert Loftis
Edgewood, NM

From: [Anthony Garcia](#)
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] Scopes on ML
Date: Tuesday, September 6, 2022 2:04:40 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Ms. Goldstein: I would like to express my opposition on removing scopes from Muzzle loaders. I would like to see data where scopes have created an unfair advantage with bows with sights or long range rifles. I do not see the fairness in limiting one weapon type over the others. I read the language and it includes cross bows will they be allowed to have scopes? I'm not totally against limiting scope power on Muzzle loaders but if I invest money on quality sights my ML will still be accurate at 300 yards. Just a different kind of practice. Maybe looking at how many unit wide tags are given in 15 might be the reason the top end has been shot out.

Good luck with the decision I respect the position you're in because it cannot be easy

Best of Luck
Anthony R. Garcia

Avid ML hunter

From: jr.creighton@hotmail.com
To: [Goldstein, Elise J., DGF](#)
Subject: [EXTERNAL] Scopes on muzzleloaders
Date: Tuesday, September 6, 2022 6:10:39 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

I've been hunting in New Mexico since 1984, back when muzzleloaders were actually "primitive" weapons. Although I now have one with a scope I am in favor of a rule eliminating them, while allowing 1x magnification for the visually impaired. Has there been any consideration to the "red dot" type sights that were popular at one time? No magnification but big help for vision issues.

Thanks for allowing input,
Randy Creighton
505-715-0657
ABQ

Dated at Las Cruces, this 14th day of October, 2022.

STATE GAME COMMISSION



Chair

ATTEST:



Michael B. Sloane, Secretary

CERTIFICATE OF AUTHENTICATION

State of New Mexico)
) ss
County of Dona Ana)

I, Michael B. Sloane, Director of the Department of Game and Fish of the State of New Mexico, do hereby certify that the foregoing amendment or rule 19.31.10 NMAC Manner and Method rule and 19.31.3 NMAC Licensing and Application rule are true copies of said amendments of the State Game Commission of the State of New Mexico; that said amendment has been adopted, signed, and filed in the office of the Director in accordance with Section 17-2-5, New Mexico Statutes Annotated, 1978 Compilation, and in the office of the State Records Center of the State of New Mexico in accordance with Section 14-4-1, New Mexico Statutes Annotated, 1978 Compilation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Director at Santa Fe, New Mexico, this 14th day of October, 2022.



Michael B. Sloane, Director

S E A L

19.31.3 and 19.31.10 NMAC