

Final Adopted Rule

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, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4 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]

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”** shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.

G. **“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.

H. **“Bait fish”** is defined as those nongame fish which are not otherwise protected by statute or regulation.

I. **“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.

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

K. “**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.

L. “**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.

M. “**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.

N. “**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.

O. “**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.

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

Q. “**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.

R. “**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.

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

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

U. “**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)”.

V. “**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.

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

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

Y. ⁴ “**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.

Z. “**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.

AA. “**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.

BB. “**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.

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

DD. “**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.

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

FF. “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.

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

HH. “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.

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

JJ. “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 (ex. ELK-3-XXX).

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

LL. “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.

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

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

OO. “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.

PP. “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]

†**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 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 15 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.

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, 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. Cougar trapping season: It is unlawful to trap or foot snare cougar outside of the season established for furbearer trapping or to kill any cougar which has been trapped or foot snared in a cougar zone which is closed.

EE. Use of traps and foot snares for cougar: Licensed trappers who also hold a valid cougar license may use traps or foot snares to harvest cougars on state trust land, or private land with written permission from the landowner or person authorized to grant permission. Neck snares are not permitted. Restrictions for cougar take using traps or foot snares shall follow the regulations on methods, trap specification, trap inspection, wildlife removal as defined in 19.32.2 NMAC. No trap with a jaw spread of larger than 6.5 inches or 7 inches if outside laminated shall be allowed.

- (1) It is unlawful to set a foot snare for cougar in GMU 27 and those portions of GMU 26 designated by the United States fish and wildlife service as critical habitat for jaguar.
- (2) It is unlawful to kill any cougar captured on BLM or US Forest Service land by the use of traps or foot snares unless authorized by the director.
- (3) It is unlawful to take any cougar with a neck snare or prohibited trap.

FF. 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.
[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4-1-2019]

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 for trout 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, and Laguna del Campo at Los Ojos 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 water listed in 19.31.4 NMAC which has a reduced bag limit on catfish or in any trout water, with the following exceptions: Abiquiu lake, Chama river downstream from the northern boundary of the Monastery of Christ in the Desert, Gila river downstream from its junction with its east fork, Navajo lake and the Rio Grande downstream from its junction with the Chama river.

(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 and red shiner
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]

19.31.10.15 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]

19.31.10.16 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]

19.31.10.17 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]

19.31.10.18 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. Trolline 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; or
 - AA. Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC.
- [19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4-1-2019]

19.31.10.19 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]

19.31.10.20 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. 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 be 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.

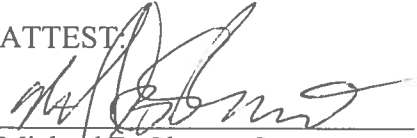
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 11-7-2016.

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

Dated at Roswell, New Mexico, this 30th day of November, 2018.

State Game Commission


Paul Kienzle, Chairman

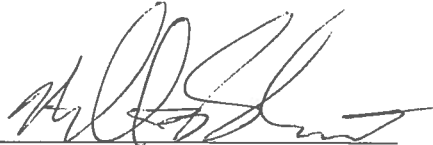
ATTEST:

Michael B. Sloane, Secretary

CERTIFICATION OF AUTHENTICATION

State of New Mexico)
) ss
County of Chaves)

I, Michael B. Sloane, Director of the Department of Game and Fish of the State of New Mexico, do hereby certify that the foregoing amendment of rule **Title 19 Natural Resources and Wildlife, Chapter 31 Hunting and Fishing, Part 10 Hunting and Fishing-Manner and Method of Taking**, is a true copy of said amendment by the State Game Commission of the State of New Mexico; that said rule has been adopted, signed, and filed in the office of the Director in accordance with Section 17-2-5, New Mexico Statutes Annotated, 1978 Compilation, and in the office of the State Records Center of the State of New Mexico in accordance with Section 14-4-1, New Mexico Statutes Annotated, 1978 Compilation.

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


Michael B. Sloane, Director



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 Only) Most recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

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

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

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

Concise Explanatory Statement For Rulemaking Adoption:

Specific statutory or other authority authorizing rulemaking:

Authority for this rulemaking process is found in: 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, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4 and 17-6-3 NMSA 1978

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

Findings required for rulemaking adoption:

Findings MUST include:

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

The rulemaking was undertaken to replace rule 19.31.10 NMAC - Manner and Method of Taking. There were two amendments to the published proposed rule in the final rule. This replacement is occurring in conjunction with the repeal of the old rule for Manner and Method of Taking 19.31.10 NMAC and the new language supersedes that rule. On October 30th, 2018 the New Mexico State Game Commission (Department of Game and Fish) provided notice of rule making by publishing the proposed rule in

Continued on next page

Findings required for rulemaking adoption:
continued



the state register. The New Mexico State Game Commission approved, at its November 30th, 2018 hearing, the new rule 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking, effective April 1, 2019. A wide array of public comments were submitted. To view these 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, citizens of NM and overall hunter, angler or trapper satisfaction.

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

Name:

Michael Sloane

Check if authority has been delegated

Title:

Director, NMDGF

Signature: (BLACK/ink only)

A handwritten signature in black ink, appearing to read "Michael Sloane", written over a horizontal line.

Date signed:

12/6/18

NMAC Transmittal Form

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

Issuing agency name and address: Agency DFA code:

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

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

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

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

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

Findings required for rulemaking adoption:

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

The rulemaking was undertaken to repeal rule 19.31.10 NMAC - Manner and Method of Taking. There were two amendments to the published proposed rule in the final rule. This repeal is occurring in conjunction with the filing of a new rule for Manner and Method of Taking 19.31.10 NMAC and the new language supersedes this rule. On October 30th, 2018 the New Mexico State Game Commission (Department of Game and Fish) provided notice of rule making by publishing the proposed rule in the state

Continued on next page

Findings required for rulemaking adoption:
continued



register. The New Mexico State Game Commission approved, at its November 30th, 2018 hearing, the repeal of its rule 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking, filed October 12, 2017, effective April 1, 2019. A wide array of public comments were submitted. To view these 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, citizens of NM and overall hunter, angler or trapper satisfaction.

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Title:

Director, NMDGF

Signature: (BLACK ink only)

A handwritten signature in black ink, appearing to read "Michael Sloane", written over a horizontal line.

Date signed:

12/6/18

2018, 0012-7 011 185

The New Mexico State Game Commission (Department of Game and Fish) approved, at its 11/30/2018 hearing, to repeal its rule 19.31.10 NMAC, Hunting and Fishing – Manner and Method of Taking, filed 11/21/2016, and to replace it with a new rule 19.31.10 NMAC, Hunting and Fishing – Manner and Method of Taking, of the same name. On November 30, 2018, the Secretary of the Game and Fish Department adopted the new 19.31.10 NMAC, effective April 1, 2019.