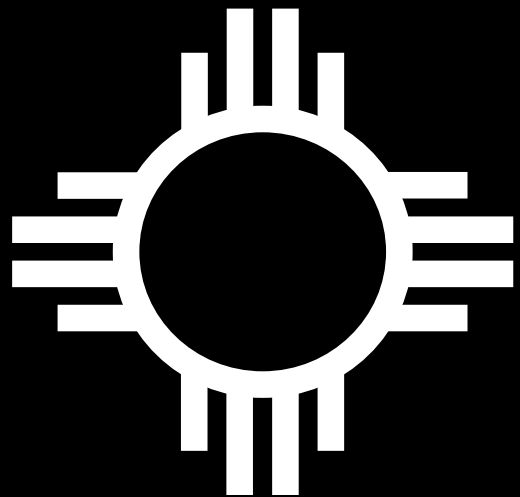


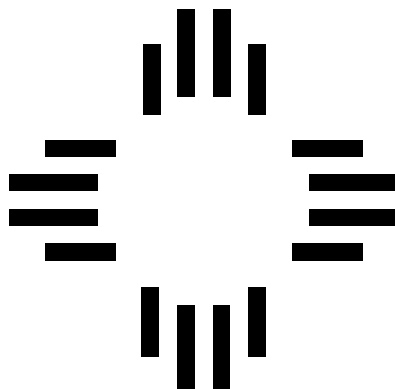
**NEW
MEXICO
REGISTER**



Volume XIV
Issue Number 6
March 31, 2003

New Mexico Register

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March 31, 2003**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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New Mexico Register

Volume XIV, Number 6

March 31, 2003

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Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. "No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Telephone: (505) 476-7907; Fax (505) 476-7910; E-mail rules@rain.state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC HEARING

The New Mexico Environmental Improvement Board ("EIB") had previously advertised a public hearing on May 8-9, 2003, beginning at 8:30 a.m. at the City County Government Center, One Civic Plaza, 9th floor Committee Room, Albuquerque, New Mexico. The hearing location has been changed to the State Capitol Building, Room 317, Corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico. Any interested parties are encouraged to participate.

The public hearing will be held to consider the following proposed amendments to 20.5.1 NMAC, 20.5.4 NMAC, 20.5.5 NMAC, 20.5.6 NMAC, 20.5.7 NMAC, and 20.5.8 NMAC. The reasons for the proposed amendments are to make parts 1, and 4-8 of 20.5 NMAC consistent with legislative amendments to the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 through 74-4-14 (HWA). The HWA now provides regulatory authority for above ground storage tanks (ASTs) as it already does for underground storage tanks (USTs). The EIB is required to adopt regulations concerning "storage tanks" which includes ASTs as well as USTs pursuant to NMSA 1978, Section 74-4-4C. Any interested persons or parties are encouraged to participate or attend.

The hearing will be conducted in accordance with 20.1.1 NMAC Environmental Improvement Board's Rulemaking Procedures, promulgated pursuant to the Environmental Improvement Act, NMSA 1978, Section 74-1-9.

The proponent of the proposed amendments is the New Mexico Petroleum Storage Tank Bureau (the "Bureau") of the New Mexico Environment Department (Department). In summary, the Bureau proposes to amend parts 1, and 4-8 as follows:

20.5.1 NMAC – General Provisions

The proposed amendments in this part add and amend definitions as required by the changes in the following sections.

20.5.4. NMAC –New and

Upgraded UST Systems: Design, Construction and Installation (Proposed part name is "New and Upgraded Storage Tank Systems: Design, Construction and Installation".)

The proposed amendments to this part add design, construction and installation requirements for ASTs, and some changes and reformatting to the requirements for USTs.

20.5.5 NMAC – General Operating Requirements

The proposed amendments to this part add general operating requirements for ASTs, with some changes and reformatting to the requirements already in place for USTs.

20.5.6 NMAC – Release Detection

The proposed amendments to this part add release detection requirements to ASTs, with some changes and reformatting to the requirements already in place for USTs.

20.5.7 NMAC – Release Reporting, Investigation and Confirmation (Proposed part name is "Release Reporting and Investigation of Suspected and Confirmed Releases".)

The proposed amendments to this part add release reporting, investigation and confirmation requirements for ASTs, and make the requirements for USTs more efficient and clear.

20.5.8 NMAC – Out-of-Service Systems and Closure

The proposed amendments to this part add requirements for temporary and permanent closure for ASTs, with some changes and reformatting to the requirements for USTs.

Any person may provide a general written statement concerning the regulations at or before the hearing by filing the statement with Geraldine Madrid-Chavez at Environment Department, Secretary to EIB, P.O. Box 26110, Santa Fe, New Mexico 87502. Any person may provide a general oral statement or non-technical testimony concerning the application for modification at the hearing.

Any person who intends to pro-

vide a technical written statement or technical oral testimony concerning the proposed changes to the regulations shall file a statement of intent to present technical testimony on or before April 28, 2003. The statement of intent to present technical testimony shall:

1. Identify the person filing the statement, the witness, and the person for whom the witness will testify;
2. State whether the person filing the statement supports or opposes the regulations;
3. Identify each fact and/or expert witness, qualifications of each witness, including name, address, affiliations and educational work background;
4. Summarize or copy any direct testimony of each witness, stating any opinions to be offered by such witness, and an explanation of the basis for such opinions, and the anticipated duration of the testimony of each witness;
5. Identify all exhibits anticipated to be offered;
6. List or make available all technical materials relied upon by each witness in making a statement of technical fact or opinion contained in his or her direct testimony; and
7. Include the text of any recommended modifications to the proposed regulatory changes.

Interested persons may review hard copies of the proposed amendments during regular business hours at the Petroleum Storage Tank Bureau located at 2044 Galisteo Street, Suite A, in Santa Fe, New Mexico, the Albuquerque field office located at 4131 Montgomery NE, or at the Environment Department's web site www.nmenv.state.nm.us. You may also contact Jerry Schoepfner at 984-1787 to obtain hard copies if you do not have access to the Department's web site.

The EIB may make a decision on the proposed regulatory changes at the conclusion of the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e. sign language interpreter, to participate in any aspect of this hearing, please contact Cliff Hawley at (505) 827-2844, New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502 (TDD or TDY users please access this num-

ber via the New Mexico Relay Network. Albuquerque TDD uses: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC HEARING

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing after its regularly convened meeting on June 12-13, 2003 beginning at 8:30 a.m. in Room 317 of the State Capitol Building, at the corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

The public hearing will be held to consider proposed amendments to 20.5.1 NMAC and 20.5.9 NMAC through 20.5.16 NMAC. Any interested persons or parties are encouraged to participate or attend.

The reasons for the proposed amendments are to make Part 1 and Parts 9-16 of 20.5 NMAC consistent with legislative amendments to the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 through 74-4-14 ("HWA"), and the Ground Water Protection Act, NMSA 1978, Sections 74-6B-1 through 74-6B-14 ("GWPA"). The HWA now provides regulatory authority for above ground storage tanks ("ASTs"), as it already does for underground storage tanks ("USTs"). Similarly, GWPA now provides for use of the Corrective Action Fund for corrective action at AST sites as well as UST sites, so long as certain requirements are met. Under the HWA and GWPA, the EIB is required to adopt regulations concerning "storage tanks" that include ASTs as well as USTs, pursuant to NMSA 1978, Section 74-4-4C and Section 74-6B-7.

The hearing will be conducted in accordance with 20.1.1 NMAC, the Environmental Improvement Board's Rulemaking Procedures, promulgated pursuant to the Environmental Improvement Act, NMSA 1978, Section 74-1-9.

The proponent of the proposed amendments is the New Mexico Petroleum Storage Tank Bureau ("Bureau") of the New Mexico Environment Department ("Department"). In summary, the Bureau proposes to amend Parts 1 and 9-16 as follows:

20.5.1 NMAC – General Provisions

The proposed amendments to this part add, repeal and amend definitions as required by the changes in the following sections.

20.5.9. NMAC – Financial Responsibility

The proposed amendments to this part add financial responsibility requirements for ASTs, which will take effect in July 2007, standardize the format, and conform certain deadlines to the deadlines in GWPA.

20.5.10 NMAC – Administrative Review

The proposed amendments to this part provide AST owners and operators the same opportunity for review of department decisions that is afforded UST owners and operators, and modify the approach to hearings on requests for review. Formatting changes are also made to conform the part to NMAC requirements.

20.5.11 NMAC – Lender Liability

Rather than continue to incorporate EPA's UST lender liability rule by reference, the text of the federal rule has been reformatted in NMAC format. Proposed amendments to this part limit the liability of lenders on ASTs and properties on which ASTs are located to the same extent as lenders on USTs and UST properties.

20.5.12 NMAC – Corrective Action for UST Systems Containing Petroleum (Proposed part name is "Corrective Action for UST Systems Containing Petroleum Products".)

The proposed amendments to this part add corrective action requirements for ASTs, create a separate, more streamlined track for remediation by monitored natural attenuation for both ASTs and USTs, and make a number of small changes to make UST and AST corrective action more efficient and the requirements clearer. The part name is changed to "Corrective Action for Storage Tank Systems Containing Petroleum Products" to reflect the inclusion of ASTs and the text is reformatted to meet NMAC requirements.

20.5.13 NMAC – Corrective Action for UST Systems Containing Other Regulated Substances

The proposed amendments to this part update the corrective action process for hazardous substance USTs, which had not changed in some time, and reformat the text to meet NMAC requirements. Since only petroleum ASTs are regulated under the HWA and GWPA, this part is not being

amended to include ASTs.

Proposed amendments conform the corrective action process for hazardous substance USTs more closely to the process outlined in 20.5.12 NMAC for petroleum tanks, including the proposed approach to monitored natural attenuation. The Bureau is not proposing to add the tiered evaluation process from Part 12.

20.5.14 NMAC – Certification of Tank Installers

The proposed amendments to this part extend the requirements to persons who install and repair ASTs ("installers"), revise the requirements for both UST and AST installers to make them more efficient and workable, and align the requirements more closely with the skills needed. Formatting changes are made to comply with NMAC requirements.

20.5.15 NMAC – Corrective Action Fund Use and Expenditures

The proposed amendments to this part incorporate ASTs into the priority setting system for corrective action fund payments, move the priority setting and financial need provisions of 20.5.17 into 20.5.15 NMAC pursuant to the 2001 amendments to GWPA, and conform the provisions on fund reserves to the 2001 amendments. As with the other parts, formatting changes are made to meet NMAC requirements.

20.5.16 NMAC – Qualification of Contractors

The proposed amendments to this part include corrective action at AST sites as well as UST sites in its provisions. They also streamline the process for qualifying persons to do corrective action, repeal the certified scientist program, change the way in which adverse determinations are appealed, and make style and format changes to comply with NMAC requirements. The title of the part is changed to "Qualification of Persons Performing Corrective Action."

Any person may provide a general written statement concerning the regulations at or before the hearing by filing the statement with Geraldine Madrid-Chavez at Environment Department, Secretary to EIB, P.O. Box 26110, Santa Fe, New Mexico 87502. Any person may provide a general oral statement or non-technical testimony concerning the application for modification at the hearing.

Any person who intends to provide a technical written statement or technical oral testimony concerning the proposed changes to the regulations shall file a statement of intent to present technical testimony on or before **June 2, 2003**. The statement of intent to present technical testimony shall:

1. Identify the person filing the statement, the witness, and the person for whom the witness will testify;
2. State whether the person filing the statement supports or opposes the regulations;
3. Identify each fact and/or expert witness, qualifications of each witness, including name, address, affiliations and educational work background;
4. Summarize or provide a copy of any direct testimony of each witness, stating any opinions to be offered by such witness, and an explanation of the basis for such opinions, and the anticipated duration of the testimony of each witness;
5. Identify all exhibits anticipated to be offered;
6. List or make available all technical materials relied upon by each witness in making a statement of technical fact or opinion contained in his or her direct testimony; and
7. Include the text of any recommended modifications to the proposed regulatory changes.

Interested persons may review hard copies of the proposed amendments during regular business hours at the Petroleum Storage Tank Bureau located at 2044 Galisteo Street, Suite A, in Santa Fe, New Mexico, at the Albuquerque field office located at 4131 Montgomery NE, or at the Environment Department's web site, www.nmenv.state.nm.us. You may also contact Jerry Schoepner at 984-1787 to obtain hard copies if you do not have access to the Department's web site.

The EIB may make a decision on the proposed regulatory changes at the conclusion of the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e. sign language interpreter, to participate in any aspect of this hearing, please contact Cliff Hawley at (505) 827-2844, New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502 (TDD or TDY users please access this number via the New Mexico Relay Network. Albuquerque TDD uses: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.

NEW MEXICO DEPARTMENT OF LABOR JOB TRAINING DIVISION

NOTICE OF PUBLIC HEARING FOR RULEMAKING

The New Mexico Department of Labor Job Training Division (NMDOL JTD) State Administrative Entity (SAE), State Planning, Policy and Technical Assistance (SPPTA) Bureau will hold a public hearing for rulemaking on replacement of four (4) and proposal of one (1) SAE WIA Rules as follows:

11.2.4 NMAC WORKFORCE INVESTMENT ACT (WIA) PROGRAM RULES AND STATE TECHNICAL ASSISTANCE GUIDE (STAG) SYSTEM. This Rule replaces existing rule and provides guidance and direction to assure conformance and timeliness.

11.2.8 NMAC WORKFORCE INVESTMENT ACT (WIA) INDIVIDUAL TRAINING ACCOUNTS (ITAs). This Rule provides WIA Subrecipients with guidance and instruction on the use of Individual Training Accounts (ITAs) and replaces existing rule.

11.2.12 NMAC WORKFORCE INVESTMENT ACT (WIA) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES. This Rule transmits State requirements of the development and maintenance of the State list of Eligible Training Providers and identifies the roles of the State and local boards in this process and replaces existing rule.

11.2.13 NMAC WORKFORCE INVESTMENT ACT (WIA) PARTICIPANT ELIGIBILITY. This Rule transmits WIA Adult, Dislocated Worker, and Youth Program eligibility requirements that include eligibility documentation and verification procedures to be used by One-Stop Operators and Service Providers in all Local Workforce Development Areas (LWDBs) and replaces existing rule.

11.2. 28 NMAC WORKFORCE INVESTMENT ACT (WIA) PROCUREMENT AND CONTRACTING ACTIVITIES GUIDELINES. This proposed Rule establishes minimum State requirements for procurement and contracting conducted under WIA.

The Public Hearing will be held on Wednesday, April 30, 2003 at 9:00 a.m. in the Aspen Plaza conference room located at 1596 Pacheco Street, Room 201, Santa Fe,

New Mexico. Interested persons who have a disability and require some accommodation in attending the public hearing or having the rules communicated to them, should submit a written request identifying the disability and the type of accommodations needed to: Ms. Carol Szpakowski, New Mexico Department of Labor, Job Training Division, P.O. Box 4218, Santa Fe, NM 87502. If such request is not made in advance, the availability of accommodation on-site cannot be guaranteed.

Inquiries or requests for copies of the policies referred to above, may be addressed to the Job Training Division by calling Ms. Szpakowski at (505) 827-1636 in Santa Fe.

NEW MEXICO PHYSICAL THERAPY BOARD

Notice is hereby given that the New Mexico Physical Therapy Board will convene a Rule Hearing to consider revisions to:

- Title 16, Chapter 20, Part 1 General Provisions
- Title 16, Chapter 20, Part 3 Issuance of Licenses
- Title 16, Chapter 20, Part 8 Continuing Education
- Title 16, Chapter 20, Part 9 Education Criteria for Foreign-Educated Applicants
- Title 16, Chapter 20, Part 10 Direct Care Requirements

This Hearing will be held in the large conference room at the Regulation and Licensing Department, 725 St. Michael's Drive in Santa Fe, New Mexico on Thursday, May 8, 2003, beginning at 1:30 p.m.

Notice is further given that the Board will convene a Regular Board Meeting on Thursday, May 8, 2003, beginning at 9:00 a.m. for a new board member orientation and election of officers. The Board will reconvene the Regular Board Meeting immediately following the Rule Hearing.

Final action on the proposed rules will be taken during this meeting. In addition to the open meeting, the Board may be going into closed session to consider matters pertaining to licensing.

If you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please contact J.J. Walker at (505) 476-7085 at least two weeks prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

Persons desiring to present their views on the proposed rules may appear in person at said time and place or send their written comments to the Physical Therapy Board, P.O. Box 25101, Santa Fe, New Mexico 87504. Copies of the proposed rules may be obtained at the Board office, 2055 S. Pacheco St., Suite 400, Santa Fe, New Mexico or by written request to the Board at P.O. Box 25101, Santa Fe, NM 87504. Written comments are requested no later than April 25, 2003.

If you have any questions regarding this meeting, please call (505) 476-7085.

NEW MEXICO RETIREE HEALTH CARE AUTHORITY

NEW MEXICO RETIREE HEALTH CARE AUTHORITY

NOTICE OF PUBLIC MEETING AND HEARING TO CONSIDER PROPOSED AMENDMENTS TO 2.81.11 NMAC

The purpose of this hearing is to obtain input on proposed amendments to 2.81.11 NMAC, Establishing Subsidy Levels on the Basis of Years of Creditable Service.

I. SOLICITATION OF COM- MENTS

The New Mexico Retiree Health Care Authority ("NMRHCA") is soliciting comments from the public on proposed amendments to 2.81.11 NMAC. On April 8, 2003, at 9:30 a.m., the NMRHCA will hold a public meeting to discuss proposed amendments to its subsidy rule. The meeting will be held at the offices of the NMRHCA at 810 West San Mateo, Suite D in Santa Fe. The meeting will offer interested parties an opportunity to comment on the proposed amendment to the rule. In addition, interested persons can submit written comments before April 1, 2003, to Milton Sanchez, Executive Director, 810 West San Mateo, Suite D, Santa Fe, New Mexico 87505 regarding the proposed amendment to 2.81.11 NMAC.

If an individual with a disability 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 Rosemarie Quintana at 1-800-233-2576, at least one week prior to the meeting or as soon as possible. The text of the proposed rule can also be obtained from Milton Sanchez, Executive Director NMRHCA.

NEW MEXICO WORKERS' COMPENSATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on April 1, 2003, commencing at 1:30 p.m., the New Mexico Workers' Compensation Administration will conduct a public hearing on the rule change to alter the Proof of Coverage rules governing the filing of coverage with the WCA. The hearing will be conducted at the Workers' Compensation Administration, 2410 Centre Avenue S.E., Albuquerque, NM.

The effective date of the rule will be August 1, 2003. Comments made in writing and at the public hearing will be taken into consideration.

Written comments pertaining to these proposals will be accepted until the close of business on Friday, April 11, 2003.

For further information call (505) 841-6000. Please inquire at the WCA Clerk's Office, 2410 Centre Avenue S.E., Albuquerque, NM, 87106, (505) 841-6000, for copies of the proposed new and amended rules. Copies will be available on March 1, 2003. If you intend to request a copy by mail, please inquire at the WCA Clerk's Office about the postage cost and envelope size needed to accommodate your request. Plan on including a post-paid, self-addressed envelope with your request.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aide or service to attend or participate in the hearing or meetings, please contact Renee Blechner at (505) 841-6085. Or you may inquire about assistance through the New Mexico relay network at 1-800-659-8331. Public documents pertaining to this rule making can be provided in various accessible forms. Please contact Renee Blechner if a summary or any other type of accessible form is needed.

End of Notices and Proposed Rules Section

Adopted Rules and Regulations

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

Explanatory Paragraph: This is an amendment to 19.15.5 NMAC, Sections 303 and 309. Section 303 changes were adopted to streamline procedures for surface commingling applications, and to coordinate provisions for pool commingling and lease commingling. Section 309 changes were adopted in order to collect provisions relating to surface commingling in Section 303.

19.15.5.303 SEGREGATION OF PRODUCTION FROM DIFFERENT POOLS OR LEASES:

A. In General

(1) Pool Segregation Required - Each pool shall be produced as a single common source of supply and wells therein shall be completed, cased, maintained, and operated so as to prevent communication within the wellbore with any other [specif-
ie] pool [or horizon]. [The production] Oil, gas, or oil or gas produced from each pool shall at all times be segregated, and the combination commingling [or confusion] of production, before marketing, with production from any other pool [or pools] without division approval is [strictly] prohibited.

(2) Lease Segregation Required - Oil, gas, or oil and gas shall not be transported from a lease until it has been accurately measured or determined by other methods acceptable to the division. The production from each lease shall at all times be segregated, and the combination or commingling of production, before marketing, with production from any other lease without division approval is prohibited.

(3) Exceptions. Exceptions to Paragraphs (1) and (2) of Subsection A of 19.15.5.303 NMAC may be permitted for surface commingling, downhole commingling and off-lease storage and/or measurement pursuant to Subsections B, C and D of 19.15.5.303 NMAC, respectively. Exceptions granted by previous orders of the division remain in effect in accordance with their terms and conditions.

B. Surface Commingling - Oil, Gas or Oil and Gas

(1) [The Director] Introduction - To prevent waste, to promote conservation and to protect correlative rights, the division shall have the authority to grant [an] exceptions [to Rule 303A] to permit the surface

commingling of oil, gas or oil and gas in common facilities [of the commonly owned production] from two or more [common sources of supply] pools, [without notice and hearing, provided that the liquid hydrocarbon production from each common source of supply is to be accurately measured or determined prior to such commingling in accordance with the applicable provisions of the Division's "Manual for the Installation and Operation of Commingling Facilities," then current] two or more leases or combinations of pools and leases provided that:

(a) the method used to allocate the production to the various leases or pools to be commingled is approved by the division;

(b) if federal, Indian or state lands are involved, the United States bureau of land management or the commissioner of public lands for the State of New Mexico (as applicable) has been notified of the proposed commingling; and

(c) all other applicable requirements set out in Subsection B of 19.15.5.303 NMAC are met.

(2) [Application for administrative approval to commingle the production from two or more common sources of supply shall be filed in triplicate with the Santa Fe Office of the Division. The application must contain detailed data as to the gravities of the liquid hydrocarbons, the values thereof, and the volumes of the liquid hydrocarbons production from each pool, as well as the expected gravity and value of the commingled liquid hydrocarbons production; a schematic diagram of the proposed installation; a plat showing the location of all wells on the applicant's lease and the pool from which each well is producing. The application shall also state specifically whether the actual commercial value of such commingled production will be less than the sum of the values of the production from each common source of supply and, if so, how much less.] Definitions - For purposes of Section 303 of 19.15.5 NMAC only, the following definitions shall apply:

(a) Lease. "Lease" means a contiguous geographical area of identical ownership overlying a pool or portion of a pool. An area pooled, unitized or communitized, either by agreement or by division order, or a participating area shall constitute a lease. If there is any diversity of ownership between different pools, or between different zones or strata, then each such pool, zone or stratum having such diverse ownership shall be considered a separate lease.

(b) Diverse Ownership. "Diverse Ownership" exists if leases or pools have any different working, royalty or overriding

royalty interest owners or any different ownership percentages of the same working, royalty or overriding royalty interest owners.

(c) Identical Ownership. "Identical Ownership" exists if leases or pools have all the same working, royalty and overriding royalty owners in exactly the same percentages.

(3) [Where State and Federal lands are involved, applicant shall furnish evidence that the Commissioner of Public Lands for the State of New Mexico or the Regional Supervisor of the United States Bureau of Land Management has consented to the proposed commingling.] Specific Requirements and Provisions for Commingling of Leases, Pools or Leases and Pools with Identical Ownership.

(a) Measurement and Allocation Methods.

(i) Well Test Method - If all wells or units to be commingled are marginal and are physically incapable of producing the top unit allowable for their respective pools, or if all affected pools are unprorated, commingling shall be permitted without separately measuring the production from each pool or lease. Instead, the production from each well and from each pool or lease may be determined from well tests conducted periodically, but no less than annually. The well test method shall not apply to wells or units that can produce an amount of oil equal to the top unit allowable for the pool but are restricted because of high gas-oil ratios. The operator of any such marginal commingling installation shall notify the division at any time any well or unit so commingled under this subsection becomes capable of producing the top unit allowable for its pool, at which time the division shall require separate measurement.

(ii) Metering Method - Production from each pool or lease may be determined by separately metering before commingling.

(iii) Subtraction Method - If production from all except one of the pools or leases to be commingled is separately measured, the production from the remaining pool or lease may be determined by the subtraction method as follows: For oil, the net production from the unmetered pool or lease shall be the difference between the net pipeline runs with the beginning and ending stock adjustments and the sum of the net production of all metered pools or leases. For gas, the net production from the unmetered pool or lease shall be the difference between the volume recorded at the sales meter and the

sum of the volumes recorded at the individual pool or lease meters.

(iv) Top Allowable Producers - If any well or unit in a prorated pool to be commingled can physically be produced at top unit allowable rates (even if restricted because of high gas-oil ratios), commingling may be permitted only if the production from such unit is metered prior to commingling, or determined by the subtraction method.

(v) Alternative Methods - Production from each pool or lease to be commingled may also be determined by any other method specifically approved by the division prior to commingling. The division shall determine what evidence is necessary to support any request to use an alternative method.

(b) Approval Process. Prior to commingling, the applicant shall notify the division by filing form C-103 (sundry notices and reports on wells) in the Santa Fe office with the following information set forth therein or attached thereto:

(i) Identification of each of the leases, pools or leases and pools to be commingled;

(ii) The method of allocation to be used. If the well test method is proposed for production from a prorated pool, the notification to the division shall be accompanied by a tabulation of production showing that the average daily production of any affected proration unit over a 60-day period has been below the top unit allowable for the subject pool (or for any newly drilled well without a 60-day production history, a tabulation of the available production) or other evidence acceptable to the division to establish that the well or wells on such unit are not capable of producing the top unit allowable. If the proposed method of allocation is other than an approved method provided in this section, the operator shall submit evidence of the reliability of such method;

(iii) A certification by a licensed attorney or qualified petroleum landman that the ownership in all pools and leases to be commingled is identical as defined in this section; and

(iv) Evidence of notice to the state land office and/or the United States bureau of land management, if required. Commingling may be authorized without any notice or hearing and may be commenced upon approval of form C-103 by the division, subject to compliance with any conditions of such approval noted by the division; provided however that commingling involving any state, federal or tribal leases shall not be commenced unless or until approved by the state land office or the United States bureau of land manage-

ment, as applicable.

(4) Specific Requirements and Provisions for Commingling of Leases, Pools or Leases and Pools with Diverse Ownership.

(a) Measurement and Allocation Methods. Where there is diversity of ownership between two or more leases, two or more pools, or between different pools and leases, the surface commingling of production therefrom shall be permitted only if production from each of such pools or leases is accurately metered, or determined by other methods specifically approved by the division, prior to such commingling.

(b) Meter Proving and Calibration Frequencies.

(i) Oil. Each meter used in oil production accounting shall be tested for accuracy as follows: monthly, if more than 100,000 barrels of oil per month are measured through the meter; quarterly, if between 10,000 and 100,000 barrels of oil per month are measured through the meter; and semi-annually, if less than 10,000 barrels of oil per month are measured through the meter.

(ii) Gas. For each gas sales and allocation meter, the accuracy of the metering equipment at the point of delivery or allocation shall be tested following the initial installation and following repair and retested: quarterly, if 100 thousand cubic feet of gas per day ("Mcfgpd") or more are measured through the meter; and semi-annually, if less than 100 Mcfgpd are measured through the meter.

(iii) Correction and Adjustment. If a meter proving and calibration test reveals inaccuracy in the metering equipment of more than two percent (2%), the volume measured shall be corrected and the meter adjusted to zero error. The operator shall submit a corrected report adjusting the volume of oil or gas measured and showing all calculations made in correcting the volumes. The volumes shall be corrected back to the time the inaccuracy occurred, if known. If the time is unknown, the volumes shall be corrected for the last half of the period elapsed since the date of the last calibration. If a test reveals an inaccuracy of less than 2%, the meter shall be adjusted, but correction of prior production shall not be required.

(c) Low Production Gas Wells. For gas wells producing less than 15 Mcfgpd, estimation of production is an acceptable alternative to individual well measurement provided that commingling of production from different pools or leases does not take place unless otherwise authorized pursuant to Section 303 of 19.15.5 NMAC.

(d) Approval Process.

(i) In General. Where there is diversity of ownership, the division may grant an exception to the requirements of Subsection A of 19.15.5.303 NMAC to permit surface commingling of production from different leases, pools or leases and pools only after notice and an opportunity for hearing as provided in Subparagraph (d) of Paragraph (4) of Subsection B of 19.15.5.303 NMAC.

(ii) Application. An application for administrative approval shall be submitted to the division's Santa Fe office on form C-107-B and shall contain a list of all parties (hereinafter called "interest owners") owning any interest in any of the production to be commingled (including owners of royalty and overriding royalty interests whether or not they have a right or option to take their interests in kind) and a method of allocating production to ensure the protection of correlative rights.

(iii) Notice. Notice shall be given to all interest owners in accordance with Subsection A of 19.15.14.1207 NMAC. The applicant shall submit a statement attesting that applicant, on or before the date the application was submitted to the division, sent notification to each of the interest owners by submitting a copy of the application and all attachments thereto, by certified mail, return receipt requested, and advising them that any objection must be filed in writing with the Santa Fe office of the division within 20 days from the date the division received the application. The division may approve the application administratively, without hearing, upon receipt of written waivers from all interest owners, or if no such owner has filed an objection within the 20-day period. If any objection is received, the application shall be set for hearing. Notice of the hearing shall be given to the applicant, to any party who has filed an objection, and to such other parties as the division shall direct.

(iv) Hearing Ordered by the Division. The division may set for hearing any application for administrative approval of surface commingling, and, in such case, notice of such hearing shall be given in such manner as the division shall direct.

(v) Notice by Publication. When an applicant has been unable to locate all interest owners after exercising reasonable diligence, notice shall be provided by publication, and proof of publication shall be submitted with the application. Such proof shall consist of a copy of the legal advertisement that was published in a newspaper of general circulation in the county or counties in which the commingled production is located. The

contents of such advertisement shall include (a) the name, address, telephone number, and contact party for the applicant, (b) the location by section, township and range of the leases from which production will be commingled and the location of the commingling facility; (c) the source of all commingled production by pool name, and (d) a notation that interested parties must file objections or requests for hearing in writing with the oil conservation division's Santa Fe office, within 20 days after publication, or the division may approve the application.

(vi) Effect of Protest.

All protests and requests for hearing received by the division shall be included in the case file; provided however, the protest will not be considered by the division as evidence. If the protesting party does not appear at the hearing, the application may be granted without the division receiving additional evidence in support thereof.

(vii) Additions. A surface commingling order may authorize, prospectively, the inclusion therein of additional pools and/or leases within defined parameters set forth in the order, provided that (a) the notice to the interest owners has included a statement that authorization for subsequent additions is being sought and of the parameters for such additions proposed by the applicant, and (b) the division finds that subsequent additions within defined parameters will not, in reasonable probability, reduce the value of the commingled production or otherwise adversely affect the interest owners. A subsequent application to amend an order to add to the commingled production other leases, pools or leases and pools that are within the defined parameters shall require notice only to the owners of interests in the production to be added, unless the division otherwise directs.

(viii) State, Federal or Tribal Lands. Notwithstanding the issuance of an exception under Subsection B of 19.15.5.303 NMAC, no commingling involving any state, federal or tribal leases shall be commenced unless or until approved by the state land office or the United States bureau of land management, as applicable.

C. Downhole Commingling

(1) The Director may grant an exception to ~~[Rule 303A]~~ Subsection A of 19.15.303 NMAC to permit the commingling of multiple producing pools in existing or proposed wellbores when the following conditions are met:

(a) the fluids from each pool are compatible and combining the fluids will not result in damage to any of the pools;

(b) the commingling will not

jeopardize the efficiency of present or future secondary recovery operations in any of the pools to be commingled;

(c) the bottom perforation of the lower zone is within 150% of the depth of the top perforation in the upper zone and the lower zone is at or below normal pressure with normal pressure assumed to be 0.433 psi per foot of depth. If the pools to be commingled are not within this vertical interval, then evidence will be required to demonstrate that commingling will not result in shut-in or flowing wellbore pressures in excess of the fracture parting pressure of any commingled pool. The fracture parting pressure shall be assumed to be 0.65 psi per foot of depth unless the applicant submits other measured or calculated pressure data acceptable to the Division;

(d) the commingling will not result in the permanent loss of reserves due to cross-flow in the wellbore;

(e) fluid-sensitive formations that may be subject to damage from water or other produced liquids shall be protected from contact with such liquids produced from other pools in the well;

(f) if any of the pools being commingled is prorated, or the well's production has been restricted by Division order in any manner, the allocated production from each producing pool in the commingled wellbore shall not exceed the top oil or gas allowable rate for a well in that pool or rate restriction applicable to such well;

(g) the commingling will not reduce the value of the total remaining production; and

(h) correlative rights will not be violated.

(2) The Director may rescind authority to commingle production in a wellbore and require the pools to be produced separately if, in the Director's opinion, waste or reservoir damage is resulting, correlative rights are being impaired or the efficiency of any secondary recovery project is being impaired, or any changes or conditions render the installation no longer eligible for downhole commingling.

(3) When the conditions set forth in ~~[Rule 303C(4)]~~ Paragraph (1) of Subsection C of 19.15.5.303 NMAC are satisfied, the Director may approve a request to downhole commingle production in one of the following ways:

(a) **Individual exceptions:** Applications to downhole commingle in wellbores located outside of an area subject to a downhole commingling order issued in a "reference case" and not within a pre-approved pool or area shall be filed on Division Form C-107-A with the Division.

(i) The Director may administratively approve a Form C-107-A

application in the absence of a valid objection filed within 20-days after receipt of the application by the Division if, in the Director's opinion, waste will not occur and correlative rights will not be impaired.

(ii) In those instances where the ownership or percentages between the pools to be commingled is not identical, applicant shall send a copy of Form C-107-A to all interest owners in the spacing unit by certified mail (return receipt).

(iii) Applicant shall send copies of Form C-107-A to the Commissioner of Public Lands for the State of New Mexico for wells in spacing units containing state lands or the Bureau of Land Management for wells in spacing units containing federal lands.

(iv) The Director may set any administratively filed Form C-107-A application for hearing.

(b) **Exceptions for wells located in pre-approved pools or areas:**

Applications to downhole commingle in wellbores within pools or areas that have been established by the Division as "pre-approved pools or areas" pursuant to ~~[Rule 303C(4)(b)]~~ Subparagraph (b) of Paragraph (4) of Subsection C of 19.15.5.303 NMAC shall be filed on Form C-103 (Sundry Notice of Intent) at the appropriate Division District Office. The supervisor of the appropriate Division District Office may approve the proposed downhole commingling following receipt of Form C-103. In addition to the information required by Form C-103, the applicant shall include:

(i) number of Division order that established pre-approved pool or area;

(ii) names of pools to be commingled;

(iii) perforated intervals;

(iv) allocation method and supporting data;

(v) a statement that the commingling will not reduce the value of the total remaining production;

(vi) in those instances where the ownership or percentages between the pools to be commingled is not identical, a statement attesting that applicant sent notice to all interest owners in the spacing unit by certified mail (return receipt) of its intent to apply for downhole commingling and no objection was received within 20 days of sending this notice; and

(vii) a statement attesting that applicant sent a copy of the Division Form C-103 to the Commissioner of Public Lands for the State of New Mexico for wells in spacing units containing state lands or the Bureau of Land

Management for wells in spacing units containing federal lands using Sundry Notice Form 3160-5.

(c) **Exceptions for wells located in areas subject to a downhole commingling order issued in a "reference case":** Applications to downhole commingle in wellbores within an area subject to a Division order that excepted any of the criteria required by ~~[Rule 303C]~~ Subsection C of 19.15.5.303 NMAC or Division Form C-107-A shall be filed with the supervisor of the appropriate Division District Office and, except for the place of filing, shall meet the requirements of the applicable order issued in that "reference case".

(4) Applications for establishing a "reference case" or for pre-approval of downhole commingling on an area-wide or pool-wide basis:

(a) **Reference cases:** If sufficient data exists for a lease, pool, formation, or geographical area to render it unnecessary to repeatedly provide such data on Form C-107-A, an operator may except any of the various criteria required under ~~[Rule 303C]~~ Subsection C of 19.15.5.303 NMAC or set forth in Form C-107-A by establishing a "reference case." The Division, upon its own motion or application from an operator, may establish "reference cases" either administratively or by hearing. Upon Division approval of such "reference cases" for specific criteria, subsequent Form C-107-A applications to downhole commingle will be required only to cite the Division order number that established such exceptions and shall not be required to submit data for those criteria. Cases involving exceptions to the specific criteria required by ~~[Rule 303C]~~ Subsection C of 19.15.5.303 NMAC or by Division Form C-107-A may be approved by the Division after notice sent to all interest owners in the affected spacing units by certified mail (return receipt) and based on evidence that such approval would adequately satisfy the conditions of ~~[Rule 303C(4)]~~ Paragraph (1) of Subsection C of 19.15.5.303 NMAC.

(b) **Pre-approval of downhole commingling on a pool-wide or area-wide basis:** If sufficient data exists for multiple formations or pools that have previously been commingled or are proposed to be commingled, the Division, upon its own motion or application from an operator, may establish downhole commingling on a pool-wide or area-wide basis either administratively or by hearing:

(i) Applications for pre-approval shall include all of the data required by Division Form C-107-A, a list of the names and address of all operators in the pools, all previous orders authorizing

downhole commingling for the pools or area, and a map showing the location of all wells in the pools or area and indicating those wells approved for downhole commingling.

(ii) Applications for pre-approval of downhole commingling on a pool-wide or area-wide basis may be approved by the Director after notice sent to operators in the affected pools or area by certified mail (return receipt) and based on evidence that such approval would adequately satisfy the conditions of ~~[Rule 303C]~~ Subsection C of 19.15.5.303 NMAC.

(iii) Upon approval of certain pools or areas for downhole commingling, subsequent applications for approval to downhole commingle wells within those pools or areas may be obtained by filing a Division Sundry Notice (Form C-103) in accordance with the procedure set forth in ~~[Rule 303C(3)(b)]~~ Subparagraph (b) of Paragraph (3) of Subsection C of 19.15.5.303 NMAC.

(c) The Division will maintain and continually update a list of pre-approved pools or areas as set forth in ~~[Rule 303C(5)]~~ Paragraph (5) of Subsection C of 19.15.5.303 NMAC.

(5) Pre-approved pools and areas: Downhole commingling is hereby approved within the described pool combinations or geographical areas set forth in Exhibit "A," provided, however, that the operator shall file Form C-103 (Sundry Notice of Intent) with the appropriate Division District office in accordance with the procedure set forth in ~~[Rule 303C(3)(b)]~~ Subparagraph (b) of Paragraph (3) of Subsection C of 19.15.5.303 NMAC.

Pre-approved Pools or Geographic Areas for Downhole Commingling, Permian Basin

All Blinebry, Tubb, Drinkard, Blinebry-Tubb, Blinebry-Drinkard & Tubb-Drinkard pool combinations within the following described geographic area in Lea County: Township 18 South, Ranges 37, 38 and 39 East; Township 19 South, Ranges 36, 37, 38 and 39 East; Township 20 South, Ranges 36, 37, 38 and 39 East; Township 21 South, Ranges 36, 37 and 38 East; Township 22 South, Ranges 36, 37 and 38 East; Township 23 South, Ranges 36, 37 and 38 East; Township 24 South, Ranges 36, 37 and 38 East; Township 25 South, Ranges 36, 37 and 38 East; Township 26 South, Ranges 36, 37 and 38 East;

Blinebry Pools

6660 Blinebry Oil & Gas Pool (Oil)
34200 Justis-Blinebry Pool
72480 Blinebry Oil & Gas Pool (Pro Gas)
46990 Monument-Blinebry Pool
6670 West Blinebry Pool
47395 Nadine-Blinebry Pool

12411 Cline Lower Paddock-Blinebry Pool
47400 West Nadine Paddock-Blinebry Pool
29710 Hardy-Blinebry Pool
47960 Oil Center-Blinebry Pool
31700 East Hobbs-Blinebry Pool
96314 North Teague Lower Paddock-Blinebry Assoc.
31680 Hobbs Upper-Blinebry Pool
58300 Teague Paddock-Blinebry Pool
31650 Hobbs Lower-Blinebry Pool
59310 East Terry-Blinebry Pool
33230 House-Blinebry Pool
63780 Weir-Blinebry Pool
33225 South House-Blinebry Pool
63800 East Weir-Blinebry Pool

Tubb Pools

12440 Cline-Tubb Pool
47530 West Nadine-Tubb Pool
77120 Fowler-Tubb Pool
58910 Teague-Tubb Pool
26635 South Fowler-Tubb Pool
96315 North Teague-Tubb Associated Pool
78760 House-Tubb Pool
60240 Tubb Oil & Gas Pool (Oil)
33460 East House-Tubb Pool
86440 Tubb Oil & Gas Pool (Pro Gas)
33470 North House-Tubb Pool
87080 Warren-Tubb Pool
47090 Monument-Tubb Pool
87085 East Warren-Tubb Pool
47525 Nadine-Tubb Pool

Drinkard Pools

7900 South Brunson Drinkard-Abo Pool
47505 West Nadine-Drinkard Pool
12430 Cline Drinkard-Abo Pool
47510 Nadine Drinkard-Abo Pool
15390 D-K Drinkard Pool
57000 Skaggs-Drinkard Pool
19190 Drinkard Pool
96768 Northwest Skaggs-Drinkard Pool
19380 South Drinkard Pool
58380 Teague-Drinkard Pool
26220 Fowler-Drinkard Pool
96313 North Teague Drinkard-Abo Pool
28390 Goodwin-Drinkard Pool
63080 Warren-Drinkard Pool
31730 Hobbs-Drinkard Pool
63120 East Warren-Drinkard Pool
33250 House-Drinkard Pool
63840 Weir-Drinkard Pool
47503 East Nadine-Drinkard Pool

Blinebry-Tubb Pools

62965 Warren Blinebry-Tubb Oil & Gas Pool

Tubb-Drinkard Pools

18830 Dollarhide Tubb-Drinkard Pool
33600 Imperial Tubb-Drinkard Pool
29760 Hardy Tubb-Drinkard Pool
35280 Justis Tubb-Drinkard Pool
96356 North Hardy Tubb-Drinkard Pool

Pool-Combinations, Lea County

Airstrip-Bone Spring (960) & Airstrip-Wolfcamp (970) Pools
 Baish-Wolfcamp (4480) & Maljamar-Abo (43250) Pools
 Blinebry Oil & Gas & Wantz-Abo (62700) Pools
 Blinebry Oil & Gas & South Brunson-Ellenburger (8000) Pools
 Blinebry Oil & Gas & Paddock (49210) Pools
 Cerca Lower-Wolfcamp (11800) & Cerca Upper-Pennsylvanian (11810) Pools
 Drinkard (19190) & Paddock (49210) Pools
 Drinkard (19190) & Wantz-Abo (62700) Pools
 Drinkard (19190) & Wantz-Granite Wash (62730) Pools
 Lazy J Penn (37430) & South Baum-Wolfcamp (4967) Pools
 Mesa Verde-Delaware (96191) & Mesa Verde-Bone Spring (96229) Pools
 West Red Tank-Delaware (51689) & Red Tank-Bone Spring (51683) Pools
 South Shoe Bar-Wolfcamp (56300) & South Shoe Bar Upper-Penn (56285) Pools
 Skaggs-Glorieta (57190) & Skaggs-Drinkard (57000) Pools
 West Triste Draw-Delaware (59945) & South Sand Dunes Bone Spring (53805) Pools
 Triste Draw-Delaware (59930) & Triste Draw-Bone Spring (96603) Pools
 Tubb Oil & Gas & Paddock (49210) Pools
 North Vacuum-Abo (61760) & Vacuum-Wolfcamp (62340) Pools
 Vacuum-Blinebry (61850) & Vacuum-Glorieta (62160) Pools
 Vacuum-Blinebry (61850) & Vacuum-Drinkard (62110) Pools
 Vacuum Upper-Penn (62320) & Vacuum-Wolfcamp (62340) Pools
 Wantz-Abo (62700) & Wantz-Granite Wash (62730) Pools

Pool Combinations, Eddy County

Red Lake Queen-Grayburg-San Andres (51300) & Northeast Red Lake-Glorieta Yeso (96836) Pools

Pool Combination, San Juan Basin

Basin-Dakota (71599) & Angels Peak-Gallup Associated (2170) Pools
 Basin-Dakota (71599) & Armenta-Gallup (2290) Pools
 Basin-Dakota (71599) & Baca-Gallup (3745) Pools
 Basin-Dakota (71599) & Bisti Lower-Gallup (5890) Pools
 Basin-Dakota (71599) & BS Mesa-Gallup (72920) Pools
 Basin-Dakota (71599) & Calloway-Gallup (73700) Pools
 Basin-Dakota (71599) & Devils Fork-Gallup Associated (17610) Pools
 Basin-Dakota (71599) & Ensenada-Gallup (96321) Pools
 Basin-Dakota (71599) & Flora Vista-Gallup (76640) Pools
 Basin-Dakota (71599) & Gallegos-Gallup Associated (26980) Pools
 Basin-Dakota (71599) & Ice Canyon-Gallup (93235) Pools
 Basin-Dakota (71599) & Kutz-Gallup (36550) Pools
 Basin-Dakota (71599) & Largo-Gallup (80000) Pools
 Basin-Dakota (71599) & Otero-Gallup (48450) Pools
 Basin-Dakota (71599) & Tapacito-Gallup Associated (58090) Pools
 Basin-Dakota (71599) & Wild Horse-Gallup (87360) Pools
 Basin-Dakota (71599) & Aztec-Pictured Cliffs (71280) Pools
 Basin-Dakota (71599) & Ballard-Pictured Cliffs (71439) Pools
 Basin-Dakota (71599) & Blanco-Pictured Cliffs (72359) Pools
 Basin-Dakota (71599) & South Blanco-Pictured Cliffs (72439) Pools
 Basin-Dakota (71599) & Fulcher Kutz-Pictured Cliffs (77200) Pools
 Basin-Dakota (71599) & West Kutz-Pictured Cliffs (79680) Pools
 Basin-Dakota (71599) & Tapacito-Pictured Cliffs (85920) Pools
 Basin-Fruitland Coal (71629) & Aztec-Pictured Cliffs (71280) Pools
 Basin-Fruitland Coal (71629) & Ballard-Pictured Cliffs (71439) Pools
 Basin-Fruitland Coal (71629) & Blanco-Pictured Cliffs (72359) Pools
 Basin-Fruitland Coal (71629) & East Blanco-Pictured Cliffs (72400) Pools
 Basin-Fruitland Coal (71629) & South Blanco-Pictured Cliffs (72439) Pools
 Basin-Fruitland Coal (71629) & Carracas-Pictured Cliffs (96154) Pools
 Basin-Fruitland Coal (71629) & Choza Mesa-Pictured Cliffs (74960) Pools
 Basin-Fruitland Coal (71629) & Fulcher Kutz-Pictured Cliffs (77200) Pools
 Basin-Fruitland Coal (71629) & West Kutz-Pictured Cliffs (79680) Pools
 Basin-Fruitland Coal (71629) & Gavilan-Pictured Cliffs (77360) Pools
 Basin-Fruitland Coal (71629) & Gobernador-Pictured Cliffs (77440) Pools
 Basin-Fruitland Coal (71629) & Huerfano-Pictured Cliffs (78840) Pools
 Basin-Fruitland Coal (71629) & Potwin-Pictured Cliffs (83000) Pools
 Basin-Fruitland Coal (71629) & Tapacito-Pictured Cliffs (85920) Pools
 Basin-Fruitland Coal (71629) & Twin Mounds Fruitland Sand-Pictured Cliffs (86620) Pools
 Basin-Fruitland Coal (71629) & W. A. W. Fruitland Sand-Pictured Cliffs (87190)

Blanco-Mesaverde (72319) & Basin-Dakota (71599) Pools
 Blanco-Mesaverde (72319) & Blanco-Pictured Cliffs (72359) Pools
 Blanco-Mesaverde (72319) & South Blanco-Pictured Cliffs (72439) Pools
 Blanco-Mesaverde (72319) & Gobernador-Pictured Cliffs (77440) Pools
 Blanco-Mesaverde (72319) & West Lindrith Gallup-Dakota (39189) Pools
 Blanco-Mesaverde (72319) & Tapacito-Pictured Cliffs (85920) Pools
 Blanco-Mesaverde (72319) & Armenta-Gallup (2290) Pools
 Blanco-Mesaverde (72319) & BS Mesa-Gallup (72920) Pools
 Blanco-Mesaverde (72319) & Calloway-Gallup (73700) Pools
 Blanco-Mesaverde (72319) & Ensenada-Gallup (96321) Pools
 Blanco-Mesaverde (72319) & Flora Vista-Gallup (76640) Pools
 Blanco-Mesaverde (72319) & Largo-Gallup (80000) Pools
 Blanco-Mesaverde (72319) & West Lindrith Gallup-Dakota (39189) Pools
 Blanco-Mesaverde (72319) & McDermott Gallup (81050) Pools
 Blanco-Mesaverde (72319) & Potter-Gallup (50387) Pools
 Blanco-Mesaverde (72319) & Tapacito-Gallup Associated (58090) Pools
 Blanco-Mesaverde (72319) & Wild Horse-Gallup (87360) Pools
 Otero-Chacra (82329) & Aztec-Pictured Cliffs (71280) Pools
 Otero-Chacra (82329) & Basin-Dakota (71599) Pools
 Otero-Chacra (82329) & Blanco-Mesaverde (72319) Pools
 Otero-Chacra (82329) & South Blanco-Pictured Cliffs (72439) Pools
 Otero-Chacra (82329) & Fulcher Kutz-Pictured Cliffs (77200) Pools

D. Off-Lease Transportation or Storage Prior to Measurement. The division may grant exceptions to the requirements of Subsection A of 19.15.5.303 NMAC, administratively, without hearing, to permit production from one lease to be transported prior to measurement to another lease for storage thereon when:

(1) an application for off-lease transportation or storage prior to measurement has been filed on division form C-107-B with the Santa Fe office of the division with one copy to the appropriate district office of the division;

(2) all such production is from the same common source of supply;

(3) commingling of production from different leases will not result;

(4) there will be no intercommunication of the handling, separating, treating or storage facilities designated to each lease;

(5) all parties owning working interests in any of the production to be transported off lease prior to measurement have been notified of the application in accordance with the provisions of 19.15.N.1207.A NMAC and have consented in writing ;

(6) in lieu of Paragraph (5), Subsection D of 19.15.5.303 NMAC, the applicant furnishes proof that said parties were notified by registered or certified mail of its intent to transport the production from one lease to another lease for storage prior to measurement, and after a period of twenty (20) days following receipt of the application, no party has filed objection to the application; and

(7) if state, federal or indian lands are involved, the commissioner of public lands for the State of New Mexico or the United States bureau of land management (as applicable) has been notified. The division may set for hearing any application for approval of off-lease transportation or storage prior to measurement, in which event notice of hearing shall be given, pursuant to 19.15.N.1207.A NMAC, to all owners of working interests in any of the production to be transported off lease prior to measurement, and to such other owners as the division may direct.

[1-1-50...2-1-96; 19.15.5.303 NMAC - Rn, 19 NMAC 15.E.303 & A, 5-15-00; A, 3-31-03]

19.15.5.309 [CENTRAL TANK BATTERIES]:AUTOMATIC CUSTODY TRANSFER EQUIPMENT

A. ~~[Automatic Custody Transfer Equipment~~ (H)Oil shall ~~[not]~~ be ~~[transported from a lease until it has been]~~ received and measured in a facility of an approved design ~~[located on the lease]~~. Such facilities shall permit the testing of each well at reasonable intervals and may be comprised of manually gauged, closed stock tanks for which proper strapping tables have been prepared, ~~[with a maximum of sixteen proration units producing into said tanks,]~~ or of automatic custody transfer (ACT) equipment. The use of such automatic custody transfer equipment shall be permitted only after compliance with the following: The operator shall file with the Division Form C-106, Notice of Intention to Utilize Automatic Custody Transfer Equipment, and shall receive approval thereof prior to transferring oil through the ACT system. The carrier shall not accept delivery of oil through the ACT system until Form C-106 has been approved.

(H)B. Form C-106 shall be submitted in quadruplicate to the appropriate District Office of the Division and shall be accompanied (in quadruplicate) by the follow-

ing:

(H)(1) Plat of the lease showing thereon all wells which will be produced into the ACT system.

(H)(2) Schematic diagram of the ACT equipment, showing thereon all major components such as surge tanks and their capacity, extra storage tanks and their capacity, transfer pumps, monitors, reroute valves, treaters, samplers, strainers, air and gas eliminators, back pressure valves, metering devices, (indicating type and capacity, i.e. whether automatic measuring tank, positive volume metering chamber, weir-type measuring vessel, or positive displacement meter). Schematic diagram shall also show means employed to prove accuracy of measuring device.

(H)(3) Letter from transporter agreeing to utilization of ACT system as shown on schematic diagram.

(H)C. Form C-106 will not be approved by the Division unless the ACT system is to be installed and operated in compliance with the following:

(H)(1) Provision must be made for accurate determination and recording of uncorrected volume and applicable temperature, or of temperature corrected volume. The overall accuracy of the system shall equal or surpass manual methods.

(H)(2) Provision must be made for representative sampling of the oil transferred for determination of API gravity and BS&W content.

(H)(3) Provision must be made if required by either the producer or the transporter of the oil to give adequate assurance that only merchantable oil is run by the ACT system.

(H)(4) Provision must be made for set-stop counters to stop the flow of oil through the ACT system at or prior to the time the allowable has been run. All counters shall provide non-reset totalizers which shall be visible for inspection at all times.

(H)(5) All necessary controls and equipment must be enclosed and sealed, or otherwise be so arranged as to provide assurance against, or evidence of, accidental or purposeful mismeasurement resulting from tampering.

(H)(6) All components of the ACT system shall be properly sized to ensure operation within the range of their established ratings. All components of the system which require periodic calibration and/or inspection for proof of continued accuracy must be readily accessible. The frequency and methods of such calibration and/or inspection shall be set forth in ~~[Rule 309A, D(3)]~~ Paragraph (12) of Subsection C of 19.15.5 NMAC.

(H)(7) The control and recording system must include adequate fail-safe fea-

tures which will provide assurance against mismeasurement in the event of power failure, or the failure of the ACT system's component parts.

~~(4)~~(8) The ACT system and allied facilities shall include such fail-safe equipment as may be necessary, including high level switches in the surge tank or overflow storage tank which, in the event of power failure or malfunction of the ACT or other equipment, will shut down all artificially lifted wells connected to the ACT system and will shut in all flowing wells at the well-head or at the header manifold, in which latter case all flowlines shall be pressure-tested to at least 1 1/2 times the maximum well-head shut-in pressure prior to initial use of the ACT system and each two years thereafter.

~~(4)~~(9) As an alternative to the requirements of ~~[paragraph (8) (a) above]~~, Paragraph (8) of Subsection C of 19.15.5 NMAC the producer shall provide and shall at all times maintain a minimum of available storage capacity above the normal high working level of the surge tank to receive and hold the amount of oil which may be produced during maximum unattended time of lease operation.

~~(4)~~(10) In all ACT systems employing automatic measuring tanks, weir-type measuring vessels, positive volume metering chambers, or any other volume measuring container, the container and allied components shall be properly calibrated prior to initial use and shall be operated, maintained, and inspected as necessary to ensure against incrustation, changes in clingage factors, valve leakage or other leakage, and improper action of floats, level detectors, etc.

~~(4)~~(11) In all ACT systems employing positive displacement meters, the meter(s) and allied components shall be properly calibrated prior to initial use and shall be operated, maintained, and inspected as necessary to ensure against mismeasurement of oil.

~~(4)~~(12) The measuring and recording devices of all ACT systems shall be checked for accuracy at least once each month unless exception to such determination has been obtained from the Division Director. API Standard 1101, "Measurement of Petroleum Liquid Hydrocarbons by Positive Displacement Meter," shall be used where applicable. Meters may be proved against Master Meters, Portable Prover Tanks, or Prover Tanks permanently installed on the lease. If permanently installed Prover Tanks are used, the distance between the opening and closing levels and the provision for determining the opening and closing readings shall be sufficient to detect variations of

5/100 of one percent. Reports of determination shall be filed on the Division Form entitled "Meter Test Report," or on another acceptable form and shall be submitted in duplicate to the appropriate District office of the Division.

~~(4)~~(13) To obtain exception to the requirement of ~~[Paragraph (3) above]~~ Paragraph (12) of Subsection C of 19.15.5 NMAC that all measuring and recording devices be checked for accuracy once each month, either the producer or transporter may file such a request with the Division Director setting forth all facts pertinent to such exception. The application shall include a history of the average factors previously obtained, both tabulated and plotted on a graph of factors versus time, showing that the particular installation has experienced no erratic drift. The applicant shall also furnish evidence that the other interested party has agreed to such exception. The Division Director may then set the frequency for determination of the system's accuracy at the interval which he deems prudent.

~~(4)~~D. Failure to operate an automatic custody transfer system in compliance with this rule shall subject the approval thereof to revocation by the Division.

~~B. Administrative Approval, Lease Commingling~~

~~(1) The Division Director shall have authority to grant exceptions to Rule 309A to permit the commingling of production from two or more separate leases in a common tank battery without notice and hearing, provided application has been filed in triplicate with the Division and is accompanied by plats of the leases showing thereon the wells on the leases and the formations in which they are completed, and schematic diagrams of the commingling facility, showing it to be of an acceptable design in accordance with the Division "Manual for the Installation and Operation of Commingling Facilities," then current, and provided further that:~~

~~(a) All production is from the same common source of supply or an exception to Rule 303 A. (1) has been obtained.~~

~~(b) Adequate facilities will be provided for accurately determining production from each well at reasonable intervals.~~

~~(c) All parties owning an interest in the leases and the purchaser of the commingled production therefrom have consented in writing to the commingling of production from the separate leases.~~

~~(d) In lieu of paragraph (3) of this rule, the applicant may furnish proof of the fact that said parties were notified by registered or certified mail of his intent to com-~~

~~mingle production from the separate leases. The Division Director may approve the application if, after a period of 20 days following receipt of the application, no party has made objection to the application.~~

~~(e) In addition to the foregoing requirements for administrative approval to commingle production from two or more separate leases, the following requirements shall also apply:~~

~~(i) To commingle production from two or more separate leases in a common tank battery without first separately measuring the production from each such lease, the ownership of the leases must be common throughout. This shall include working interest ownership, royalty ownership, and overriding royalty ownership.~~

~~(ii) To commingle production from two or more separate leases in a common tank battery where there is a diversity of ownership (whether in working interest, royalty interest, or overriding royalty interest) the hydrocarbon production from each lease shall be accurately measured and determined in accordance with the applicable provisions of the Division "Manual for the Installation and Operation of Commingling Facilities," then current.~~

~~C. Administrative Approval, Off Lease Storage~~

~~(1) For good cause shown, the Division Director shall have authority to grant an exception to Rule 309A to permit the production from one lease to be transported prior to measurement to another lease for storage thereon, provided an application reflecting ownership of the lease has been filed in triplicate with the Division and is accompanied by plats of the leases showing thereon the wells on the leases and the formations in which they are completed and the proposed location of the tank battery, and provided further that:~~

~~(a) All production is from the same common source of supply.~~

~~(b) Commingling of production from the two leases will not result.~~

~~(c) There will be no intercommunication of the handling, separating, treating or storage facilities designated to each lease.~~

~~(d) All parties owning an interest in the leases have consented in writing to the off lease storage.~~

~~(e) In lieu of paragraph (4) of this rule, the applicant may furnish proof of the fact that said parties were notified by registered or certified mail of his intent to transport prior to measurement the production from one lease to another lease for storage. The Division Director may approve the application if, after a period of 20 days following receipt of the application, no party has made objection to the application.~~

~~(f) Where State or Federal lands are involved, the applicant shall furnish evidence that the Commissioner of Public Lands for the State of New Mexico or the Regional Supervisor of the United States Bureau of Land Management has consented to the proposed off-lease storage.~~
[5-1-61...2-1-96; 19.15.5.309 NMAC - Rn, 19 NMAC 15.E.309, 5-15-00, A, 3-31-03]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.4 NMAC, Boundary Descriptions for Wildlife Management Areas, Sections 2, 7, 8, 9, 10, 11, and 12.

19.30.4.2 SCOPE: Hunters of big game and turkey. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 30, 31, 32, and 33 of Title 19.
[4-1-95; 19.30.4.2 NMAC - Rn, 19 NMAC 30.4.2, 2-14-2001, A, 3-31-2003]

19.30.4.7 DEFINITIONS:

A. "Big game management unit" or "GMU" as used herein, shall be a subdivision of the state used to manage the following ~~big~~ game species: deer (*Odocoileus spp.*), elk (*Cervus elaphus*), bighorn sheep (*Ovis canadensis*), Barbary sheep or aoudad (*Ammotragus lervia*), turkey (*Meleagris gallopavo*), bear (*Ursus americanus*), mountain lion or cougar (~~[*Felis*] Puma concolor~~), Persian ibex or Bezoar goat (*Capra aegagrus*), oryx or gemsbok (*Oryx gazella*) and javelina or collared peccary (*Dicotyles tajacu*).

B. "Big game management sub-unit" as used herein, shall be a subdivision of the above-described big game management units.

C. "Wildlife management area" as used herein, shall be those areas under the control of the game commission.

D. "Antelope management unit" or "AMU" as used herein, shall be a subdivision of the state used to manage pronghorn antelope (*Antilocapra americana*).
[4-1-95; 19.30.4.7 NMAC - Rn, 19 NMAC 30.4.7, 2-14-2001, A, 3-31-2003]

19.30.4.8 BIG GAME MANAGEMENT UNITS:

A. [UNFF] GMU 1: The Ute mountain and Navajo Indian reservations.

B. [UNFF] GMU 2: Beginning at the junction of the east bound-

ary of the Ute mountain Indian reservation and the Colorado-New Mexico state line and running east along the state line to the western boundary of the Jicarilla Apache Indian reservation, then south, west and south along the reservation boundary to its intersection with US 550, then northwest along US 550 to its intersection with the San Juan river south of Bloomfield, then west along the San Juan river to the east boundary of the Navajo Indian reservation just west of water flow, then north along the east boundary of the Navajo reservation to its junction with the south boundary of the Ute mountain Indian reservation, then east and north along the Ute reservation boundary to the Colorado-New Mexico state line.

C. [UNFF] GMU 3: The Jicarilla Apache Indian reservation.

D. [UNFF] GMU 4: Beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the Colorado-New Mexico state line and running east along the state line to the eastern boundary of the Tierra Amarilla grant, then south along the east boundary of the Tierra Amarilla grant and west along its south boundary to its junction with the east boundary of the Jicarilla Apache Indian reservation, then north along the east boundary of the reservation to its junction with the Colorado-New Mexico state line.

E. [UNFF] GMU 5: Beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the south boundary of the Tierra Amarilla grant and running east along the Tierra Amarilla grant boundary to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then northerly along the east boundary of the reservation to its junction with the south boundary of the Tierra Amarilla grant.

F. [UNFF] GMU 6: Beginning at the junction of I-25 and US 550 near Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary to the boundary of the Jemez Indian reservation, then west, north and east along the Jemez reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 595, then east along NM 595

to its junction with NM 96, then east along NM 96 to its junction with US 84 northwest of Abiquiu, then southeast along US 84 to its junction with I-25 at Santa Fe, then southwest along I-25 to its junction with US 550.

G. [UNFF] GMU 7: Beginning at the intersection of the east boundary of the Navajo reservation and the road between Crownpoint and Standing Rock and running north along the reservation boundary to the northeastern corner immediately west of Farmington, then east along the San Juan river to its intersection with US 550 at Bloomfield, then southeast along US 550 to its intersection with the west boundary of the Jicarilla Apache Indian reservation, then south along the west boundary of the reservation and east along its south boundary to its intersection with US 550, then east and south along US 550 to its intersection with the north boundary of the Jemez Indian reservation south of La Ventana, then west along the north boundary of the reservation and south along its west boundary to its intersection with BLM road 1103 (the San Luis road, leading from US 550 to Cabezon and Mount Taylor), then southwest along BLM road 1103/San Luis road to its intersection with arroyo Chico, then west up arroyo Chico to its junction with Voght draw, then west up Voght draw to its junction with Inditos draw, then west up Inditos draw to its intersection with CR 19, south of Hospah, then southwest along the CR 19 to its junction with the continental divide (near Borrego pass), then westerly along the continental divide to its intersection with NM 371, then north along NM 371 to its junction with the Crownpoint-Standing Rock road, then northwest along the Crownpoint-Standing Rock road to its intersection with the east boundary of the Navajo Indian reservation.

H. [UNFF] GMU 8: Beginning at the intersection of I-40 and I-25 at Albuquerque and running northeast along I-25 to its junction with NM 14, then south along NM 14 to Santa Fe county road 42, then southeast along the county road to its junction with NM 41 at Galisteo, then south along NM 41 to its intersection with I-40 at Moriarty, then west along I-40 to its intersection with I-25.

I. [UNFF] GMU 9: Beginning at Prewitt at the junction of I-40 and CR 19 (the road to Hospah) and running north along the CR 19 to its intersection with Inditos draw, then south and east down Inditos draw to its junction with Voght draw, then east down Voght draw to its junction with arroyo Chico, then east down arroyo Chico to its intersection with the BLM road 1103 (the San Luis road, leading from Cabezon to US 550), then northeast

along BLM road 1103/San Luis road to its intersection with the west boundary of the Jemez Indian reservation, then south and east along the Jemez reservation boundary to the boundary of the Zia Indian reservation, then south, east, and north along the Zia reservation boundary to its intersection with US 550 west of San Ysidro, then east and southeast along US 550 to its junction with I-25 at Bernalillo, then south along I-25 to its junction with NM 6 at Los Lunas, then west and northwest along NM 6 to its junction with I-40, then west along I-40 to Prewitt.

J. [UNIF] GMU 10: Beginning at the junction of the north boundary of the Zuni Indian reservation with the Arizona-New Mexico state line and running north along the state line to the south boundary of the Navajo Indian reservation, then east along the south boundary of the Navajo reservation and north along its east boundary to its intersection with the Standing Rock-Crownpoint road, then southeast along the Standing Rock-Crownpoint road to its junction with NM 371, then east and south along NM 371 to its intersection with the continental divide, then east along the continental divide to its junction with CR 19 (the road running southerly from Hospah) near Borrego pass, then south along CR 19 to its junction with I-40 at Prewitt, then southeast along I-40 to its junction with NM 53 near Grants, then south and west along NM 53 to its intersection with the east boundary of the Zuni reservation, then north along the east boundary of the Zuni reservation and west along its north boundary to its junction with the Arizona-New Mexico state line.

K. [UNIF] GMU 11: The Zuni Indian reservation.

L. [UNIF] GMU 12: Beginning at the intersection of US 60 and the Arizona-New Mexico state line and running north along the state line to the south boundary of the Zuni Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 53, then east along NM 53 to its junction with Cibola county road 42, then south along Cibola county road 42 to its junction with NM 117, then east along NM 117 to its junction with Cibola county road 41, then south along Cibola county road 41 to its junction with Catron county road A083, then south along Catron county road A083 to its junction with NM 603, then south along NM 603 to its junction with US 60 at Pie Town thence west along US 60 to the Arizona-New Mexico state line.

M. [UNIF] GMU 13: Beginning at the junction of NM 53 and I-40 west of Grants and running east along I-

40 to its junction with NM 6, then southeast along NM 6 to its junction with I-25 at Los Lunas, then south along I-25 to its junction with US 60 at Socorro, then west along US 60 to its junction with NM 12 at Datil, then southwest along NM 12 to its junction with Catron county road B034, then northwest along Catron county road B034 to its junction with Catron county road B045, then west and north along Catron county road B045 to its junction with Catron county road A056, then north along Catron county road A056 to Pie Town, then north along NM 603 to its junction with Catron county road A083, then north along Catron county road A083 to its junction with Cibola county road 41, then north along Cibola county road 41 to its junction with NM 117, then west along NM 117 to its junction with Cibola county road 42, then north along Cibola county road 42 to its junction with NM 53, then east and north along NM 53 to its junction with I-40 west of Grants.

N. [UNIF] GMU 14: Beginning at the junction of US 60 and I-25 at Bernardo and running north along I-25 to its intersection with I-40 at Albuquerque, then east along I-40 to its intersection with NM 41 at Moriarty, then south along NM 41 to its junction with US 60 at Willard, then west along US 60 to its junction with I-25.

O. [UNIF] GMU 15: Beginning at the intersection of the Arizona-New Mexico state line and US 60 and running east along US 60 to its intersection with NM 603 at Pie Town, then south and east along A056 to its junction with B040, then east along B040 to its junction with NM 12 south of Datil, then southwest along NM 12 to its junction with US 180 west of Reserve, then northwest along US 180 to its intersection with the Arizona-New Mexico state line, then north along the Arizona-New Mexico state line to its intersection with US 60.

P. [UNIF] GMU 16: Beginning at the junction of NM 12 and US 60 at Datil and running east along US 60 to its intersection with NM 52, then southwest along NM 52 to its intersection with NM 163/USFS road 150, then southwest along NM 163 to its intersection with the continental divide, then south and southwest along the continental divide to its intersection with the Grant-Sierra county line at Reed's peak, then south along the Grant-Sierra county line to its intersection with USFS road 152 at Board Gate saddle, then northwest and southwest along USFS road 152 to its junction with NM 35, then northwest along NM 35 to its junction with Sapillo creek, then west along Sapillo creek to its junction with the Gila river, then northwest along the Gila river to its intersection with Turkey creek, then northwest

along Turkey creek to its intersection with forest trail 158, then northwest along forest trail 158 through Woodrow canyon to Mogollon creek, then northwest along Mogollon creek to its junction with the west fork of Mogollon creek and forest trail 224, then northwest along the west fork of Mogollon creek and forest trail 224 to its junction with forest trail 182, then north and west on forest trail 182 to its junction with Bursum road (NM 159/USFS road 28) at Sandy point, then west on Bursum road to its junction with US 180 south of Alma, then north on US 180 to its intersection with NM 12 thence northeast along NM 12 to its junction with US 60 at Datil.

Q. [UNIF] GMU 17: Beginning at the junction of NM 52 and US 60 east of Datil and running east along US 60 to its junction with I-25 at Socorro, then south along I-25 to its junction with NM 52 east of Cuchillo, then west along NM 52 to its junction with NM 142, then northwest along NM 142 to its junction with Alamosa creek at Monticello, then northwest along Alamosa creek through Monticello canyon to its junction with NM 52 south of Dusty, then north along NM 52 to its junction with US 60.

R. [UNIF] GMU 18: Beginning at the junction of US 380 and I-25 at San Antonio and running north along I-25 to its junction with US 60 at Bernardo, then east along US 60 to NM 55 at Mountainair, then south and southeast along NM 55 to its junction with US 54, then south along US 54 to its intersection with the Lincoln-Otero county line, then west along the county line to the east boundary of White Sands missile range, then north along the east boundary and west along the north boundary of White Sands missile range to the northwest corner of the missile range, then due north to US 380, then west along US 380 to its junction with I-25 at San Antonio.

S. [UNIF] GMU 19: Beginning at the intersection of US 70 and the west boundary of the White Sands missile range east of Organ and running north along the west boundary, east along the north boundary, and south along the east boundary of White Sands missile range to its intersection with US 54 south of Orogrande, then south along US 54 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with I-10, then northwest along I-10 to its junction with US 70 at Las Cruces, then east along US 70 to its intersection with the west boundary of the White Sands missile range.

T. [UNIF] GMU 20: Beginning at the junction of US 70 and I-25 at Las Cruces and running north along I-25

to its junction with US 380 at San Antonio, then east along US 380 to a point due north of the northwestern corner of the White Sands missile range, then due south to the northwestern corner of the missile range, then south along the west boundary of the missile range to its intersection with US 70 east of Organ, then west along US 70 to its junction with I-25.

U. [UNIF] GMU 21: Beginning at the junction of US 180 and NM 26 north of Deming and running northeast along NM 26 to its junction with NM 27 at Nutt, then northwest along NM 27 to its intersection with the Sierra-Luna county line, then west along the south boundary of Sierra county and north along its west boundary to the junction of the county line and the continental divide, then north along the continental divide to its intersection with NM 163, then northeast along NM 163 to its junction with NM 52, then southeast along NM 52 to its intersection with Alamosa creek south of Dusty, then southeast along Alamosa creek through Monticello canyon to its intersection with NM 142 at Monticello, then southeast along NM 142 to its intersection with NM 52, then southeast along NM 52 to its junction with I-25, then south along I-25 to its junction with US 180 at Las Cruces, then west along US 180 to Deming and north along US 180 to its junction with NM 26.

V. [UNIF] GMU 22: Beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction at the Gila river, then southwest along the Gila river to its junction with US 180.

W. [UNIF] GMU 23: Beginning at the intersection of US 180 and the Arizona-New Mexico state line west of Luna, then south along the state line to its intersection with US 70, then southeast along US 70 to its junction with US 180 at Deming; thence northwest along US 180 to its junction with the Arizona-New Mexico state line.

X. [UNIF] GMU 24: Beginning at the junction of NM 26 and US 180 north of Deming and running northwest along US 180 to its intersection with the Gila river south of Cliff, then northeast

along the Gila river to its junction with Sapillo creek, then east along Sapillo creek to NM 35, then east and south on NM 35 to its junction with USFS road 152, then northeast along USFS road 152 to its junction with the Grant-Sierra county line southwest of Board gate saddle, then south along the west boundary of Sierra county and east along its south boundary to its intersection with NM 27, then south along NM 27 to its junction with NM 26, then southwest along NM 26 to its junction with US 180.

Y. [UNIF] GMU 25: Beginning at the junction of the United States-Mexico boundary with the west boundary of Luna county and running north along the county line to its intersection with NM 9, then northwest along NM 9 to its intersection with NM 146 (old NM 81) at Hachita, then north along NM 146 (old NM 81) to its junction with I-10, then east and south along I-10 to its intersection with the Texas-New Mexico state line, then west and south along the Texas state line to the United States-Mexico boundary, then west along the international boundary to the west boundary of Luna county.

Z. [UNIF] GMU 26: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale and running north along NM 338 to its intersection with I-10, then north and east along I-10 to its intersection with NM 146 (old NM 81), then south along NM 146 (old NM 81) to its intersection with NM 9 at Hachita, then east along NM 9 to its intersection with the west boundary of Luna county, then south along the Luna county line to the United States-Mexico boundary, then south and west along the international boundary to Paskle gate.

AA. [UNIF] GMU 27: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale, then north along NM 338 to its intersection with I-10, then east along I-10 to its intersection with US 70 at Lordsburg, then northwest along US 70 to the Arizona-New Mexico state line, then south along the state line to its intersection with the United States-Mexico boundary, then east along the international boundary to Paskle gate.

BB. [UNIF] GMU 28: The Fort Bliss military reservation excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

CC. [UNIF] GMU 29: Beginning at the junction of the New Mexico-Texas state line and the east boundary of the Fort Bliss military reservation and running northeast along the military reservation boundary to its intersection with NM 506/CR E038 leading to Pinon, then east, north and east along NM 506/CR E038 to its intersection with NM 24 at Pinon, then east on NM 24 approximately three miles to its intersection with NM 506/CR E038, then running south, east, south and southwest along NM 506/CR E038 through Cornucopia draw and Crow flats to its intersection with the New Mexico-Texas state line near Dell City, Texas, then west along the state line to the east boundary of the Fort Bliss military reservation.

DD. [UNIF] GMU 30: Beginning at the New Mexico-Texas state line near Dell City, Texas, and its intersection with NM 506/CR E038, then northeast, north, west and north along NM 506/CR E038 through Crow flats and Cornucopia draw to its junction with NM 24 east of Pinon, then northeast along NM 24 to its junction with US 82 north of Dunken, then east along US 82 to its intersection with US 285 at Artesia, then south and southeast along US 285 to its junction with US 180 at Carlsbad, then south along US 180 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with NM 506/CR E038.

EE. [UNIF] GMU 31: Beginning at the intersection of the New Mexico-Texas state line and US 180, southwest of Carlsbad, and running northeast along US 180 to its junction with US 285 at Carlsbad, then north along US 285 to its intersection with US 82 at Artesia, then east along US 82 to its junction with NM 249 at Maljamar, then north along NM 249 to its junction with NM 172, then north along NM 172 to its junction with US 380 west of Caprock, then east along US 380 to its intersection with the east boundary of Chaves county, then northerly along the east boundary of Chaves county to its intersection with US 70 southwest of Kenna, then northeast along US 70 to its junction with NM 330 at Elida, then north along NM 330 to its junction with NM 267 west of Floyd, then north along NM 267 to its junction with US 60 east of Melrose, then east along US 60 to the New Mexico-Texas state line, then south and west along the state line to its intersection with US 180, southwest of Carlsbad.

FF. [UNIF] GMU 32: Beginning at the intersection of US 380 and the east boundary of Lincoln county and running north along the east boundary of Lincoln county to the west boundary of De Baca county, then north along the west

boundary of De Baca county to its intersection with US 60, then east along US 60 to its junction with NM 267 east of Melrose, then south along NM 267 to its junction with NM 330 west of Floyd, then south along NM 330 to its junction with US 70 at Elida, then southwest along US 70 to its intersection with the Pecos river, then south along the Pecos river to its intersection with NM 249 at Hagerman, then west along NM 249 to its junction with NM 2, then south along NM 2 to its intersection with US 285, north of Artesia, then south on US 285 to its intersection with US 82 at Artesia, then west along US 82 to its junction with Chaves county road C433, near mile marker 60, then north along CR C433 to its intersection with CR C437, near Flying H, then west along CR C437 to its intersection with CR C434, then north along CR C434 to its intersection with Lincoln county road E030, then north and northeast along CR E030 to its intersection with CR E028, then north along CR E028 to its junction with US 380 about a mile west of Picacho, then east along US 380 to its intersection with the east boundary of Lincoln county.

GG. [UNIF] GMU 33: Beginning at the intersection of US 82 and US 285 at Artesia and running north along US 285 to its junction with NM 2, then north on NM 2 to its intersection with NM 249 at Hagerman, then east along NM 249 to its intersection with the Pecos river, then north along the Pecos river to its intersection with US 70, then northeast along US 70 to its intersection with the east boundary of Chaves county, then east and southerly along the east boundary of Chaves county to its intersection with US 380 at Caprock, then west along US 380 to its junction with NM 172, then south along NM 172 to its junction with NM 249, then south along NM 249 to its junction with US 82 at Maljamar, then west along US 82 to its junction with US 285.

HH. [UNIF] GMU 34: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running east along CR B006 to its junction with CR B009, then north on CR B009 to its intersection with US 54, then running south along US 54 to its intersection with US 70 at Tularosa, then running northeast along US 70 to its intersection with the west boundary of the Mescalero Apache Indian reservation, then south along the west boundary of the reservation, east along its south boundary, and north along its east boundary to the Lincoln-Chaves county line, then east along the county line approximately two miles to its intersection with CR C434, then southerly along CR C434 to its intersection with CR C437, then east

along CR C437 to its intersection with CR C433, then south along CR C433 to its intersection with US 82, then west along US 82 to its junction with NM 24 north of Dunken, then south along NM 24 to its intersection with NM 506/CR E038, at Pinon, then west, south, and west on NM 506/CR E038 to the east boundary of the Fort Bliss military reservation, then north and west along the boundary of the Fort Bliss military reservation to its intersection with the Sacramento division of the Lincoln national forest, then west and north along the boundary of the Sacramento division of the Lincoln national forest to its intersection with the north boundary of the Fort Bliss military reservation, then west along the boundary of the Fort Bliss military reservation to US 54 south of Valmont, then south along US 54 to its junction with the east boundary of the White Sands missile range south of Orogrande, then north along the east boundary to its intersection of Otero CR B006 at Tularosa gate.

II. [UNIF] GMU 35: The Mescalero Apache Indian reservation.

JJ. [UNIF] GMU 36: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running north along the east boundary to its intersection with the Lincoln-Otero county line, then east along the county line to its intersection with US 54, then north along US 54 to its intersection with US 380 at Carrizozo, then east along US 380 to its junction with CR E028, approximately 1 mile west of Picacho, then south along CR E028 to its intersection with CR E030, then south and west along E030 to its intersection with the Lincoln-Chaves county line, then west along the county line to the east boundary of the Mescalero Apache Indian reservation, then north along the east boundary of the reservation, west along its north boundary, and south along its west boundary to its intersection with US 70, then west along US 70 to its junction with US 54 at Tularosa, then north along US 54 to its junction with CR B009, then south along CR B009 to its junction with CR B006, then west along CR B006 to its junction with the east boundary of White Sands missile range at Tularosa gate.

KK. [UNIF] GMU 37: Beginning at the intersection of US 380 and US 54 at Carrizozo and running north along US 54 to its junction with NM 462 west of Ancho, then east along NM 462 to its intersection with the Southern Pacific railroad tracks, then north along the railroad tracks to Hasparos canyon, then east down Hasparos canyon to the east boundary of Lincoln county, then south along the east boundary of Lincoln county to its intersec-

tion with US 380, then west along US 380 to its intersection with US 54 at Carrizozo.

LL. [UNIF] GMU 38: Beginning at the junction of US 54 and NM 55 and running northwesterly along NM 55 to its junction with US 60 at Mountainair, then east along US 60 to the Guadalupe-De Baca county line, then south along the county line and along the east boundary of Lincoln county to its intersection with Hasparos canyon, then west up Hasparos canyon to the Southern Pacific railroad tracks northeast of Ancho, then south along the railroad tracks to their intersection with NM 462 at Ancho, then west along NM 462 to its junction with US 54, then south along US 54 to its junction with NM 55.

MM. [UNIF] GMU 39: Beginning at the junction of US 60 and NM 41 west of Willard and running north along NM 41 to its intersection with I-40 at Moriarty, then east along I-40 to its junction with US 84 east of Santa Rosa, then southeast along US 84 to its junction with US 60 at Fort Sumner, then west along US 60 to its junction with NM 41 west of Willard.

NN. [UNIF] GMU 40: Beginning at the junction of US 84 and I-40 east of Santa Rosa and running east along I-40 to the New Mexico-Texas state line, then south along the state line to its intersection with US 84, then west and north along US 84 to its junction with I-40.

OO. [UNIF] GMU 41: Beginning at the junction of I-40 and NM 469 at San Jon and running north along NM 469 to its junction with US 54, then north along US 54 to its intersection with NM 39, then northwest along NM 39 to its junction with US 56 at Abbott, then east along US 56 to the New Mexico-Texas state line, then south along the state line to its intersection with I-40, then west along I-40 to its intersection with NM 469.

PP. [UNIF] GMU 42: Beginning at the intersection of I-40 and the Pecos river at Santa Rosa and running northwest up the Pecos river to its intersection with US 84 at Dilia, then northwest along US 84 to its junction with I-25 at Romeroville, then northeast along I-25 to its intersection with the Mora river at Watrous, then east down the Mora river to the Canadian river, then south down the Canadian river to its intersection with NM 419 south of Sabinoso, then northeast along NM 419 to its junction with NM 39 northwest of Mosquero, then southeast along NM 39 to its intersection with US 54, then south along US 54 to its intersection with NM 469, then south along 469 to its intersection with I-40 at San Jon, then west along I-40 to its intersection with the Pecos river.

QQ. [UNIF] GMU 43: Beginning at the intersection of I-40 and

NM 41 at Moriarty and running north along NM 41 to the junction at Galisteo with Santa Fe county road 42, then west along the county road to the junction with NM 14, then north along NM 14 to its junction with I-25, then northeast along I-25 to Santa Fe and east along I-25 to its junction with US 84 at Romeroville, then southeast along US 84 to its intersection with the Pecos river at Dilia, then east and south along the Pecos river to its intersection with I-40 at Santa Rosa, then west along I-40 to its intersection with NM 41.

RR. [UNIT] GMU 44: Beginning at the junction of US 84 and NM 68 at Espanola and running northeast along NM 68 to its junction with NM 75 at Embudo, then east along NM 75 to its junction with NM 518, then east along NM 518 to the Mora county line at Holman hill, then south and west along the Mora county line to the Pecos watershed divide, then west and south along the Pecos watershed divide to US 84 at Glorieta, then west and northwest along US 84 to its junction with NM 68 at Espanola.

SS. [UNIT] GMU 45: Beginning at Glorieta on I-25 and running north and east along the Pecos watershed divide to the Mora county line, then north and east along the Mora county line to NM 518 at Holman hill, then south along the Santa Fe national forest boundary line to its intersection with the Tecolote land grant boundary line, then south along the Tecolote land grant boundary to the intersection of I-25, then west along I-25 to Glorieta.

TT. [UNIT] GMU 46: Beginning at the junction of I-25 and NM 120 at Wagon Mound and running northwest along NM 120 to its junction with NM 434, Black lake area, then north on NM 434 to Carson national forest road 76 and forest boundary, then south following the Carson national forest boundary to the Santa Fe national forest boundary at Holman hill, then continue south along the Santa Fe national forest boundary to the Tecolote land grant boundary, then south along the Tecolote land grant boundary to I-25, then north along I-25 to the junction of I-25 and NM 120 at Wagon Mound.

UU. [UNIT] GMU 47: Beginning at the intersection of the Mora river and I-25 near Watrous and running northeast along I-25 to its junction with US 56 at Springer, then east along US 56 to its junction with NM 39 at Abbott, then south and southeast along NM 39 to its junction with NM 419 southeast of Solano, then southwest along NM 419 to its intersection with the Canadian river, then northwest up the Canadian river to the Mora river, then west up the Mora river to its intersection with I-25.

VV. [UNIT] GMU 48: Beginning at the intersection of I-25 and NM 120 at Wagon Mound, then northwest along NM 120 to its intersection with the south boundary of the Maxwell grant, then east along the south boundary of the Maxwell grant to its intersection with I-25, then south along I-25 to its intersection with NM 120 at Wagon Mound.

WW. [UNIT] GMU 49: Beginning on the Rio Grande at Embudo creek and running north along the Rio Grande to its intersection with NM 567 at Taos junction bridge, then east on NM 567 to NM 570, then northeast on NM 570 to its junction with NM 68 immediately south of Ranchos de Taos, then north along NM 68 to the south boundary of the Taos pueblo lands, then east along the pueblo's south boundary to the Taos county line, then south along the Taos county line to its intersection with US 64, then east along US 64 to its junction with NM 434 north of Black lake, then south along NM 434 to the Carson national forest boundary at forest road 76, then south along Carson national forest boundary to intersection of NM 518 at Holman hill, then westerly along NM 518 to its junction with NM 75, then west along NM 75 to NM 68, then south on NM 68 to Embudo creek; and west on Embudo creek to the Rio Grande.

XX. [UNIT] GMU 50: Beginning at the junction of US 84 and NM 554 east of Abiquiu and running north and east along NM 554 to its junction with NM 111, then southeast along NM 111 to its junction with US 285, then north along US 285 to the Colorado-New Mexico state line, then east along the state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with Embudo creek, then east up Embudo creek to NM 68 at Embudo, then southwest along NM 68 to its junction with US 84 at Espanola, then northwest along US 84 to its junction with NM 554.

YY. [UNIT] GMU 51: Beginning at the junction of NM 554 and US 84 east of Abiquiu and running northwest and north along US 84 to its intersection with the south boundary of the Tierra Amarilla grant, then east along the south boundary of the grant to the Rio Vallecitos, then east down the Rio Vallecitos to NM 111 at Canon plaza, then northeast along NM 111 to its junction with US 64, then east along US 64 to its junction with US 285 at Tres Piedras, then south and west along US 285 to its junction with NM 111 north of Ojo Caliente, then north along NM 111 to its junction with NM 554, then west and south along NM 554 to its junction with US 84.

ZZ. [UNIT] GMU 52:

Beginning at the intersection of the Rio Vallecitos and the southeastern corner of the Tierra Amarilla grant and running north along the eastern boundary of the grant to the Colorado-New Mexico state line, then east along the state line to its intersection with US 285, then south along US 285 to its junction with US 64 at Tres Piedras, then west along US 64 to its junction with NM 111, then southwesterly along NM 111 to the Rio Vallecitos at Canon plaza, then northwest up the Rio Vallecitos to the east boundary of the Tierra Amarilla grant.

AAA. [UNIT] GMU 53: Beginning at the intersection of NM 567 and the Rio Grande and running north along the Rio Grande to the Colorado-New Mexico state line, then east along the state line to its junction with NM 522, then south along NM 522 to the south boundary of the Sangre de Cristo grant, then east along the grant boundary to the Taos-Colfax county line, then south along the Colfax county line to the south boundary of the Taos pueblo, then west along the south boundary of the Taos pueblo to NM 68, then south along NM 68 to NM 570 immediately south of Ranchos de Taos, then west along NM 570 to its junction with NM 567, then west along NM 567 to its intersection with the Rio Grande river.

BBB. [UNIT] GMU 54: Beginning at the intersection of the south boundary of the Maxwell grant and NM 434 and running north along NM 434 to its junction with US 64, then north and east along US 64 to its junction with NM 58 at Cimarron and east along NM 58 to its junction with I-25, then south along I-25 to its intersection with the south boundary of the Maxwell grant, then west along the south boundary of the grant to NM 434.

CCC. [UNIT] GMU 55: Beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass, then north along the Colfax county line to the south boundary of the Sangre de Cristo grant, then north and west along the Sangre de Cristo grant's south boundary to NM 522, then north along NM 522 to the Colorado-New Mexico state line, then east along the state line to its intersection with I-25, then south along I-25 to its junction with NM 58, then west along NM 58 to its junction with US 64.

DDD. [UNIT] GMU 56: Beginning at the junction of US 56 and I-25 at Springer and running north along I-25 to its junction with US 64 at Raton, then east along US 64 to its junction with US 56 at Clayton, then west along US 56 to its junction with I-25.

EEE. [UNIT] GMU 57:

Beginning at the junction of US 64 and I-25 at Raton and running north along I-25 to the Colorado-New Mexico state line, then east along the state line to NM 551, then south along NM 551 to its junction with NM 456, then southwest along NM 456 to its junction with NM 325, then southwest along NM 325 to its junction with US 64, then west along US 64 to its junction with I-25.

FFF. [UNFF] GMU 58:

Beginning at the junction of US 64 and NM 325 at Capulin and running northeast along NM 325 to its junction with NM 456, then northeast along NM 456 to its junction with NM 551, then north along NM 551 to the Colorado-New Mexico state line, then east along the state line to the Oklahoma-New Mexico state line, then south along the state line to its intersection with US 64, then west along US 64 to its junction with NM 325.

[4-1-95, 3-14-98, 19.30.4.8 NMAC – Rn & A, 19 NMAC 30.4.8, 2-14-2001, A, 3-31-2003]

19.30.4.9 GAME MANAGEMENT SUB-UNITS AND PORTIONS OF UNITS:

A. SUB-UNIT 2A: That portion of Unit 2 west of the Los Pinos River (Pine Arm of Navajo Reservoir) and north of the San Juan River.

B. SUB-UNIT 2B: That portion of Unit 2 east of the Los Pinos River (Pine Arm of Navajo Reservoir) and south of the San Juan River.

C. SUB-UNIT 5A: THE FREEMAN DAVIS UNIT: That portion of Unit 5 beginning at the junction of the northwest boundary of the Santa Fe National Forest and junction with the Jicarilla Apache Indian Reservation north of Lindrith and following the forest boundary south towards Lindrith, then northeasterly past Llaves; thence southerly to its intersection with NM 96, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian Reservation, then following the Reservation boundary north to its intersection with the northwest corner of the Santa Fe National Forest boundary.

D. SUB-UNIT 5B: Beginning at the junction of the east boundary of the Jicarilla Apache Indian Reservation and the south boundary of the Tierra Amarilla Grant and running east along the grant boundary to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with the Santa Fe National Forest boundary west of Gallina, then following the boundary north then west past Llaves then southwest to south of Lindrith then north along

the Forest Service boundary line to its intersection with the Jicarilla Apache Indian Reservation, then east along the boundary line to the junction of the Reservation and the south boundary of the Tierra Amarilla Grant.

E. SUB-UNIT 15A: That portion of Unit 15 lying west of NM 32.

F. SUB-UNIT 15B: That portion of Unit 15 lying east of NM 32.

G. SUB-UNIT 16A: That portion of Management Unit 16 beginning at the junction of Bursum Road (NM 159/USFS Road 28) and US 180, then north along US 180 to its junction with NM 12, then northeast along NM 12 to its junction with NM 435, then south along NM 435 to its junction with Negrito Creek south of Reserve, then east along Negrito Creek to its junction with the North Fork of Negrito Creek, then east along the North Fork of Negrito Creek to its junction with USFS Road 94 at Collins Park, then south on USFS Road 94 to its junction with USFS Road 28, then southeasterly on USFS Road 28 to its junction with USFS Road 30, then southeasterly on USFS Road 30 to its junction with USFS Road 142, then southwest on USFS Road 142 to its junction with USFS Road 142C west of Cooney Prairie, then south on USFS Road 142C to the Gila Wilderness boundary, then west along the Gila Wilderness boundary to its junction with Snow Creek below Snow Lake, then south along Snow Creek to its junction with Gilita Creek, then west along Gilita Creek to its junction with Willow Creek, then west along Willow Creek to its junction with USFS Trail 138, then westerly along USFS Trail 138 to its junction with USFS Trail 182, then north on USFS Trail 182 to its junction with Bursum Road (NM 159/USFS Road 28) at Sandy Point, then west along Bursum Road (NM 159/USFS Road 28) to its junction with US 180.

H. SUB-UNIT 16B: That portion of Management Unit 16 beginning at the junction of USFS Road 152 and the Grant Sierra County line southwest of Board Gate Saddle, then north along the Grant Sierra County line to Reeds Peak and the Continental Divide, thence north along the Continental Divide to its intersection with USFS Trail 42, then west along USFS Trail 42 to its junction with Forest Trail 40 at Diamond Creek, then west along Forest Trail 40 and Diamond Creek to USFS Road 225 (old USFS Road 19), then southwest along USFS Road 225 (old USFS Road 19) to its junction with USFS Road 18, then northwest along USFS Road 18 to its junction with USFS Road 704, then west along USFS Road 704 to USFS Trail 772, then northwesterly along USFS Trail 772 to Black Mountain, then west from Black

Mountain along USFS Trail 812 to its intersection with the south fork of Christie Canyon and the wilderness boundary, then west along the wilderness boundary to Snow Creek, then south along Snow Creek to Gilita Creek, then west along Gilita Creek to Willow Creek, then west along Willow Creek to USFS Trail 138, then westerly along USFS Trail 138 to USFS Trail 182, then south and east on USFS Trail 182 to its junction with USFS Trail 224 at West Fork Saddle, then south along USFS Trail 224 and down the West Fork of Mogollon Creek to its junction with Mogollon Creek, then easterly along Mogollon Creek to USFS Trail 158 at Woodrow Canyon, then southeast along USFS Trail 158 to Turkey Creek, then south along Turkey Creek to the Gila River, then east along the Gila River to Sapillo Creek, then east along Sapillo Creek to NM 35, then east along NM 35 to its intersection with USFS Road 152, then northeast along USFS Road 152 to its junction with the Sierra Grant county line southwest of Board Gate Saddle.

I. SUB-UNIT 16C: That portion of Management Unit 16 beginning at the road junction of USFS Road 150 and USFS Road 30 in Railroad Canyon, then northeast along USFS Road 150 to its junction with NM 163/USFS Road 150, then northeast along NM 163 to the Continental Divide, then south along the Continental Divide to USFS Trail 42, then south along USFS Trail 42 to USFS Trail 40, then west on USFS Trail 40 to and across USFS Road 150 to USFS Road 225 (old USFS Road 19), then southwest along USFS Road 225 (old USFS Road 19) to USFS Road 18, then northwest along USFS Road 18 to USFS Road 704, then west along USFS Road 704 to USFS Trail 772, then northwest along USFS Trail 772 to USFS Trail 812 on Black Mountain, then northwest along USFS Trail 812 to south fork of Christie Canyon, then north and west along south fork of Christie Canyon to USFS Road 142C, then north along USFS Road 142C to USFS Road 142, then northeast along USFS Road 142 to its junction with USFS Road 30, then east along USFS Road 30 to its junction with USFS Road 150 in Railroad Canyon.

J. SUB-UNIT 16D: That portion of Management Unit 16 beginning at Apache Creek and continuing south and west along NM 12 to its junction with NM 435 at Reserve, then south along NM 435 to its junction with Negrito Creek, then east along Negrito Creek to its junction with the North Fork of Negrito Creek, then east along the North Fork of Negrito Creek to its junction with SFS Road 94 at Collins Park, then south along USFS Road 94 to its junction with NM 28, then east along NM 28 to

junction with USFS 30, then southeast along USFS Road 30 to its intersection with USFS Road 551, then north and west along USFS Road 551 to its junction with USFS Road 28, then north along USFS Road 28 to its intersection with NM 12, then west on NM 12 to Apache Creek.

K. SUB-UNIT 16E: That portion of Management Unit 16 beginning at the intersection of USFS Road 551 and USFS Road 30 proceed northwesterly along USFS Road 551 to its intersection with USFS Road 28, then north on USFS Road 28 to its intersection with NM 12, then east on NM 2 to its intersection with NM 60 at Datil, then east on NM 60 to its intersection with NM 52, then south on NM 52 to its intersection with NM 163, then west on NM 163 to its intersection with USFS Road 150, then west on USFS Road 150 to its intersection with USFS Road 30, then west on USFS Road 30 to its intersection with USFS Road 551.

L. SUB-UNIT 21A: That northwest portion of Unit 21 that lies within the Gila National Forest boundary.

M. SUB-UNIT 21B: That portion of Unit 21 that lies outside the Gila National Forest boundary.

N. SUB-UNIT 22A: That portion of 22 beginning at the intersection of the Gila River and US 180 south of Cliff running north along US 180 to its junction with Bursum Road (NM 159/USFS Road 28), then east along Bursum Road to its junction with Forest Trail 41 at Windy Point, then southeast along Forest Trail 41 to its junction with Forest Trail 207, then east along Forest Trail 207 to its junction with the Gila Wilderness Boundary, then west and south and then east along the Gila Wilderness boundary to its junction with the Gila National Forest Boundary and Forest Trail 189, then east and south along the Gila National Forest Boundary to its junction with the Gila River, then southwest along the Gila River to its junction with US 180, south of Cliff.

O. SUB-UNIT 22B: That portion of Unit 22 beginning at the intersection of Bursum Road (NM 159/USFS Road 28) and Forest Trail 41 at Windy Point, then east along Bursum Road to its junction with Forest Trail 182 at Sandy Point, then south along Forest Trail 182 to its junction with Forest Trail 224 at the West Fork Saddle, then south on Forest Trail 224 down the West Fork of Mogollon Creek to its junction with the main Mogollon Creek, then easterly along Mogollon Creek to the junction of Forest Trail 158 at Woodrow Canyon, then south along Forest Trail 158 to main Turkey Creek, then south along Turkey Creek to its junction with the Gila River, then southwest along the Gila River to its junction with

Gila National Forest Boundary, then north and west along the Gila National Forest Boundary to its junction with the Gila Wilderness Boundary and Forest Trail 189, then north and west along the Gila Wilderness boundary to its junction with Forest Trail 207, then northwest along Forest Trail 207 to its junction with Forest Trail 41, then northwest along Forest Trail 41 to its junction with Bursum Road at Windy Point.

P. PORTIONS OF UNIT 36: As used herein, shall be defined as that area bounded by a line beginning at the junction of U.S. Highway 54 and U.S. Highway 380 in Carrizozo, thence east along U.S. 380 to its junction with State Road 37, then southeast along State Road 37 to its intersection with the Lincoln National Forest Boundary, then west and south along the Forest Boundary to its junction with Forest Road 579, then southwest on F.R. 579 to its junction with U.S. 54, then north along U.S. 54 to its junction with U.S. 380 at the starting point.

Q. SUB-UNIT 56A: That portion of Unit 56 located west of State Road 193.

R. PORTIONS OF UNIT 6: Beginning at the intersection of Forest trail 289 (Canyon de Valle) and the Los Alamos County line (Baca Location boundary), then east along Forest trail 289 to its intersection with State Road 501, then south along State Road 501 to its intersection with State Road 4, then west along State Road 4 to its intersection with the Los Alamos County line. Also, beginning at Forest Road 289 and its intersection with the Santa Fe National Forest boundary (south of the Baca Location), then east along the Forest boundary to the Bandelier National Monument boundary, then east and south along the Bandelier National Monument boundary to its intersection with the Canada de Cochiti Grant, thence west along the Canada de Cochiti Grant boundary to its intersection with Forest Road 289, then north along Forest Road 289 to its intersection with the Santa Fe National Forest boundary (south of the Baca Location).

S. SUB-UNIT 6A: Starting at the junction of Interstate I 25 and US 550 at Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian Reservation, then south, west, and north along the Zia Reservation boundary of the Jemez Indian Reservation, then west, north, and east along Jemez Indian Reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian Reservation, then east along

the south boundary of the Jicarilla Apache Indian Reservation and north along its east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with Forest Road (FR) 103, then south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline Road), then east along FR 527 to its junction with the west boundary of the Valles Caldera National Preserve (formerly the Baca Location #1), then south and west along the boundary of the Valles Caldera National Preserve to its junction with FR 280 and NM 4, then south along FR 280 to its junction with Forest Service Trail (FT) 140, then south along FT 140 to Peralta Creek, then south and east along Peralta Creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then along SR 16 to its junction with I 25, then south and west along I 25 to its junction with US 550 at Bernalillo.

T. SUB-UNIT 6B: All lands within the fenced and/or posted boundary of the Valles Caldera National Preserve (formerly the Baca Location #1) as fenced and/or posted by the United States Forest Service.

U. SUB-UNIT 6C: Starting at the junction of NM 96 and Forest Road (FR) 103 east of Gallina and running south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline Road), then east along FR 527 to its junction with the west boundary of the Valles Caldera National Preserve (formerly the Baca Location #1), then north, east, south and west along the boundary of the Valles Caldera National Preserve to its junction with NM 4 and FR 280, then south along FR 280 to its junction with Forest Service Trail (FT) 140, then south along FT 140 to Peralta Creek, then south and east along Peralta Creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then south and east along NM 16 to its junction with Interstate I 25, then north along I 25 to its junction with US 84 at Santa Fe, then north along US 84 to its junction with NM 96 north west of Abiquiu, then west along NM 96 to its junction with FR 103.

V. SUB-UNIT 55A: Beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax Taos County line at Palo Flechado Pass; then north along the Colfax County line to the South boundary of the Sangre de Christo Grant; then north and west along the Sangre De Christo Grant's south boundary to NM 522 then north along NM 522 to the Colorado New

Mexico state line; then east along the state line to its intersection with I 25; then south along I 25 to its junction with US 64 thence southwest along US 64 to its junction with NM 58 at Cimarron.

W. SUB-UNIT 55B:

Beginning at the junction of I 25 and Hwy 64, thence along Hwy 64 to the junction with Hwy 58 at Cimarron, thence easterly from Cimarron along Hwy 58 to the junction of Hwy 58 and I 25 at French Tract, thence north along I 25 once again to the junction of I 25 and Hwy 64.]

A. Sub-unit 2A: that portion of GMU 2 west of the Los Pinos river (Pine Arm of Navajo reservoir) and north of the San Juan river.

B. Sub-unit 2B: that portion of GMU 2 east of the Los Pinos river (Pine Arm of Navajo reservoir) and south of the San Juan river.

C. Sub-unit 5A the Freeman Davis unit: that portion of GMU 5 beginning at the junction of the northwest boundary of the Santa Fe national forest and junction with the Jicarilla Apache Indian reservation north of Lindrith and following the forest boundary south towards Lindrith, then northeasterly past Llaves; thence southerly to its intersection with NM 96, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then following the reservation boundary north to its intersection with the northwest corner of the Santa Fe national forest boundary.

D. Sub-unit 5B: beginning at the junction of the east boundary of the Jicarilla Apache Indian reservation and the south boundary of the Tierra Amarilla grant and running east along the grant boundary to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with the Santa Fe national forest boundary west of Gallina, then following the boundary north then west past Llaves then southwesterly to south of Lindrith then north along the forest service boundary line to its intersection with the Jicarilla Apache Indian reservation, then east along the boundary line to the junction of the reservation and the south boundary of the Tierra Amarilla grant.

E. Sub-unit 6A: starting at the junction of interstate 25 and US 550 at Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary of the Jemez Indian reservation, then west, north, and east along Jemez Indian reserva-

tion boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the Jicarilla Apache Indian reservation and north along its east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with forest road (FR) 103, then south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve (formerly the Baca location #1), then south and east along the boundary of the Valles Caldera national preserve to its junction with FR 280 and NM 4, then south along FR 280 to its junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then along NM 16 to its junction with I-25, then south and west along I-25 to its junction with US 550 at Bernalillo.

F. Sub-unit 6B: all lands within the fenced and/or posted boundary of the Valles Caldera national preserve (formerly the Baca location #1) as fenced and/or posted by the United States forest service.

G. Sub-unit 6C: starting at the junction of NM 96 and forest road (FR) 103 east of Gallina and running south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve (formerly the Baca location#1), then north, east, south and west along the boundary of the Valles Caldera national preserve to its junction with NM 4 and FR 280, then south along FR 280 to its junction with forest service trail (FT) 1-40, then south along FT 140 to Peralta creek, then south and east along Peralta creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then south and east along NM 16 to its junction with interstate I-25, then north along I-25 to its junction with US 84 at Santa Fe, then north along US 84 to its junction with NM 96 west of Abiquiu, then west along NM 96 to its junction with FR 103.

H. Sub-unit 16A: that portion of GMU 16 beginning at the junction of Bursum road (NM 159/USFS road 28) and US 180, then north along US 180 to its junction with NM 12, then northeast along NM 12 to its junction with NM 435,

then south along NM 435 to its junction with Negrito creek south of Reserve, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with USFS road 94 at Collins park, then south on USFS road 94 to its junction with USFS road 28, then southeasterly on USFS road 28 to its junction with USFS road 30, then southeasterly on USFS road 30 to its junction with USFS road 142, then southwesterly on USFS road 142 to its junction with USFS road 142C west of Cooney prairie, then south on USFS road 142C to the Gila wilderness boundary, then west along the Gila wilderness boundary to its junction with Snow creek below Snow lake, then south along Snow creek to its junction with Gilita creek, then west along Gilita creek to its junction with Willow creek, then west along Willow creek to its junction with USFS trail 138, then westerly along USFS trail 138 to its junction with USFS trail 182, then north on USFS trail 182 to its junction with Bursum road (NM159/USFS road 28) at Sandy point, then west along Bursum road (NM 159/USFS road 28) to its junction with US 180.

I. Sub-unit 16B: that portion of GMU 16 beginning at the junction of USFS road 152 and the Grant-Sierra county line southwest of Board Gate saddle, then north along the Grant-Sierra county line to Reeds peak and the continental divide, thence north along the continental divide to its intersection with USFS trail 42, then west along USFS trail 42 to its junction with USFS trail 40 at Diamond creek, then west along USFS trail 40 and Diamond creek to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to its junction with USFS road 18, then northwest along USFS road 18 to its junction with USFS road 704, then west along USFS road 704 to USFS trail 772, then northwesterly along USFS trail 772 to Black mountain, then west from Black mountain along USFS trail 812 to its intersection with the south fork of Christie canyon and the wilderness boundary, then west along the wilderness boundary to Snow creek, then south along Snow creek to Gilita creek, then west along Gilita creek to Willow creek, then west along Willow creek to USFS trail 138, then westerly along USFS trail 138 to USFS trail 182, then south and east on USFS trail 182 to its junction with USFS trail 224 at west fork saddle, then south along USFS trail 224 and down the west fork of Mogollon creek to its junction with Mogollon creek, then easterly along Mogollon creek to USFS trail 158 at Woodrow canyon, then southeast along USFS trail 158 to Turkey creek, then south along Turkey creek to the Gila river, then

east along the Gila river to Sapillo creek, then east along Sapillo creek to NM 35, then east along NM 35 to its intersection with USFS road 152, then northeast along USFS road 152 to its junction with the Sierra-Grant county line southwest of Board Gate saddle.

J. Sub-unit 16C: that portion of GMU 16 beginning at the road junction of USFS road 150 and USFS road 30 in Railroad canyon, then northeast along USFS road 150 to its junction with NM 163/USFS road 150, then northeast along NM 163 to the continental divide, then south along the continental divide to USFS trail 42, then south along USFS trail 42 to USFS trail 40, then west on USFS trail 40 to and across USFS road 150 to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to USFS road 18, then northwest along USFS road 18 to USFS road 704, then west along USFS road 704 to USFS trail 772, then northwest along USFS trail 772 to USFS trail 812 on Black mountain, then northwest along USFS trail 812 to south fork of Christie Canyon, then north and west along south fork of Christie canyon to USFS road 142C, then north along USFS road 142C to USFS road 142, then northeast along USFS road 142 to its junction with USFS road 30, then east along USFS road 30 to its junction with USFS road 150 in Railroad canyon.

K. Sub-unit 16D: that portion of GMU 16 beginning at Apache creek and continuing south and west along NM 12 to its junction with NM 435 at Reserve, then south along NM 435 to its junction with Negrito creek, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with SFS road 94 at Collins park, then south along USFS road 94 to its junction with NM 28, then east along NM 28 to junction with USFS 30, then southeast along USFS road 30 to its intersection with USFS road 551, then north and west along USFS road 551 to its junction with USFS road 28, then north along USFS road 28 to its intersection with NM 12, then west on NM 12 to Apache creek.

L. Sub-unit 16E: that portion of GMU 16 beginning at the intersection of USFS road 551 and USFS road 30, proceed northwesterly along USFS road 551 to its intersection with USFS road 28, then north on USFS road 28 to its intersection with NM 12, then east on NM 12 to its intersection with NM 60 at Datil, then east on NM 60 to its intersection with NM 52, then south on NM 52 to its intersection with NM 163, then west on NM 163 to its intersection with USFS road 150, then west on USFS road 150 to its intersection with USFS road 30, then west on USFS road 30

to its intersection with USFS road 551.

M. Sub-unit 21A: that northwest portion of GMU 21 that lies within the Gila national forest boundary.

N. Sub-unit 21B: that portion of GMU 21 that lies outside the Gila national forest boundary.

O. Sub-unit 22A: that portion of GMU 22 beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 41 at Windy point, then southeast along forest trail 41 to its junction with forest trail 207, then east along forest trail 207 to its junction with the Gila wilderness boundary, then west and south and then east along the Gila wilderness boundary to its junction with the Gila national forest boundary and forest trail 189, then east and south along the Gila national forest boundary to its junction with the Gila river, then southwest along the Gila river to its junction with US 180, south of Cliff.

P. Sub-unit 22B: that portion of GMU 22 beginning at the intersection of Bursum road (NM 159/USFS road 28) and forest trail 41 at Windy point, then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction with the Gila river, then southwest along the Gila river to its junction with Gila national forest boundary, then north and west along the Gila national forest boundary to its junction with the Gila wilderness boundary and forest trail 189, then north and west along the Gila wilderness boundary to its junction with forest trail 207, then northwest along forest trail 207 to its junction with forest trail 41, then northwest along forest trail 41 to its junction with Bursum road at Windy point.

Q. Burro mountain hunt area: as used herein, shall mean the big burro mountain portion of the Gila national forest lying within GMU 23.

R. McGregor range portion of Fort Bliss military reservation in GMU 28.

(I) Public hunt area: that portion of the Fort Bliss military reservation lying north of NM 506 excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

(2) Military only area: that portion of the Fort Bliss military reservation lying south of NM 506 as defined and restricted by Fort Bliss McGregor range personnel.

S. GMU 53 Cerro portion: shall mean that portion of GMU 53 beginning at the intersection of NM 522 and NM 378, then north on NM 522 approximately 3.1 miles to its intersection with CR B-041 (Buena Vista road), then west on CR B-041 1 mile to the dirt road on the boundary of townships T30N and T29N, then west on that dirt road 2 miles to its intersection with CR B-048 (Sunshine-Jarosa road), then south on CR B-048 approximately 1.3 miles to its intersection with NM 378, then southeasterly on NM 378 approximately 3.5 miles to its intersection with NM 522.

T. GMU 54 northeast portion: beginning at the intersection US 64 and NM 21, then south and east along NM 21 to its intersection with I-25, then north along I-25 to its intersection with NM 58, then west to its intersection with NM 21 at Cimarron.

U. Sub-unit 55A: beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass; then north along the Colfax county line to the south boundary of the Sangre de Cristo grant; then north and west along the Sangre De Cristo grant's south boundary to NM 522 then north along NM 522 to the Colorado-New Mexico state line; then east along the state line to its intersection with I-25; then south along I-25 to its junction with US 64 thence southwest along US 64 to its junction with NM 58 at Cimarron.

V. Sub-unit 55B: beginning at the junction of I-25 and US 64, thence along US 64 to the junction with NM 58 at Cimarron, thence easterly from Cimarron along NM 58 to the junction of NM 58 and I-25 at French tract, thence north along I-25 once again to the junction of I-25 and US 64.

W. GMU 56 Sierra Grande area: that portion of GMU 56 beginning at the junction of NM 64 and Union county road A045, five miles west of Des Moines, running south along Union county road A045 to its junction with Union county A107, then southeast along Union county road A107 to its junction with the southwest corner of T28N, R29E, S18, then east along the south section line of T28N, R29E, S17, S16, S15, S14, and S13 to its junction with Union county road A012, then northeast to its junction with NM64, then northwest, through Des Moines, to its junction with Union county road A045.

X. Sub-unit 56A: that

portion of GMU 56 not included in the Sierra Grande Area.

[4-1-95; 12-31-96; 4-30-99; 19.30.4.9 NMAC - Rn & A, 19 NMAC 30.4.9, 2-14-2001, A, 3-31-2003]

19.30.4.10 WILDLIFE MANAGEMENT AREAS:

~~A. Sargent Area, as used herein, shall mean the Edward S. Sargent Wildlife Management Area in Management Unit 4.~~

~~B. Humphries Areas, as used herein, shall mean the William A. Humphries and Rio Chama Wildlife Management Areas in Management Unit 4.~~

~~C. Colin Neblett Area South, as used herein, shall mean the portion of the Colin Neblett Wildlife Management Area south of U.S. Highway 64 in Management Unit 54.~~

~~D. Colin Neblett Area North, as used herein, shall mean the portion of the Colin Neblett Wildlife Management Area north of U.S. Highway 64 in Management Unit 55.~~

~~E. Urraca Area, as used herein, shall mean the Urraca Wildlife Area in Unit 55.~~

~~F. Heartbar Wildlife Area, as used herein, shall mean the area bounded by a posted line enclosing a strip extending one half mile on each side of the West Fork of the Gila River from the eastern boundary of the Gila Cliff Dwellings National Monument to the southern boundary of the property of the Department at Little Creek; to include, in T. 12 S., R. 14 W.; Sec. 26; S 1/4 NW 1/4, S 1/2 NE 1/4, S 1/2, Sec. 25; NE 1/4, NE 1/4 NW 1/4, Sec. 36; in T. 12 S., R. 13 W.; Sec. 31; S 1/2 S 1/2, Sec. 32; SW 1/4 SW 1/4, Sec. 30; in T. 13 S., R. 13 W.; NE 1/4 NE 1/4 SE 1/4, Sec. 6; NW 1/4 NW 1/4 SW 1/4, Sec. 5.~~

~~G. Fort Bayard Watershed, as used herein, shall mean the Fort Bayard State Game Refuge in Management Unit 24.~~

~~H. E. S. Barker Wildlife Area, as used herein shall mean the Barker Wildlife Area in Unit 55.]~~

~~A. E.S. Barker WMA, as used herein, shall mean the Elliott S. Barker wildlife management area in GMU 55.~~

~~B. Big Hatchet WMA, as used herein, shall mean the Big Hatchet wildlife management area in GMU 26.~~

~~C. Brantley WMA, as used herein, shall mean the Brantley wildlife management area in GMU 31.~~

~~D. Colin Neblett north, as used herein, shall mean the portion of the Colin Neblett wildlife management area north of U.S. highway 64 in GMU 55.~~

~~E. Colin Neblett south, as used herein, shall mean the portion of the~~

~~Colin Neblett wildlife management area south of U.S. highway 64 in GMU 54.~~

~~F. Fort Bayard watershed, as used herein, shall mean the Fort Bayard wildlife management area in GMU 24.~~

~~G. Heartbar WMA, as used herein, shall mean the Heartbar wildlife management area bounded by a posted line enclosing a strip extending one-half mile on each side of the west fork of the Gila river from the eastern boundary of the Gila Cliff Dwellings national monument to the southern boundary of the property of the department at Little creek; to include, in T. 12 S., R. 14 W.; Sec. 26; S 1/4 NW 1/4, S 1/2 NE 1/4, S 1/2, Sec. 25; NE 1/4, NE 1/4 NW 1/4, Sec. 36; in T. 12 S., R. 13 W.; Sec. 31; S 1/2 S 1/2, Sec. 32; SW 1/4 SW 1/4, Sec. 30; in T. 13 S., R. 13 W.; NE 1/4 NE 1/4 SE 1/4, Sec. 6; NW 1/4 NW 1/4 SW 1/4, Sec. 5.~~

~~H. Huey WMA, as used herein, shall mean the W.S. Huey waterfowl management area in GMU 33.~~

~~I. Humphries WMA, as used herein, shall mean the William A. Humphries wildlife management area in GMU 4.~~

~~J. Marquez WMA, as used herein, shall mean the Marquez wildlife management area in GMU 9.~~

~~K. Rio Chama WMA, as used herein, shall mean the Rio Chama wildlife management area in GMU 4.~~

~~L. Rio de los pinos WMA, as used herein shall mean the Los Pinos wildlife management area in GMU 52.~~

~~M. Sargent WMA, as used herein, shall mean the Edward S. Sargent wildlife management area in GMU 4.~~

~~N. Seven rivers WMA, as used herein shall mean the Seven rivers waterfowl management area in GMU 31.~~

~~O. Urraca WMA, as used herein, shall mean the Urraca wildlife management area in GMU 55.~~

[4-1-95; 19.30.4.10 NMAC - Rn, 19 NMAC 30.4.10, 2-14-2001, A, 03-31-2003]

19.30.4.11 OTHER DESIGNATED AREAS

~~A. Valle Vidal area, as used herein, shall mean the Valle Vidal unit of the Carson national forest and the Greenwood area of the Vermejo Park Ranch, Inc. in [Unit] GMU 55.~~

~~B. Florida mountains, as used herein, shall mean the main Florida mountain range and Little Floridas, consisting of that portion of [Management Unit] GMU 25 bounded by Interstate 10 on the north, the Luna-Dona Ana county line on the east, the Mexico-New Mexico line on the south and NM highway 11 on the west.~~

~~C. Animas Gray Peak, as used herein, shall mean the portion of Management Unit 27 between NM Highway 9 and the northern boundary of the Coronado National Forest. (description taken from U.S.F.S. Coronado National Forest map, 1975, and U. S. Bureau of Land Management Land Status map, 1976.) Beginning at the Town of Animas, Hidalgo County, running west along NM Highway 9 to its junction with U.S. Highway 80, then west along the power transmission line to the New Mexico/Arizona state line, then south along the New Mexico/Arizona state line to the boundary of the Coronado National Forest, then east and north along the boundary of the Coronado National Forest to Skull Canyon, then east and south along the boundary of the Coronado National Forest to the Klump/Slover Ranch headquarters, then east along the Slover Ranch road to its junction with NM Highway 338, then north along NM 338 to the Town of Animas.]~~

~~[D.] C. Sugarite canyon state park, as used herein, shall mean the Sugarite canyon property owned by the city of Raton and administered by the New Mexico state parks department in [Management Unit] GMU 57.~~

~~E. Baca Location, as used herein, shall mean the private lands in Management Unit 6 known as the Baca Location.~~

~~F. Stallion Range Center, as used herein, shall mean that portion of Unit 19 known as the Stallion Range of White Sands Missile Range.~~

~~G. Small Missile Range, as used herein, shall mean that portion of Unit 19 known as the Small Missile Range, south of White Sands National Monument and north of U. S. Highway 70.~~

~~H. Northern Bear Study Area, as used herein, shall mean that portion of Management Unit 55 beginning at the junction of U.S. 64 and Cerrososo Canyon Road (Forest road 1950), proceeding west along U.S. 64 to its junction with NM 38 at Eagle Nest, then north along NM 38 to its junction with North Moreno Creek, then north along North Moreno Creek to the Valle Vidal boundary, then westerly, northerly, and then easterly following the Valle Vidal boundary around to its junction with Cerrososo Canyon Road (Forest road 1950), then south and east along Cerrososo Canyon Road (Forest road 1950) to its junction with U.S. 64.~~

~~I. Zuni Mountain Hunt Area, as used herein, shall mean that portion of Management Unit 10 bounded on the north by Interstate 40 beginning at Fort Wingate, thence east along I 40 to its intersection with NM 53, then south and west along NM 53 to the east boundary of the~~

Zuni Reservation, then north along the east boundary of the Zuni Reservation to the Cibola Forest boundary, then west along the Cibola Forest boundary and the north Zuni Reservation boundary to the west Cibola Forest boundary, then north along the west Cibola Forest boundary to the west boundary of the Fort Wingate Depot, then north along the west Depot boundary to the point of beginning.

J. Burro Mountain Hunt Area. as used herein, shall mean the Big Burro Mountain portion of the Gila National Forest lying within Management Unit 23.

K. Oscura Mountain Hunt Area of White Sands Missile Range. Beginning at the North Oscura gate; at the intersection of Range Road 9 and the north boundary of White Sands Missile Range; then south along Range Road 9 to its junction with Dera Road, then east along Dera Road to its junction with Range Road 11; then south along Range Road 11 to its junction with Range Road 12, then west along Range Road 12 to its junction with Range Road 7, then north along Range Road 7 to its junction with Range Road 13, then north along Range Road 13 to its junction with 3 Mile Road, then east along 3 Mile Road to its junction with Trail Canyon Road, then north along Trail Canyon Road to its intersection with the north boundary of White Sands Missile Range, then east along the White Sand Missile Range boundary to its intersection with Range Road 9 at the North Oscura Gate.

L. Salinas Hunt Area of White Sands Missile Range. Beginning at the Engle Gate at the intersection of Range Road 6 and the west boundary of White Sands Missile Range, then east along Range Road 6 to its junction with Range Road 7, then north along Range Road 7 to its junction with Range Road 13, then south along Range Road 13 to its junction with Range Road 16, then west along Range Road 16 to the old Gilliland Ranch Headquarters, then west from the Gilliland Ranch Headquarters to the west boundary of White Sands Missile Range, then south along the White Sands Missile Range boundary to the Engle Gate.

M. White Sands Missile Range, Military Only Hunt Area. Beginning at the Small Missile Range Gate at the junction of US 70 and Range Road 7, then north along Range Road 7 to its intersection with Bear Canyon, then west along bear canyon to its intersection with west boundary of White Sands Missile Range, then south along the boundary of White Sands Missile Range to it intersection with US 70, then east along US 70 to its junction with Range Road 7 at the Small Missile Range Gate.]

[N.] D. White Sands missile range, [Oryx] hunting areas, as used herein, are those portions of White Sands missile range as [described] documented as stallion range, small missile range, red canyon, Tularosa gate, and Rhodes canyon hunt areas as documented [to oryx hunters] on maps and descriptions provided to hunters.

[O.] E. Organ mountain hunt area: beginning at the intersection of I-25 and US 70, then south along I-25 to it intersection with I-10, then south along I-10 to its intersection with the New Mexico\Texas state line, then east along the New Mexico\Texas state line to its intersection with Ft. Bliss military reservation boundary, then northeast, then west and then north along the Ft. Bliss military reservation boundary to its junction with the White Sands missile range boundary, then north, west and north along the White Sands missile range boundary to its intersection with US 70, then west along US 70 to its junction with I-25.

[P. McGregor Range Portion of Fort Bliss Military Reservation in Unit 28.

(1) Public Hunt Area. That portion of the Fort Bliss Military Reservation lying north of NM 506 excluding that part of the Sacramento Division of the Lincoln National Forest lying within the McGregor Range co-use area.

(2) Military Only. That portion of the Fort Bliss Military Reservation lying south of NM 506 as defined and restricted by Fort Bliss McGregor Range personnel.

Q. Sierra Grande Area. That portion of Management Unit 56 beginning at the junction of NM 64 and Union County Road A045, five miles west of Des Moines, running south along Union County Road A045 to its junction with Union County A107, then southeast along Union County Road A107 to its junction with the southwest corner of T28N, R29E, S18, then east along the south section line of T28N, R29E, S17, S16, S15, S14, and S13 to its junction with Union County Road A012, then northeast to its junction with NM64, then northwest, through Des Moines, to its junction with Union County Road A045.

R. Cerro portion of Unit 53 shall mean that portion of Unit 53 beginning at the intersection of NM 522 and NM 378, then north on NM 522 approximately 3.1 miles to its intersection with CR B 041 (Buena Vista Road), then west on CR B 041 1 mile to the dirt road on the boundary of Townships T30N and T29N, then west on that dirt road 2 miles to its intersection with CR B 048 (Sunshine Jarosa Road), then south on CR B 048 approximately 1.3 miles to its intersection with NM 378, then south-easterly on NM 378 approximately 3.5

miles to its intersection with NM 522.]

E. Cougar zones as used herein, shall define hunt areas consisting of one or more GMU's and are described as follows:

- (1) Zone A. GMU's 2 and 7.
- (2) Zone B. GMU's 5, 50, and 51.
- (3) Zone C. GMU's 43, 44, 45, 46, 48, and 49.
- (4) Zone D. GMU's 41, 42, and 47.
- (5) Zone E. GMU's 9 and 10.
- (6) Zone F. GMU's 6 and 8.
- (7) Zone G. GMU's 13, 14, and 17.
- (8) Zone H. GMU's 19, 20, 28, and 29.
- (9) Zone I. GMU's 18, 30, 34, 36, 37, and 38.
- (10) Zone J. GMU's 15, 16, 21 and 25.
- (11) Zone K. GMU's 22, 23, and 24.
- (12) Zone L. GMU's 26 and 27.
- (13) Zone M. GMU's 31, 32, 33, 39, and 40.
- (14) Zone N. GMU's 4 and 52.
- (15) Zone O. GMU 12.
- (16) Zone P GMU's 56, 57, and 58.

G. Bighorn sheep ranges, open to yearlong cougar hunting shall be described as: that portion of GMU 13 including mesa Sarca, the entire Ladrón mountain, the hills on the south side of the rio salado, the rio salado box west to Riley road (Sevilleta national wildlife refuge is closed to all cougar hunting), that portion of the Manzano mountains in GMU 14 from Comanche canyon south to US 60 and from the western base of the mountains east to the ridge comprised of Capilla, Osha and Manzano peaks and all of Sand, Priest and Abo canyons; that portion of GMU 19 beginning at the intersection of US 70 and interstate 25 (I-25) running south along I-25 to its intersection with I-10, thence south along I-10 to its intersection with the Texas/New Mexico state line, thence east along the state line to its intersection with NM 213, thence north along NM 213, which in turn becomes White Sands missile range (WSMR) range road 1 to its intersections with US 70, thence east along US 70 to its intersection with WSMR range road 7, thence north along WSMR range road 7 to its intersection with WSMR range road 306 (Hembrillo canyon), thence west along WSMR range road 306 to its intersection with the western boundary of WSMR, thence south along the WSMR boundary to its intersection with US 70, then west along US 70 to its intersection with I-25, all of GMU's 22A and 22B; that portion of GMU 23 that is south of the Apache and Gila

national forest boundary and north of NM 78; that portion of GMU 24 that is west of NM 15; and all of GMU's 26 and 27.

[4-1-95, 3-14-98; 4-30-99; 19.30.4.11 NMAC – Rn, 19 NMAC 30.4.11, 2-14-2001, A, 3-31-2003]

19.30.4.12 ANTELOPE MANAGEMENT UNITS:

~~A. For the administration of antelope hunting, the state shall be subdivided into Antelope Management Units as shown on the Antelope Management Unit Map attached hereto and hereby incorporated as part of this regulation.~~

~~B. ANTELOPE MANAGEMENT UNITS: ANTELOPE UNIT BOUNDARIES MAP]~~

A. AMU 1: Beginning at the junction of US 550 and NM 57, then south along NM 57 to its junction with the Chaco river at Pueblo Bonito, then west along the Chaco river to its junction with NM 371, then north along NM 371 to its junction with the San Juan river near Farmington, then west along the San Juan river to its junction with the east boundary of the Navajo Indian reservation, then north along the east boundary to its junction with the south boundary of the Ute mountain Indian reservation, then east and north along the Ute mountain Indian reservation boundary to the New Mexico/Colorado state line, then east along the NM/CO state line to the west boundary of the Jicarilla Apache Indian reservation, then south along the Jicarilla Apache Indian reservation to its junction with US 550 southeast of Counselor, then northwest along US 550 to its junction with NM 57.

B. AMU 2: Beginning at the junction of I-40 and I-25 in Albuquerque westward along I-40 to its junction with the Bernalillo and Cibola county line, then north along the Bernalillo and Cibola, Sandoval and McKinley county lines to its junction with NM 197, then northeasterly along NM 197 to its junction with US 550 in Cuba, then southeast along US 550 to its junction with I-25 in Bernalillo, then south along I-25 to its junction with I-40 in Albuquerque.

C. AMU 3: Beginning at the intersection of I-40 and NM 53 near Grants, then easterly on I-40 to its junction with I-25 in Albuquerque, then south along I-25 to its junction with the rio salado drainage north of Socorro, then westerly along the rio salado to its junction with the canada Bonita northwest of Riley, then north along the canada Bonita to its junction with the Socorro and Cibola County lines, then west along the Socorro and Cibola county lines, continuing west along the Cibola and Catron county line to its junc-

tion with the continental divide, then north along the continental divide to NM 53, then east and north along NM 53 to its junction with I-40 near Grants.

D. AMU 4: Beginning at the junction of the New Mexico/ Arizona state line and I-40, then north along the New Mexico/ Arizona state line to its junction with the Colorado state line, then east along the New Mexico/Colorado state line to its junction with the east boundary of the Ute mountain Indian reservation, then south and west along the Ute mountain Indian reservation boundary to its junction with the Navajo Indian reservation, then south along the Navajo Indian reservation to its junction with the San Juan river, then east along the San Juan river to its junction with NM 371, then south along NM 371 to its junction with I-40 at Thoreau, then west along I-40 to the New Mexico/Arizona state line.

E. AMU 5: Beginning at the junction of I-40 and NM 371 in Thoreau, then north along NM 371 to its junction with the Chaco river, then easterly along the Chaco river to its junction with NM 57, then northerly along NM 57 to its junction with US 550, then southeasterly along US 550 to its junction with NM 197 at Cuba, then south and west along NM 197 to its junction with the Sandoval and McKinley county line near Torreon, then southerly along the Sandoval and McKinley county line continuing along the Bernalillo and Cibola county line to its junction with I-40, then west along I-40 to its junction with NM 197 at Thoreau

F. AMU 6: Beginning at the junction of US 60 and I-25 at Bernardo, then north along I-25 to its junction with I-40 in Albuquerque, then east along I-40 to its junction with NM 41 at Moriarty, then south along NM 41 to its junction with US 60 near Willard, then west along US 60 to its junction with I-25 at Bernardo.

G. AMU 7: Beginning on US 550 at the western boundary of the Jicarilla Apache Indian reservation, then north along the Jicarilla Apache Indian reservation to the New Mexico/Colorado state line, then east along the New Mexico/Colorado state line to its junction with the Carson national forest, then southward along the western boundary of the Carson national forest to its convergence with US 84, then south along US 84 to its junction with NM 96, then southwesterly along NM 96 to its junction with US 550, then westerly along US 550 to its junction with the western boundary of the Jicarilla Apache Indian reservation.

H. AMU 8: Beginning at the junction of I-25 and US 550 at Bernalillo, then northeasterly along US 550 to its junction with NM 96, then northeast-

erly along NM 96 to its junction with US 84, then south along US 84 to its junction with US 84/285 at Espanola, then south along US 84/285 to its junction with I-25 at Santa Fe, then southwesterly along I-25 to its junction with US 550 at Bernalillo.

I. AMU 9: Beginning at the junction of NM 36 and the Catron and Cibola county line, then south along NM 36 to its intersection with US 60, then west along US 60 to its intersection with NM 32, then south along NM 32 to its junction with NM 12, then east along NM 12 to its intersection with the continental divide, then north along the continental divide to its intersection with the Cibola national forest at the Saw Tooth mountains, then north along the Cibola national forest boundary to its intersection with the Catron/ Socorro county line, then north along the Catron/ Socorro county line to its intersection with the Cibola county line, then west along the Cibola county line to its intersection with NM 36.

J. AMU 10: Beginning at the junction of the New Mexico/Arizona state line and the Catron and Cibola county line, then north along the New Mexico/Arizona state line to its junction with I-40, then east along I-40 to its intersection with NM 53 near Grants, then south and west along NM 53 to its junction with the continental divide, then south along the continental divide to its junction with the Cibola and Catron county line, then west along the Cibola and Catron county line to its junction with the New Mexico/Arizona state line.

K. AMU 11: Beginning at the junction of the New Mexico/Arizona state line and the Catron and Cibola county line, then east along the Catron and Cibola county line to its intersection with NM 36, then south along NM 36 to its junction with US 60, then west along US 60 to its junction with NM 32, then south along NM 32 to its junction with NM 12, then west along NM 12 to its junction with US 180, then north along US 180 to its intersection with the New Mexico/Arizona state line, then north along the New Mexico/Arizona state line to its intersection with the Catron and Cibola county line.

L. AMU 12: Beginning at the intersection of I-25 and the rio salado drainage, then westerly along the rio salado to its junction with the canada Bonita northwest of Riley, then north along the canada Bonita to its junction with the Socorro and Cibola county lines, then west along the Socorro county line to its junction with the Catron county line, then south along the Catron/ Socorro county line to its intersection with the Cibola national forest boundary, then westerly along the Cibola national

forest boundary to its intersection with the continental divide, then south along the continental divide to its intersection with US 60, then east along US 60 to its intersection with I-25 at Socorro, then north along I-25 to its intersection with the rio salado drainage.

M. AMU 13: Beginning at the intersection of US 60 and NM 52, then south along NM 52 to its junction with NM 59, then west on NM 59 to its junction with USFS 150, then south along USFS 150 to its intersection with the Catron and Grant county line, then west on the Catron and Grant county line to its intersection with the New Mexico/Arizona state line, then north along the state line until it intersects with US 180, then easterly along US 180 to its junction with NM 12, then east along NM 12 to its intersection with the continental divide, then north along the continental divide to its intersection with US 60, then east along US 60 to the junction of US 60 and NM 52.

N. AMU 14: Beginning at the intersection of the New Mexico/Arizona state line and the Grant/ Catron county line, then east along the Grant/Catron county line to its intersection with USFS 150, then south along USFS 150 to its junction with NM 35, then south along NM 35 to its junction with NM 152, then west along NM 152 to its junction with US 180, then west along US 180 to its junction with NM 90, then west along NM 90 until it intersects with the western boundary of the Burro mountain portion of the Gila national forest, then north along the Gila national forest boundary until it intersects the Gila river, then west along the Gila river until it intersects the New Mexico/Arizona state line, then north along the state line until its junction with the Grant/Cibola county line.

O. AMU 15: Beginning at the intersection of I-10 and I-25, then north along I-25 to its junction with NM 152, then west along NM 152 to its junction with US 180, then south along US 180 to its intersection with I-10, then east along I-10 to its intersection with I-25.

P. AMU 16: Beginning at the intersection of I-10 and NM 11, then south along NM 11 to the US/ Mexico border, then west along the US/Mexico border to its intersection with the NM/Arizona state line, then north along the state line to its intersection with the Gila river, then east along the Gila river to its intersection with the Burro mountain portion of the Gila national forest, then south along the forest boundary to its intersection with NM 90, then east along NM 90 to its intersection with US 180, then south along US 180 to its intersection with I-10.

Q. AMU 17: Beginning at the intersection of I-25 and US 70, then east

along US 70 to its intersection with the White Sands missile range (WSMR) boundary, then north along the WSMR boundary to its north west corner, then west along the Township 5S and 6S boundary to its intersection with the Bosque Del Apache national wildlife refuge, then north along the refuge boundary to its intersection with I-25, then south along I-25 to its intersection with US 70.

R. AMU 18: Beginning at the intersection of WSMR S. Route 41 and NM 55, then south along WSMR S. Route 41 to its junction with US 380, then east along US 380 to its intersection with the WSMR boundary; then west along the WSMR boundary to its north west corner, then west along the Township 5S and 6S boundary line to its intersection with the Bosque Del Apache national wildlife refuge, then north along the refuge boundary to its intersection with I-25, then north along I-25 to its junction with US 60, then east along US 60 to its junction with NM 55, then south along NM 55 to its junction with WSMR S. Route 41.

S. AMU 19: The White Sands missile range.

T. AMU 20: Beginning at the intersection of US 60 and I-25, then south along I-25 to its junction with NM 52, then north along NM 52 to its junction with US 60, then east along US 60 to its junction with I-25.

U. AMU 21: Beginning at the intersection of NM 52 and I-25, then south along I-25 to its intersection with NM 152, then west along NM 152 to its intersection with NM 35, then north along NM 35 to its intersection with USFS 150, then north along USFS 150 to its junction with NM 59, then east on NM 59 to its junction with NM 52, then south on NM 52 to its intersection with I-25.

V. AMU 22: Beginning at the intersection of I-10 and I-25, then south along I-10 to its intersection with the Texas/New Mexico border, then west along the state line to its intersection with the US/ Mexico border, then west along the US/Mexico border to its intersection with NM 11, then north along NM 11 to its junction with I-10, then east along I-10 to its intersection with I-25.

W. AMU 23: Start at the intersection of US 285 and 60 at Vaughn, then east along US 60 to the intersection of US 60 and NM 20 at Fort Sumner, then south along NM 20 to the intersection of NM 20 and US 285. Then north along US 285 to US 60.

X. AMU 24: Start at the intersection of I-40 and NM 3, then east along I-40 to the intersection of I-40 and US 84 at Santa Rosa, then south along US 84 to the intersection of US 84 and US 60 at Fort

Sumner, then west along US 60 to the intersection of US 60 and NM 3, then north along NM 3 to I-40.

Y. AMU 25: Start at the intersection of US 84 and I-40, then east along I-40 to the intersection of I-40 and NM 209, then south along NM 209 to the junction of NM 209 and NM 268, then south along NM 268 to the junction of NM 268 and US 60/84 at Melrose, then west along US 60/84 to Fort Sumner, then north along US 84 to Santa Rosa.

Z. AMU 26: Start at the intersection of US 285 and US 82, then east along US 82 to the New Mexico state line, then south along the NM state line to NM 128, then west to NM 31, then west along NM 31 to US 285, then north along US 285 to US 82.

AA. AMU 27: Start at the intersection of US 380 and NM 172, then east along US 380 to the New Mexico state line, then south along the NM state line to US 82, then west along US 82 to NM 172, then north along NM 172 to US 380.

BB. AMU 28: Start at the intersection of US 62/180 and US 285 at Carlsbad, then south on US 285 to NM 31, then east on NM 31 to NM 128, then east on NM 128 to the New Mexico state line, then south and west along the NM state line to US 62/180, then north along US 62/180 to US 285.

CC. AMU 29: Start at the intersection of White Sands missile range boundary and NM 506, then east along NM 506 to Cornucopia canyon road, then south along Cornucopia canyon road to the NM-TX state line, then west along the NM-TX state line to White Sands missile range boundary, then north along White Sands missile range boundary to NM 506.

DD. AMU 30: Start at the intersection of NM 506 and NM 24 at Pinyon, then north along NM 24 to US 82, then east along US 82 to US 285 at Artesia, then south along US 285 to US 62/180 at Carlsbad, then south along US 62/180 to the New Mexico state line, then west along the NM state line to NM 506, then north along NM 506 and Cornucopia canyon road to NM 24.

EE. AMU 31: Start at the intersection of US 60 and NM 267 in Melrose, then east along US 60 to the New Mexico state line, then south along the NM state line to US 380, then west along US 380 to Lea county road 156, then north along Lea county road 156 to reserve road, and north along reserve road to NM 440, then north along NM 440 to US 70 at Elida, then north along NM 330 and NM 267 to US 60 at Melrose.

FF. AMU 32: Start at the intersection of NM 20 and US 60, then east along US 60 to NM 267 in Melrose, then

south along NM 267 and NM 330 to US 70 at Elida, then west along US 70 to US 285, then north along US 285 to NM 20, and then north along NM 20 to US 60 at Fort Sumner.

GG. AMU 33: Start at the intersection of US 285 and US 70 at Roswell, then northeast along US 70 to NM 440 at Elida, then south along NM 440, reserve road, Lea county road 156, and NM 172 to US 82, then west along US 82 to US 285 at Artesia, then north along US 285 to US 70.

HH. AMU 34: Start at the intersection of US 70/380 and NM 368, north along NM 368 to NM 246, then east along NM 246 to US 285 at Roswell, then south on US 285 to US 82 at Artesia, then west along US 82 to Picacho road, then north along Picacho road to US 70/380.

II. AMU 35: Start at White Sands missile range boundary and US 380 at Carrizozo, then east along US 380 to NM 37, then south along NM 37 to NM 48, then south along NM 48 to US 70 at Ruidoso, then east along US 70 to Picacho Road, then south along Picacho Road to US 82, then west along US 82 to NM 24, then south along NM 24 to Pinon, then south along Cornucopia canyon road to NM 506, then west along NM 506 to White Sands missile range boundary, then north along White Sands missile range boundary to US 380 at Carrizozo.

JJ. AMU 36: Start at the Torrance/Socorro county line on NM 55 at Gran Quivera, then east along the Torrance county line to US 54 at Corona; then south along US 54 to Oscura, then north along the White Sands missile range boundary to US 380; then west along US 380 to WSMR S. Route 41 at Bingham, then east and north along WSMR S. Route 41 to NM 55 at Gran Quivera.

KK. AMU 37: Start at the intersection of US 54 and US 60/285, then east on US 60/285 to US 285 in Vaughn, then south along US 285 to NM 246 at Roswell, then west along NM 246 to NM 368, then south along NM 368 to US 70/380 at Tinnie, then west along US 70/380 and US 70 to NM 48 at Ruidoso, then west and north along NM 48 to US 380 at Capitan, then west along US 380 to US 54 at Carrizozo, then north along US 54 to US 60/285.

LL. AMU 38: Start at the intersection of NM 55 and US 60 at Mountainair, then east along US 60 to US 54, then south along US 54 to the Torrance/Lincoln county line at Corona, then west along the Torrance county line to NM 55 at Gran Quivera, then north along NM 55 to US 60.

MM. AMU 39: Beginning at the junction of US 60 and NM 41 west of

Willard, then north along NM 41 to its junction with I-40 at Moriarty, then east along I-40 to its junction with NM 3 east of Clines Corners, then south along NM 3 to its junction with US 60 near Encino, then west along US 60 to its junction with NM 41 west of Willard.

NN. AMU 40: Beginning at the intersection of I-40 and the New Mexico-Texas state line; then west along I-40 to the junction of NM 209 at Tucumcari, then south along NM 209 to the junction of NM 268, then south along NM 268 to the junction of US 64/80 at Melrose, then east along US 64/80 to the intersection of US 64/80 and the New Mexico-Texas state line, then north along the New Mexico-Texas state line to its intersection with I-40.

OO. AMU 41: Beginning at the intersection of I-40 and New Mexico-Texas state line, then west along I-40 to its junction with NM 104 at Tucumcari, then west along NM 104 to the intersection of San Miguel-Harding county line, then east and north along county line to its intersection of David hill escarpment, then north along escarpment to its intersection with NM 120, then north along NM 120 to its intersection with Harding-Union county line, then along county line to its intersection with US 56, just west of Gladstone, then east along US 56 to its intersection of US 87 at Clayton, then east along US 87 to the intersection of US 87 and New Mexico-Texas state line, then south along state line to its intersection with I-40 east of Tucumcari.

PP. AMU 42: Beginning at the junction of I-25 and NM 104 at Las Vegas, then east along NM 104 to its intersection with US 54 at Tucumcari, then west along US 54 to its junction with I-40 at Santa Rosa, then west along I-40 to its intersection with NM 3, then north along NM 3 to its intersection with I-25 at Romeroville, then along I-25 north to intersection with NM 104 at Las Vegas.

QQ. AMU 43: Beginning at the junction of I-40 and I-25 in Albuquerque, then northeast along I-25 to its junction with NM 3 between Santa Fe and Las Vegas, then south along NM 3 to its junction with I-40 east of Clines Corners, then west along I-40 to its junction with I-25.

RR. AMU 44: Beginning at intersection of NM 104 and I-40 at Tucumcari, then west along NM 104 to its junction with NM 419, then northeast along NM 419 to its junction with NM 39, then south to San Miguel-Harding county line, then southeast along county line to its junction with NM 104 and I-25 at Tucumcari.

SS. AMU 45: Beginning at the intersection of US 56 and NM 39 at Abbott, then south along NM 39 to its junc-

tion with NM 120 at Roy, then west along NM 120 to its intersection with the Canadian river, then following Canadian river south to its junction with NM 419, then northeast along NM 419 to its junction with NM 39 at Mosquero, then east along NM 39 to its intersection of David hill escarpment, then north along escarpment to its junction with US 56, then west along US 56 to its intersection with NM 39 at Abbott.

TT. AMU 46: Beginning at the junction of I-25 and NM 120 at Wagon Mound and running northwest along NM 120 to its junction with NM 434, near black lake, then north on NM 434 to Carson national forest road 76 and the forest boundary, then south following Carson national forest boundary to Santa Fe national forest boundary at Holman hill, then south along Santa Fe national forest boundary to Tecolote land grant boundary, thence south along the Tecolote land grant boundary to I-25, then north along I-25 to the junction of I-25 and NM 120 at Wagon Mound.

UU. AMU 47: Beginning at the junction of I-25 and US 56 at Springer, then south along I-25 to its junction with NM 120 at Wagon Mound, then east along NM 120 to its junction with the Canadian river, then northwest along Canadian river to its junction with US 56, then west along US 56 to its junction with I-25 at Springer.

VV. AMU 48: Beginning at the junction of I-25 and NM 21 at Springer, then south along I-25 to its junction with NM 120 at Wagon Mound, then west along NM 120 to the town of Ocate and the Santa Fe trail, then northeast along the Santa Fe Trail to its intersection with NM 21, then east along NM 121 to its junction with I-25 at Springer.

WW. AMU 49: Beginning at the intersection I-25 and NM 120 at Wagon Mound, then east along NM 120 to its intersection with Canadian river; then southeast down Canadian river to its junction with NM 104 near Sabinoso, then south and west along NM 104 to its intersection of I-25 and NM 104 at Las Vegas, then north along I-25 to its intersection with NM 120 at Wagon Mound.

XX. AMU 52: Beginning at the junction of US 64 and the Tierra Amarilla land grant and running north along the eastern boundary of the grant to the Colorado-New Mexico state line, then east along the state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with US 64, then west along US 64 to its junction the Tierra Amarilla land grant.

YY. AMU 53: Beginning at the junction of US 56 and the Canadian river, then southeasterly along Canadian river to its junction with NM 120, then east along 120 to its junction with NM 39, then

north along NM 39 to its junction with US 56 at Abbott, then west along US 56 to its junction with Canadian river.

ZZ. **AMU 54:** Beginning at the junction of I-25 and US 64, then along US 64 to the junction with NM 21 at Cimarron, then south and then east following NM 21 to its junction with I-25 at Springer, then north along I-25 to its junction with US 64.

AAA. **AMU 55:** Beginning at the junction of US 56 and I-25 at Springer and running north along I-25 to its junction with US 64 at Raton, then east along US 64 to its junction with Colfax/Union county line, then south along county line to its intersection with US 56 east of Farley, then west along US 56 to its intersection with I-25 at Springer.

BBB. **AMU 56:** Beginning at the Colfax/Union county line just west of Capulin south along county line to its intersection with US 56 east of Farley, then east along US 56 to its intersection with US 64 at Clayton, then west on US 64 to its intersection with the Colfax/Union county line west of Capulin.

CCC. **AMU 57:** Beginning at the junction of US 64 and I-25 at Raton and running north along I-25 to the Colorado-New Mexico state line, then east along the state line to NM 551, then south along NM 551 to its junction with NM 456, then southwest along NM 456 to its junction with NM 325, then southwest along NM 325 to its junction with US 64, then west along US 64 to its junction with I-25.

DDD. **AMU 58:** Beginning at the junction of US 64 and NM 325 at Capulin and running northeast along NM 325 to its junction with NM 456, then northeast along NM 456 to its junction with NM 551, then north along NM 551 to Colorado-New Mexico state line, then east along the Colorado-New Mexico state line to the Oklahoma-New Mexico state line, then south along the OK-NM state line to its intersection with US 64, then west along US 64 to its junction with NM 325.

[4-1-95, A, 4-30-99; 19.30.4.12 NMAC – Rn, 19 NMAC 30.4.12, 2-14-2001, A, 3-31-2003]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.35.7 NMAC, Section 9

**19.35.7.9 IMPORTATION
CONDITIONS:** All live protected wildlife species of the families Bovidae,

Antilocapridae, and Cervidae imported in the state of New Mexico shall meet the following criteria:

A. Be permanently and uniquely tattooed in at least one ear and tagged with USDA metal ear tags. The numbers shall be registered with the department of game and fish;

B. Be examined by an accredited veterinarian prior to importation. Each animal shall be accompanied by a pre-approved health certificate, certifying a disease-free status;

C. Test negative for brucellosis. Serum testing shall be done not more than thirty (30) days prior to importation. All serum samples shall be tested by a cooperative state federal brucellosis laboratory.

D. Test negative for bovine tuberculosis not more than ninety (90) days prior to importation. Animals to be imported must originate from a herd that had a negative whole-herd tuberculosis test not more than (12) months prior to importation or have a current "tuberculosis free herd" certificate issued from the state of origin through a department of agriculture accreditation program. Bovine tuberculosis testing must be performed with the current U.S. department of agriculture approved method and be conducted by a federally accredited veterinarian. **Exception: Wild sheep are exempt from this testing requirement.**

E. Test negative for paratuberculosis (Johne's disease) with Serologic testing methods. Test results must be verified by the attending veterinarian.

F. All cervids to be imported into the state must come from a facility where whole herd or complete monitoring occurs by verifiable proof, and the animal(s) must have shown no sign of chronic wasting disease for sixty (60) months prior to time of importation. All cervids entering New Mexico must have the following statement signed by the owner: "The animals on this application originate from a herd which has complete monitoring and in which chronic wasting disease has not been diagnosed in the last sixty months. These animals originate from a herd that has not been identified as a trace or source herd for chronic wasting disease. These animals have no history and no evidence of ever having been exposed to chronic wasting disease."

(1) No cervid shall be allowed to enter the state if it has had any contact with a CWD suspect, exposed, positive, trace-forward or trace-back animal within 60 months prior to time of importation.

(2) No cervid coming through

closed herd sales, a mixed herd or mixed herd sales shall be allowed to enter the state if the herd or auction facility has had any CWD suspect, exposed, positive, trace-forward or trace-back animal on the premises within 60 months prior to time of importation.

(3) No cervid shall enter the state in a conveyance that has held CWD suspect, exposed, positive, trace-forward or trace-back animal within 60 months prior to time of importation.

(4) No cervid shall enter the state, unless it comes from a herd which has complete monitoring.

G. All elk to be imported into the state of New Mexico shall be tested for genetic purity. Only Rocky Mountain elk (*Cervus elaphus nelsoni*) will be allowed to be imported into the state of New Mexico. Any elk showing red deer hybridization or hybridization of other elk subspecies will not be allowed into the state. All testing shall be done ONLY by a New Mexico department of game and fish approved laboratory;

H. All progeny from female elk impregnated prior to importation into New Mexico shall be tested for hybridization of red deer and other elk subspecies;

I. White-tailed deer subspecies to be imported into the state of New Mexico must have originated and must exist west of the 100th meridian and test negative for meningeal worm;

J. Be permitted in compliance with Subsection A of 19.31.1.10 NMAC:

(1) Cost of Testing: All testing will be at owner's expense;

(2) After entering the state, all animals shall be held in a separate facility by the owner and/or importer. All imported animals, prior to release, may be inspected at any time by a department of game and fish official or designee.

(3) Owners/importers must notify the department of game and fish within 24 hours of any disease indications or symptoms that manifest themselves among the imported animals prior to final inspection.

(4) Animals shall be held in isolation in the event of an animal health emergency as declared by the director.

(5) Final Inspection / Permit Validation: No animals may be released from the separate facility into the class A park or other enclosure until the owner has received a release approval signed by a department of game and fish official.

[19.35.7.9 NMAC - Rp 19 NMAC 31.1.11, 03-31-00; A, 2-14-01; A, 06-29-01; A, 05-15-02; A, 03-31-03]

**NEW MEXICO
DEPARTMENT OF
GAME AND FISH**

This is an amendment to 19.35.9 NMAC, Sections 7, 9, 10

19.35.9.7 DEFINITIONS:

A. Facility: the area of a class A park surrounded by a fence, and all buildings, isolation pens, loading chutes, gates, waters, and other structures used in the class A park operation.

B. Feed: all forage grown outside the facility and transported in, all forages compounded and packaged for commercial distribution, and all dietary supplements.

C. Water: The system for delivering water to animals in a class A park including but not limited to wells, streams, ponds, troughs, and water catchments.

D. Animal health emergency: A situation in which people or animals are at risk of exposure to infectious or contagious diseases.

E. Quarantine: A status declared for any park in which an animal health emergency has occurred. No animal ingress or egress shall be permitted until the animal health emergency has ended.

F. Record: include all vital documents and computer data kept for each animal. These documents include but are not limited to breed registries, importation permits, bills of sale, health certificates, veterinary diagnoses, scheduled and unscheduled health management actions, reproductive outcomes, etc.

G. Permit owner: That person or persons to whom the class A park or lake permit is issued. This person(s) may be a lessee on the land designated for the class A park or lake.

H. CWD: Chronic wasting disease, a transmissible spongiform encephalopathy of cervids.

I. Positive herd: A herd in which a CWD positive animal resided at the time it was diagnosed and which has not been released from quarantine.

J. Suspect herd: A herd for which laboratory evidence or clinical signs suggest a diagnosis of CWD, but for which laboratory results have been inconclusive or not yet conducted.

K. Exposed herd: A herd in which a CWD positive or exposed animal has resided 60 months prior to the diagnosis.

L. Trace-back-herd: An exposed herd in which a CWD positive animal resided in any of the 60 months prior to the diagnosis

M. Trace-forward herd: An exposed herd that has received exposed animals from a positive herd within 60 months prior to the diagnosis of CWD in the positive herd.

N. Shooter animals: Animals designated by an owner or his designee for hunting or harvesting in the park.

O. Single fence: A park surrounded by one continuous fence.

P. Double fence: A park surrounded by two (2) fences, each continuous with one fence surrounding the other and sufficient to prevent nose to nose contact with similar species.

Q. Quarantine fence: A fence, inside or out of a park that is constructed in an animal health emergency.

R. CWD profile: A deer or elk that is at least 12 months of age (adult) that is emaciated and exhibits some combination of clinical signs including abnormal behavior, increased salivation, tremors, stumbling, incoordination, difficulty in swallowing, excessive thirst, and excessive urination.

S. Whole herd or complete monitoring: Participation by park owners or their designee, where every brainstem (obex) is successfully submitted to an accredited laboratory for CWD testing, regardless if the death is natural or not, following the director's CWD monitoring standards.

T. Herd monitoring: Voluntary participation by park owners or their designee, where brainstem (obex) is successfully submitted to accredited laboratory for CWD testing, following the director's CWD monitoring standards.

U. ~~[CWD Monitoring Oversight Committee: A volunteer committee/task force will be convened by the director if any owner shall challenge the ruling of Department as to their CWD monitoring status. The committee shall be comprised of the owner or his representative, another Class A Park Owner, the Director or his designee, veterinarian from the State Livestock Board, veterinarian from US Department of Agriculture.~~

V.] CWD Test Sample: Shall be comprised of the brainstem containing the obex region and a sample of cerebellum both identified and preserved in 10% buffered formalin and not frozen. A second sample of cerebellum shall be identified and retained frozen for further testing if required.

[19.35.9.7 NMAC - N, 9-28-01; A, 05-15-02; A, 03-31-03]

19.35.9.9 POSSESSION CONDITIONS AND HEALTH CERTIFICA-

TION: All live protected species of the families Bovidae, Antilocapridae, and Cervidae retained in the state of New Mexico shall meet the following criteria:

A. All class A parks with cervids must participate in a CWD monitoring program if any animal shows a CWD profile, or is identified to come from a positive herd, suspect herd, exposed herd, trace-back-herd or trace-forward herd. All other CWD testing will be voluntary. All voluntary participants in CWD testing will be able to choose either whole herd monitoring or herd monitoring. Regardless of the testing standard chosen, all participants must collect two (2) samples per animal for CWD testing. The formalin preserved brainstem and portion of cerebellum will be submitted for testing and the remaining cerebellum section will be retained frozen for further testing and verification or until written negative results from the submitted samples have been received. participants must adhere to all of the director's CWD monitoring standards, and when in compliance, will receive an annual certificate. Anyone not adhering to the standards will not receive a certificate and lose their herd status for CWD monitoring accreditation. An owner may appeal this loss of certification ~~[through a CWD Monitoring Oversight Committee.]~~ **to the state game commission.**

(1) Testing must be done at the expense of the park owner.

(2) Testing shall be done only at a lab certified for CWD testing by the national veterinary services Laboratory, Ames, IA.

(3) Official statements of CWD testing results from the laboratory must be retained by owners and presented to the department annually.

(4) CWD testing and monitoring shall be established by the director and conform to the director's CWD monitoring standards.

B. Any live cervid leaving the park must be accompanied by a health certificate by an accredited veterinarian.

C. Any protected wildlife leaving a park or lake must also be accompanied by a bill of sale or invoice.

D. Owners must maintain records of animals handled inside the park. Records must be available to the department for inspection annually. These records shall include but not be limited to:

(1) Each animal in parks enrolled in the whole herd program must have at least one unique tattoo inside the ear.

(2) Each animal must have records of its origin and the records must be kept current and available for the lifetime of the animal:

(a) bill of sale if the animal was

purchased or donation receipt

(b) importation permit if the animal was imported into New Mexico

(c) health certifications of the herd of origin

(d) birth date and parentage if know and born on the park

(e) registration records if applicable

(3) Each animal must have reproductive records if known:

(a) number of offspring produced

(b) dates of birth

(c) abortions detected

(d) failures to conceive

(4) Records must be kept of all deaths if known:

(a) date of death

(b) result of CWD testing. CWD testing is mandatory for all animals showing CWD profile in addition to any testing required for a CWD monitoring program.

(c) reason of death including records of veterinary treatment

(d) results of necropsy if applicable

(e) name and address of successful hunters for all shooter animals killed.

(5) Health records must be kept and maintained if tested or treated:

(a) vaccinations received and dates

(b) sickness or disease, treatments, amounts of medications administered, and dates

(c) non-disease related treatments and dates, such as wormings or supplements

(6) Records of cut antler harvested:

(a) amounts and dates of harvest.

(b) lists of buyers and dates of sales

(7) Records of live animal sales

(a) bills of sales.

(b) names and addresses of buyers.

(c) destinations, dates, and modes of live animal transport away from the park.

E. Feed containing animal products or by-products shall not be administered to cervids.

F. Any positive test for CWD shall constitute an animal health emergency. The department must be notified within 24 hours of the diagnosis. This notification requirement will only be considered met if the owner or designee talks directly to the department's game and fish dispatch at 1-505-827-9376.

(1) The park shall be under immediate indefinite quarantine. All gates shall remain closed, and all existing fences shall remain standing and maintained at the owner's expense.

~~(2) A committee shall be con-~~

~~vened by the Director to determine what actions will be taken to contain, control, and prevent the spread of the animal health emergency. The committee will also determine the future status of the park and declare the degree of contamination. This committee shall be comprised of those listed in 19.35.9.10 NMAC]~~

(2) The director shall determine what actions will be taken to contain, control, and prevent the immediate spread of the animal health emergency. The director or his designee shall seek consultation and recommendations from health and disease specialists and will update the commission on these recommendations. The commission will determine the degree of contamination as well as what actions to take or implement on quarantine, treatment, disinfection, isolation, indemnification and destruction.

(3) Owners shall submit all herd records to the department within 72 hours of the diagnosis, and notify all owners of trace-forward and trace-back herds of the positive CWD diagnosis within 72 hour of the diagnosis.

G. Domestic sheep shall not be kept within the boundaries of the park unless the herd is enrolled in the USDA Scrapies Program.

H. All live protected species of the family Salmmonidae retained for propagation and sale outside of the class A lake shall meet the following criteria:

(1) Test annually meeting the same requirements as specified as 19.35.7 NMAC.

(2) Any positive test for any of the pathogens listed in 19.35.7 NMAC shall constitute an animal health emergency. The department must be notified within 24 hours of the diagnosis. This notification requirement will only be considered met if the owner or designee talks directly to a department person either by phone or in-person.

(a) The lake shall be under immediate indefinite quarantine.

(b) Owners shall submit factual copies of all records to the department within 72 hours of the diagnosis, and notify all owners of trace-forward and trace-back lots of fish of the positive diagnosis within 72 hours of the diagnosis.

[19.35.9.9 NMAC - N, 9-28-01; A, 05-15-02; A, 03-31-03]

19.35.9.10 ANIMAL HEALTH EMERGENCIES: ~~[Upon identification of an animal health emergency a committee will be convened by the Director to determine what actions will be taken to contain, control, and prevent spread of the animal health emergency giving due consideration and direction on quarantine, treatment, dis-~~

~~infection, isolation, indemnification and destruction. The committee will also determine the future status of the park and declare the degree of contamination. The committee should consist of at least:] **Upon identification of an animal health emergency the director shall determine what immediate actions will be taken to contain, control, and prevent spread of the animal health emergency giving due consideration and direction on quarantine, treatment, disinfection, isolation, indemnification and destruction. The director or his designee shall seek consultation and recommendations from health and disease specialists and update the commission on these recommendations. The commission will determine the degree of contamination as well as what other actions to take or implement on quarantine, treatment, disinfection, isolation, indemnification and destruction. The director will notify and periodically update the following persons or agencies on the status of the animal health emergency and should consist of at least:**~~

A. The park owner or land management agency representative and/or their legal counsel

~~**B.** The Department of Game and Fish Director or the Director's designee]~~

~~**C.** The department's assistant attorney general representative~~

~~**D.** The state veterinarian~~

~~**E.** The USDA area veterinarian in charge~~

F.] E. Escaped Animals:

However, if in the opinion of the director, any escaped animal poses a health emergency it shall be captured by the department of game and fish and if necessary destroyed. [19.35.9.10 NMAC - N, 9-28-01; A, 05-15-02; A, 03-31-03]

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

This is an amendment to 8.139.410 NMAC, Section 9. This amendment allows eligibility for qualified aliens who are lawfully present in the United States and have been living in the United States for at least five years.

8.139.410.9 CITIZENSHIP AND ALIEN STATUS: Participation in the Food Stamp Program is limited to individuals who live in the United States, and who are U.S. citizens or aliens with eligible alien status. Among those ineligible for participation are alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandon-

ing their residence in another country.

A. Eligibility: No individual is eligible to participate in the Food Stamp Program unless that individual is otherwise eligible and is:

(1) a U.S. Citizen;

(2) a U.S. Non-Citizen National

(3) an American Indian who is:

(a) an American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (INA) (8 U.S.C. 1359) apply; or

(b) a member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians;

(4) **Hmong or Highland Laotian:**

(a) a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975 who is lawfully residing in the U.S.;

(b) the spouse, or surviving spouse of such Hmong or Highland Laotian, or

(c) an unmarried or surviving dependent child who is under the age of 18 or if a full-time student under the age of 22; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday of such Hmong or Highland Laotian.

(5) **Qualified and Eligible Alien:**

An individual who is both a "qualified alien" and an "eligible alien" as defined in Subsection B of 8.139.410.9 NMAC.

B. Qualified and Eligible Aliens: An alien may qualify for participation in the Food Stamp Program if the alien meets at least one definition of "qualified alien" from Paragraph (1) below and one definition of "eligible alien" as defined in Paragraph (2) below.

(1) **Qualified Alien:** A "Qualified Alien" means:

(a) an alien who is lawfully admitted for permanent residence under the INA;

(b) an alien who is granted asylum under section 208 of the INA;

(c) a refugee who is admitted to the United States under section 207 of the INA;

(d) an alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;

(e) an alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA;

(f) an alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;

(g) an alien, an alien child's parents or an alien child who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse;

(h) an alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

(2) **Eligible Alien:** A qualified alien, as defined in Paragraph (1) of this Subsection, must have a status of at least one of the following to be eligible to receive food stamps:

(a) an alien who is lawfully admitted to the United States, either as a Lawful Permanent Resident (LPR) or in any other qualified alien status, and who has been living in the United States for at least five years from the date of the alien's entry into the United States;

~~(a)~~ (b) an alien who is lawfully admitted to the United States for permanent residence (LPR) under the Immigration and Nationality Act, and has worked for 40 qualifying quarters of coverage as defined under Title II of the Social Security Act, or can be credited with such qualifying quarters. The definition of lawfully admitted for permanent residence under the Immigration and Nationality Act shall be based on standards issued by the U.S. Immigration and Naturalization Service.

~~(b)~~ (c) an alien admitted as a refugee under section 207 of the INA. Eligibility is limited to 7 years from the date of the alien's entry into the U.S.

~~(c)~~ (d) an alien granted asylum under section 208 of the INA. Eligibility is limited to 7 years from the date asylum was granted.

~~(d)~~ (e) an alien whose deportation is withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA. Eligibility is limited to 7 years from the date deportation or removal was withheld.

~~(e)~~ (f) an alien granted status as a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980). Eligibility is limited to 7 years from the date the status as a Cuban or Haitian entrant was granted.

~~(f)~~ (g) an Amerasian admitted

pursuant to section 584 of Public Law 100-202, as amended by Public Law 100-461. Eligibility is limited to 7 years from the date admitted as an Amerasian.

~~(g)~~ (h) an alien with one of the following military connections:

(i) a veteran who was honorably discharged for reasons other than alien status, who fulfills the minimum active-duty service requirements including an individual who died in active military, naval or air service.

(ii) an individual on active duty in the Armed Forces of the U.S. (other than for training).

(iii) the spouse or surviving spouse of a veteran or active duty military alien described above provided the spouse has not remarried.

(iv) a child or surviving child of a deceased veteran (provided such child was dependent upon the veteran at the time of the veteran's death) who is under the age of 18 (if a full-time student, under the age of 22); or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday.

~~(h)~~ (i) a qualified alien who is lawfully residing in the U.S. and is receiving benefits or assistance for blindness or disability as defined in Paragraph (23) of Subsection A of 8.139.100.7 NMAC.

~~(i)~~ (j) an individual who on August 22, 1996, was lawfully residing in the U.S., and was born on or before August 22, 1931; or

~~(j)~~ (k) an individual who on August 22, 1996, was lawfully residing in the U.S. and is now under 18 years of age.

(3) **Quarters of Coverage:**

(a) SSA reports quarters of coverage through the Quarters of Coverage History System (QCHS).

(b) an alien lawfully admitted for permanent residence under the INA who has 40 qualifying quarters as determined under title II of the Social Security Act, including qualifying quarters of work not covered by Title II of the Social Security Act, based on the sum of: quarters the alien worked; quarters credited from the work of a parent of the alien before the alien became 18 (including quarters worked before the alien was born or adopted); and quarters credited from the work of a spouse of the alien during their marriage if they are still married or the spouse is deceased.

(i) A spouse may not get credit for quarters of a spouse when the couple divorces prior to a determination of food stamp eligibility.

(ii) If eligibility of an alien is based on the quarters of coverage of

the spouse, and then the couple divorces, the alien's eligibility continues until the next recertification. At that time, the caseworker shall determine the alien's eligibility without crediting the alien with the former spouse's quarters of coverage.

(c) **Disputing quarters:** If an applicant disputes the SSA determination of quarters of coverage reported by QCHS, the individual may participate for up to six (6) months pending the results of an SSA investigation. The individual or HSD must have requested an investigation from SSA in order to participate. The household is responsible for repayment of any food stamp benefits issued for such individual during the investigation if SSA determines that the individual cannot be credited with 40 quarters of coverage under Title II of the Social Security Act.

(4) **Federal Means-Tested Benefit:** After December 31, 1996, a quarter in which an alien received any Federal means-tested public benefit, as defined by the agency providing the benefit, or actually received food stamps is not creditable toward the 40-quarter total. A parent's or spouse's quarter is not creditable if the parent or spouse actually received any Federal means-tested public benefit or actually received food stamps in that quarter. If the alien earns the 40th quarter of coverage prior to applying for food stamps or any other Federal means-tested public benefit in that same quarter, the caseworker shall allow that quarter toward the 40 qualifying quarters total.

(a) Federal means-tested benefits include, but may not be limited to, benefits from:

- (i) the Food Stamp Program;
- (ii) the food assistance block grant programs in Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands;
- (iii) Supplemental Security Income (SSI);
- (iv) TANF block grant under Title IV of the Social Security Act.

(b) For purposes of determining whether an alien has or has not received a federal means-tested benefit during a quarter, the definition of federal means-tested benefit shall not include:

- (i) Medical Assistance under Title XIX of the Social Security Act (Medicaid) for emergency treatment of an alien, not related to an organ transplant procedure, if the alien otherwise meets eligibility for Medical Assistance under the state plan;
- (ii) short-term, non-cash, in-kind emergency disaster relief;
- (iii) assistance or bene-

fits under the National School Lunch Act;

(iv) assistance or benefits under the Child Nutrition Act of 1966;

(v) public health assistance (not including any assistance under Title XIX Medicaid) for immunizations, and testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by communicable diseases;

(vi) payments for foster care and adoption assistance under Part B and E of Title IV of the Social Security Act for a parent or child who would, in the absence of the restriction of eligibility for aliens contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, be eligible for such payments made on the child's behalf, but only if the foster or adoptive parent (or parents) of such child is a qualified alien;

(vii) programs, services, or assistance, delivering in-kind services at the community level and necessary for the protection of life or safety, that do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided, on the individual recipient's income or resources;

(viii) programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act;

(ix) means-tested programs under the Elementary and Secondary Education Act of 1965;

(x) benefits under the Head Start Act;

(xi) benefits under the Workforce Investment Act.

C. Verification of Citizenship/Eligible Alien Status: U.S. citizenship is verified only when client statement of citizenship is inconsistent with statements made by the applicant or with other information on the application, previous applications, or other documented information known to HSD.

(1) **U.S. Citizenship:** Any member whose U.S. citizenship is questionable is ineligible to participate until proof of U.S. citizenship is obtained. The member whose citizenship is questionable shall have all of his resources and a pro rata share of income considered available to any remaining household members.

(2) **Eligible Alien Status:** Verification of eligible alien status is mandatory at initial certification. Only those household members identified as aliens with qualified and eligible alien status are eligible to participate in the FSP.

(3) **Ineligible or Questionable Alien Status:** Any household member

identified as an ineligible alien, or whose alien status is in question cannot participate in the FSP. The caseworker is responsible for offering to contact the Immigration and Naturalization Service if the alien has a document that does not clearly indicate eligible or ineligible alien status.

D. Need for Documentation:

(1) Household members identified as aliens must present documentation, such as but not limited to, a letter, notice of eligibility, or identification card which clearly establishes that the alien has been granted legal status.

(2) A caseworker shall allow aliens a reasonable time to submit acceptable documentation of eligible alien status. A reasonable time shall be 10 days after the date the caseworker requests an acceptable document, or until the 30th day after application, whichever is longer.

(3) If verification of an individual's eligible status is not provided by the deadline, the eligibility of the remaining household members shall be determined. Verification of eligible alien status provided at a later date shall be treated as a reported change in household membership.

(4) During the application process, if an individual has been determined to be a qualified alien and either the individual or HSD submits a request to a Federal agency for documentation to verify eligible alien status, HSD must certify the individual for up to six months pending the results of the inquiry. The six-month time limit begins in the month the original request for verification is made.

~~(4)~~ (5) If a caseworker accepts a non-INS document and determines that it is reasonable evidence of eligible alien status, the document shall be copied and sent to INS for verification. The caseworker shall not delay, deny, reduce, or terminate the individual's participation pending verification from INS.

~~(5)~~ (6) **Inability to Obtain INS Documentation:** If a household indicates an inability to provide documentation of alien status for any member of the household, that member shall be considered an ineligible alien. The caseworker shall not continue efforts to contact INS when the alien does not provide any documentation from INS.

E. Failure to Cooperate: If a household, or a household member, indicates an unwillingness to provide documentation of alien status for any member, that member shall be considered an ineligible alien. The caseworker shall not continue efforts to get documentation.

F. Reporting Illegal Aliens:

(1) HSD shall inform the local INS office immediately when a determination is made that any member of a household is present in the US in violation of the INA.

(2) A determination that an alien is in the US in violation of the INA is made when:

(a) there has been a finding or conclusion of law through a formal determination process by the INS or the Executive Office of Immigration Review (EOIR) that the alien is unlawfully residing in the US; or

(b) the alien states to the Department that he or she is in the US in violation of the INA, and the statement is supported by an INS or EOIR finding.

(c) An alien who resides in the US in violation of the INA shall be considered an ineligible alien until there is a finding or conclusion of law through a formal determination process by the INS or EOIR.

(3) Illegal alien status is considered reported when the caseworker enters the information on the household's computer file.

G. Income and Resources of Ineligible Aliens: All the resources and a prorated share of income of an ineligible alien, or of an alien whose alien status is unverified, shall be considered in determining eligibility and food stamp benefit amount for the remaining eligible household members.

[02/01/95, 07/01/98, 02/01/99; 8.139.410.9 NMAC - Rn, 8 NMAC 3.FSP.412, 05/15/2001; A, 02/14/2002; A, 10/01/2002; A, 04/01/2003]

**NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

This is an amendment to 8.200.520 NMAC, Section 11, which will be effective on April 1, 2003. The Medical Assistance Division amended subsections in section 11 by changing the poverty income guidelines dollar amounts.

8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:

A. **100% Of Federal Poverty:** 100% of Federal Poverty Income Guidelines

| <u>Size of Assistance Unit</u> | <u>Poverty Income Guidelines</u> |
|--------------------------------|--|
| 1 | [\$739] \$749 per month* |
| 2 | [\$995] \$1,010 per month* |
| 3 | [\$1,252] \$1,272 per month |
| 4 | [\$1,509] \$1,534 per month |
| 5 | [\$1,765] \$1,795 per month |
| 6 | [\$2,022] \$2,057 per month |
| 7 | [\$2,279] \$2,319 per month |
| 8 | [\$2,535] \$2,580 per month |

Add [~~\$256~~] \$261 for each additional person in the assistance unit.

* Use only these two standards for the QMB program.

B. **120% Of Federal Poverty:** This Income Level is used only in the determination of the maximum income limit for Specified Low Income Medicare Beneficiaries (SLIMB) applicants/recipients.

| <u>Applicant/Recipient</u> | <u>Amount</u> |
|----------------------------|--|
| 1. Individual | At least [\$739] \$749 per month but no more than [\$886] \$898 per month. |
| 2. Couple | At least [\$995] \$1,010 per month but no more than [\$1,194] \$1,212 per month. |

For purposes of this eligibility calculation, couple means an applicant couple or an applicant with an ineligible spouse when income is deemed.

C. **133% Of Federal Poverty:** 133% of Federal Poverty Income Guidelines

| <u>Size of Assistance Unit</u> | <u>Poverty Income Guidelines</u> |
|--------------------------------|--|
| 1 | [\$982] \$996 per month |
| 2 | [\$1,324] \$1,344 per month |
| 3 | [\$1,665] \$1,692 per month |
| 4 | [\$2,007] \$2,040 per month |
| 5 | [\$2,348] \$2,388 per month |
| 6 | [\$2,689] \$2,736 per month |
| 7 | [\$3,031] \$3,084 per month |
| 8 | [\$3,372] \$3,432 per month |

Add [~~\$342~~] \$348 for each additional person in the assistance unit.

D. **135% Of Federal Poverty:** This income level is used only in the determination of the maximum income limit for Qualified Individuals 1 (QI-1) applicants/recipients. The following income levels apply:

| <u>Applicant/Recipient</u> | <u>Amount</u> |
|----------------------------|--|
| 1. Individual | At least [\$886] \$898 per month but no more than [\$997] \$1,011 per month. |
| 2. Couple | At least [\$1,194] \$1,212 per month but no more than [\$1,344] \$1,364 per month. |

For purposes of this eligibility calculation, couple means an applicant couple or an applicant with an ineligible spouse when income is deemed.

E. **185% Of FEDERAL POVERTY:**

| <u>Size of Assistance Unit</u> | <u>Poverty Income Guidelines</u> |
|--------------------------------|--|
| 1 | [\$1,366] \$1,385 per month |
| 2 | [\$1,841] \$1,869 per month |
| 3 | [\$2,316] \$2,353 per month |
| 4 | [\$2,791] \$2,837 per month |

| | |
|---|-----------------------------|
| 5 | [\$3,266] \$3,321 per month |
| 6 | [\$3,744] \$3,805 per month |
| 7 | [\$4,215] \$4,289 per month |
| 8 | [\$4,690] \$4,773 per month |

Add [~~\$475~~] \$484 for each additional person in the assistance unit.

F. **200% Of Federal Poverty:** 200% of Federal Poverty Income Guidelines

Size of Assistance Unit Poverty Income Guidelines

| | |
|---|-------------------|
| 1 | [\$1,477] \$1,497 |
| 2 | [\$1,990] \$2,020 |

G. **235% Of Federal Poverty:** 235% of Federal Poverty Income Guidelines

Size of Assistance Unit Poverty Income Guidelines

| | |
|---|-----------------------------|
| 1 | [\$1,736] \$1,759 per month |
| 2 | [\$2,339] \$2,374 per month |
| 3 | [\$2,942] \$2,989 per month |
| 4 | [\$3,545] \$3,604 per month |
| 5 | [\$4,148] \$4,219 per month |
| 6 | [\$4,751] \$4,834 per month |
| 7 | [\$5,355] \$5,449 per month |
| 8 | [\$5,958] \$6,063 per month |

Add [~~\$603~~] \$614 for each additional person in the assistance unit.

H. **250% Of Federal Poverty:** 250% of Federal Poverty Income Guidelines

Size of Assistance Unit Poverty Income Guidelines

| | |
|---|-----------------------------|
| 1 | [\$1,846] \$1,871 per month |
| 2 | [\$2,488] \$2,525 per month |
| 3 | [\$3,130] \$3,180 per month |
| 4 | [\$3,771] \$3,834 per month |
| 5 | [\$4,413] \$4,488 per month |
| 6 | [\$5,055] \$5,142 per month |
| 7 | [\$5,696] \$5,796 per month |
| 8 | [\$6,338] \$6,450 per month |

Add [~~\$642~~] \$654 for each additional person in the assistance unit.

[1-1-95, 4-1-95, 4-15-96, 4-1-97, 3-31-98, 3-1-99, 4-1-99, 4-1-00; 8.200.520.11 NMAC - Rn, 8 NMAC 4.MAD.520.1-5, & 14, & A, 1-1-01; A, 4-1-01; A, 4-1-02; A, 4-1-03]

or emergency drug supplies, the following is applicable:

(a) Only ~~[a]~~ **one** designated licensed nurse **per shift** may remove drugs from the pharmacy. The quantity of drugs ~~[is limited to meet immediate therapeutic needs].~~ **shall not exceed the quantity needed to last until the pharmacist is in the facility:**

(b) A record shall be made at the time of withdrawal by the authorized person removing the drugs. The record shall contain the following:

- (i) name of patient
- (ii) name of drug, strength, and dosage form
- (iii) dose prescribed
- (iv) quantity taken
- (v) time and date; and
- (vi) signature (first initial and last name or full signature) or electronic signature of person making the withdrawal.

(c) The original or direct copy of the medication order may substitute for such record, providing the medication order meets all of the requirements of 16.19.7.9.B(2)(b) NMAC (record).

(d) The nurse withdrawing the drug shall place upon the record of withdrawal an example of the medication removed.

(e) An electronic record of the withdrawal is required when the nurse is withdrawing more than a 72 hour supply.

~~(f)~~ **(f)** The pharmacist shall verify the withdrawal after a reasonable interval, but in no event may such interval exceed 72 hours from time of withdrawal. **Verification may be accomplished electronically from a remote site, if approved by the Board.**

~~(g)~~ **(g)** A drug regimen review, pursuant to a new medication order, will be conducted by a pharmacist either on-site or by electronic transmission within 24 hours of the new order.

(3) The pharmacist-in-charge or designated pharmacist, intern or technician may prepackage drugs for emergency withdrawal.

C. A pharmacist shall be "on call" during all absences from the facility.

D. A hospital pharmacy shall have within the institutional facility it services sufficient floor space allocated to ensure that pharmaceutical services are provided in an environment which allows for the proper compounding, dispensing and storage of medications. The minimum required pharmacy floor space excluding office area is:

NEW MEXICO BOARD OF PHARMACY

This is an amendment to 16.19.7 NMAC Sections 8 and 9, effective 04-30-2003.

16.19.7.8 LEADERSHIP:

A. There shall be a pharmacist-in-charge of the hospital pharmacy. The pharmacist in charge may be employed part-time or full-time as the activity of service requires. When services are provided on a part-time basis, the pharmacist-in-charge or designated pharmacist shall visit the facility at least every 72 hours. **Visitation schedules exceeding 72 hours must request Board approval.**

B. The pharmacist-in-charge shall be assisted by an adequate number of competent and qualified personnel.

C. Written job descriptions for all categories of pharmacy personnel shall be prepared and revised as necessary.

D. A pharmacy policy and procedure manual shall be prepared by the pharmacist-in-charge and readily available. The manual shall be reviewed annually for

the purpose of establishing its consistency with current hospital practices and the process documented. A copy of this manual shall be submitted to the Board or its agent for review and approval at the time of the hospital license application. Any subsequent changes shall be reviewed by the Board or its agent.

[08-16-99; 16.19.7.8 NMAC - Rn, 16 NMAC 19.7.8, 03-30-02; A, 04-30-03]

16.19.7.9 FACILITIES:

A. The hospital pharmacy shall be enclosed and locked if a pharmacist is not present in the facility. Adequate security systems shall be maintained and be consistent with the security plan of the facility.

B. The pharmacist-in-charge shall control access to the pharmacy and develop an emergency access procedure that may include the following situations or conditions:

(1) The hospital administrator or designee may possess a key to the pharmacy for emergency access.

(2) For the purposes of withdrawing limited doses of a drug for administration in emergencies when the pharmacy is closed, if the drugs are not available in floor

| | | | | | |
|--|-------------|---------------|----------------|----------------|----------------|
| Beds including Skilled Nursing Facility | 1-50 | 51-100 | 101-200 | 201-500 | >500 |
| Minimum Square Feet | 280 | 500 | 750 | 1000 | 1500 |
| Min. Sq. Ft. Pharmacy Compounding Sterile Pharmaceuticals | 380 | 600 | 850 | 1100 | 1600 |

| | | | | | | | |
|--|------------------------------|-----------------|--------------|---------------|----------------|----------------|----------------|
| Average daily census including skilled beds | Specialty designation | 1-25 | 26-50 | 51-100 | 101-200 | 201-500 | >500 |
| Minimum Square Feet | Adequate | Adequate | 280 | 500 | 750 | 1000 | 1500 |
| Min. Sq. Ft. for Sterile Prep Area (in addition to above) | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

A hospital may petition the Board for a variance to the required minimum square footage. ~~[The Board may approve or deny the petition at the Board's discretion. The Board may consider the following:~~

~~(1) size and scope of pharmacy services to be provided;~~

~~(2) size and type of patient population;~~

~~(3) number and types of drugs stored and dispensed from the pharmacy; and~~

~~(4) impact on the health and welfare of the institution's patients.]~~

The license application shall include an average daily inpatient census for the last year.

E. Specialty Designation:

(1) Adequate square footage will be decided by the Board at the time of licensure. The yearly license application will be accompanied by photos and a drawing of the pharmacy area. The Board may ask for more detailed information to make a determination.

(2). A hospital must petition the Board for a specialty designation. The Board may consider, but is not limited to the following:

(a) size of facility;

(b) type of patient population;

or

(c) number and types of drugs stored and dispensed from the pharmacy.

~~[E]F.~~ Hospitals having licensed outpatient pharmacies shall comply with retail pharmacy 16.19.6.10 NMAC.

~~[F]G.~~ The hospital pharmacy shall have the necessary equipment for the safe and appropriate storage, compounding, packaging, labeling, dispensing and preparation of drugs and parenteral products depending on the scope of pharmaceutical services provided.

- (1) Refrigerator;
- (2) Sink with hot and cold water.

H. Only one registered or certified pharmacy technician may be present in the pharmacy when the pharmacist is not in the facility, only to perform clerical tasks. A written log shall be maintained of the technician activities while alone in the pharmacy.

[08-16-99; 16.19.7.9 NMAC - Rn, 16 NMAC 19.7.9, 03-30-02; A, 04-30-03]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

Notice of Repeal

1 NMAC 3.2.94.950, Local Government Records Retention and Disposition Schedule for the New Mexico Municipal Courts, is being repealed and replaced with the new 1.19.9 NMAC, Local Government Records Retention and Disposition Schedule for the New Mexico Municipal Courts, effective April 4, 2003. The New Mexico Commission of Public Records at their December 4, 2001 meeting repealed the current rule. The New Mexico Commission of Public Records at their December 4, 2001 meeting approved the new rule.

NEW MEXICO COMMISSION OF PUBLIC RECORDS

**TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 19 LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULES (LGRRDS)**

PART 9 LGRRDS, NEW MEXICO MUNICIPAL COURTS

1.19.9.1 ISSUING AGENCY:
New Mexico Commission of Public

Records - State Records Center and Archives
[1.19.9.1 NMAC - N, 4/4/2003]

1.19.9.2 SCOPE: New Mexico municipal courts
[1.19.9.2 NMAC - N, 4/4/2003]

1.19.9.3 STATUTORY AUTHORITY: The state records administrator shall establish records disposal schedules for the orderly retirement of records in compliance with the Public Records Act.
[1.19.9.3 NMAC - N, 4/4/2003]

[Implementation of this rule may require the issuance of a court order from the NM supreme court or the municipal court]

1.19.9.4 DURATION: permanent
[1.19.9.4 NMAC - N, 4/4/2003]

1.19.9.5 EFFECTIVE DATE: April 4, 2003 unless a later date is cited at the end of a section.
[1.19.9.5 NMAC - N, 4/4/2003]

1.19.9.6 OBJECTIVE:
A. To establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official court records.

B. To establish records disposal schedules for the orderly retirement of records regulations necessary for the carrying out of the Public Records Act.
[1.19.9.6 NMAC - N, 4/4/2003]

1.19.9.7 DEFINITIONS:
A. "Note bene" stands for information important for the administration of the retention period.

B. "DUI" stands for driving under the influence.

C. "DV" stands for domestic violence.

[1.19.9.7 NMAC - N, 4/4/2003]

1.19.9.8 INSTRUCTIONS:

A. For records of an administrative nature, refer to the Records Retention and Disposition Schedule for General Administrative Records, 1.15.3 NMAC.

B. For records of a financial nature, refer to the Records Retention and Disposition Schedule for General Financial Records, 1.15.5 NMAC.

C. For records of a personnel nature, refer to the Records Retention and Disposition Schedule for General Personnel Records, 1.15.7 NMAC.

D. For records of a medical nature, refer to the Records Retention and Disposition Schedule for General Medical Records, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the court.

H. Access to confidential documents or confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, micro-filmed, micro-photographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. (Section 14-1-5, 14-1-6 NMSA 1978)

J. Electronic records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data process-

ing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). (See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems).

[1.19.9.8 NMAC - N, 4/4/2003]

1.19.9.9 ACRONYMS

A. "DUI" stands for driving under the influence.

B. "DV" stands for domestic violence.

C. "DWT" stands for driving while intoxicated and means DUI.

[1.19.9.9 NMAC - N, 4/4/2003]

1.19.9.10 - 1.19.9.100

[RESERVED]

1.19.9.101 MONEY TRANSACTION REPORTS:

A. **Program:** administration

B. **Maintenance system:** chronological by fiscal year

C. **Description:** record concerning the receipt and disbursement of bonds, fines and fees. Record may show report date, judge, docket number, receipt number, receipt amount, defendant name, authorizing signature, etc. [Record may be original or output from an automated system.]

D. **Retention:** three years after close of fiscal year in which created

E. **Note bene:** Court may keep a unified *money transaction report* or may keep reports based on type of transaction (i.e. *bond transaction report, fine transaction report, refund transaction report*, etc.).

[1.19.9.101 NMAC - Rp 1 NMAC 3.2.94.950.101, 4/4/2003]

1.19.9.102 COURT AGENDA:

A. **Program:** administration

B. **Maintenance system:** chronological by court date and time

C. **Description:** record of court schedule. Record may show court date, judges, violation date, citation number, defendant name, docket number, etc. [Record may be original or output from an automated system.]

D. **Retention:** 30 days after scheduled court date [retention on final version]

E. **Note bene:** *Court agenda* is also known as *docket call* or *court calendar*.

[1.19.9.102 NMAC - Rp 1 NMAC 3.2.94.950.102, 4/4/2003]

1.19.9.103 NON-DUI AND NON-DOMESTIC VIOLENCE CRIMINAL CASE FILE (DOCKET FILE):

A. **Program:** criminal matters

B. **Maintenance system:** numerical by docket number

C. **Description:** record of proceedings in municipal court (excluding DUI and DV cases). File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal complaint, summons, *probable cause form*, bail bond forms, *condition of release forms*, *notice of appeal*, *warrants*, *failure to appear notices*, *entry of appearance form*, *remand order*, *waiver of counsel forms*, *no contest forms*, transportation documentation, *judgment and sentence forms*, etc. [Documents may be original or output from an automated system.]

D. **Retention:** three years from offense date

E. **Note bene:**
(1) Issuance of a *search warrant* requires the creation of a case file and docket.

(2) When citations are filed, a docket number shall be issued and a case file created.

(3) Treatment and psychological evaluations, supervision histories (i.e. probation, mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall be returned to generating entity or destroyed.

[1.19.9.103 NMAC - Rp 1 NMAC 3.2.94.950.103, 4/4/2003]

1.19.9.104 DUI AND DOMESTIC VIOLENCE CRIMINAL CASE FILE (DOCKET FILE):

A. **Program:** criminal matters

B. **Maintenance system:** numerical by docket number

C. **Description:** record of DUI and domestic violence proceedings in municipal court. File may contain criminal docket sheet, *uniform traffic citation*, arrest report, criminal complaint, summons, *probable cause form*, bail bond forms, *condition of release forms*, *notice of appeal*, *warrants*, *failure to appear notices*, *entry of appearance form*, *remand order*, *waiver of counsel forms*, *no contest forms*, transportation documentation, *judgment and sentence forms*,

etc.). [Record may be original or output from an automated system.]

D. Retention: three years from offense date provided that a conviction report has been filed when required.

E. Note bene:

(1) Issuance of a *search warrant* requires the creation of a case file and docket.

(2) When citations are filed, a docket number shall be issued and a case file created.

(3) Treatment psychological evaluations, supervision histories (i.e. probation, mandatory programs, etc.) should not be part of the *criminal case file*. Said documentation shall be returned to generating entity or destroyed.

(4) Cases involving driving under the influence where there has been a conviction, shall not be destroyed until *DWI conviction report* has been prepared and forwarded to the administrative office of the courts.

(5) Cases involving domestic violence where there has been a conviction shall not be destroyed until *domestic violence conviction report* has been prepared and forwarded to the administrative office of the courts.

[1.19.9.104 NMAC - Rp 1 NMAC 3.2.94.950.104, 4/4/2003]

1.19.9.105 CRIMINAL DOCKET:

A. Program: criminal matters

B. Maintenance system: numerical by docket number

C. Description: sequential entries of matters coming into the court. Record may show-defendant name, docket number, offense, date, file date, judge, charge, ordinance number, citation number, officer name, etc. [Record may be original or output from an automated system.]

D. Retention: three years from date of last entry

E. Note bene: Maintenance of *criminal docket* is optional where a numbered docket index is available.

[1.19.9.105 NMAC, - Rp 1 NMAC 3.2.94.950.105, 4/4/2003]

1.19.9.106 DOCKET CARDS (DOCKET SHEETS, CASE HISTORY FORMS):

A. Program: administration

B. Maintenance system: numerical by docket number

C. Description: abstract of case file data. Record may show docket number, defendant name, defendant person-

al data, charge, charge date, officer's name, citation number, police case number, bond information, entry dates, appearance date, judge, dispositions, etc. [If court has an automated system that allows searching by docket number, neither docket cards or sheets are required.]

D. Retention: three years from offense date

E. Note bene: If *docket cards* are filed in other than docket number order, a numeric index or docket book shall be maintained.

[1.19.9.106 NMAC - Rp 1 NMAC 3.2.94.950.106, 4/4/2003]

1.19.9.107 CASE INDEX:

A. Program: administration

B. Maintenance system: alphabetical by defendant name

C. Description: record of individual defendant coming into the court. Index may show-docket number, defendant name, incident date, etc. [If court has an automated system that insures alphabetical indexing by defendant, indexing is not required separately.]

D. Retention: three years after date index produced, or for cards, three years after of date offense

E. Note bene: Court shall insure that both alphabetical and numerical access to case files is produced.

[1.19.9.107 NMAC - Rp 1 NMAC 3.2.94.950.107, 4/4/2003]

1.19.9.108 WARNINGS:

A. Program: administration

B. Description: Uniform Traffic Citation used for warnings.

C. Retention: no retention required on this item.

[1.19.9.108 NMAC - Rp 1 NMAC 3.2.94.950.108, 4/4/2003]

HISTORY OF 1.19.9 NMAC

Pre-NMAC History: The material in this part was derived from that previously filed with State Records Center and Archives.

SRC Rule No. 92-01, Records Retention and Disposition Schedule for New Mexico Municipal Courts, 4-16-92.

SRC Rule No. 94-10, Records Retention and Disposition Schedule for New Mexico Municipal Courts, 7-5-94.

History of Repealed Material:

1 NMAC 3.2.94.950, Local Retention and Disposition Schedule, New Mexico Municipal Courts - Repealed, 4-4-2003.

NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

This is an amendment to 18.2.3 NMAC, Section 9

18.2.3.9 REFERENCES TO CODE OF FEDERAL REGULATIONS:

For the purposes of 18.2.3 NMAC, the term "Code of Federal Regulations" means the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Administration in effect on October 1, 2001.

A. Appendix A: Code of Federal Regulations, Title 49, Parts 1 to 99, Revised as of [~~October 1, 2001~~] October 1, 2002, published by the Office of the Federal Register.

B. Appendix B: Code of Federal Regulations, Title 49, Parts 100 to 185, Revised as of [~~October 1, 2001~~] October 1, 2002, published by the Office of the Federal Register.

C. Appendix D: Code of Federal Regulations, Title 49, Parts 200 to 399, Revised as of [~~October 1, 2001~~] October 1, 2002, published by the Office of the Federal Register.

[11-17-93; 2-14-95; 11-17-95; 4-30-97; 18.2.3.9 NMAC - Rp 18 NMAC 2.3.9, 6-29-00; A, 7/31/02; A, 3/31/03]

NEW MEXICO RACING COMMISSION

Explanatory paragraph: This is an amendment to Paragraph 3 of Subsection B of 15.2.1.9 NMAC deleting Subparagraph (d) which allows a horse to run in a final even if he has a positive test until the split sample is tested and reported to the commission. The deleted rule is being incorporated into new Subsection K of 15.2.5.8 NMAC.

15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION:

B. PROCEEDINGS BEFORE THE STEWARDS:

(3) Summary Suspension

~~[(d) If a positive test arises in a trial race, the horse is eligible for entry during the period the split is tested and reported to the Commission. If the report confirms a positive test, the horse is disqualified from both the trial and the race for which the trial was conducted.]~~

NEW MEXICO RACING COMMISSION

Explanatory paragraph: This is an amendment to Subsection C of 15.2.5.8 NMAC deleting Paragraph (2) which couples

entries in the same trial race owned or leased by the same owner or trainer and changing the numbering of Paragraph (3) to Paragraph (2). The new Subsection K of 15.2.5.8 NMAC was added and addresses the number of horses starting in each time trial, qualifications in time trials for finals, reasons for disqualifications, equipment malfunctions (timers, gates, stall doors), positive tests, and scratches for time trials for quarter horses.

15.2.5.8 ENTRIES AND NOMINATIONS:

C. COUPLED ENTRIES:

(1) Two or more horses which are entered in a race shall be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in the race.

(2) ~~For trial races, entries will be split by owners, trainers and leased horses consecutively. If a leased horse draws into the same trial race of a horse that is owned or leased in whole or in part by the same owner, or trainer who owns or leases any other horse in the race, it will be coupled.~~

(3) No more than two horses having common ties through ownership or training may be entered in any overnight race. When making a coupled or uncoupled entry in an overnight race, the horse with the better date will be preferred. If both horses have the same date, the trainer must make a first and second choice. Under no circumstances may both horses of a coupled, or uncoupled, entry start to the exclusion of a single preferred entry unless the race conditions specifically state otherwise. No two preferred horses entered by the same trainer or owned by the same owner shall start to the exclusion of a single preferred entry in overnight races.

K. QUARTER HORSE TRIAL RACES:

(1) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the 10 fastest times shall qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day shall qualify to participate in the finals. When time trials are conducted on two days, the racing office should make every attempt to split owners with more than one entry into separate days; so that the owner's horses shall have a chance at all ten qualifying positions.

Entries will be split by owners, trainers and leased horses consecutively. If a leased horse draws into the same trial race of a horse that is owned or leased in whole or in part by the same owner, or trainer who owns or leases any other horse in the race, it will be coupled.

(2) If the association's starting gate has less than 10 stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

(3) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish shall also determine the preference in qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot shall be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing and/or enlarging photo-finish pictures.

(4) Except in the case of disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

(5) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, etc. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse shall be given no time.

(6) Should a malfunction occur with the electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three officials approved by the stewards. The average of the three hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the average of the two accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo-finish strip, if available.

(7) When there is a malfunction of the timer during the time trials, but the

timer operates correctly in other time trials, under no circumstances should the accurate electronic times be discarded and the average of the hand times used for all time trials.

(8) In the case where the accuracy of the electronic timer and/or the average of the hand times are questioned, the original video of a time trial shall be used to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately .03 seconds. Should the case arise where the timer malfunctions and there are no hand times, the stewards should have the option to select qualifiers based on the original video time. Should the stewards choose to use video time, all times will be determined by the video method.

(9) If a positive test arises in a trial race, the horse is eligible for entry during the period the split is tested and reported to the Commission. If the report confirms a positive test, the horse is disqualified from both the trial and the race for which the trial was conducted.

(10) If a horse should be scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid and that horse will not be allowed to enter the final under any circumstances. If a horse that qualified for the final should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, the horse shall be deemed to have earned and the owner will receive, last place purse money. If more than one horse should be scratched from the final, for any reason other than a positive drug test report or a rule violation, then those purse monies shall be added together and divided equally among those owners.

NEW MEXICO RACING COMMISSION

Explanatory Paragraph: This is an amendment to Paragraph 3 and Paragraph 15 of Section N of 15.2.7.12 NMAC detailing the payout for twin trifecta pools. The amendment to 15.2.7 NMAC Section 12 also adds Subsection R, which details the procedures for a team wager pool.

15.2.7.12 CALCULATION OF PAYOUTS AND DISTRIBUTION OF POOLS:

N. TWIN TRIFECTA POOLS:

(3) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon

the official order of finish for the first twin trifecta contest:

(a) a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) ~~[the following sequence, based on the official order of finish shall be used to determine the winning combination: first, second, and fourth; first, third, and fourth; second, third, and fourth; first, second, and fifth; first, third, and fifth; and sequentially thereafter.]~~ as a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) ~~[where only two horses finish in the race on which twin trifecta wagering is conducted, the pool shall be calculated so that the net pool should be divided by the value of tickets sold in that pool on horses selected to finish first and second in the exact order of the official result coupled with any other horse that started in the race]~~ as a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) ~~[where only one horse finishes in a race on which twin trifecta wagering is conducted, the pool shall be calculated so that the net pool shall be divided by the value of the tickets sold in the twin trifecta pool selecting that horse to finish first, coupled with any two other horses started in the race.]~~ the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be cancelled.

(15) ~~[On the closing program of the meeting, or when the cap has been reached, the current Carryover Jackpot, if any, plus the second half for that program will be combined and distributed in the following manner: if there is no winning ticket(s) (i.e., selecting the correct order of finish of the first three horses), the sum of the combined pools shall be divided equally and distributed to holders of valid exchange tickets and winning first half Twin Trifecta tickets which were not exchanged. In this event, all consolation tickets will be considered winners and there will be no consolation payoff.]~~ Should the Twin Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Trifecta after completion of the first half of the Twin Trifecta:

(a) as a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) as a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) as a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) as a single price pool to holders of valid exchange tickets.

(e) as a single price pool to holders of outstanding first-half winning tickets.

R. TEAM WAGER POOL:

(1) The Team Wager Pool requires selection of a designated "team" in each of a designated number of contests. Winning bets shall be determined based upon the official order of finish in each contest and the standing of each team with respect to the official order of finish. For purposes of the Team Wager, finishers from the same team shall be bracketed together to determine a single betting interest, as set forth in Paragraph (4).

(2) Prior to the start of the contests that comprise the Team Wager, all participants in each of the contests shall be divided by the association between or among each of the Team Wager teams, and the roster of each team made public, as well as the number of points to be awarded to the team whose member is the first finisher in a designated contest, the second finisher, and so forth until no more points are awarded in that contest.

(3) At the conclusion of all contests that comprise the Team Wager, the number of points for each team shall be compiled, and the team with the most points shall be declared the "winning team".

(4) The Team Wager pool shall be apportioned under either of the following methods:

(a) Winning Margins Team Wager:

(i) In the "Winning Margins Team Wager", the total number of points awarded in the Team Wager shall be divided by the association into a series of brackets comprised of a series of point ranges ("winning margin") by which one team (Team A) might defeat the other team (Team B); a series of point ranges by which Team B might defeat Team A; and a tie between the teams. Each bracket shall constitute a separate betting interest in the Winning Margins Team Wager.

(ii) The net Winning Margins Team Wager pool shall be distributed as a single price pool to those who selected the correct bracket. If there are no wagers selecting the correct bracket, the entire pool shall be refunded.

(iii) Example: Points are assigned to each of the first four finishers in each contest (four points for the first finisher down to one point for the fourth finisher, for a total of 10 points awarded in each contest), based upon the official order of finish, with a total of six contests in the Team Wager, resulting in a total of 60 points in all. The brackets could be designated as:

Team A's winning margin is

1-10 points

11-20 points

21-30 points

31-40 points

41-50 points

51-60 points

Team B's winning margin is

1-10 points

11-20 points

21-30 points

31-40 points

41-50 points

51-60 points

The two teams tie, and the margin is 0 points. In this example, there are 13 separate betting interests. If, in this example, finishers representing Team A come in 1st and 3rd in one contest, and finishers representing Team B come in 2nd and 4th in that contest, Team A would have $4+2=6$ points and Team B would have $3+1=4$ points. The current winning margin (after the first contest) would be Team A by 2 points

(b) Team Double Wager

(i) In the "Team Double Wager", the commission shall approve two different methods of determining the winning tickets qualifying for a share of the net pool.

(ii) The commission shall also approve the manner of apportioning the net Team Double Wager pool, and the conditions under which the pool shall be refunded or otherwise apportioned if there are no winning wagers.

(iii) Example: A "daily-double"-style pool consisting of having to correctly select the bracket of the winning margin, as above, as well as a bracket based upon and including the total points achieved by the winning team.

(5) Brackets

(a) The brackets may be comprised of the margins by which the winning team defeats the team that finishes second; the total number of points achieved by the winning team; or other method of determining the brackets, as approved by the commission.

(b) Such factors as the number of teams in the Team Wager; the method by which teams are designated; the number of points to be awarded in each contest, the number of contests comprising the Team Wager; and the method by which the

“brackets” constituting each betting interest in the Team Wager are designated, shall all be subject to approval of the commission.

(6) Coupled Entries or Fields:

With approval of the commission, coupled entries may be permitted in contests comprising the Team Wager, but may only participate as part of the same Team. With approval of the commission, fields may be permitted in contests comprising the Team Wager, but may only participate as part of the same Team.

(7) Dead Heat: If there is a dead heat including any finisher(s) for which points are awarded in the Team Wager, the total amount of points in the dead heat positions shall be combined and divided equally amongst the betting interests that have finished in the dead heat.

(8) Scratches

(a) Should an entry in any contest of the Team Wager be scratched or excused from the contest, all money wagered on combinations including this entry shall remain in the Team Wager pool and the ticket holder may still collect the monetary value of any distribution evidenced by the ticket containing the scratched betting interest.

(b) If, due to a scratched or excused entry, the number of entries assigned to a team in a contest of the Team Wager is reduced to fewer than the number of positions in the final order of finish for which the team is eligible to receive points, for purposes of the Team Wager pool such contest shall be declared “no contest” and wagers involving any betting interests that are no longer capable of being achieved shall be refunded.

NEW MEXICO RACING COMMISSION

Explanatory Paragraph: This is an amendment to Paragraph (4) of Subsection A of 16.47.1.8 NMAC requiring applicants for watchman to submit to a drug (controlled substances) and alcohol screening test when making application for a license.

16.47.1.8 GENERAL PROVISIONS

A. LICENSES REQUIRED

(4) License applicants for groom, watchman, exercise and pony persons must submit to a drug (controlled substances) and alcohol-screening test when making application for license.

End of Adopted Rules Section

Other Material Related to Administrative Law

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

NOTICE OF PUBLIC HEARING

The Protective Services Division (PSD) will hold a public hearing in Santa Fe on Thursday, May 1, 2003 from 1:00 p.m. to 2:30 p.m. in the Public Employees Retirement Association (P.E.R.A.) Building, 1120 Paseo de Peralta, 2nd floor conference room, number 227, to take comments regarding the proposed Title XX Annual Report for Social Services.

The PERA building is accessible to people with disabilities. Written comments are provided the same weight as comments received during the public hearings. Documents are available in different formats to accommodate a particular disability. Anyone requesting such assistance must provide two weeks notice to receive any written material in an alternative format by calling 505-827-8400. If assistance is required to attend the hearing, please call 505-827-8400 to arrange accommodation.

The annual report may be reviewed at any Protective Services Division county office. County office locations may be determined by calling 505-827-8400 for location information. The annual report may also be reviewed between 8:00 a.m.-5:00 p.m. (MST) at the PSD Directors office, Room 254, In the P.E.R.A. building in Santa Fe, NM. Copies of the annual report may be purchased (for the cost of copying) by contacting Linda McNall, Bureau Chief, CYFD-PSD, P.O. Drawer 5160, Santa Fe, NM 87502-5160, or by calling 505-827-3991. Copies can be requested through the use of the New Mexico relay system by calling 505-827-7586.

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

NOTICE OF PUBLIC HEARING

The Protective Services Division (PSD) will hold a public hearing in Santa Fe on Thursday, May 1, 2003 from 3:00 p.m. to 4:30 p.m. in the Public Employees Retirement Association (P.E.R.A.) Building, 1120 Paseo de Peralta, 2nd floor conference room, number 227, to take com-

ments regarding the proposed Annual Child and Family Services Report.

The PERA building is accessible to people with disabilities. Written comments are provided the same weight as comments received during the public hearings. Documents are available in different formats to accommodate a particular disability. Anyone requesting such assistance must provide two weeks notice to receive any written material in an alternative format by calling 505-827-8400. If assistance is required to attend the hearing, please call 505-827-8400 to arrange accommodation.

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NEW MEXICO ENVIRONMENT DEPARTMENT CONSTRUCTION PROGRAMS BUREAU

NOTICE OF OPEN FUNDING CYCLE

The New Mexico Environment Department (NMED) is accepting applications for placement on the fiscal year 2002-2007 Priority List of the Clean Water State Revolving Loan Fund also known as Wastewater Facility Construction Loan Fund. Applications for the addition of water pollution control projects to the Priority List will be accepted through June 13, 2003 at 5:00 p.m. MST.

The New Mexico Clean Water State Revolving Loan Fund Program provides low interest loan funds for the planning, design, and construction of wastewater facilities to prevent or abate water pollution. In addition, monies are available for the redevelopment of Brownfield sites and the protection and/or prevention of statewide water resources from non-point source pollution. Eligible projects include

but are not limited to preliminary planning to determine the feasibility of treatment works, engineering design, construction of sewage collection and treatment systems, storm water management facilities, landfill closures and modifications, on-site wastewater system repairs and replacements, underground storage tank removal, constructed wetlands, well capping, contaminated soil remediation, correction of groundwater contamination, and soil erosion controls. Any municipality, county, Indian tribe or sanitation district may apply for a loan from NMED, as agent for the Water Quality Control Commission, which is the designated water pollution control agency within New Mexico. A community's initial request for assistance does not obligate it to accept a loan. Approximately \$10 Million in federal and state funds are currently available for loans to eligible projects. An additional \$16 Million is pending legislative approval.

Questions regarding the Fund or the application process may be directed to Richard P. Rose, Chief, Construction Programs Bureau, at (505) 827-9691 or Ramona Rael, Financial Manager at (505) 827-2808.

NEW MEXICO HOISTING OPERATOR LICENSURE EXAMINING COUNCIL

HOISTING OPERATOR'S LICENSURE
EXAMINING COUNCIL MEETING

Notice is hereby given that the Hoisting Operator Licensure Examining Council will hold its regular meeting on Friday, June 6, 2003. The meeting will begin at 1:30 p.m. in the Real Estate Commission Conference Room, 1650 University NE - Suite 490 in Albuquerque, New Mexico. Council Members will consider agenda items and discuss other business that may require action. A copy of the Agenda will be available at the office of the Program Administrator prior to said meeting.

Anyone needing special accommodations is requested to notify the Program Administrator at 505-841-8020-Ext. 14 - 1650 University NE-Suite 400-C, Albuquerque, New Mexico of such needs at least ten days prior to the meeting.

**End of Other Related
Material Section**

SUBMITTAL DEADLINES AND PUBLICATION DATES

2003

| Volume XIV | Submittal Deadline | Publication Date |
|-------------------|---------------------------|-------------------------|
| Issue Number 1 | January 2 | January 15 |
| Issue Number 2 | January 16 | January 31 |
| Issue Number 3 | February 3 | February 14 |
| Issue Number 4 | February 17 | February 28 |
| Issue Number 5 | March 3 | March 14 |
| Issue Number 6 | March 17 | March 31 |
| Issue Number 7 | April 1 | April 15 |
| Issue Number 8 | April 16 | April 30 |
| Issue Number 9 | May 1 | May 15 |
| Issue Number 10 | May 16 | May 30 |
| Issue Number 11 | June 2 | June 13 |
| Issue Number 12 | June 16 | June 30 |
| Issue Number 13 | July 1 | July 15 |
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| Issue Number 19 | October 1 | October 15 |
| Issue Number 20 | October 16 | October 30 |
| Issue Number 21 | October 31 | November 13 |
| Issue Number 22 | November 14 | November 26 |
| Issue Number 23 | December 1 | December 15 |
| Issue Number 24 | December 16 | December 30 |

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rule making, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. For further subscription information, call 505-476-7907.