

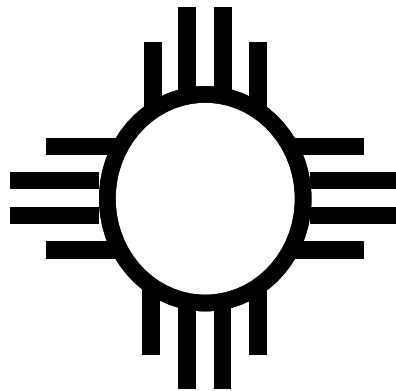
**NEW
MEXICO
REGISTER**



**Volume XVII
Issue Number 23
December 14, 2006**

New Mexico Register

**Volume XVII, Issue Number 23
December 14, 2006**



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

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2006

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New Mexico Register

Volume XVII, Number 23

December 14, 2006

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A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Notices of Rulemaking and Proposed Rules

**NEW MEXICO
DEPARTMENT OF FINANCE AND
ADMINISTRATION
STATE BOARD OF FINANCE**

NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION

STATE BOARD OF FINANCE

NOTICE OF BOARD OF FINANCE RULE

The state Board of Finance is in the process of revising one of its rules: Depository Bank Requirements, Collateral Level Requirements and Custodial Bank Requirements. Copies of the existing rule and proposed changes are available in room 181, Bataan Memorial Building, Santa Fe, NM 87501 and on the Board of Finance website, <http://nmsbof.state.nm.us>. The Board will consider adopting the proposed rule at its February 2007 meeting, which takes place at 9:30 in the Governor's Cabinet Room, State Capitol Building. Please mail or deliver written comments on the proposed changes to Olivia Padilla-Jackson, 181 Bataan Memorial Building, Santa Fe, NM 87501 by January 14, 2007.

NEW MEXICO HIGHER EDUCATION DEPARTMENT

**NEW MEXICO HIGHER
EDUCATION DEPARTMENT**

The Higher Education Department ("Department") hereby gives notice that the Department will conduct a public hearing on the New Mexico School for the Deaf campus, Cartwright Building, Kiva Room, 1068 Cerrillos Road, Santa Fe, New Mexico 87505 on Friday, January 5, 2007, from 10:00 a.m. to 12:00 p.m. The purpose of the public hearing will be to obtain input on the following rules:

Rule Number	Rule Name	Proposed Action
5.55.2 NMAC	Concurrent Enrollment	Repeal
5.7.17 NMAC	Teachers' Loan -for-Service Program	Repeal
5.7.18 NMAC	Residency for Tuition Purposes	Repeal & Replace
5.7.31 NMAC	Public Service Law Loan Repayment Program	New Rule
5.7.32 NMAC	Nurse Educator Loan -for-Service	New Rule
5.2.3 NMAC	Establishment of New Programs and Service Areas for Four -year Public Post-Secondary Institutions	New Rule
5.2.4 NMAC	Geographic Areas of Responsibility	New Rule
5.5.2 NMAC	Approval of New Graduate Programs	Amend

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking to Matthew J. Martinez, New Mexico Higher Education Policy and Program Analyst, 1068 Cerrillos Rd. Santa Fe, NM 87505 (matthewj.martinez@state.nm.us or fax 505-476-6511). Written comments must be received no later than 5 p.m. on January 5, 2007. However, the submission of written comments as soon as possible is encouraged. The proposed rulemaking actions may be accessed on the Department's website (www.hed.state.nm.us).

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Matthew J. Martinez as soon as possible at 505-476-6512.

Following the hearings, Secretary of Higher Education Dr. Beverlee McClure will review comments from the public and approve the rules. After approval, the rules will be formally filed with the State Records and Archives Center and become effective on the date stated in the rules.

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

NOTICE

The New Mexico Human Services Department (HSD) will be holding two emergency public hearings on **December 18, 2006** at the New Mexico State Library, Room 2022 (1205 Camino Carlos Rey), Santa Fe, New Mexico.

From 10:00-11:00 a.m. the subject of the hearing will be MI VIA HOME AND COMMUNITY-BASED SERVICES WAIVER (MV HCBSW). The Human Services department (HSD), in collaboration with the Aging and Long Term Services Department and Department of Health, is implementing a new self-directed Home and Community-Based Services Waiver program, Mi Via, that facilitates greater participant choice, direction and control over services and supports that are identified in the participant's individualized Service and Support Plan, purchased within an agreed upon budgetary allotment, and delivered by providers or vendors chosen by the participant. The Mi Via waiver provides self-directed home and community-based services to eligible HCBS waiver recipients who are disabled or elderly (D&E), developmentally disabled (DD), medically fragile (MF), those diagnosed with acquired immunodeficiency syndrome (AIDS), and those diagnosed with certain brain-injuries (BI). These emergency interim regulation changes refer to 8.200.400 NMAC, 8.200.420 NMAC and 8.290.400 NMAC of the Medical Assistance Eligibility Manual.

From 11:00-12:00 p.m. the subject of the hearing will be CHAFEE MEDICAID. Medicaid is available for young adults up to age twenty-one (21) years who age out of foster care and who are receiving Chafee Independent Living assistance. The New Mexico Human Services Department is proposing to exclude all income and resources for applicants/recipients between 18 and 21 years of age who are receiving Chafee Independent Living assistance from CYFD. These emergency interim regulation changes refer to 8.206.400 NMAC, and 8.206.500 NMAC of the Medical Assistance Eligibility Manual.

Interested persons may submit written comments no later than 5:00 p.m., December 18, 2006, to Pamela S. Hyde, J.D., Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be con-

sidered prior to issuance of the final regulation. Interested persons may also address comments via electronic mail to: Magdalena.Romero@state.nm.us.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program or services, please contact the NM Human Services Department toll-free at 1-888-997-2583, in Santa Fe at 827-3156, or through the department TDD system, 1-800-609-4833, in Santa Fe call 827-3184. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

Copies of the Human Services Register are available for review on our Website at www.state.nm.us/hsd/mad.html or by sending a *self-addressed stamped envelope* to Medical Assistance Division, Program Oversight & Support Bureau, P.O. Box 2348, Santa Fe, NM. 87504-2348.

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

NOTICE

The New Mexico Human Services Department (HSD) will hold a public hearing at 10:00 a.m., on January 12, 2007, in Room 2022 (Yucca Room) at the New Mexico State Library (1205 Camino Carlos Rey), Santa Fe, New Mexico. The subject of the hearing will be **Developmental Disabilities Home & Community-Based Services Waiver**.

New Mexico Human Services Register Vol. 29, No. 8 dated March 27, 2006, issued proposed changes to the Developmental Disabilities Home and Community-Based Services Waiver (DD HCBSW) program. A public hearing was held on May 15, 2006 to receive public comment on those proposed changes.

In addition to those proposed changes the Department is now proposing to add supplemental dental care; services for non-medical transportation will remain in the regulations; personal support companion will remain as personal support; and substitute care will no longer be a stand alone service but will be available to individuals receiving family living services.

The proposed changes which you will find in this register also include the proposed changes which were referred to in the New Mexico Human Services Register Vol. 29,

No. 8. The existing 8.314.5 NMAC policy dated July 1, 2002 will be repealed and replaced when these regulations are finalized.

Interested persons may submit written comments no later than 5:00 p.m., January 12, 2007, to Pamela S. Hyde, J.D., Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program or services, please contact the NM Human Services Department toll-free at 1-888-997-2583, in Santa Fe at 827-3156, or through the department TDD system, 1-800-609-4833, in Santa Fe call 827-3184. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

Copies of the Human Services Register are available for review on our Website at www.state.nm.us/hsd/register.html or by sending a self-addressed stamped envelope to Medical Assistance Division, Program Oversight & Support Bureau, P.O. Box 2348, Santa Fe, NM. 87504-2348.

NEW MEXICO PUBLIC REGULATION COMMISSION

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE ADOPTION OF A)	
PROPOSED PIPELINE CONSTRUCTION)	
AND MAINTENANCE RULE AND)	Case No. 06-
)	00119-UT
A PROPOSED TELECOMMUNICATIONS)	and
RULE TO IMPLEMENT THE PROVISION)	Case No. 06-
OF 811 SERVICES.)	00120-PL

AMENDED NOTICE OF PROPOSED RULEMAKING

NOTICE is hereby given that the New Mexico Public Regulation Commission (“Commission”) is continuing a rulemaking proceeding for the purpose of proposing new sections of the Commission’s Telecommunications Rule (17.11 NMAC) and its Pipeline Construction and Maintenance Rule (18.60 NNAC) for the purpose of implementing 811 as the toll-free abbreviated dialing code to be used by the public to provide advance notice of excavation activities to “one call” notification systems and thereby to underground facilities owners as required by federal law. The proposed new section of the Telecommunications Rule is 17.11.26 NMAC, “811 Services,” and the proposed new section of the Pipeline Construction and Maintenance Rule is 18.60.6 NMAC, “One Call Notification Systems Requirements for 811 Services.” The proposed rule amendments would be promulgated pursuant to authority granted the Commission by the New Mexico Constitution, Article XI, Section 2; NMSA 1978, Sections 8-8-4, 8-8-15, 62-14-7.1, 63-7-1.1.A, 63-9-1 et seq., 63-9B-1 et seq., and 63-9H-1 et seq. The proposed new sections of the Commission’s Rules, 17.11.26 and 18.60.6 NMAC, are provided with the original and the mailed copies of this Amended Notice of Proposed Rulemaking (“Amended NOPR”) as Attachment A and Attachment B, respectively.

This proceeding was initiated by the Commission’s Transportation Division Staff and Utility Division Staff (“Staff”) filing a Petition for Rulemaking on April 3, 2006. The Petition attached, and proposed the Commission adopt, new parts of the two Commission Rules mentioned above. The Petition stated the reason for the proposed amendments is to implement 811 service as required by federal law, citing In the Matter of N11 Codes and Other Abbreviated Dialing Arrangements, FCC Docket No. 92-105, Sixth Report and Order (Released March 14, 2005).

The new section of the Telecommunications Rule (17.11.26 NMAC) proposed in the Petition would require all telecommunications carriers in New Mexico to route all 811 calls made within New Mexico One Call, Inc.’s (“NMOC’s”) local calling area to NMOC’s local phone number and all 811 calls made outside NMOC’s local calling area to NMOC’s toll free number. (17.11.26.9 NMAC.) In addition, Staff’s Petition stated two alternative versions of a provision dealing with costs of 811 services (17.11.26.10). Alternative A stat-

ed telecommunications carriers "shall not impose any rate, charge or fee for the provision of 811 services as required by this rule," and "shall file terms and conditions for the provision of 811 services as tariffs pursuant to applicable law." Alternative B stated, "a telecommunications carrier shall file rates, terms and conditions for the provision of 811 services as required by this rule as tariffs pursuant to applicable law."

The new section of the Pipeline Construction and Maintenance Rule proposed in the Petition would require one call systems, for 811 calls received during normal working hours, (a) to instruct callers that emergency calls should be made to 911 or to the owner of the underground facilities; (b) to make reasonable efforts to forward any calls intended for a one call system outside of New Mexico to the appropriate state's system; and (c) to pursue reciprocal agreements with "non-jurisdictional" underground facility operators (those not subject to federal or state excavation laws) under which the one call system will forward an "advisory ticket" to the non-jurisdictional entity when a call is received regarding excavation work in the entity's geographical area and instruct the caller that the advisory ticket has been forwarded, that the one call system has no member underground facility owner in the area of the intended excavation and the caller must contact the non-jurisdictional entity directly. (18.60.6.9 NMAC.) For 811 calls received outside normal working hours, the proposed rule would require one call systems to have either an operator or a recorded message to inform callers: (a) emergency calls should be placed either to 911 or the underground facility operator; (b) the phone numbers for member underground facility operators are listed on the system's website; (c) the call has been received after normal working hours and the caller should call back during specified hours; (d) "locate requests" can be made either by fax to a specified number or by email to a specified address; and (e) after hours "locate requests" will be considered as received at 8 a.m. the following working day. (18.60.6.10 NMAC.)

On May 2, 2006, the Commission issued the original NOPR in this case, which attached essentially the same proposed new sections of the Pipeline Construction and Maintenance Rule and the Telecommunications Rule proposed in Staff's Petition. The NOPR gave interested persons an opportunity to submit written comments and responses to written comments by specified dates and to make oral comments at a hearing on July 10, 2006. Ten parties, including Staff, submitted writ-

ten or oral comments pursuant to the original NOPR.

On October 11, 2006, after the period for submitting written comments had ended and the public comment hearing had been held, Staff submitted a Motion to Reopen Record in which it proposed the following language for the Telecommunications Rule regarding 811-related costs and tariffs:

17.11.26.10 TARIFFS FOR 811 SERVICES: A telecommunications carrier shall file terms and conditions for the provision of 811 services as required by this rule as tariffs pursuant to applicable law. A telecommunications carrier may file rates for the provision of 811 services as required by this rule as tariffs pursuant to applicable law.

Staff explained in its Motion to Reopen, "after the record had been closed in this proceeding, Staff met with representatives from the New Mexico Exchange Carriers Group, Windstream Communications, Inc., and Qwest Corporation," and that the recommended language "has the support of many of the entities most affected by the proposed Rule, including New Mexico One Call, Inc." (Motion to Reopen at 1.) No response was filed to Staff's Motion to Reopen. It is therefore unopposed.

Based on the written and oral comments received by the Commission and Staff's suggestion in its Motion to Reopen, the Commission has made certain changes to the proposed new section of the Telecommunications Rule, 17.11.26 NMAC, and those changes are reflected in the proposed version of that rule which is attached as Attachment A to the original and the mailed version of this Amended NOPR. No changes have been made to the proposed new section of the Pipeline Construction and Maintenance Rule, 18.60.6 NMAC (Attachment B hereto).

The substantive changes to the originally proposed version of 17.11.26 NMAC that appear in the currently proposed version of that section (Attachment A to this Amended NOPR) are as described as follows:

a. Currently proposed 17.11.26.9(A) NMAC ("Responsibilities of Telecommunications Carriers") makes the requirement that carriers operating in New Mexico route all 811 calls made within New Mexico One Call's (NMOC's) local calling area to NMOC's local phone number applicable to wireline telecommunications carriers only. (The original version of the proposed subsection had made the requirement

applicable to telecommunications carriers in general.)

b. Likewise, currently proposed 17.11.26.9(B) NMAC makes the requirement that carriers operating in New Mexico route all 811 calls made outside NMOC's local calling area to NMOC's toll free phone number applicable to wireline telecommunications carriers only. (The original version of the proposed subsection had made the requirement applicable to telecommunications carriers in general.)

c. Currently proposed 17.11.26.9(B) adds language to make it clear that the requirement that carriers route 811 calls made outside NMOC's local calling area to NMOC's toll-free number applies only to intrastate calls (calls made within New Mexico).

d. Currently proposed 17.11.26.9 adds a new Subsection C, which reads, "Wireless carriers. Wireless and other non-wireline telecommunications carriers operating in New Mexico may route 811 calls either to New Mexico One Call Inc.'s local phone number or to New Mexico One Call Inc.'s toll free phone number."

e. Currently proposed 17.11.26.10 ("Tariffs for 811 Services") reads as follows:

A. Wireline carriers. A wireline telecommunications carrier shall file terms and conditions for the provision of 811 services required by this rule as tariffs pursuant to applicable law. A wireline telecommunications carrier may file rates for the provision of 811 services required by this rule as tariffs pursuant to applicable law, and otherwise shall not impose any rate, charge or fee for the provision of 811 services required by this rule.

B. Wireless carriers. A wireless or other non-tariff regulated telecommunications carrier may recover costs of providing 811 service consistent with federal truth-in-billing and other applicable federal and state laws and regulations, including the Commission's Consumer Protection Rule, 17.11.16.1 NMAC.

Any person wishing to comment on the rule changes as currently proposed may do so by submitting written comments no later than December 28, 2006. Any person wishing to respond to comments may do so by submitting written response comments no later than January 4, 2007. Comments suggesting changes to the rule amendments as currently proposed shall state and discuss the particular reasons for the suggested changes and shall include all specific language necessary or appropriate to effectuate the changes being suggested.

Specific proposed language changes to the draft rules should be in NMAC format.

All pleadings, including comments, shall bear the caption and case number contained at the top of this notice.

Additional copies of proposed Telecommunications Rule Section 17.11.26 NMAC can be obtained from, and comments on that proposed rule, shall be sent to:

Ronald Montoya, Records Manager

NMPRC, Utility Division
Marian Hall
224 East Palace Ave.
P.O. Box 1269
Santa Fe, NM 87501
Telephone: (505) 827-

6970

Additional copies of proposed Rule 18.60.6 NMAC can be obtained from, and comments on the proposed rule, shall be sent to:

Bettie Cordova, Docketing Office
NMPRC, Transportation Division
PERA Building, Room 406
1120 Paseo de Peralta
P.O. Box 1269
Santa Fe, NM 87501
Telephone: (505) 827-4526

A public hearing will begin at 10:00 a.m. on January 17, 2007 in the 4th Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico to receive oral comment and to clarify or supplement written comments.

Pursuant to NMSA 1978, Section 8-8-15(B), this Amended NOPR, including Attachments A and B shall be mailed at least 30 days prior to the hearing to all persons who have made a written request for advance notice. It will also be mailed (with attachments) to all others whose names appear on the Certificate of Service. Pursuant to NMSA 1978, Section 8-8-15(B), this Amended NOPR shall be published at least 30 days prior to the hearing in the New Mexico Register and two newspapers of general circulation in the State. (The published versions of the Amended NOPR will not include the attachments.)

ISSUED under the Seal of the Commission at Santa Fe, New Mexico this 16th day of November, 2006.

NEW MEXICO PUBLIC REGULATION COMMISSION

BEN R. LUJAN, CHAIRMAN

JASON MARKS, VICE CHAIRMAN

DAVID KING, COMMISSIONER

LYNDA M. LOVEJOY, COMMISSIONER

E. SHIRLEY BACA, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION
INSURANCE DIVISION

STATE OF NEW MEXICO
PUBLIC REGULATION COMMISSION
INSURANCE DIVISION

IN THE MATTER OF AMENDING 13.8.2 NMAC, RATE FILINGS BY INSURERS AND RATE SERVICE ORGANIZATIONS, 13.8.3 NMAC, CASUALTY, PROPERTY, TITLE AND VEHICLE INSURANCE POLICY FORMS, 13.8.4 NMAC, CANCELLATION, NONRENEWAL OR CHANGE IN COVERAGES OF PROPERTY AND CASUALTY INSURANCE POLICIES, 13.8.5 NMAC, RATE MODIFICATION PLANS

DOCKET NO. 06-00488-IN

NOTICE OF HEARING ON PROPOSED RULEMAKING AND PROCEDURAL ORDER

NOTICE IS HEREBY GIVEN that the New Mexico Superintendent of Insurance ("Superintendent") proposes to amend 13.8.2 NMAC, Rate Filings By Insurers And Rate Service Organizations, 13.8.3 NMAC, Casualty, Property, Title And Vehicle Insurance Policy Forms, 13.8.4 NMAC, Cancellation, Nonrenewal Or Change In Coverages Of Property And Casualty Insurance Policies and 13.8.5 NMAC, Rate Modification Plans.

The Superintendent, being fully advised, **FINDS** and **CONCLUDES**:

1. The New Mexico Insurance Code, Section 59A-2-9 NMSA 1978, authorizes the Superintendent to make reasonable rules and regulations necessary for or as an aid to administration or effectuation of any provision of the Insurance Code administered by the Superintendent, and to withdraw, modify or amend any such rule or regulation.

2. Insurance Division Staff has proposed amendments to:

a. 13.8.2 NMAC, Rate Filings By Insurers And Rate Service Organizations and 13.8.3 NMAC, Casualty, Property, Title And Vehicle Insurance Policy Forms, to clarify and further streamline the rate and form filing process;

b. 13.8.4 NMAC, Cancellation, Nonrenewal Or Change In Coverages Of Property And Casualty Insurance Policies to provide for notice to policyholders of change in insurer; and

c. 13.8.5 NMAC, Rate Modification Plans to authorize domestic New Mexico authorized property and casualty insurers to file for approval workers compensation rate filings that provide for multiple tiers or rate levels in the same company.

3. Copies of the proposal are available as follows:

a. by downloading from the Public Regulation Commission's website, www.nmprc.state.nm.us, under "Public Notices";

b. by sending a written request with the docket number, rule names, and rule numbers to the Public Regulation Commission's Docketing Office, P.O. Box 1269, Santa Fe, NM 87504-1269 along with a self-addressed envelope and a check for \$20.00 made payable to the Public Regulation Commission to cover the cost of copying; or

c. for inspection and copying during regular business hours in the Public Regulation Commission's Docketing Office, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

4. The Superintendent requests written and oral comments from all interested persons and entities on the proposal. All relevant and timely comments, including data, views, or arguments, will be considered by the Superintendent. In reaching his decision, the Superintendent may take into account information and ideas not contained in the comments,

providing that such information or a writing containing the nature and source of such information is placed in the docket file, and provided that the fact of the Superintendent's reliance on such information is noted in the order the Superintendent ultimately issues.

IT IS THEREFORE ORDERED that this Notice of Hearing on Proposed Rulemaking and Procedural Order be issued.

IT IS FURTHER ORDERED that an informal public hearing pursuant to Section 59A-4-18 NMSA 1978 be held on **Wednesday, January 10, 2007** at 9:30 a.m. in the Public Regulation Commission, Fourth Floor Hearing Room, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico for the purpose of receiving oral public comments including data, views, or arguments on the proposal. All interested persons wishing to present oral comments may do so at the hearing. Interested persons should contact the Insurance Division ahead of time to confirm the hearing date, time, and place since hearings are occasionally rescheduled.

IT IS FURTHER ORDERED that all interested parties may file written comments on the proposal on or before **Friday, January 5, 2007**. An original and two copies of written comments must be filed with the Public Regulation Commission's Docketing Office, Room 406, P.O. Box 1269, Santa Fe, NM 87504-1269. The docket number must appear on each submittal. If possible, please also e-mail a copy of written comments in Microsoft Word format to alan.seeley@state.nm.us. Comments will be available for public inspection during regular business hours in the Docketing Office, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

IT IS FURTHER ORDERED that the Superintendent may require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and a more efficient proceeding.

IT IS FURTHER ORDERED that Insurance Division Staff shall cause a copy of this Notice to be published once in the *New Mexico Register* and once in the *Albuquerque Journal*.

PLEASE BE ADVISED THAT the New Mexico Lobbyist Regulation Act, Section 2-11-1 *et seq.*, NMSA 1978 regulates lobbying activities before state agencies, officers, boards and commissions in rulemaking and

other policy-making proceedings. A person is a lobbyist and must register with the Secretary of State if the person is paid or employed to do lobbying or the person represents an interest group and attempts to influence a state agency, officer, board or commission while it is engaged in any formal process to adopt a rule, regulation, standard or policy of general application. An individual who appears for himself or herself is not a lobbyist and does not need to register. The law provides penalties for violations of its provisions. For more information and registration forms, contact the Secretary of State's Office, State Capitol Building, Room 420, Santa Fe, NM 87503, (505) 827-3600.

PLEASE BE ADVISED THAT individuals with a disability, who are 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, may contact Bettie Cordova at (505) 827-4526. Public documents associated with the hearing can be provided in various accessible forms for disabled individuals. Requests for summaries or other types of accessible forms should also be addressed to Ms. Cordova.

DONE, this 22nd day of November 2006.

**NEW MEXICO PUBLIC REGULATION COMMISSION
INSURANCE DIVISION**

MORRIS J. CHAVEZ, Superintendent of Insurance

**NEW MEXICO
DEPARTMENT OF PUBLIC
SAFETY**

TRAINING AND RECRUITING
DIVISION

Law Enforcement Academy

**NEW MEXICO DEPARTMENT OF
PUBLIC SAFETY**

**NM LAW ENFORCEMENT
ACADEMY**

**NOTICE OF BOARD MEETING AND
PUBLIC HEARING**

The New Mexico Law Enforcement Academy Board will hold a Board Meeting to include a Public Hearing, on Thursday, January 11, 2007 beginning at 9:00 a.m., located at the Albuquerque Police Departmental, 5412 2nd Street NW, Albuquerque, New Mexico. The Public

Hearing will include Rule 10.29.9.8 NMAC 'Police Officer Minimum Standards of Training'. The proposed change will include the language, "Alternative to the academy fitness exit standard 1.5 mile run."

Copies of proposed plans, standards, requirements, or rules may be obtained by calling (505) 827-9255. 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 aid or service to attend or participate in the hearing or meeting, please contact Gil Najar, (505) 827-9265, as soon as possible. Public documents can be provided in various accessible formats.

Please contact Suzanne Vigil, (505) 827-9255 or Gil Najar, (505) 827-9265 if additional information is needed.

**End of Notices and
Proposed Rules Section**

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Adopted Rules

NEW MEXICO PUBLIC ACCOUNTANCY BOARD

This is an amendment to 16.60.5 NMAC Section 12, effective January 1, 2007

16.60.5.12 CONFLICT OF INTEREST PROVISIONS:

A. A licensee shall not perform services for a client if the performance of such services will be directly or substantially adverse to another client[-] unless:

(1) the licensee reasonably believes the performance of such services for one client will not adversely affect the relationship with the other client; and

(2) after consultation, each client consents in writing to allow the licensee to provide services to the other client.

~~**B.** Where the licensee has provided services to a business entity or both spouses of a marriage, the licensee's services to one client shall be deemed to be directly or substantially adverse to another client(s) after the initiation of divorce proceedings, business dissolutions, or other similar transactions unless:~~

~~(1) the licensee reasonably believes the performance of such services for one client will not adversely affect the relationship with the other client; and~~

~~(2) after consultation, each client consents in writing to allow the licensee to provide services to the other client.]~~

B. Divorce proceedings, business dissolutions, and similar transactions are deemed to be directly or substantially adverse to a client.

C. A licensee shall not perform services for a client if the licensee's ability to perform such services may be materially limited by his responsibilities to another client or a third person or by his own interests unless:

(1) the licensee reasonably believes the performance of services will not adversely affect the relationship with the client;

(2) the relationship is disclosed to the client; and

(3) the client consents in writing after consultation.

D. A licensee shall not enter into a business transaction with a client for services other than public accountancy or knowingly acquire an ownership, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the licensee acquires the interest are fair and reasonable to the client;

(2) the terms are fully disclosed and transmitted in writing to the client in a

manner that can be reasonably understood by the client;

(3) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and

(4) the client consents in writing thereto.

E. A licensee shall not use information relating to the performance of services for a client to the disadvantage of the client.

F. A licensee who performs services for two or more clients involved in a dispute shall not participate in making an aggregate settlement of the claims of or against the clients unless each client consents in writing after consultation. Consultation shall include disclosure of the existence and nature of all the claims or pleas involved and of the participation of each party involved in the settlement.

[16.60.5.12 NMAC - N, 05-15-2006; A, 1-1-2007]

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

This is an emergency amendment to 8.10.8 NMAC, Section 29, effective November 21, 2006.

8.10.8.29 FOSTER CARE GOALS:

~~**A.** CYFD's foster care goals for the maximum number of children who will remain in foster care after having been in foster care for a period in excess of twenty four months, are:~~

~~(1) 450 for federal fiscal year 2004;~~

~~(2) 400 for federal fiscal year 2005;~~

~~**B.** CYFD will take the following steps to reduce the number of children who will remain in foster care after having been in foster care for a period in excess of twenty four months, and to achieve the goals set forth in Subsection (A):~~

~~(1) When it becomes apparent that reunification will not be the permanency plan for the child, CYFD conducts a review at which another permanency plan option is selected, and steps are identified to expedite it. If the permanency plan is adoption, CYFD refers the child's case to the adoption resource team and develops an individual adoption plan. CYFD first considers relatives and foster parents, and then other avenues for recruitment to identify potential adoptive homes. CYFD identifies~~

~~what recruitment activities can be done in the interim before the child is freed for adoption.~~

~~(2) CYFD implements the individual adoption plan which includes targeted recruitment activities. CYFD attempts to identify potential adoptive homes for best interest adoption placement and assesses the current foster parent(s) as a potential adoptive home. CYFD reviews the progress of completing the individual adoption plan with the ART every 60 days until the child is placed in a potential adoptive home.] No more than 22% of the total number of children in foster care will have been in foster care for over 24 months at any given point during the fiscal year.~~

[8.10.8.29 NMAC - Rp, 8.10.8.29 NMAC, 11/15/05; A/E, 11/21/06]

NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION LOCAL GOVERNMENT DIVISION

This is an amendment to 2.110.2 NMAC, Sections 7, 11, 17, 18, 19 and 26, effective 12-14-2006.

2.110.2.7 DEFINITIONS:

A. "Council" means the New Mexico community development council.

B. "Department" means the department of finance and administration.

C. "Division" means the local government division.

D. "Low and moderate income person" is a member of a household whose income would qualify as "very low income" under the Section 8 housing assistance payments program. Section 8 limits are based on 50 percent of the county median income. Similarly, CDBG moderate income is based on Section 8 "lower income" limits, which are generally tied to 80 percent of the county median income.

E. "CDBG" means the small cities community development block grant program.

F. "Rural" means a county with a population of less than 25,000 and an incorporated municipality with a population of less than 3,000.

G. "Program income" means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds.

H. "Slum area" as used in

the Community Development Law (3-60-1 to 3-60-37 NMSA 1978) means an area in which there is a predominance of buildings or other improvements which are found by the local governing body by reason of 1) dilapidation, 2) deterioration, 3) age, or 4) obsolescence, 5) inadequate provision for ventilation, light, air, sanitation or open spaces, 6) overcrowding, 7) the existence of conditions which endanger life or property, or 8) any combination of such factors, to contribute to either ill health, the transmission of disease, infant mortality, juvenile delinquency or crime, and to be detrimental to the public health, safety, morals or welfare.

I. "Blighted area" as used in the Community Development Law (3-60-1 to 3-60-37 NMSA 1978) means an area, other than a slum area, which is found by the local governing body by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty low layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivisions or obsolete platting, or the existence of conditions which endanger life or property, or any combination of such factors to substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations or constitute an economic or social liability and is a menace to the public health, safety, morals or welfare in its present conditions and use.

J. "Units of local government": Any incorporated municipality or county.

K. "Councils of governments": A regional association of municipalities, counties and special districts formed to provide planning and other services to its member organization.

L. "Water association": Political subdivisions of the state organized under Section 3-29-1 through Section 3-29-20, NMSA 1978, the "Sanitary Projects Act" or Section 73-21-1 through Section 73-21-55, NMSA 1978, the "Water and Sanitation District Act".

M. "Land Grant/Meced (political subdivision of the state organized under Section 49-1-1 through 49-1-23, NMSA 1978, Land Grants General Provisions)

[2.110.2.7 NMAC - Rp 2 NMAC 110.2.7, 08-30-01; A, 12-14-06]

2.110.2.11 ELIGIBLE ACTIVITIES/CATEGORIES

A. Applicants may apply

for funding assistance under the following categories:

- (1) community infrastructure;
- (2) housing;
- (3) public facility capital outlay;
- (4) economic development;
- (5) emergency;
- (6) colonias;
- (7) planning.

B. Eligible activities under each of the categories are listed below.

C. Community infrastructure: Eligible activities may include, but are not limited to, the following:

- (1) real property acquisition
- (2) construction and/or rehabilitation of the following:
 - (a) water systems;
 - (b) sewer systems;
 - (c) municipal utilities;
 - (d) roads;
 - (e) streets;
 - (f) highways;
 - (g) curbs;
 - (h) gutters;
 - (i) sidewalks;
 - (j) storm sewers;
 - (k) street lighting;
 - (l) traffic control devices;
 - (m) parking facilities;
 - (n) solid waste disposal facilities.

D. Housing: Eligible activities may include, but are not limited to, the following:

- (1) real property acquisition;
- (2) rehabilitation;
- (3) clearance;
- (4) demolition and removal of privately-owned or acquired property for use or resale in the provision of assisted housing;
- (5) provision of public facilities to increase housing opportunities;
- (6) financing the repair, rehabilitation and in some cases reconstruction of privately-owned residential or other properties through either loan or grant programs;
- (7) certain types of housing modernization;
- (8) temporary relocation assistance;
- (9) code enforcement;
- (10) historic preservation activities;

(11) an average of \$30,000 in CDBG funds per home can be used on home rehabilitation/repair activities.

E. Public facility capital outlay: Eligible activities may include, but are not limited to, such items as:

- (1) real property acquisition;
- (2) construction or improvement of community centers;
- (3) senior citizen centers;
- (4) nonresidential centers for the handicapped such as sheltered workshops;

(5) other community facilities designed to provide health, social, recreational or similar community services for residents.

F. Economic development: The economic development category is established to assist communities in the promotion of economic development and is described in detail in Section 26.

G. Emergency: The emergency fund provides funding for emergency projects which address life threatening situations resulting from disasters or imminent threats to health and safety.

(1) Applications under this category will be accepted throughout the year.

(2) An appropriate state agency must concur and provide written verification and adequate documentation with the applicant's assessment of the life threatening situation and the need for the emergency project.

(3) An applicant for emergency funding must verify that it does not have sufficient local resources to address the life threatening condition; and that other federal or state resources have been explored and are unavailable to alleviate the emergency.

H. Planning: In addition to municipalities and counties, water associations, including water and sanitation districts, (and land grants) as defined in Section 2.110.2.7, Subsection L; are eligible to apply directly for planning grants only. Grant assistance from the CDBG program must be used for a comprehensive plan, if a community or county does not have a current comprehensive plan (adopted or updated within the last five years) that includes at a minimum the following:

- (1) elements:
 - (a) land use;
 - (b) housing;
 - (c) transportation;
 - (d) infrastructure;
 - (e) economic development;
 - (f) water;
 - (g) hazards; and
 - (h) implementation, a compilation of programs and specific actions to be completed in a stated sequence;

(2) development of additional elements of a comprehensive plan may include but are not limited to:

- (a) drainage;
- (b) parks, recreation and open space;
- (c) tourism;
- (d) growth management;
- (e) fiscal impact analysis;
- (f) intergovernmental cooperation;

(g) social services;

(h) historic preservation.

(3) if the entity has a current comprehensive plan, it may apply for funding assistance for any of the following:

(4) data gathering analysis and special studies;

(5) base mapping, aerial photography, geographic information systems, or global positioning satellite studies;

(6) improvement of infrastructure capital improvement plans and individual project plans;

(7) development of codes and ordinances, to further refine the implementation of the comprehensive plan;

(8) other functional or comprehensive planning activities;

(9) related citizen participation or strategic planning processes;

(10) applicants may apply for funding assistance throughout the year as long as funds are available;

(11) preliminary engineering reports will follow the USDA/RUS guidelines.

I. Colonias:

(1) The colonias category is established in the amount of 10% of the annual CDBG allocation for specific activities including water, sewer and housing improvements, which are the three conditions which qualify communities for designation to be carried out in areas along the U.S. - Mexican border.

(2) Eligible applicants for the colonias setaside are municipalities and counties located within 150 miles of the U.S. - Mexico border.

(3) Colonias must be designated by the municipality or county in which it is located. The designation must be on the basis of objective criteria, including:

(a) lack of potable water supply;

(b) lack of adequate sewage systems;

(c) lack of decent, safe and sanitary housing;

(d) must have been in existence as a colonia prior to November, 1990.

(4) Appropriate documentation to substantiate these conditions must be provided along with the application for funding.

[2.110.2.11 NMAC - Rp 2 NMAC 110.2.11, 08-30-01; A, 08-13-04; A, 08-15-05; A, 12-14-06]

2.110.2.17 APPLICATION REQUIREMENTS

A. Number of applications

- All eligible applicants may submit one application for CDBG funding assistance in the infrastructure, housing, public facility capital outlay, or colonias categories.

(1) Planning applicants may submit an additional application for funding.

(2) Requests for assistance from eligible applicants in the economic development, emergency and planning categories can be submitted at any time, subject to

funding availability.

(3) Counties may submit multiple applications for planning grants for water associations.

B. Single purpose application -An application for CDBG funding must be limited to a project specific activity or set of activities which address a particular need in a designated target area of a unit of local government. The target area may not be the entire municipality or county.

C. Joint applications - Joint applications will be allowed when two or more eligible applicants within reasonable proximity of each other wish to address a common problem.

(1) One community will be designated to serve as the lead applicant and will be subject to administrative requirements and to the application limit requirements.

(2) However, other parties to the joint application may submit another application.

(3) Joint applications must satisfy certain federal criteria and must receive division approval prior to submitting an application for funding assistance.

(4) It should be noted that satisfying the required criteria, which is available from the division upon request, may take a significant period of time.

D. Applications limit - Applications are limited to the amount of funding necessary to complete a basic, meaningful and targeted project within a 24 month period.

(1) Applications may not exceed \$500,000 and planning applications may not exceed \$50,000.

(2) If, after conducting the required public hearing, an applicant determines that the previous year's CDBG application is still a priority, the applicant ~~may ask the council to reconsider the previous year's application~~ must submit an application in its new form.

(3) The applicant need only submit a current year's resolution, updated project budget and schedule and any other information required by division staff.

E. Threshold requirements - To encourage timely completion of projects and to maximize participation the following threshold requirements shall be met prior to the application deadline.

(1) All projects for the eligible activities in the categories listed in Subsections C, D, E, and I of 2.110.2.11 NMAC must be completed at the time of application. (certificate of occupancy and/or certification of operation must be in place).

(2) Audit and monitoring findings, especially in general program administration for CDBG projects, must be resolved.

(3) The following setaside cate-

gories are exempt from threshold requirement: planning, economic development, and emergency.

F. Matching requirements - In order to assist the council in making funding resources go further and to ensure there is a local investment in applications submitted to the council for funding consideration, the following will be required.

(1) Rural applicants must provide, at a minimum, a 5% cash match during the project period from local, state, federal or other resources, this cannot include local work force or local equipment.

(2) Non-rural applicants must provide, at a minimum, a 10% cash match during the project period from local, state, federal or other resources, this cannot include local work force or local equipment.

(3) Consistent with Section 26 of these regulations, all applications in the economic development category must provide at least two private dollars for each dollar of CDBG funds requested.

(4) Local funds expended by eligible applicants for engineering, architectural design or environmental reviews prior to project approval can be applied towards the required match.

(5) Applicants may request a waiver of the matching requirement from the council if documentation can be provided which demonstrates the absence of local resources to meet the required match. Criteria used to recommend approval/disapproval will be as follows:

(a) the required match must exceed 5% of the applicant's general fund budget;

(b) the required match must equal or exceed the non-earmarked balance of funds in the applicant's budget.

G. Matching loan fund - In order to assist communities who do not have the resources to comply with the matching requirement for their project, a matching fund is available to provide money at appropriate interest rates.

(1) The council will use NMCA reversions as a funding source for the loan fund.

(2) Payment schedules will be developed by the division with appropriate payment amounts and due dates.

H. Other funding commitments - If other funding is necessary to make a proposed project feasible, funding commitments or commitments subject to CDBG approval, must be in place and letters of commitments from the funding agency must be submitted with the application.

I. Water conservation and drought commitments - In order to make the state's water supplies go further and to ensure proper levels of preparations are

taken locally for periodic droughts, the following is encouraged:

(1) Applicants develop, adopt and submit to the state engineer a comprehensive water conservation ordinance.

(2) Applicants develop, adopt and submit to the state engineer a drought management plan.

(3) The ordinance and plan shall be accompanied by a program for its implementation:

(a) in developing a water conservation ordinance pursuant to this section: applicants shall adopt ordinances and codes to encourage water conservation measures; they shall identify and implement best management practices in their operations to improve conservation of the resources; and

(b) applicants shall consider and incorporate into its plan if appropriate, at least the following:

(i) water-efficient fixtures and appliances, including toilets, urinals, showerheads and faucets;

(ii) low-water-use landscaping and efficient irrigation;

(iii) water-efficient commercial and industrial water-use processes;

(iv) water reuse systems for both potable and non-potable water;

(v) distribution system leak repair;

(vi) dissemination of information regarding water-use efficiency measures, including public education programs and demonstrations of water-saving techniques;

(vii) water rate structures designed to encourage water-use efficiency and reuse in a fiscally responsible manner; and

(viii) incentives to implement water-use efficiency techniques, including rebates to customers or others, to encourage the installation of water-use efficiency and reuse measures.

(c) the council shall encourage the applicant to submit a copy of its water conservation plan with applications for construction of any facility.

J. Asset management - In order to support the long term operation, maintenance, repair and replacement of system facilities, infrastructure, public facilities, or other eligible activities the following will be required.

(1) In order to ensure water and wastewater infrastructure is managed within a strategic framework driven by program and service deliver needs, communities that implement a rate analysis based upon an asset management program will be credited in the application process for their achievement. The model for the asset management program is the EPA publication "Asset

Management: A Handbook for Small Water Systems (EPA 816-R-03-0160 September 2003).

(2) For community infrastructure and public facilities, or other eligible activities an asset management plan will be required to be submitted at the time of application (EPA 816-R-03-0160 September 2003).

[2.110.2.17 NMAC - Rp 2 NMAC 110.2.17, 08-30-01; A, 08-13-04; A, 08-15-05; A, 12-14-06]

2.110.2.18 APPLICATION PROCEDURES AND CONTENT:

The application packet provided by local government division will be used for infrastructure, housing, public facility, capital outlay, colonias, emergency categories, economic development and planning.

A. An applicant must submit an original and ~~four~~ two copies of each application to the Department of Finance and Administration, Local Government Division, Bataan Memorial Building, Suite 201, Santa Fe, New Mexico 87501, and one copy to the appropriate council of governments.

B. Applications must be received at the local government division by 5 p.m. of the designated application deadline. Applications received after that time will be returned to the applicant unprocessed.

[2.110.2.18 NMAC - Rp 2 NMAC 110.2.18, 08-30-01; A, 08-13-04; A, 12-14-06]

2.110.2.19 APPLICATION REVIEW AND EVALUATION PROCESS

A. Upon receipt of applications, division staff will review them for eligibility, completeness, feasibility, and compliance and to ensure that all other funding necessary to make the project functional is in place. Applications that are found to be incomplete, ineligible, not feasible or do not have other funding necessary to make the project functional, will be returned to the applicant and will not be considered for funding.

B. Applications will be forwarded to ~~[councils of governments and]~~ appropriate state agencies for technical review and comment. Review agencies include the environment department, energy, minerals and natural resources department, state highway and transportation department, department of health, state engineer's office, state agency on aging, economic development department, department of human services, and state fire marshal.

C. Applicants will be allowed to make presentations to the council and division staff at an official council hearing. Testimony related to the applica-

tion will be presented by an official or designee of the applying entity who may be assisted by technical staff.

D. Division staff will receive comments from state agencies ~~[and councils of governments]~~ regarding specific projects.

E. The council and division have developed the following rating criteria for evaluation of CDBG applications submitted for funding consideration: infrastructure, housing, public facility, capital outlay and colonias applications.

(1) Description and need — (5 points) extent to which the project is needed. The more severe the need as documented in the application, the higher the score. Colonias applicants must provide documentation to substantiate that a majority of the following conditions exist in the project area:

(a) lack of potable water;

(b) lack of an adequate sewage system;

(c) lack of safe, sanitary housing;

(d) source documentation must also be provided.

(2) Benefit to low and moderate and appropriateness - (20 points) extent to which the CDBG application:

(a) documents the number and percentage of low and moderate income beneficiaries, also include race and gender;

(b) addresses the prevention or removal of slum or blighting conditions;

(c) addresses conditions which pose a serious and immediate threat to the health and welfare of the community (for emergency applications only).

(3) Leveraging — (15 points) extent to which federal, state, and local resources, in addition to the required match, are being used by the applicant for the proposed project. The greater the leveraging, in addition to the required match, the higher the score.

(4) Citizen participation - [~~(15 points)~~] (10 points) extent to which the applicant:

(a) has provided opportunities for public participation in the identification of community development needs;

(b) pledges opportunities for active citizen participation during the project, where applicable; and

(c) pledges opportunities for active citizen participation in the implementation of the project, where applicable.

(5) Planning - [~~(15 points)~~] (10 points) extent to which the applicant:

(a) (3) points: Applicant has adopted a local infrastructure capital improvement plan, which has qualified for publication in the most recent local infrastructure capital improvement plan (ICIP) published prior to the CDBG application deadline.

(b) (3) points: The proposed project has qualified for publication in the most recent ICIP prior to the CDBG application deadline and applicant has selected CDBG as one of its possible funding sources.

(c) [~~(2) points~~] (1 point): Degree to which applicant's proposed project shows consistency with applicant's comprehensive plan.

(d) [~~(2) points~~] (1 point): Adopting a drought contingency plan, setting in place various drought management stages and accompanying restrictions on water use.

(e) [~~(2) points~~] (1 point): Adopting a water conservation ordinance, setting in place various methods for conserving potable water.

(f) [~~(2) points~~] (1 point): Implementing a water conservation ordinance, accompanied by evidence of exercising at least two various methods for conserving potable water.

(6) **Feasibility/readiness** - (20 points) extent to which the project is technically and economically feasible and ready to be implemented. (examples of actions that can be taken prior to submission of the application to receive maximum points are:

(a) acquire necessary property;

(b) secure professional services;

(c) complete plans, specifications, or preliminary engineering report, etc.

(d) complete the environmental review process.

(7) **Cost benefit** - (10 points) number of direct beneficiaries of the project compared to the amount of funds requested. The higher the number of beneficiaries compared to the amount of funds requested, the higher the score.

(8) **User fees and revenues** - (10 points) What best demonstrates the rates or revenues that support the long term operation, maintenance, repair, and replacement of the system or facility?

(a) Rates developed by asset management as presented by the environmental finance committee (EFC). (10 points)

(b) rates developed rate analysis, excluding asset management and/or allowance for replacement of reserve funds. (5 points)

(c) rates developed by other. (1 point)

(9) **Non-funded applicants** - (10 points) - Applicants that were not funded in the prior year.

F. Planning criteria category

(1) **Consistency (25 points):** Document the degree to which the proposed planning project is consistent with the applicants current version of its comprehensive plan, its infrastructure capital improvement

plan, and its planning region's consolidated plan.

(2) **Appropriateness (25 points):** Describe the impact the proposed project will have on at least one of the three national objectives of the CDBG program.

(3) **Public involvement (25 points):** Describe how the planning process will involve citizens in the preliminary identification of community needs, in the development and active participation in the planning process, and in the implementation of the plan.

(4) **Implementation strategy (25 points):** Describe the local commitment of resources to the planning process; commitment to adopt the plan, either by resolution, rule, policy or ordinance; and commitment to use the results of the planning process in the decision making process.

G. Economic development rating criteria is included in Section 2.110.2.26.

H. Site visits will be conducted as needed during the application review process to verify the information presented in an application.

I. Division staff will present its evaluations in high, medium and low groupings to the council at least seven days prior to the allocation meeting.

J. Because emergency, economic development, and rural planning projects are received throughout the year, formal staff rating may not be necessary if all other federal and state requirements are met and other applications are not competing for funding assistance.

[2.110.2.19 NMAC - Rp 2 NMAC 110.2.19, 08-30-01; A, 08-13-04; A, 12-14-06]

2.110.2.26 E C O N O M I C DEVELOPMENT PROGRAM GUIDELINES: Within the context of the CDBG Program and for purposes of meeting its goals and objectives, economic development can typically be defined as improving a community's economic base by using private and public investments that provide expanded business activity, jobs, personal income and increased local revenues in a defined geographic area.

A. Goals and objectives: The state's CDBG economic development goals and objectives include:

(1) creating or retaining jobs for low- and moderate-income persons;

(2) preventing or eliminating slums and blight;

(3) meeting urgent needs;

(4) creating or retaining businesses owned by community residents;

(5) assisting businesses that provide goods or services needed by, and affordable to low - and moderate-income residents;

(6) providing technical assistance to promote any of the activities under 26.1.1 through 26.1.5 above.

B. Eligible activities: CDBG eligible activities authorized under Sections 570.200, 570.201, 570.202, 570.203, 570.204, 570.482 and 570.483 of 24 CFR Part 570 of the federal rules and regulations governing the Community Development Block Grant Program and directly affecting the creation or retention of employment opportunities, the majority of which are made available to low and moderate income persons, may include activities which are carried out by public, private nonprofit, or private for-profit entities when such activities are appropriate.

(1) To meet the needs and objectives of the community economic development plan, a project may include; acquisition of real property, construction, reconstruction rehabilitation, or installation of public facilities, site improvements, and utilities, and commercial or industrial buildings or structures and other commercial or industrial real property improvements and planning.

(2) Grantees and nonprofit subrecipients may carry out for the purpose of economic development, a wide range of activities such as those listed in Section 570.203.

(3) The for-profit businesses, however, may carry out only the activities listed in that section and rehabilitation activities listed in Section 570.202.

C. Financing policies and techniques: The New Mexico CDBG program, as a development tool, can provide flexibility and take greater risks in its lending policies and financing techniques. For example, the program may:

(1) offer a negotiated period for repayment of principal and interest;

(2) take greater risk than banks are traditionally prepared to take, provided substantial economic development benefits will result if the loan is granted;

(3) leverage capital by reducing risk for commercial lenders and by taking a subordinate;

(4) security/collateral position;

(5) provide more favorable rates and terms than are generally available through conventional sources.

D. Project requirements: Project requirements for eligible CDBG economic development assistance include, but are not limited to:

(1) specific employment commitments for low and moderate income residents, generally with no more than \$15,000 in CDBG funds being used for each job created or retained;

(2) ~~the creation of jobs within a reasonable time frame, usually not more~~

~~than six months from grant approval] at least 51% of the jobs created/retained must be held or made available to persons of low to moderate income persons;~~

~~(3) within six (6) months of completion of the project, the grantee is required to report to LGD, documentation to reflect the total number of jobs created;~~

~~[(3)] (4) a firm commitment for private financial participation in carrying out the proposed project, contingent on award of CDBG funding only, must be included with the application;~~

~~[(4)] (5) a minimum leveraging ratio of 2 new private investment dollars to 1 CDBG dollar is required, {additional leveraging will enhance a project's competitiveness};~~

~~[(5)] (6) an "appropriate" determination that there is a well documented need for CDBG assistance to make the project financing feasible and that the level of assistance requested is commensurate with the public benefits expected to be derived from the economic development project;~~

~~[(6)] (7) evidence of project feasibility including a business plan which contains financial statements, project pro forma (cash flow projections) and specific source and intended use of all funds or assets used in the project;~~

~~[(7)] (8) generally, projects that directly assist in the relocation of a business or industry from one community to another, intrastate or interstate, will be disqualified;~~

~~[(8)] (9) prior to submission of an application, applicants should thoroughly review the credit worthiness of the proposed borrower and should obtain appropriate credit reports, audited financial statements, tax returns and verify collateral.~~

E. Program income: The community development council has adopted a policy of strongly encouraging and, when possible, requiring applicants in the economic development category to return program income to the state for use in fostering critical economic development opportunities that occur throughout the state. By pooling program income at the state level more of an impact can be made on the overall economic conditions of the state. The Housing and Urban Rural Recovery Act which amended the Housing and Community Development Act of 1974, provides, relative to economic development, specifically the following:

(1) states may require program income to be returned to the state but local governments must be allowed to keep program income when used for the same activity which generated the income (104(i)2);

(2) if the applicant intends to retain program income, a program income utilization plan must be submitted with the application for approval.

F. Application cycle:

Applications for economic development can be made at any time, and the division staff have thirty days to review the them.

G. Pre-application conference: It is recommended that a preapplication conference be held prior to the submission of the final application to insure that all elements are adequately addressed. The preapplication conference will also provide an opportunity to review any new federal guidelines that may be issued which relate to economic development activities. Contact the LGD, economic development representative for information. More detailed and extensive financial and project data may be required depending on the specific project. In addition, meeting the national objective to benefit low and moderate income requires documentation certifying that the majority of the jobs go to low and moderate income persons or the majority of jobs are considered available to them. Please contact the local government division for a copy of the HUD guidelines.

H. APPLICATION REQUIREMENTS: (These must be included along with the regular CDBG Application, and should be submitted in lieu of question #2 in the regular application.)

(1) Economic development plan: The applicant must submit as an attachment to the application a short (5 page maximum) description of its plan for encouraging local economic development. The plan, incorporating references to the proposed project, should include a discussion of the following elements

(a) Need - What are the community's underlying economic problems? Need might include recent major industry shutdowns or extended layoffs, substantial increases in population without a corresponding increase in job opportunities, substantial population decreases due to lack of available or appropriate job opportunities, a lack of industrial diversification, the existence of large numbers of workers in the area with obsolete skills or skills for which there is no current demand, or other problems unique to the applicant's community.

(b) Goals - What is the community attempting to accomplish through its overall economic development program (not just that activity for which CDBG funding is sought)? Goals might include trying to preserve existing businesses or industries, attempting to encourage community growth, attempting to foster industrial diversification, revitalizing the central business district, or creating complementary industries which would provide jobs in the off-season for workers now only seasonally employed.

(c) Resources - What public and private resources, both financial and technical, does the community have available to it to help carry out its economic development

program? Resources may be of a wide variety. For example, does the community have a local development corporation or similar body? Has any agency organization assigned staff member(s) to work on economic development activities for a major portion of their time? Has the financial community demonstrated its willingness to participate in development activities? Is there an adequate available labor force to meet the demands of new or expanding businesses and industries? Does the community have some unique development advantages, e.g., location, transportation facilities, industrial park or other plant sites, available raw materials, abundant power supplies, employee training capabilities, a locally-administered revolving loan fund to assist growing businesses or industries, technical assistance programs to help business persons deal with marketing, management, or financial planning problems

(d) Strategy - What strategy is the community using to pursue its economic development goals? Strategy might include a description of the specific activities that have been identified as components of the community's strategy for encouraging local economic development. For example, which has been assigned first, second, and third priority? How much will each cost? What funding sources have been identified for each? What can or will the local government do to support those activities?

(e) Results - What actions has the community already undertaken to implement its economic development plan? What sources of funding were used? What were the results? Results might include a discussion of actions the community has taken to encourage development. For example, has it offered property tax reductions to new or expanding industries? Has it formed a local development corporation or prepared industrial or tourism promotion packages? What results have been achieved? How many new jobs have been created or existing jobs retained? How many new firms have begun operations in the community? How many existing firms have undertaken expansion activities?

(2) Hiring and training plan:

(a) Applicants must establish procedures for the project to ensure preferential recruitment, hiring, and training of local workers, particularly those of low and moderate income.

(b) In the event of a grant award, the applicant's commitment to the hiring plan will be considered binding and will be incorporated by reference in the grant agreement between the local governing body and the local government division.

(3) Private sector commitments:

(a) Applicants must provide evi-

dence of firm commitments of financial resources from the private sector.

(b) Such commitments should be binding, contingent only upon receipt of CDBG funds.

(c) Investments made or costs incurred prior to the grant application are not eligible for use as matching funds or leverage but should be referenced as related to the total project, if applicable.

(4) Public sector commitments:

(a) If public sector resources are to be involved in the proposed economic development project, applicants must demonstrate evidence of a firm commitment of public funds and/or other resources.

(b) Such commitments should be binding, contingent only upon receipt of CDBG funds to the project.

(c) Evidence may include resolutions or ordinances passed by the local governing body and other appropriate local groups.

(5) Use of CDBG funds for economic development loans (if applicable):

(a) Any project that includes a loan should provide an explanation of the proposed interest rate, terms and rationale for the proposed financing structure.

(b) Any loan made by a local governing body with CDBG funds as a part of an approved CDBG economic development project must be adequately secured.

(c) Subordinated loans may be made when justifiable and appropriate.

(d) The applicant must include a detailed description of the proposed use of program income. (principal and interest). Applicants are encouraged to designate program income to be returned to the state for future economic development setaside-eligible activities.

(6) Viability of assisted enterprises: Any for-profit entity to be assisted with CDBG funds must document that without participation of CDBG funds the proposed activity would not be feasible and that after receipt of CDBG assistance the enterprise will be viable and self-sustaining. All applicants proposing an economic development activity shall submit the following for any entity to be assisted with CDBG funds.

(a) a business plan which consists of at least a description of the history of the firm, background, and experience of the principals, organizational structure, a description of its major products or services, market area and market share, goals, and planned expansions or changes in operations; the plan should also describe the impact the CDBG project, if funded, would have on the firm's activities;

(b) a three-year to five-year operating plan forecast (profit and loss projection); applicants may use U.S. small busi-

ness administration (SBA) forms or equivalent;

(c) a monthly cash flow analysis, SBA forms or equivalent.

(d) for any existing business, the two most recent year-end financial statements, including an income statement and balance sheet.

I. RATING CRITERIA:

The selection criteria in the rating and ranking system will give priority to projects which firmly demonstrate the following: need, appropriateness, impact, and benefit to low and moderate income persons. These factors are discussed below and are intended to provide additional information. Since each application will be a unique response to particular community-specific needs, there are no "right" or "wrong" activities or solutions. The ranking of "appropriateness" (and later, of "impact") will necessarily be in part subjective, with the division taking into account not only how well each applicant addresses the problems it has defined, but also how its problems and responses compare with those of other applicants. Responses may vary considerably depending upon the size and location of the community and the type of project proposed.

(1) NEED - (200 points) - In analyzing an applicant's need for a project, the division will use statistical information provided by the New Mexico department of labor and the U.S. bureau of the census which is uniformly available for all thirty-three (33) counties. Since similar data is not accumulated at the municipal level, cities and towns will be scored with the figures for the county in which they are located. The three factors which will be considered are: the average number of unemployed persons in the county during the last calendar year; the percent of unemployment (average) in the county during the last calendar year; long-term unemployment (measured by average unemployment rates in the county for the last five calendar years).

(a) The data will be calculated and each applicant assigned a relative score.

(b) The division will consider assigning a different score in exceptional cases, where an applicant can conclusively demonstrate that the first two factors used to measure economic need are not reflective of local economic conditions (such as major recent plant closings) and the situation is substantiated by the New Mexico department of labor. A request for consideration of local economic data must be submitted with the CDBG application. The applicant should identify sources of data and define methodologies.

(2) APPROPRIATENESS - (200 points) - Two major factors will be weighted in this ranking category: the

soundness of the applicant's economic development plan and the related project for which CDBG funding is sought; the strength of the applicant's hiring and training plan for ensuring that local residents, particularly those of low and moderate income, will be hired to fill the stated number of jobs created or retained as a result of CDBG-funded activities. These two factors will be ranked as follows:

(a) Plan and program - (140 points) - Some factors which might contribute to the achievement of an "outstanding" score are:

(i) that the applicant has developed a complete, well reasoned, appropriate, and achievable plan for dealing with its total economic development needs, taking into consideration all available public and private resources and local capacity;

(ii) that the local governing body has officially adopted the economic development plan as a matter of public policy;

(iii) that the proposed project for which CDBG funding is sought is an integral part of that plan; (it need not be the first priority item identified in the overall plan if other, more appropriate, resources are available and already being used to meet higher priority items);

(iv) that the applicant has made substantial local efforts to deal with its economic development problems;

(v) that the proposed CDBG project is realistic and workable, and the job savings or creation expected to result from its implementation will occur within a reasonable time following the date of grant award;

(vi) that if income is to be generated by CDBG-funded activities, and retained locally, a plan for the use of that money has been developed and submitted with the application; this plan must include mechanisms established for administration of the funds, (if a revolving loan fund is to be established with program income, procedures must be outlined covering local application processing, time frames, approval, negotiation, pricing, packaging, servicing, etc.);

(vii) that there has been active citizen participation in the development of the economic development plan and in the selection of the CDBG project.

(b) Hiring and training plan - (60 points) - Since a primary goal of CDBG-funded economic development grants is to increase job opportunities for local residents, particularly persons of low and moderate income, it is essential that applicants take every measure to bring about that result. Each applicant must include in its application an employment and training plan to be used in filling jobs

created or saved as a result of CDBG activities. Factors which would most likely contribute to the achievement of a high score are:

(i) that the applicant's employment and training plan provides clear, complete procedures for outreach, recruitment, screening, selection, training, and placement of workers which will ensure maximum access of local residents, particularly persons of low and moderate income, to jobs created or saved by the project;

(ii) that attention has been given to necessary supportive services for trainees needing them;

(iii) that a complete training curriculum has been developed and all training resources identified;

(iv) that responsibility has been assigned for all phases of the training program;

(v) that a written agreement to follow the plan has been obtained from each firm expected to benefit directly from the program.

(3) IMPACT - (200 points) - In weighing the anticipated impact of the applicant's proposed CDBG grant activities on the community's identified problems, the following four factors will be considered and evaluated:

(a) Leverage - (50 points) - In preparing its proposed project budget, the applicant is required to identify all sources of funds to be used and the amounts to be contributed by each. To be eligible for consideration, an applicant must provide at least two private non-CDBG dollars for each dollar of CDBG funds requested (a 2:1 ratio). The non-CDBG funds may come from a variety of private sources, such as new investment by a firm to be assisted, bank loans, or local development corporation loans and debentures. Applicants will be ranked against each other. If, for instance, community A has the highest leverage ratio (\$6 of non-CDBG funds for each \$1 of CDBG funds, a 6:1 ratio) and community B has a 2:1 leverage, community A would receive the maximum score and community B and all other applicants would be relatively scored against community.

(b) CDBG dollars per job - (50 points) - The applicant is required to specify the number of permanent full-time jobs to be created or retained as a result of the requested CDBG program. In determining an applicant's score in this category, the total CDBG funds to be used (exclusive of administrative funds) will be divided by the total number of full-time jobs expected to result. NOTE: In evaluating an applicant's job creation projections, the local government division will consider the historical relationships of sales, space, and machines to jobs. It will also look at typical ratios for the industry of which the firm to be assisted

is a part. Applicants should be prepared to justify job creation claims which substantially exceed industry norms or \$15,000 per job created or retained.

(c) Type of jobs - (50 points) - Although all new or retained jobs provide some measure of economic benefit to the community, full-time, skilled or semi-skilled positions are more desirable for most workers than part-time jobs or those requiring unskilled labor. One objective of CDBG economic development activities is to foster the creation and retention of permanent, full-time employment with growth potential for persons of low and moderate income, which offers those workers an opportunity for advancement in a firm or industry. Applicants are required to indicate the percentage of jobs to be created or retained which are full-time or part-time, skilled, semi skilled, or unskilled.

(d) Overall economic impact - (50 points) - The applicant must discuss both the direct and indirect effects the CDBG program is expected to have on the community's economy. Some of the factors which will be considered in evaluating impact are:

(i) the size of the additional payroll expected to be generated for the jobs created or retained by the program;

(ii) the total number of jobs to be created or retained;

(iii) whether the firm to be assisted is a primary industry (producing goods or services mainly to be sold outside the area or state, thereby importing dollars into the community and state);

(iv) whether local property tax revenues will be significantly increased as a result of the proposed business start-up, expansion, retention, etc.;

(v) the applicant demonstrating the greatest positive impact will be scored highest. All other applicants will be ranked correspondingly;

(vi) when applications have been scored in all four categories (leverage, dollars per job, types of jobs, and overall economic impact), those scores will be totaled.

(4) BENEFIT TO LOW AND MODERATE INCOME PERSONS - (200 points)

(a) This ranking criterion assesses the extent to which persons of low and moderate income will directly benefit from the expenditure of CDBG grant funds. To determine this score, the number of jobs to be created or retained and made available to low and moderate income persons will be divided by the total number of jobs to be created or retained as a result of the CDBG program.

(b) The highest score will receive up to a maximum of 200 points and all other applicants will be scored accordingly.

(c) To be eligible for consideration a project must demonstrate that it will benefit principally persons of low and moderate income.

[2.110.2.26 NMAC - Rp 2 NMAC 110.2.26, 08-30-01; A, 12-14-06]

NEW MEXICO DEPARTMENT OF GAME AND FISH

19.30.6 NMAC, Predator Management, filed February 1, 2001 is hereby repealed, effective April 1, 2007.

19.30.7 NMAC, Quality Hunt Criteria and Areas, filed February 1, 2001 is hereby repealed, effective April 1, 2007.

19.31.7 NMAC, Big Game Enhancement, filed September 13, 2000 is hereby repealed, effective April 1, 2007.

19.31.8 NMAC, Big Game and Turkey, filed December 15, 2004 expires effective March 31, 2007 and is replaced by 19.31.11 NMAC, Bear and Cougar; 19.31.12 NMAC, Barbary Sheep, Oryx and Persian Ibex; 19.31.13 NMAC, Deer; 19.31.14 NMAC, Elk; 19.31.15 NMAC, Pronghorn Antelope and Javelina; 19.31.16 NMAC, Turkey; and 19.31.17 NMAC, Bighorn Sheep, effective April 1, 2007.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking, filed September 13, 2000 is hereby repealed and replaced by 19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking, effective April 1, 2007.

NEW MEXICO DEPARTMENT OF GAME AND FISH

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 10 HUNTING AND
FISHING-MANNER AND METHOD
OF TAKING**

19.31.10.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 4-1-2007]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 31, 32, and 33 of Title 19.

[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4-1-2007]

19.31.10.3 STATUTORY

AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species.

[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 4-1-2007]

19.31.10.4 DURATION:

Permanent.

[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4-1-2007]

19.31.10.5 EFFECTIVE DATE:

April 1, 2007, unless a later date is cited at the end of a section.

[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4-1-2007]

19.31.10.6 OBJECTIVE:

Basic regulation governing water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, restrictive devices for fish, manner and methods of hunting and fishing, and use of department lands.

[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4-1-2007]

19.31.10.7 DEFINITIONS:

A. "Big game species" shall mean deer, bear, cougar, elk, pronghorn antelope (American pronghorn), Barbary sheep, bighorn sheep, javelina, oryx, and Persian ibex.

B. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

C. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

D. "Restricted muzzle-loading rifle" shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a traditional lead bullet. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots, including powerbelt-type projectiles, are prohibited.

E. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

F. "Arrows" shall mean only those arrows or bolts having broad-

heads with steel cutting edges.

G. "Trotline" shall be synonymous with "set line" or "throw line" or "jug", and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

H. "Angling" shall mean taking or attempting to take fish by hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.

I. "Spear fishing" shall mean taking or attempting to take game fish with spears, jigs, and arrows with barbs that are discharged under the surface of the water.

J. "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.

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

L. "Protected species" shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 New Mexico Statutes Annotated 1978 Compilation;

(2) all animals defined as furbearing animals under Section 17-5-2 New Mexico Statutes Annotated 1978 Compilation;

(3) all animals listed as endangered species or subspecies as stated in regulation(s) set by the state game commission.

M. "Retention" or "retain" shall mean the holding of in captivity.

N. "Established road" is defined as follows:

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

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

O. "Non-toxic shot" shall mean shot approved for use by the U. S. fish and wildlife service.

P. "Director" shall mean the director of the New Mexico department of game and fish.

Q. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters

are attempting to take protected game mammals or game birds.

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

S. "Barbless lure or fly" shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto a hook to resemble or simulate insects, bait fish, or other foods. A fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.

T. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4-1-2007]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS:

It shall be unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy, or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in 17-2-20 NMSA 1978.

[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 4-1-2007]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES:

It shall be unlawful to possess, sell, or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken (killed) under license or permit.

B. Game taken by another: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a written statement which shall be provided by the donor of the protected species, or parts thereof, and which shall contain the following:

(1) the kind and number of game or furbearer parts donated;

(2) the date and county where the game or furbearer was lawfully taken;

(3) the donor's name, address,

and the number of the hunting or fishing or trapping license under which the game or furbearer was lawfully taken;

(4) the date and place of the donation.

C. Retention of live animals: It shall be unlawful to retain protected species in a live condition except under permit or license issued by the director for the following purposes:

(1) zoos open for public display;
 (2) in class A parks;
 (3) in projects for scientific research and propagation;

(4) a rehabilitation permit;
 (5) under a falconry permit, only those birds listed on the permit;

(6) under a protected mammal permit, only those mammals listed on the permit;

(7) under a scientific collection permit, one may collect and possess only those species listed on the permit;

(8) in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

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

(1) description of the skin, head, antlers, horns or claws, or feathers involved;

(2) the date and county where the game was taken;

(3) the disposer's name, address and hunting license number under which the game was taken;

(4) the date and place of the transaction.

E. Possession of game animal parts found in the field: It shall be unlawful to possess heads, horns, or antlers of protected species found in the field without invoice or permit from the department of game and fish, with the exception of obviously shed antlers.

[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4-1-2007]

19.31.10.10 PERMITS AND LICENSES ISSUED: Permits and licenses may only be issued by the director or his designee as follows:

A. Uses of wildlife:

- (1) importation
- (2) depredation
- (3) scientific collection
- (4) possession
- (5) propagation
- (6) sale
- (7) commercial hunting or fishing

(8) release

(9) falconry

(10) rehabilitation

(11) zoo

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

C. Violation of permit or license provisions: It is unlawful for any person receiving any permit or license provided in Subsection A of 19.31.1.10 NMAC to violate any provision of this section or any provision listed on the permit or license. If such an invalidated permit or license authorized possession of wildlife, the wildlife shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. It shall be unlawful to purchase, possess, barter, transfer, transport, sell, or offer to sell any imported wildlife contrary to the provisions of any import permit.

[19.31.10.10 NMAC - Rp, 19.31.10.10 NMAC, 4-1-2007]

19.31.10.11 RELEASE OF

WILDLIFE: It shall be unlawful for any person or persons to release, intentionally or otherwise, or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department of game and fish.

[19.31.10.11 NMAC - Rp, 19.31.10.13 NMAC, 4-1-2007]

19.31.10.12 RESTRICTIVE

DEVICES FOR FISH: The director may require that a screen, paddle wheel, or other device to prevent passage of fish be installed by the owner of any canal or ditch into which waters containing protected fish are diverted. The director may also require that the owner maintain the device during periods when waters are being diverted.

[19.31.10.12 NMAC - Rp, 19.31.10.14 NMAC, 4-1-2007]

19.31.10.13 USE OF VEHICLES AND ROADS IN HUNTING:

A. Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill any protected species on, from, or across any graded paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence of right-of-way fences.

B. Vehicles, boats, aircraft: It shall be unlawful to shoot at any protected species from within a motor vehicle, power boat, sailboat, or aircraft.

EXCEPTION - Migratory birds may be taken from a motor-driven boat (or other craft with attached motor) or sailboat when resting at anchor or fastened within or immediately alongside a fixed hunting blind or is used solely as a means of picking up dead birds.

C. Harassing protected wildlife: It shall be unlawful, at any time, to pursue, harass, harr, drive, or rally any protected species by use of or from a motor-driven vehicle, powerboat, sailboat, or aircraft.

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

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

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

G. Vehicle off of established road: During the seasons established for any protected species, it shall be unlawful to drive or ride in a motor vehicle which is driven off an established road when the vehicle bears a licensed hunter, fisherman or trapper. **EXCEPTION:** 1) Snowmobiles; 2) To retrieve lawfully taken game not in an area closed to vehicular traffic. 3) All landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

H. Closed roads: During the seasons established for any protected species, it shall be unlawful to knowingly occupy, drive, or cause to be driven any motor vehicle on a closed road when the vehicle bears a licensed hunter, angler or trapper.

I. Handicapped license:
 (1) Shooting from a vehicle: The holder of a handicap license is authorized to shoot at and kill protected species during their respective open seasons from a stationary motor-driven vehicle that is not on a public road or highway. The director may issue permits to shoot from a stationary vehicle to applicants who provide certification that the applicant is permanently disabled in accordance with the American Disability Act. Such certification shall be

signed by an M.D. or O.D. licensed to practice in the applicant's state of residence.

(2) **Driving off established roads:** Holders of a handicap license may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take squirrels or game birds, excluding turkey, during open seasons.

(3) **Assistance for handicapped hunter:** The holder of a handicapped license may be accompanied by another person to assist in reducing to possession any big game animal which has clearly been wounded by the licensed handicapped hunter.

[19.31.10.13 NMAC - Rp, 19.31.10.17 NMAC, 4-1-2007]

19.31.10.14 FISHING:

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

B. Trotlines:

(1) It is unlawful for any person to set more than one trotline at a time. It is unlawful to tie or join together trotlines belonging to two or more persons.

(2) It is unlawful for trotlines to have more than 25 hooks.

(3) A person fishing with a trotline shall personally visit and inspect the trotline at least once every 24 hours. Failure to check a trotline every 24 hours is a violation of this paragraph.

(4) It is unlawful for anyone to tamper with another's trotline.

(5) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the fisherman's name, address, fishing license number, and the date the trotline was set. An unlicensed fisherman under 12 years of age shall also list his date of birth.

(6) It is unlawful to set or use a trotline in trout waters, with the following exceptions: Abiquiu lake, Chama river downstream from the northern boundary of the Monastery of Christ in the desert, Gila river downstream from its junction with its east fork, Navajo Lake and the Rio Grande downstream from its junction with the Chama river.

(7) Any conservation officer or other officer authorized to enforce the game laws may seize and confiscate any trotlines not set in accordance with this subsection.

C. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying, or killing fish except as permitted by regulation.

D. Bait: It is unlawful to use protected fish, live bullfrogs, or live bullfrog tadpoles as bait in any waters con-

taining protected species. **EXCEPTION:** the genus *Lepomis* taken by legal means of angling may be used as live bait in the water from which they were taken only in the following waters: Abiquiu reservoir, Cochiti lake, Elephant Butte reservoir, Caballo reservoir, Stubblefield lake, Maxwell lakes, Clayton lake, Conchas lake, Ute lake, Santa Rosa lake, Lake Sumner, Brantley reservoir, and Navajo reservoir. *Lepomis* may be used as cut bait; roe, viscera, and eyes of legally taken game fish may be used as bait; and bullfrogs and bullfrog tadpoles may be used as cut bait. Live bullfrogs may not be in possession while fishing.

E. Use of bait fish:

(1) It is unlawful to use gar (*Lepisosteus* spp.) and goldfish (*Carassius auratus*) for bait fish in all waters.

(2) It is unlawful to use live common carp (*Cyprinus carpio*), river carpsucker (*Carpoides carpio*), and smallmouth buffalo (*Ictiobus bubalus*) in all waters. However, these species may be used as cut bait in any water where bait may be used.

(3) It is unlawful to use bait fish in all trout waters except fathead minnows and red shiners may be used in the following trout waters: Abiquiu Clayton lake, Jackson lake, lake 13 (Maxwell refuge), Navajo lake, Caballo lake, the Rio Grande downstream of the Taos junction bridge (excluding the special trout water described in 19.31.4.11 NMAC), Power dam lake, and the Animas river.

(4) It is unlawful to use any bait fish in Bitter lake national wildlife refuge and Bottomless lakes state park.

(5) Bait fish may be used in all other waters with the following restrictions:

(a) In the Gila river and San Francisco river drainages only fathead minnows may be used.

(b) In the Pecos river drainage only fathead minnows and red shiners may be used.

(c) In the Rio Grande drainage only fathead minnows, red shiners, and shad may be used except in Elephant Butte and Caballo where golden shiners are also allowed.

(d) In the Canadian river drainage only fathead minnows, red shiners, and shad may be used.

(e) In the San Juan river drainage only fathead minnows and red shiners may be used.

F. Release of bait fish: It is unlawful to release any bait fish into any water containing game fish.

G. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers, the director may permit licensed fishermen and unlicensed persons under 12 years of age to take and possess

game fish in numbers exceeding current bag and possession limits. In granting such permission, the director may specify bag and possession limits and manner and method of taking for such waters.

H. Bait fish for personal use: Licensed fishermen and unlicensed persons under 12 years of age may take minnows and nongame fish for personal use only. They may use angling, nets, traps, and seines. All protected species of fish taken in seines, nets, and traps shall be immediately returned to the water.

I. Illegal taking of bait fish: It is unlawful for licensed minnow dealers to take bait fish for sale from waters not specified on their licenses. They may take these fish only by use of traps, seines, and/or cast nets, as specified on their licenses. All protected species of fish taken in such traps, seines, or nets shall be immediately returned to the water from which they were taken.

J. Methods for taking bait fish: Bait fish may be taken in waters containing game fish by angling, spears, and arrows.

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

L. [Reserved]

M. [Reserved]

N. Number of fishing poles: It is unlawful to angle with more than one pole without having a current two rod validation or stamp affixed on the current license. It is unlawful under any circumstance to angle with more than two poles.

O. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit and/or possession limit of any protected fish species, as specified in Title 19, Chapter 31, Part 4.

P. Snagging game fish: It is unlawful to snag game fish except during the special kokanee salmon season as specified in Title 19, Chapter 31, Part 4.

Q. Chumming: It is unlawful to "CHUM" except in the following waters: All waters designated as warm waters; Gila river downstream from its junction with its east fork; Rio Grande downstream from its junction with the Chama river, excluding the special trout water below Elephant Butte dam described in Subsection A of 19.31.4.11 NMAC.

R. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in

Subsection A of 19.31.4.11 NMAC, except in the special trout water on the Rio Grande below Elephant Butte dam in which soft plastic lures may also be used.

S. Attracting or concentrating fish:

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

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

T. Spears, gigs, and arrows:

(1) Spears, gigs, and arrows with barbs that are discharged beneath the water may be used only in lakes and reservoirs open to fishing.

(2) In addition, during the season established by Subsection B of 19.31.4.9 NMAC, kokanee salmon may be taken by the use of spears, gigs, and arrows with barbs that are discharged above or below the water and not driven by explosives, gas, air, or crossbow, except in the Pine river where spears, gigs, and arrows are prohibited.

U. Exemption of two rod validation requirement: A two rod validation or stamp is not required in warm waters as defined in Subsection C of 19.31.4.8 NMAC until April 1, 2004.

[19.31.10.14 NMAC - Rp, 19.31.10.18 NMAC, 4-1-2007]

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

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

B. Violating provisions of posted signs: It shall be unlawful to violate the provisions of posted signs on areas under the control of the state game commission.

C. Trespass on state game commission owned lands: It shall be unlawful to hunt, fish, camp, or trespass upon state game commission owned lands unless allowed under regulation or provided for under Subsection A.

[19.31.10.15 NMAC - Rp, 19.31.10.19 NMAC, 4-1-2007]

19.31.10.16 AREAS CLOSED TO HUNTING, FISHING AND TRAPPING:

The following areas shall remain closed to hunting, fishing, and trapping, except as

permitted by regulation.

A. Sugarite canyon state park.

B. Rio Grande wild and scenic river area, including the Taos valley overlook.

C. All wildlife management areas (except non-game hunting shall be allowed on the Water Canyon WMA January 1 through March 31 annually).

D. Valle Vidal area.

E. Sub-Unit 6B (Valles Caldera national preserve)

[19.31.10.16 NMAC - Rp, 19.31.10.20 NMAC, 4-1-2007]

19.31.10.17 REGULATIONS PERTAINING TO BOATS, OTHER FLOATING DEVICES, AND MOTORS:

A. Charette, Clayton, and McAllister lakes: On the following lakes controlled by the department of game and fish, boats and other floating devices with or without electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed: Charette, Clayton, and McAllister lakes

B. On Springer lake, boats and other floating devices with or without motors shall be permitted; provided, however, that boats or floating devices shall not be operated at greater than normal trolling speed when water storage is less than 1,000 acre feet.

C. On Ramah lake, boats and floating devices shall not be operated at greater than normal trolling speed.

D. On the following lakes controlled by the department of game and fish, only boats and other floating devices using electric motors or with motors that are not in use shall be permitted: Bear canyon, Bill Evans, Green Meadow, Fenton, Hopewell, Jackson, lake Roberts, Maddox, Morphy, Quemado, Snow, Wall, and waters located on the Ladd S. Gordon wildlife area.

E. On the following lakes controlled by the department of game and fish, only boats and other floating devices using no motors shall be permitted: Bernardo waterfowl management area, La Joya waterfowl management area, McGaffey, San Gregorio, Shuree ponds.

F. On the following lakes controlled by the department of game and fish, no boats or other floating devices shall be permitted: Bonito, Burns canyon at Parkview state fish hatchery, and Monastery lakes, Power dam, and Red River hatchery pond.

G. Department of game and fish personnel or persons authorized by the director of the department of game and

fish may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.21 NMAC, 4-1-2007]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 11 BEAR AND
COUGAR**

19.31.11.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.11.1 NMAC - N, 4-1-2007]

19.31.11.2 SCOPE: Hunters of bear and cougar. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.

[19.31.11.2 NMAC - N, 4-1-2007]

19.31.11.3 S T A T U T O R Y AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.

[19.31.11.3 NMAC - N, 4-1-2007]

19.31.11.4 DURATION: April 1, 2007 through March 31, 2009.

[19.31.11.4 NMAC - N, 4-1-2007]

19.31.11.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.

[19.31.11.5 NMAC - N, 4-1-2007]

19.31.11.6 O B J E C T I V E : Establishing open hunting seasons and regulation, rules and procedures governing the distribution and issuance of bear and cougar licenses by the department.

[19.31.11.6 NMAC - N, 4-1-2007]

19.31.11.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take bear or cougar.

C. "Bear entry hunt" shall mean the valid official document containing a carcass tag and harvest reporting

instructions awarded through a public drawing for hunting bear. This valid official permit shall entitle the holder of a bear license to hunt where hunter numbers are limited by rule.

D. "Bear license" shall mean a valid official document that is issued or approved by the Director that each person that is hunting bear in New Mexico must have or obtain prior to hunting.

E. "Bear zones" as used herein, shall define hunt areas consisting of one or more game management units as documented in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

F. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

G. "Cougar license" shall mean a valid official document that is issued or approved by the Director that each person that is hunting cougar in New Mexico must have or obtain prior to hunting.

H. "Cougar zones" as used herein, shall define hunt areas consisting of one or more game management units as documented in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

I. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

J. "Department" shall mean the New Mexico department of game and fish.

K. "Director" shall mean the director of the New Mexico department of game and fish.

L. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

M. "Hunter designee" shall mean a person given a written statement by the properly licensed hunter who lawfully killed and possessed the bear or cougar. A written statement consists of: the kind and number of bear and cougar, the date and game management unit of where the bear or cougar was lawfully taken, the hunter's name, address, and license number under which the bear or cougar was lawfully killed, and the date and place where written statement was given.

N. "License year" shall mean the period from April 1 through March 31.

O. "Modern firearms"

shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

P. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

Q. "TBD or to be determined" shall mean the details of hunt dates and/or hunt areas will be provided by the department to the hunter when the designated population reduction hunt is initiated.

R. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

S. "Web site" shall refer to accessing the department's Internet address.

T. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.11.7 NMAC - N, 4-1-2007]

19.31.11.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS:

The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, and/or harvest limits, up or down by no more than 20% within the GMU or zone, to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the specific hunt codes, harvest limits, or sustainable total mortality for bear and cougar. The director, with the verbal concurrence of the chairman or his designee, may also modify the manner and method of take to facilitate target removals or embedded quotas for cougars and bears in specific areas or zones for unguulate protection or conflict minimization in densely populated residential areas.

[19.31.11.8 NMAC - N, 4-1-2007]

19.31.11.9 BEAR AND COUGAR LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One license per year: It shall be unlawful for anyone to hold more than one permit or license for any bear or cougar during the current license year unless otherwise allowed by rule.

B. Valid dates of license

or permit: All bear entry permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Over-the counter licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by rule or regulation.

C. Valle Vidal (as described in Subsection A of 19.30.4.11 NMAC): It shall be unlawful to hunt bear on the Valle Vidal except for properly licensed bear hunters that possess a Valle Vidal elk hunting muzzleloader, bow, or rifle license and only during the dates of the elk hunt specified. Use of dogs shall not be allowed for bear hunting on the Valle Vidal.

D. Bear entry hunt: It shall be unlawful to hunt bear in designated wildlife management areas without having a valid bear entry permit and a valid bear license in the hunter's possession. Bear entry hunters shall be allowed to hunt in any other open bear hunt provided they have a valid bear license and tag. No more than one (1) person may apply under each application number for bear entry permits.

E. License purchase: Cougar hunters must purchase a cougar license at least two days prior to hunting cougar. Bear hunters must purchase a bear license at least two days prior to hunting bear.

[19.31.11.9 NMAC - N, 4-1-2007]

19.31.11.10 BEAR AND COUGAR MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Bear or cougar may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset. Twenty-four (24) hours prior to hunting bear or cougar, every hunter or hunter designee must call (877) 950-5466 or access the department's website, www.wildlife.state.nm.us to determine if the particular zone he/she wishes to hunt in is open. Failure to call or check prior to hunting is unlawful. Cougar season in each zone will close within 72 hours of the cougar sport harvest limit for that zone being reached. Bear season in each zone will close within 72 hours of the total harvest limit being reached or, the female harvest limit being reached, whichever comes first.

B. Bag limit: It is unlawful for any person to hunt for or take more than one of any bear or cougar during a current license year unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of any bear or cougar shall be issued

with a bear or cougar tag bearing the name of the species.

(2) It shall be unlawful to possess more than one tag per bear or cougar except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to appropriately tag the bear or cougar as prescribed below:

(a) Immediately after killing any bear or cougar, the licensee killing the bear or cougar shall notch the proper day and month of kill from the bear or cougar tag.

(b) The tag shall be attached to the carcass or the pelt, which ever portion the hunter possesses of the bear or cougar and the tag shall remain attached to the carcass or pelt while the carcass or pelt is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. When the bear or cougar is skinned, the tag must immediately be attached and remained attached to the pelt until a department official places a pelt tag on the pelt as described below. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass or pelt left in a camp or vehicle.

(4) A bear or cougar tag, when attached to the carcass or pelt of legally killed bear or cougar, shall authorize possession of the carcass or pelt for five (5) days. The hunter harvesting the bear or cougar must make arrangements with a department official to pelt tag the pelt before the five days (5) expires.

D. Proof of sex of bear or cougar: It shall be unlawful for anyone to transport or possess the pelt (even if the pelt is attached to the carcass) of bear or cougar without proof of sex. The external genitalia of any bear or cougar killed shall remain attached to the pelt and be readily visible until pelt has been inspected and tagged by a department official.

E. Bear and cougar pelt tagging requirements:

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

(2) The hunter who kills the bear or cougar or his hunter designee must present the skull and pelt to a department official for tooth removal and pelt tagging within five days of killing the animal or before the pelt can be processed by a taxidermist or before taking the pelt out of New Mexico, whichever comes first. Exception: only skulls of female cougars will have a tooth removed by a department official.

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

(4) The skull of the bear or female cougar must remain unfrozen with the

mouth fixed open for removal of a premolar tooth until the skull has been inspected by a department official.

F. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses or pelts of bear or cougar that are improperly tagged, presented for pelt tagging without proof of sex attached or without presenting the skull along with the pelt.

G. Use of dogs in hunting:

(1) Dogs may be used only to hunt bear and cougar during specific open seasons unless otherwise restricted.

(2) When dogs are used in pursuit of bear or cougar, the licensed hunter intending to harvest the bear or cougar must be present continuously once any dog is released.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any bear or cougar by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any bear or cougar.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any bear, such calling devices are allowed for taking cougar.

K. Killing out-of-season: It shall be unlawful to kill any bear or cougar out of their respective hunting seasons.

L. Bullets: It shall be unlawful to take or attempt to take bear or cougar by the use of tracer ammunition or any ammunition loaded with full metal jacketed bullets that does not expand or mushroom. Soft-nosed or hollow-pointed bullets may be used in hunting or taking bear or cougar.

M. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

N. Legal sporting arms for bear and cougar are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles; bows and arrows; and crossbows and bolts (as designated by the director).

O. Areas closed to bear and cougar hunting: The following areas shall remain closed to bear and cougar hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B

(Valles Caldera national preserve). Cougar hunting is closed in the Florida Mountain hunt area during any open Persian ibex season.

[19.31.11.10 NMAC - N, 4-1-2007]

19.31.11.11 BEAR HUNTING SEASONS:

A. Bear seasons, bag limits and restrictions shall be as stated below; open areas are GMUs 4, 5, 6, 7, 8 (bow only in the Sandia ranger district of the Cibola national forest), 9 (including the Marquez and Water canyon WMAs), 10, 12, 13, 14, (bow only in the Sandia ranger district of the Cibola national forest), 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, 34, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58. Dogs shall not be used to pursue bear in any wildlife management area (WMA) as described in 19.30.4 NMAC. No dogs shall be used to pursue bear during bow seasons. Dogs may be used to pursue bears during hunts for any legal weapon and zones listed below. Dogs are required in zone 4. Licenses available are unlimited for the regular hunt seasons and harvest limits are described in Subsection B of this section below and bag limits are described in Subsection C of this section below.

Please see table on page 1145

(1) 2007-2008 hunt season.

legal weapons	open zones	hunt start	hunt end	bag limit
any legal weapon	2, 3, 5, 6	08/16/2007	08/31/2007	1 bear
bows only	1, 2, 3, 4, 6	09/01/2007	09/22/2007	1 bear
bows only	5	09/01/2007	09/24/2007	1 bear
any legal weapon	1, 2, 3	09/23/2007	11/15/2007	1 bear
any legal weapon	6	09/23/2007	11/30/2007	1 bear
any legal weapon	5	09/25/2007	11/30/2007	1 bear
any legal weapon, bow only in Sandia ranger district of Cibola national forest, dogs are required.	4	10/15/2007	11/15/2007	1 male bear, except cub less than 1 year old.

(2) 2008-2009 hunt season.

legal weapons	open zones	hunt start	hunt end	bag limit
any legal weapon	2, 3, 5, 6	08/16/2008	08/31/2008	1 bear
bows only	1, 2, 3, 4, 6	09/01/2008	09/22/2008	1 bear
bows only	5	09/01/2008	09/24/2008	1 bear
any legal weapon	1, 2, 3	09/23/2008	11/15/2008	1 bear
any legal weapon	6	09/23/2008	11/30/2008	1 bear
any legal weapon	5	09/25/2008	11/30/2008	1 bear
any legal weapon, bow only in Sandia ranger district of Cibola national forest, dogs are required.	4	10/15/2008	11/15/2008	1 male bear, except cub less than 1 year old.

(3) Bear entry hunts for any legal sporting arms, listing the open areas, hunt date, hunt code, number of permits and bag limit, as defined in Subsection C of this section, shall be as indicated below. Dogs shall not be used to pursue bears during bear entry hunts. These permits are awarded through a public drawing.

(a) 2007-2008 hunt season.

open areas	hunt start	hunt end	hunt code	permits	bag limit
Sargent WMA	08/01/2007	08/31/2007	BER-1-100	10	1 bear
William A. Humphries WMA	08/01/2007	08/31/2007	BER-1-101	5	1 bear
Marquez WMA	08/01/2007	08/31/2007	BER-1-102	5	1 bear
E.S. Barker/Colin Neblett WMAs	08/01/2007	08/31/2007	BER-1-103	12	1 bear

(b) 2008-2009 hunt season.

open areas	hunt start	hunt end	hunt code	permits	bag limit
Sargent WMA	08/01/2008	08/31/2008	BER-1-100	10	1 bear
William A. Humphries WMA	08/01/2008	08/31/2008	BER-1-101	5	1 bear
Marquez WMA	08/01/2008	08/31/2008	BER-1-102	5	1 bear
E.S. Barker/Colin Neblett WMAs	08/01/2008	08/31/2008	BER-1-103	12	1 bear

(4) The Valle Vidal area is closed to bear hunting except for any licensed bear hunter who legally possesses a license for an elk hunt on the Valle Vidal area may harvest a bear during their assigned elk hunt period, provided that zone 2 is open for bear hunting. Legal sporting arms for taking bear in the Valle Vidal area shall be the legal sporting arms for the concurrent elk hunt. Dogs shall not be allowed to pursue bear in the Valle Vidal area.

B. Bear zones and harvest limits, as used herein, are indicated below. If either the total limit (first number) or female sub-limit (italicized number) is reached the bear zone will close 72 hours thereafter. Bears taken from the Sargent WMA and William A. Humphries WMA in zone 1 or the Elliot Barker/Colin Neblett WMAs in zone 2 shall count towards the harvest limit in those zones. Bears removed by department management action will count against that zone's harvest limit. Bears relocated to other zones and harvested in the zone of release during that fall's hunt season will count against the zone of origin and not the zone where released. If a relocated bear is harvested in a subsequent year, the harvest counts as a normal kill in the zone of harvest.

open GMUs	zone	harvest limit or <i>max. females</i>
4, 5, 6, 7, 51, and 52	1	65 or 32
41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57 and 58	2	130 or 59
9 (except the Marquez WMA) and 10	3	18 or 10
8 and 14	4	13 or 6
12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, and 27	5	75 or 45
34	6	20 or 10
36, 37 and 38	6	15 or 9

C. Bag limit shall be one bear except any female accompanied by cub(s), or except any cub less than a year old, unless otherwise indicated.

[19.31.11.11 NMAC - Rp, 19.31.8.11 & 22 NMAC, 4-1-2007]

19.31.11.12 COUGAR HUNTING SEASONS:

A. Cougar hunts within each cougar zone shall be October 1 through March 31, or until the cougar sport harvest limit has been met within the specific cougar zone, whichever occurs first. Exceptions shall be as follows:

(1) Cougar season shall be April 1 through March 31 in GMUs 29, 30, and 34 and in the bighorn sheep range of cougar zones G, H, K, and L. These ranges include the Ladron, Manzano, Peloncillo, Little Hatchets, Big Hatchets (including Big Hatchet WMA), Animas, Alamo Hueco, Saliz, Mogollon, Organ, and San Andres mountains as described in subsection D of 19.31.11.14 NMAC.

(2) The Sandia ranger district of the Cibola national forest portion of zone F shall be open for hunting with bow only.

(3) Cougar season on private land shall be April 1 through March 31 (bag limits still apply). Private landowners and their designees may hunt on the landowner's private property. Cougars harvested pursuant to private land only hunting shall not count against the sport harvest limit for that zone however, private land cougar harvest shall count toward the sustainable total mortality established for the zone in which the private land lies. All cougar hunters on private land must be legally licensed.

B. **Cougar zones, sustainable total mortality and sport harvest limits** as established by the 'cougar population assessment and harvest management matrix (September 29, 2006)' are as follows:

zone	open GMUs or areas	sustainable total mortality (relative to management objective.)	sport harvest limit
A	2 and 7	20	16
B	5, 50, and 51	15	12
C	43, 44, 45, 46, 48, 49, 53, 54, and 55	39	20
D	41, 42, and 47	19	6
E	9 (except the Marquez and Water Canyon WMAs) and 10	22	10
F	6 and 8 (bow only in the Sandia ranger district of the Cibola national forest).	14	12
G	13, 14 (bow only in the Sandia ranger district of the Cibola national forest), and 17	35	22
H	19, 20, 28, and 29	43	10
I	18, 30, 34, 36, 37, and 38	55	25
J	15, 16, 21, and 25	51	38
K	22, 23, and 24	57	20
L	26 and 27	20	6
M	31, 32, 33, 39, and 40	26	14
N	4 and 52	7	3
O	12	5	2
P	56, 57, and 58	8	4

C. Bag limits shall be as indicated below:

(1) One cougar, except any female accompanied by a spotted kitten(s), and except any spotted kitten.

(2) A second cougar, except any female accompanied by a spotted kitten(s), and except any spotted kitten, may be taken in any of the bighorn sheep ranges outlined above in Paragraph (1) of Subsection A of 19.31.11.12 NMAC and in GMUs 29, 30, and 34.

[19.31.11.12 NMAC - Rp, 19.31.8.12 & 23 NMAC, 4-1-2007]

19.31.11.13 PROCEDURES FOR CONDUCTING PREVENTIVE COUGAR CONTROL IN GAME MANAGEMENT UNIT 30:

A. The New Mexico department of game and fish will conduct preventive cougar control within game management unit 30. The purpose for the program will be to protect mule deer and domestic sheep from cougar predation. Contact will be established with ranches within game management unit 30 to determine if they desire to enter into an agreement to conduct such work.

B. The total number of cougar to be taken from game management unit 30, including cooperating ranches during the duration of the agreement, shall be up to 20 cougar per year. Continuous monitoring of this control program will be maintained by the department to assure that the local cougar population is not jeopardized. The program will continue through March 31, 2008, at which time the results will be analyzed and a decision made of the effectiveness of the program.

C. In addition to the preventive program, the New Mexico department of game and fish will continue to handle all verified cases of depredation occurring in game management unit 30 for all ranches throughout the year.

[19.31.11.13 NMAC - Rp, 19.30.6.8 NMAC, 4-1-2007]

19.31.11.14 BIGHORN SHEEP RANGES OPEN TO YEARLONG COUGAR HUNTING: That portion of GMU 13 including Mesa Sarca, the entire Ladron mountain range, including the area along the Rio Salado west of the Sevilleta national wildlife refuge (SNWR) border to Riley road to include the area 3 miles north of the Rio Salado and 1 mile south of the Rio Salado; a 2 mile wide area from the west boundary of the SNWR from the Rio Salado to the southwest corner of the SNWR; and an area south of the SNWR to include Polvadera mountain and Socorro mountain in a line directly south of the southwest corner of the SNWR to NM highway 60 and east on NM

highway 60 to interstate 25 and north on interstate 25 to the southeast corner of the SNWR and then west along the south border of the SNWR to the southwest corner of the SNWR, SNWR and New Mexico tech property 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; that portion of GMU subunit 16B west of the west fork of the Gila river and south of the Catron/Grant county line; all of GMU 22; 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.

[19.31.11.14 NMAC - N, 4-1-2007]

19.31.11.15 PROCEDURES FOR CONDUCTING COUGAR DEPREDATION CONTROL IN OCCUPIED BIGHORN SHEEP RANGES:

A. The department shall investigate all bighorn sheep deaths to determine if cougar depredation has occurred. To determine cougar depredation, a field examination and a standardized necropsy of the dead bighorn sheep shall be completed by a department employee or contractor.

B. Should it be determined that a depredation has occurred, the following procedures will be used.

(1) The department will make a written evaluation of the following: viability of the statewide bighorn population, review of long-term and recent data on the local population (or meta-population) review of data on recent predation, alternative management options such as habitat manipulation or transplants, feasibility of taking the offending animal(s), effects on the predator population, and feasibility of

having a positive effect on the local bighorn population.

(2) The wildlife management division and the appropriate area operations office will be contacted.

(3) A permit for the taking of each depredating cougar(s) will be issued to the local district wildlife officer. Physical possession of the permit is not required to initiate action.

(4) A decision to hound hunt or snare will be based on evidence at the kill site.

(5) If the bighorn sheep kill is fresh enough that the cougar may return or is likely to still be in the immediate area, the department will attempt to get a hound-hunter and/or trapper to begin hunting the cougar(s) the same day the bighorn carcass is discovered.

(6) The size of the hunted area will be determined from the sex and in some cases number of cougars (i.e. female with kittens) involved in the bighorn kill.

(7) Where possible, cougar feces shall be taken at the scene of the depredation and tissue samples from the cougar killed by the hunter(s) will be collected. Deoxyribonucleic acid (DNA) testing will be performed to determine if the scat and tissue samples are from the same cougar.

[19.31.11.15 NMAC - Rp, 19.30.6.9 NMAC, 4-1-2007]

19.31.11.16 DURATION OF DEPREDATION CONTROL PROGRAMS:

The duration of the special permit to take depredating cougars shall be for no more than six weeks from the onset to the end of the measures taken. An evaluation and justification for extension of the permit shall be written before measures will continue beyond 6 weeks.

[19.31.11.16 NMAC - Rp, 19.30.6.10 NMAC, 4-1-2007]

19.31.11.17 PROCEDURES FOR CONDUCTING PREVENTIVE COUGAR CONTROL IN BIGHORN SHEEP RANGES.

A. The New Mexico department of game and fish will conduct preventive cougar control within bighorn sheep ranges in the Manzano, Ladron, Peloncillo, Hatchet, Animas, Alamo Hueco, and San Andres mountains beginning October 1, 1999 through October 31, 2007. Bighorn sheep ranges include: Mesa Sarca and the entire Ladron mountains in game management unit 13 including the area along the Rio Salado west of the Sevilleta national wildlife refuge (SANWR) border to the Riley road to include the area 3 miles north of the Rio Salado and 1 mile south of the Rio Salado; a 2 mile wide area from the west boundary of the SNWR from the Rio

Salado to the southwest corner of the SNWR; and an area south of the SNWR to include Polvadera mountain and Socorro mountain in a line directly south of the southwest corner of the SNWR to NM highway 60 and east on NM highway 60 to interstate 25 and north on interstate 25 to the southeast corner of the SNWR and then west along the south border of the SNWR to the southwest corner of the SNWR, except that portion on the SNWR and except New Mexico tech property; that portion of the Manzano mountains in game management unit 14 from Comanche canyon south to US highway 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; all of the San Andres mountain range within unit 19; and all of units 26 and 27.

B. The total number of cougars removed per license year from any zone containing bighorn ranges will not exceed the sustainable mortality limit for that zone unless approved by the director pursuant to 19.31.11.8 NMAC.

C. The department will obtain the services of houndsmen or trappers either from the department's depredation list or through private contract.

D. A decision to hunt with hounds or to use snares will be made by department personnel.

E. All cougars taken for preventive control will be reported to the department.

F. An interim report on the first 2 years effective cougar control was completed by March 31, 2005. An evaluation of the effectiveness of preventive control of cougars in improving the condition of the bighorn sheep populations will be completed by March 31, 2008.

[19.31.11.17 NMAC - Rp, 19.30.6.11 NMAC, 4-1-2007]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 12 BARBARY SHEEP,
ORYX, AND PERSIAN IBEX**

19.31.12.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.12.1 NMAC - N, 4-1-2007]

19.31.12.2 SCOPE: Hunters of Barbary sheep, oryx, and Persian ibex. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30,

31, 32 and 33 of Title 19.

[19.31.12.2 NMAC - N, 4-1-2007]

19.31.12.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.

[19.31.12.3 NMAC - N, 4-1-2007]

19.31.12.4 DURATION: April 1, 2007 through March 31, 2009.

[19.31.12.4 NMAC - N, 4-1-2007]

19.31.12.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.

[19.31.12.5 NMAC - N, 4-1-2007]

19.31.12.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of Barbary sheep, oryx, and Persian ibex permits and licenses by the department.

[19.31.12.6 NMAC - N, 4-1-2007]

19.31.12.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take Barbary sheep, oryx, or Persian ibex.

C. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

D. "Broken-horned oryx" or "BHO" shall mean an oryx of either sex that possesses at least one horn missing at least 25% of its normal growth. This may be determined by comparing the broken horn's length to the remaining horn and/or where it is readily apparent the terminal end would not taper to a point for another 25% of growth.

E. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

F. "Department" shall mean the New Mexico department of game and fish.

G. "Director" shall mean the director of the New Mexico department of game and fish.

H. "ES or either sex"

shall mean any one animal of the species.

I. "F-IM or female or immature Persian ibex" shall mean a Persian ibex with horns less than 15 inches long.

J. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

K. "License" shall mean a valid official document that is issued or approved by the director that each person hunting Barbary sheep, oryx, or Persian ibex in New Mexico must have or obtain prior to hunting.

L. "License year" shall mean the period from April 1 through March 31.

M. "Male Persian ibex" shall mean any Persian ibex of the male gender.

N. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

O. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

P. "Premier" or "once-in-a-lifetime oryx" shall mean those special hunts, or licenses, that are restricted by rule or regulation to those persons that never held a license for an "once-in-a-lifetime" oryx hunt.

Q. "TBD" or "to be determined" shall mean the details of hunt dates and/or hunt areas will be provided by the department to the hunter when the designated hunt is initiated.

R. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

S. "Web sale" or "Web site" shall refer to accessing the department's Internet address.

T. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.12.7 NMAC - N, 4-1-2007]

19.31.12.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the

chairman or his designee, may adjust the number of licenses, permits, or authorizations, up or down by no more than 20% to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the specific hunt codes for Persian ibex. The director, at his discretion, may adjust the number of oryx licenses and hunt dates on White Sands missile range pending negotiations with White Sands missile range officials. Hunt dates may extend into future hunting seasons. The director may change or cancel all hunts on military lands to accommodate closures on those lands; provided the season length and bag limit shall remain the same as assigned on original hunt code.

[19.31.12.8 NMAC - N, 4-1-2007]

19.31.12.9 BARBARY SHEEP, ORYX, AND PERSIAN IBEX LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One license per Barbary sheep, oryx, or Persian ibex per year: It shall be unlawful for anyone to hold more than one permit or license for any Barbary sheep, oryx, or Persian ibex during a current license year unless otherwise allowed by rule. Multiple Persian ibex carcass tags are allowed to persons holding an official, valid license for the off-mountain Persian ibex hunt (IBX-1-528).

B. Valid dates of license or permit: All oryx and Persian ibex entry permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Over-the counter licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by rule or regulation.

C. Ibx once-in-a-lifetime: It shall be unlawful for anyone to apply for an once-in-a-lifetime ibex license if he/she ever held a once in a lifetime license to hunt ibex. Persian ibex hunts for youth, muzzle-loading rifles, bows, year-round off-mountain hunts, and hunts for female or immature (FIM) ibex, are not restricted to those persons that never held an once-in-a-lifetime Persian ibex hunting license.

D. Oryx once-in-a lifetime: It shall be unlawful, beginning April 1, 1993, for anyone to apply for a premier, or, once-in-a-lifetime, oryx license if he/she ever held an "once-in-a-lifetime" license to hunt oryx. Once-in-a-lifetime oryx hunts include all premier or trophy on-range, mobility impaired, and Iraq/Afghanistan veteran hunts. Hunts not once-in-a-lifetime include population reduction, WSMR security badged, broken-horned, youth, and incentive hunts. Anyone may apply for population reduction, youth, and incentive

hunts regardless if they held a license for an once-in-a-lifetime hunt, if they have met the other applicable requirements or restrictions. Broken-horned oryx hunts are not available to those who have held an once-in-a-lifetime oryx hunting license.

E. Mobility impaired (MI) oryx hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) oryx license, except as allowed by 19.31.3.11 NMAC.

F. Youth only (YO) oryx and Persian ibex hunts: It shall be unlawful for anyone to apply for youth only (YO) oryx or Persian ibex license except as allowed by 19.31.3.11 NMAC.

G. Military only Barbary sheep and oryx hunts: It shall be unlawful for anyone to apply for a military only Barbary sheep or oryx license, except as allowed by 19.31.3.11 NMAC.

H. Iraq/Afghanistan veterans hunts: It shall be unlawful for anyone to apply for an Iraq/Afghanistan veteran oryx license, except as allowed by 19.31.3.11 NMAC.
[19.31.12.9 NMAC - N, 4-1-2007]

19.31.12.10 BARBARY SHEEP, ORYX, AND PERSIAN IBEX MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Barbary sheep, oryx or Persian ibex may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one Barbary sheep, oryx or Persian ibex during a current license year unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of Barbary sheep, oryx, or Persian ibex shall be issued with a carcass tag bearing the name of the species.

(2) It shall be unlawful to possess more than one carcass tag per Barbary sheep, oryx or Persian ibex except as permitted by regulation. Multiple Persian ibex carcass tags are allowed to persons holding an official, valid license for the off-mountain Persian ibex hunt (IBX-1-528).

(3) It shall be unlawful for any licensee to fail to tag the Barbary sheep, oryx, or Persian ibex as prescribed below:

(a) Immediately after killing any Barbary sheep, oryx or Persian ibex the licensee killing the game shall notch the proper day and month of kill from the Barbary sheep, oryx or Persian ibex tag.

(b) The tag shall be attached to the carcass of Barbary sheep, oryx or Persian ibex and the tag shall remain attached to the carcass while the carcass is

in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A Barbary sheep, oryx or Persian ibex tag, when attached to the carcass of legally taken game, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of Barbary sheep, oryx or Persian ibex that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of any Persian ibex without proof of sex. The horns of any Persian ibex shall remain attached to the skull until arriving at a residence, taxidermist, meat processing facility, or place of final storage. The scalp and both ears of females or immature males of Persian ibex shall accompany the carcass in the same manner.

F. Proof of bag limit: It shall be unlawful for anyone to transport or possess the carcass of any oryx without proof of bag limit. The horns of any oryx taken shall remain attached to the skull until arriving at a residence, taxidermist, meat processing facility, or place of final storage.

G. Use of dogs in hunting: It shall be unlawful to use dogs to hunt any Barbary sheep, oryx or Persian ibex.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any Barbary sheep, oryx or Persian ibex by use of baits or scents as defined in Subsection P of 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any Barbary sheep, oryx or Persian ibex.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any Barbary sheep, oryx or Persian ibex.

K. Killing out-of-season: It shall be unlawful to kill any Barbary sheep, oryx or Persian ibex out of their respective hunting seasons.

L. Legal sporting arms for oryx are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than

.45 caliber; bows and arrows; and crossbows and bolts, (as designated by the director).

M. Legal sporting arms for Barbary sheep and Persian ibex are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles; bows and arrows; and crossbows and bolts, (as designated by the director).

N. Areas closed to hunting: the following areas shall remain closed to hunting Barbary sheep, oryx, and Persian ibex, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).
[19.31.12.10 NMAC - N, 4-1-2007]

19.31.12.11 BARBARY SHEEP HUNTING SEASONS: Barbary sheep hunts shall be as indicated below, listing the hunt date, hunt code, number of licenses, bag limit, and open GMUs or areas. The department shall issue military only Barbary sheep hunting licenses for McGregor range to full time military personnel providing a valid access authorization issued by Fort Bliss. These licenses will only be issued through department offices.

Please see table on page 1150

A. The 2007-2008 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
29, 31, 32, 33, 34, 36, 37.	02/01/2008	03/15/2008	BBY-1-001	unlimited	ES
30.	02/01/2008	02/29/2008	BBY-1-001	unlimited	ES
statewide, including water canyon WMA in GMU 9 and except GMUs 8, 13, 14, 16, 19 (WSMR and Fort Bliss portions), 22, 23, 24, 26, 27, 28, 29, 30 31, 32, 33, 34, 36, 37.	04/01/2007	03/31/2008	BBY-1-001	unlimited	ES
28 McGregor range, military only.	12/29/2007	12/30/2007	BBY-1-002	5	ES

B. The 2008-2009 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
29, 31, 32, 33, 34, 36, 37.	02/01/2009	03/15/2009	BBY-1-001	unlimited	ES
30.	02/01/2009	02/28/2009	BBY-1-001	unlimited	ES
statewide, including water canyon WMA in GMU 9 and except GMUs 8, 13, 14, 16, 19 (WSMR and Fort Bliss portions), 22, 23, 24, 26, 27, 28, 29, 30 31, 32, 33, 34, 36, 37.	04/01/2008	03/31/2009	BBY-1-001	unlimited	ES
28 McGregor range, military only	12/27/2008	12/28/2008	BBY-1-002	5	ES

C. Barbary sheep population reduction hunts. The hunt code for the population reduction hunts shall be BBY-1-500.

(1) The respective area chief may authorize population reduction hunts for Barbary sheep management when justified in writing by department personnel. The department shall enter into a written hunt agreement with the landowner or lessee to obtain permission for hunting Barbary sheep on the property.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses available for each private land population reduction hunt based on input from the district officer and the landowner.

(3) Any private landowner requesting the hunt may designate eligible hunter(s) of their choice to participate in the hunt. The prospective hunter will submit the authorization certificate, issued by the department, along with the correct license fee to the appropriate area office for a license.

[19.31.12.11 NMAC- Rp, 19.31.8.26 NMAC, 4-1-2007]

19.31.12.12 ORYX HUNTING SEASONS:

A. Oryx premier hunts for any legal weapon and shall be as indicated below, listing the open areas, hunt dates, hunt code, number of licenses and bag limit. Two persons may apply on one application. These hunts are restricted; only those who have never held an oryx once-in-lifetime license may apply. Only New Mexico residents returning from military service in Iraq or Afghanistan are eligible to apply for oryx hunts designated as "Iraq/Afghanistan vets". Proof of military service in Iraq or Afghanistan must accompany application or, if applying online, forwarded to the department by the application deadline date.

(1) The 2007-2008 hunt season.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
Rhodes canyon	08/25/2007	08/26/2007	ORX-1-100	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	08/25/2007	08/26/2007	ORX-1-101	5	ES
Rhodes canyon	10/13/2007	10/14/2007	ORX-1-102	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	10/13/2007	10/14/2007	ORX-1-103	5	ES
Rhodes canyon	12/15/2007	12/16/2007	ORX-1-104	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	12/15/2007	12/16/2007	ORX-1-105	5	ES
Rhodes canyon	02/02/2008	02/03/2008	ORX-1-106	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	02/02/2008	02/03/2008	ORX-1-107	5	ES
Rhodes canyon	03/01/2008	03/02/2008	ORX-1-108	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	03/01/2008	03/02/2008	ORX-1-109	5	ES
small missile range	09/29/2007	09/30/2007	ORX-1-110	50	ES
small missile range (Iraq/Afghanistan vets)	09/29/2007	09/30/2007	ORX-1-111	5	ES
small missile range	01/05/2008	01/06/2008	ORX-1-112	50	ES
small missile range (Iraq/Afghanistan vets)	01/05/2008	01/06/2008	ORX-1-113	5	ES
stallion range	08/18/2007	08/19/2007	ORX-1-114	90	ES
stallion range (Iraq/ Afghanistan vets)	08/18/2007	08/19/2007	ORX-1-115	5	ES
stallion range	11/17/2007	11/18/2007	ORX-1-116	90	ES
stallion range (Iraq/Afghanistan vets)	11/17/2007	11/18/2007	ORX-1-117	5	ES
stallion range	01/19/2008	01/20/2008	ORX-1-118	90	ES
stallion range (Iraq/Afghanistan vets)	01/19/2008	01/20/2008	ORX-1-119	5	ES
stallion range	02/16/2008	02/17/2008	ORX-1-120	90	ES
stallion range (Iraq/Afghanistan vets)	02/16/2008	02/17/2008	ORX-1-121	5	ES
stallion range	03/22/2008	03/23/2008	ORX-1-122	90	ES
stallion range (Iraq/Afghanistan vets)	03/22/2008	03/23/2008	ORX-1-123	5	ES
MI	TBD	TBD	ORX-1-124	15	ES

(2) The 2008-2009 hunt season.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
Rhodes canyon	08/23/2008	08/24/2008	ORX-1-100	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	08/23/2008	08/24/2008	ORX-1-101	5	ES
Rhodes canyon	10/11/2008	10/12/2008	ORX-1-102	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	10/11/2008	10/12/2008	ORX-1-103	5	ES
Rhodes canyon	12/13/2008	12/14/2008	ORX-1-104	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	12/13/2008	12/14/2008	ORX-1-105	5	ES
Rhodes canyon	01/31/2009	02/01/2009	ORX-1-106	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	01/31/2009	02/01/2009	ORX-1-107	5	ES
Rhodes canyon	02/28/2009	03/01/2009	ORX-1-108	90	ES
Rhodes canyon (Iraq/Afghanistan vets)	02/28/2009	03/01/2009	ORX-1-109	5	ES
small missile range	09/27/2008	09/28/2008	ORX-1-110	50	ES
small missile range (Iraq/Afghanistan vets)	09/27/2008	09/28/2008	ORX-1-111	5	ES
small missile range	01/03/2009	01/04/2009	ORX-1-112	50	ES
small missile range (Iraq/Afghanistan vets)	01/03/2009	01/04/2009	ORX-1-113	5	ES
stallion range	08/16/2008	08/17/2008	ORX-1-114	90	ES
stallion range (Iraq/Afghanistan vets)	08/16/2008	08/17/2008	ORX-1-115	5	ES
stallion range	11/15/2008	11/16/2008	ORX-1-116	90	ES
stallion range (Iraq/Afghanistan vets)	11/15/2008	11/16/2008	ORX-1-117	5	ES
stallion range	01/17/2009	01/18/2009	ORX-1-118	90	ES
stallion range (Iraq/Afghanistan vets)	01/17/2009	01/18/2009	ORX-1-119	5	ES
stallion range	02/14/2009	02/15/2009	ORX-1-120	90	ES
stallion range (Iraq/Afghanistan vets)	02/14/2009	02/15/2009	ORX-1-121	5	ES
stallion range	03/21/2009	03/22/2009	ORX-1-122	90	ES
stallion range (Iraq/Afghanistan vets)	03/21/2009	03/22/2009	ORX-1-123	5	ES
MI	TBD	TBD	ORX-1-124	15	ES

B. Oryx restricted on-range hunts, shall be as indicated below or as specific dates and hunt areas are determined by the department. The following hunts have restrictions that must be met prior to application. These hunts are not once-in-a-lifetime oryx hunts. Oryx WSMR security-badged hunts are available only to personnel with official valid security badges, or their guests, in accordance with White Sands missile range provisions. Broken-horned licenses are available only to those persons who have never held an once-in-a-lifetime oryx license. Youth hunters must provide hunter education certificate number on application.

(1) The 2007-2008 hunt season.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
WSMR security badged: TBD	05/01/2007	05/31/2007	ORX-1-130	40	ES
WSMR security badged: TBD	08/01/2007	08/31/2007	ORX-1-131	40	ES
WSMR security badged: TBD	09/01/2007	09/30/2007	ORX-1-132	40	ES
WSMR security badged: TBD	10/01/2007	10/31/2007	ORX-1-133	40	ES
WSMR security badged: TBD	11/01/2007	11/30/2007	ORX-1-134	40	ES
WSMR security badged: TBD	01/01/2008	01/31/2008	ORX-1-135	40	ES
WSMR security badged: TBD	02/01/2008	02/29/2008	ORX-1-136	40	ES
WSMR security badged: TBD	03/01/2008	03/31/2008	ORX-1-137	40	ES
stallion range, YO	09/15/2007	09/16/2007	ORX-1-138	20	ES
Rhodes canyon	08/25/2007	08/26/2007	ORX-1-139	15	BHO
Rhodes canyon	10/13/2007	10/14/2007	ORX-1-140	15	BHO
Rhodes canyon	12/15/2007	12/16/2007	ORX-1-141	15	BHO
Rhodes canyon	02/02/2008	02/03/2008	ORX-1-142	15	BHO
Rhodes canyon	03/01/2008	03/02/2008	ORX-1-143	15	BHO
small missile range	09/29/2007	09/30/2007	ORX-1-144	15	BHO
small missile range	01/05/2008	01/06/2008	ORX-1-145	15	BHO
stallion range	08/18/2007	08/19/2007	ORX-1-146	15	BHO
stallion range	11/17/2007	11/18/2007	ORX-1-147	15	BHO
stallion range	01/19/2008	01/20/2008	ORX-1-148	15	BHO
stallion range	02/16/2008	02/17/2008	ORX-1-149	15	BHO
stallion range	03/22/2008	03/23/2008	ORX-1-150	15	BHO

(2) The 2008-2009 hunt season.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
WSMR security badged: TBD	05/01/2008	05/31/2008	ORX-1-130	40	ES
WSMR security badged: TBD	08/01/2008	08/31/2008	ORX-1-131	40	ES
WSMR security badged: TBD	09/01/2008	09/30/2008	ORX-1-132	40	ES
WSMR security badged: TBD	10/01/2008	10/31/2008	ORX-1-133	40	ES
WSMR security badged: TBD	11/01/2008	11/30/2008	ORX-1-134	40	ES
WSMR security badged: TBD	01/01/2009	01/31/2009	ORX-1-135	40	ES
WSMR security badged: TBD	02/01/2009	02/28/2009	ORX-1-136	40	ES
WSMR security badged: TBD	03/01/2009	03/31/2009	ORX-1-137	40	ES
stallion range, YO	09/13/2008	09/14/2008	ORX-1-138	20	ES
Rhodes canyon	08/23/2008	08/24/2008	ORX-1-139	15	BHO
Rhodes canyon	10/11/2008	10/12/2008	ORX-1-140	15	BHO
Rhodes canyon	12/13/2008	12/14/2008	ORX-1-141	15	BHO
Rhodes canyon	01/31/2009	02/01/2009	ORX-1-142	15	BHO
Rhodes canyon	02/28/2009	03/01/2009	ORX-1-143	15	BHO
small missile range	09/27/2008	09/28/2008	ORX-1-144	15	BHO
small missile range	01/03/2009	01/04/2009	ORX-1-145	15	BHO
stallion range	08/16/2008	08/17/2008	ORX-1-146	15	BHO
stallion range	11/15/2008	11/16/2008	ORX-1-147	15	BHO
stallion range	01/17/2009	01/18/2009	ORX-1-148	15	BHO
stallion range	02/14/2009	02/15/2009	ORX-1-149	15	BHO
stallion range	03/21/2009	03/22/2009	ORX-1-150	15	BHO

C. **Oryx off-range hunts shall be as indicated below or as specific dates and hunt areas are determined by the department:** The off-range hunt areas open are public lands statewide, open to hunting, and private lands with written permission. Closed areas include public lands closed to hunting and private land without permission.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
statewide, off-range	04/01	04/30	ORX-5-550	60	ES
statewide, off-range	05/01	05/31	ORX-5-551	60	ES
statewide, off-range	06/01	06/30	ORX-5-552	60	ES
statewide, off-range	07/01	07/31	ORX-5-553	60	ES
statewide, off-range	08/01	08/31	ORX-5-554	60	ES
statewide, off-range	09/01	09/30	ORX-5-555	60	ES
statewide, off-range	10/01	10/31	ORX-5-556	60	ES
statewide, off-range	11/01	11/30	ORX-5-557	60	ES
statewide, off-range	12/01	12/31	ORX-5-558	60	ES
statewide, off-range	01/01	01/31	ORX-5-559	60	ES
statewide, off-range	02/01/2008 and 02/01/2009	02/29/2008 and 02/28/2009	ORX-5-560	60	ES
statewide, off-range	03/01	03/31	ORX-5-561	60	ES

D. **Oryx population reduction hunts:** The respective area chief may authorize population reduction hunts for oryx when justified in writing by department personnel. The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses. No qualifying license holder shall take more than one animal of each species per license year. The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license after notification by telephone. Applications will only be accepted at the Santa Fe office on the special hunt application form provided by the department. Applications shall be received by the department up to 5:00 P.M. on the first Saturday in February. Applications postmarked by the deadline date, will be accepted up to five working days after the deadline. Applications of licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form, or do not supply adequate information. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt. Not more than one person may apply under each application. The population reduction hunts for oryx shall be as indicated below or as specific dates and hunt areas are determined by the department. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. The oryx population reduction hunt ORX-5-511 is restricted to Fort Bliss military personnel only. Proof of assignment to Fort Bliss must accompany application or, if applying online, forwarded to the department by the application deadline.

(1) The 2007-2008 hunt season.

open area	hunt start	hunt end	hunt code	licenses	bag limit
standard reduction hunt, TBD	TBD	TBD	ORX-5-510	250	ES
Fort Bliss (west of U.S. highway 54) reduction hunt, TBD	TBD	TBD	ORX-5-511	30	ES
McGregor range	01/12/2008	01/13/2008	ORX-5-512	25	ES
McGregor range, military only	01/12/2008	01/13/2008	ORX-5-513	25	ES
McGregor range	02/09/2008	02/10/2008	ORX-5-514	25	ES
McGregor range, military only	02/09/2008	02/10/2008	ORX-5-515	25	ES

(2) The 2008-2009 hunt season.

open areas	hunt start	hunt end	hunt code	licenses	bag limit
standard reduction hunt, TBD	TBD	TBD	ORX-5-510	250	ES
Fort Bliss (west of U.S. Highway 54) reduction hunt, TBD	TBD	TBD	ORX-5-511	30	ES
McGregor range	01/10/2009	01/11/2009	ORX-5-512	25	ES
McGregor range, military only	01/10/2009	01/11/2009	ORX-5-513	25	ES
McGregor range	02/14/2009	02/15/2009	ORX-5-514	25	ES
McGregor range, military only	02/14/2009	02/15/2009	ORX-5-515	25	ES

E. Private land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for oryx management when justified in writing by department personnel. The department shall enter into a written hunt agreement with the landowner or lessee to obtain permission for hunting oryx on the property.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses available for each private land population reduction hunt based on input from the district officer and the landowner.

(3) Any private landowner requesting the hunt may designate eligible hunter(s) of their choice to participate in the hunt. The prospective hunter will submit the authorization certificate, issued by the department, along with the correct license fee to the appropriate area office for a license.

F. **Oryx incentive authorizations.** The director may annually allow up to two (2) oryx authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates to purchase the license may be used either by the applicant or any individual of the selected applicant's choice and may be transferred through sale, barter, or gift. Oryx incentive hunts shall be any one (1) premier oryx season (excluding population reduction hunts) of the hunter's choice. Bag limit shall be either sex with the legal sporting arms and hunt area of the selected hunt.

[19.31.12.12 NMAC - Rp, 19.31.8.18 & 29 NMAC, 4-1-2007]

19.31.12.13 PERSIAN IBEX HUNTING SEASONS: Persian ibex hunts shall be as indicated below, listing the open GMUs or areas, hunt dates, hunt code, number of available licenses and bag limit. The IBX-1-525 hunt is restricted to only those who have never held an ibex once-in-lifetime license. Youth, muzzle-loading rifle, bow, year-long off-mountain, and female/immature (FIM) ibex hunts are not restricted; anyone may apply, regardless if they have ever held an ibex once-in-a-lifetime license. Holders of the off-mountain license (IBX-1-528) may apply for any Florida mountain ibex hunt (IBX-1-500, IBX-1-520, IBX-1-525, IBX-2-535, or IBX-3-540) unless otherwise restricted by rule. The off-mountain (IBX-1-528) license holders need only submit the \$6.00 application fee and their license number along with their application. Any valid Persian ibex license shall be valid during the off-mountain (IBX-1-528) hunts. Holders of an off-mountain (IBX-1-528) license have an unlimited number of tags available upon request at any department office. Hunt codes for Persian ibex hunts allowing the "any legal weapon" type shall be designated IBX-1. Hunt codes for Persian ibex hunts allowing the "bow only" weapon type shall be designated as IBX-2. Hunt codes for Persian ibex hunts allowing the "muzzle loading rifles or bow" weapon type shall be designated as IBX-3. The Florida mountain hunt is that portion of GMU 25 bounded by interstate 10 on the north, U.S.-Mexico border on the south, NM 11 on the west and the Dona Ana-Luna county line on the east. Youth hunters must provide hunter education certificate number on application.

A. The 2007-2008 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
Florida mountains, YO	09/29/2007	10/07/2007	IBX-1-500	15	ES
Florida mountains	10/13/2007	10/21/2007	IBX-1-520	25	F-IM
Florida mountains, restricted as a once in a lifetime ibex hunt	12/01/2007	12/16/2007	IBX-1-525	15	ES
off-mountain: 20, 21, 23, 24, 25 (except Florida mountain hunt area), 26 (including Big Hatchet WMA), 27	04/01/2007	03/31/2008	IBX-1-528	unlimited	ES
Florida mountains	01/01/2008	01/15/2008	IBX-2-535	100	ES
Florida mountains	02/16/2008	02/24/2008	IBX-3-540	20	ES

B. The 2008-2009 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
Florida mountains, YO	09/27/2008	10/05/2008	IBX-1-500	15	ES
Florida mountains	10/11/2008	10/19/2008	IBX-1-520	25	F-IM
Florida mountains, restricted as a once in a lifetime ibex hunt	11/29/2008	12/14/2008	IBX-1-525	15	ES
off-mountain: 20, 21, 23, 24, 25 (except Florida mountain hunt area), 26 (including Big Hatchet WMA), 27	04/01/2008	03/31/2009	IBX-1-528	unlimited	ES
Florida mountains	01/01/2009	01/15/2009	IBX-2-535	100	ES
Florida mountains	02/14/2009	02/22/2009	IBX-3-540	20	ES

[19.31.12.13 NMAC - Rp, 19.31.8.19 & 30 NMAC, 4-1-2007]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 13 DEER

19.31.13.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.13.1 NMAC - N, 4-1-2007]

19.31.13.2 SCOPE: Hunters of deer: Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.

[19.31.13.2 NMAC - N, 4-1-2007]

19.31.13.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.

[19.31.13.3 NMAC - N, 4-1-2007]

19.31.13.4 DURATION: April 1, 2007 through March 31, 2009.

[19.31.13.4 NMAC - N, 4-1-2007]

19.31.13.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.

[19.31.13.5 NMAC - N, 4-1-2007]

19.31.13.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of deer permits and licenses by the department.

[19.31.13.6 NMAC - N, 4-1-2007]

19.31.13.7 DEFINITIONS:

- A. "Arrows"** shall mean only those arrows or bolts having broadheads with steel cutting edges.
- B. "Baiting"** shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take deer.
- C. "Bow"** shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.
- D. "Crossbows"** shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.
- E. "Deer"** shall mean all or any deer species found in New Mexico.
- F. "Deer license"** shall mean a valid official document that is issued or approved by the Director that each person hunting deer in New Mexico must have or obtain prior to hunting.
- G. "Deer enhancement program"** as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one buck deer per permit with the purpose of raising funds for programs and projects to benefit deer.
- H. "Department"** shall mean the New Mexico department of game and fish.
- I. "Director"** shall mean the director of the New Mexico department of game and fish.
- J. "ES or either sex"** shall mean any one animal of the species.
- K. "FAD or forked antlered deer"** shall mean a deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.
- L. "FAMD or forked antlered mule deer"** shall mean a mule deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.
- M. "FAWTD or forked antlered white-tailed deer"** shall mean a white-tailed deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.
- N. "Game management unit" or "GMU"** shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

O. "High demand hunt" is hereby defined as a special draw hunt where the total number of non-resident applicants for a deer hunt in each unit exceeds twenty-two percent of the total applicants based on data for the two immediately preceding years.

P. "License year" shall mean the period from April 1 through March 31.

Q. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

R. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

S. "Private land-only deer permit" shall mean the valid official document containing a carcass tag and harvest reporting instructions for hunting deer on private deeded land during designated private land-only hunts. This permit shall entitle the holder of a deer license to hunt deer only on private deeded land and only for the sporting arms type, hunt period, and GMU for which it is validated.

T. "Public draw permit" shall mean the valid official document containing a carcass tag and harvest reporting instructions awarded through a public drawing for hunting deer. This valid official permit shall entitle the holder of a deer license to hunt where hunter numbers are limited by rule.

U. "Quality hunt" is hereby defined as a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: a potential harvest from a wider selection of buck deer, a pleasurable experience based on timing and length of hunt season, lower hunter density, and an increased opportunity for success.

V. "Restricted muzzle-loading rifle" shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a traditional lead bullet. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots, including powerbelt-type projectiles, are prohibited.

W. "TBD or to be determined" shall mean the details of hunt dates and/or hunt areas will be provided by the department to the hunter when the designated population reduction hunt is initiated.

X. "Unlimited" shall

mean there is no set limit on the number of permits or licenses established for the described hunt areas.

Y. "Web sale" or "Web site" shall refer to accessing the department's Internet address.

Z. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.13.7 NMAC - N, 4-1-2007]

19.31.13.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, or authorization certificates up or down by no more than 20 percent of the total permits available in the GMU to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the specific hunt codes for deer.

[19.31.13.8 NMAC - N, 4-1-2007]

19.31.13.9 DEER LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. Hunt code validations: Whenever a license vendor issues a private land-only deer permit, the vendor shall record the hunter's selected DER hunt code on the permit. Valid DER hunt codes are listed in Subsections A through D of 19.31.13.15 NMAC on the permit. Vendors shall not validate private land-only deer permits with hunt codes for deer hunts on wildlife management areas. For GMUs that are private land-only, valid hunt codes are listed in Subsection E of 19.31.13.15 NMAC.

B. Change of validation: No one other than a department representative may change the hunt code validation marked on any deer permit. Such changes must be made on the face of the permit using the directors approved procedures. No changes in the hunt code may be made after the start of the first deer season for which the permit is validated. Permits issued through the draw system are not eligible for validation changes.

C. One deer permit or license per year: It shall be unlawful for anyone to hold more than one permit or license to hunt deer during the current license year unless otherwise specifically allowed by rule.

D. Valid dates of license or permit: All deer entry permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit,

license, or carcass tag. Over-the counter licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by rule or regulation. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU that is open to hunting for deer, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

E. Deer hunts: It shall be unlawful for any person:

(1) To hunt with any sporting arms type other than that for which his/her deer permit is validated;

(2) To hunt during any season other than that for which his/her deer permit is validated;

(3) To hunt in any GMU other than that for which his/her deer permit is validated;

(4) To hunt deer on public land in any GMU with a private land-only deer permit, except in conjunction with this subsection, if it is on state land where there is a valid agreement for unitizing state leased and privately owned or leased lands;

(5) To hunt private property without possessing a valid deer permit, the proper deer license and written permission; or

(6) To hunt with any license or permit issued originally to another person, except as specifically allowed by rule or law.

F. Mobility impaired (MI) deer hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) deer permit, except as allowed by 19.31.3.11 NMAC.

G. Youth only (YO) deer hunts: It shall be unlawful for anyone to apply for youth only (YO) deer permit except as allowed by 19.31.3.11 NMAC.

H. Military only deer hunts: It shall be unlawful for anyone to apply for a military only deer permit, except as allowed by 19.31.3.11 NMAC.

I. GMU 4 and 5A private land only hunts: Deer hunt applicants in GMUs 4 and 5A must obtain a special application from landowner. GMU 4 and 5A landowners may be required to provide proof of land ownership to obtain special application forms from the department's northwest area office in Albuquerque.

J. GMU 2A, 2B and 2C private land only hunts: Deer hunters desiring to obtain private land-only deer permits in GMUs 2A, 2B and 2C must first obtain a special application from the landowner. GMU 2A, 2B and 2C landowners may be required to provide proof of land

ownership to obtain special application forms from the department's northwest area office in Albuquerque. Private land only hunters in GMUs 2A, 2B and 2C are restricted to that deeded property for which they received the special application form. [19.31.13.9 NMAC - N, 4-1-2007]

19.31.13.10 DEER MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours:

Deer may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit:

It is unlawful for any person to hunt for or take more than one deer during a current license year unless otherwise provided by regulation.

C. Tagging:

(1) Any permit that permits the taking of deer shall be issued with a deer carcass tag.

(2) It shall be unlawful to possess more than one deer carcass tag per year, except as specifically permitted by rule.

(3) It shall be unlawful for any licensee to fail to tag the deer as prescribed below:

(a) Immediately after killing any deer; the licensee killing the deer shall notch the proper day and month of kill from the deer tag.

(b) The tag shall be attached to the deer carcass and remain attached while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A deer tag, when attached to the carcass of legally taken deer, shall authorize possession and storage for the period designated on the tag.

D. Seizure:

Any conservation officer or other officer authorized to enforce game laws and regulations shall seize any deer carcasses that are improperly tagged.

E. Proof of sex:

It shall be unlawful for anyone to transport or possess the carcass of a deer without proof of sex. The antlers of any buck deer taken shall remain attached to the skull plate until arriving at a residence, taxidermist, meat processing place, or place of final storage. The scalp and both ears of female or immature male shall accompany the carcass in the same manner.

F. Use of dogs in hunting:

It shall be unlawful to use dogs to hunt deer, except leashed dogs may be used to

locate wounded or dead deer. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

G. Use of baits or scents:

It shall be unlawful for anyone to take or attempt to take any deer by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

H. Live animals:

It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any deer.

I. Use of calling devices:

It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any deer.

J. Killing out-of-season:

It shall be unlawful to kill any deer out of deer hunting season.

K. Bullets:

It shall be unlawful to take or attempt to take deer by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking deer.

L. Drugs and explosives:

It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

M. Legal sporting arms

for deer are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles; bows and arrows; and crossbows and bolts (as designated by the director).

N. Areas closed to deer

hunting: The following areas shall remain closed to deer hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.13.10 NMAC - N, 4-1-2007]

19.31.13.11 DEER CHRONIC WASTING DISEASE CONTROL:

The director has the authority to designate possession criteria to any deer hunter where chronic wasting disease is a concern. It shall be unlawful to transport dead deer, or their parts, taken from any game management unit or area identified by the director in which the presence of, or possibility of, exposure to chronic wasting disease has been identified, to any location outside that game management unit except for the following parts of deer:

A. meat that is cut and

wrapped (either commercially or privately);

B. quarters or other portions of meat with no part of the spinal col-

umn or head attached;

C. meat that has been boned out;

D. hides with no heads attached;

E. clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least 1 part chlorine bleach and 2 parts water with no meat or tissue attached;

F. antlers with no meat or tissue attached;

G. upper canine teeth, also known as "buglers," "whistlers," or "ivories;"

H. finished taxidermied heads.

[19.31.13.11 NMAC - N, 4-1-2007]

19.31.13.12 DEER QUALITY HUNTS:

Quality hunts for deer are as follows:

A. All hunts in game management sub-unit 2C.

B. The third center fire rifle hunt in sub-unit 2B

C. All hunts in game management unit 17.

D. All hunts in game management sub-unit 5B.

E. All hunts in the Burro mountains hunt area of the Gila national forest in game management unit 23.

F. All hunts in game management unit 27.

G. All hunts in game management unit 33.

H. All January bow hunts.

I. All December and January private land deer conservation incentive hunts.

[19.31.13.12 NMAC - N, 4-1-2007]

19.31.13.13 SPECIAL DEER HUNTING OPPORTUNITIES:

A. Deer habitat enhancement program:

(1) **Program description:** The director of the department shall collect all proceeds generated through the auction and lottery of special deer permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit deer and for direct costs appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of deer. Deer enhancement licenses or permits shall be valid from September 1 through January 31, for any legal sporting arms, for each license year. These licenses or permits shall be valid statewide where hunting is allowed, including private land with prior written permission. Bag limit shall be one buck deer. The hunt code shall be DER-1-400. Licenses or

permits may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

(2) Requirements for issuance of special deer permits:

(a) The state game commission shall authorize the director of the department to issue not more than two special deer permits in any one license year to take one buck deer per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing for the holder of a lottery ticket by the department or by an incorporated, nonprofit organization dedicated to the conservation of deer.

(b) Proposals for auctioning one special deer permit and the sale of lottery tickets to obtain one special deer permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally use.

(c) The proposals for auctioning special deer permit and the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (i) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (ii) the estimated amount of money to be raised and the rationale for that estimate; and (iii) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

(d) The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organization's previous involvement with deer management and its conservation objectives. The director may accept any proposals when it is in the best interest of deer to do so.

(e) After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

(f) The marketing organization must agree in writing to the following: (a) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (b) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special deer permits are issued.

(g) The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

(h) Unless his/her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special deer lottery permit.

(i) The special deer permits issued through auction and lottery may be transferred through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

(j) Special deer permits granted through auction and/or lottery, as described above, shall not be considered a 'once-in-a-lifetime' permits.

B. Deer incentive programs.

(1) Internet harvest reporting incentive. The director may annually allow up to two (2) deer authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates awarded pursuant to this rule may be transferred through sale, barter, or gift. Deer incentive hunts shall be valid only for the dates, legal sporting arms, bag limit, and area specified by the director.

(2) Private land deer conservation incentive program: Private landowners who are conducting significant habitat and management improvements on their deeded lands that significantly benefit deer may submit a deer conservation and management report, subject to review and approval by the department. Upon department approval of the report, the department may offer the landowner various incentives based on the degree of benefit to deer. The incentives may include extended or additional season dates, alternate bag limits, and "no more than two rut period" hunts. The hunt code for any unique hunt season approved pursuant to this program shall be DER-1-600. [19.31.13.13 NMAC - N, 4-1-2007]

19.31.13.14 DEER POPULATION REDUCTION HUNTS:

A. Public land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for deer, when justified in writing by department personnel.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses or permits. No qualifying licenses or permits holder shall take more than one deer per license year.

(3) The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the licenses or permits after notification by telephone.

(4) Applications will only be accepted at the Santa Fe office on the special hunt application form provided by the department. Applications shall be received by the department up to 5:00 P.M. on the first Saturday in February. Applications postmarked by the deadline date, will be accepted up to five working days after the deadline.

(5) Applications for licenses or permits may be rejected, and fees returned to an applicant, if such applications are not on the proper form, or do not supply adequate information.

(6) In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

(7) Not more than one person may apply under each application.

(8) An applicant shall be restricted to one administrative area of the state (NE, NW, SE, SW).

(9) The population reduction hunts for deer shall be as indicated below or as specific dates and hunt areas are determined (TBD) by the department.

species	open area	hunt start	hunt end	hunt code	licenses	bag limit
deer	northwest area	TBD	TBD	DER-5-060	TBD	TBD
deer	northeast area	TBD	TBD	DER-5-061	TBD	TBD
deer	southwest area	TBD	TBD	DER-5-062	TBD	TBD
deer	southeast area	TBD	TBD	DER-5-063	TBD	TBD

B. Private land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for deer management when justified in writing by department personnel. The department shall enter into a written hunt agreement with the landowner or lessee to obtain permission for hunting deer on the property.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses or permits available for each private land population reduction hunt based on input from the district officer and the landowner.

(3) Any private landowner requesting the hunt may designate eligible hunter(s) of their choice to participate in the hunt. The prospective hunter will submit the authorization certificate, issued by the department, along with the correct license fee to the appropriate area office for a license or permit.

[19.31.13.14 NMAC - Rp, 19.31.8.8 NMAC, 4-1-2007]

19.31.13.15 DEER HUNTS:

A. Public land (and private lands in GMUs 2A, 2B, 2C, 4 and 5A) deer hunts for any legal sporting arms, listing the open GMUs or areas, hunt dates, hunt code, number of permits and bag limit shall be as indicated below. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. Youth hunters must provide hunter education certificate number on application.

(1) 2007 -2008 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A, YO	10/27/2007	10/31/2007	DER-1-100	50	FAD
2A	11/03/2007	11/07/2007	DER-1-101	200	FAD
2A private land only	11/03/2007	11/07/2007	DER-1-102	55	FAD
2B, YO	10/20/2007	10/24/2007	DER-1-103	150	FAD
2B	10/27/2007	10/31/2007	DER-1-104	300	FAD
2B private land only	10/27/2007	10/31/2007	DER-1-105	25	FAD
2B	11/03/2007	11/07/2007	DER-1-106	390	FAD
2B private land only	11/03/2007	11/07/2007	DER-1-107	25	FAD
2B	11/10/2007	11/14/2007	DER-1-108	465	FAD
2B private land only	11/10/2007	11/14/2007	DER-1-109	75	FAD
2C	11/17/2007	11/21/2007	DER-1-110	50	FAD
2C private land only	11/17/2007	11/21/2007	DER-1-111	12	FAD
4 Humphries/Rio Chama WMAs	10/20/2007	10/24/2007	DER-1-112	20	FAD
4 Humphries/Rio Chama WMAs, YO	10/20/2007	10/24/2007	DER-1-113	5	FAD
4 Humphries/Rio Chama WMAs	10/27/2007	10/31/2007	DER-1-114	20	FAD
4 Humphries/Rio Chama WMAs, YO	11/21/2007	11/25/2007	DER-1-115	5	FAD
4 private land only	10/20/2007	10/24/2007	DER-1-116	175	FAD
4 private land only	10/27/2007	10/31/2007	DER-1-117	175	FAD
5A public land only	11/06/2007	11/12/2007	DER-1-118	30	FAD
5A private land only	11/06/2007	11/12/2007	DER-1-119	220	FAD
5B	11/10/2007	11/14/2007	DER-1-120	15	FAD
5B, YO	11/21/2007	11/25/2007	DER-1-121	5	FAD
6A and 6C, MI	10/20/2007	10/24/2007	DER-1-122	20	FAD
6A and 6C	11/10/2007	11/14/2007	DER-1-123	100	FAD
7	10/20/2007	10/24/2007	DER-1-124	25	FAD
9 (including Water canyon and Marquez WMAs)	11/10/2007	11/14/2007	DER-1-125	10	FAD
9 (including Water canyon and Marquez WMAs), YO	11/10/2007	11/14/2007	DER-1-126	10	FAD
10, MI	10/20/2007	10/24/2007	DER-1-127	20	FAD
10	10/20/2007	10/24/2007	DER-1-128	70	FAD
10	10/27/2007	10/31/2007	DER-1-129	65	FAD
10	11/03/2007	11/07/2007	DER-1-130	90	FAD
10 (4 day Thanksgiving holiday and following two weekends only), YO.	11/22/2007 12/01/2007 12/08/2007	11/25/2007 12/02/2007 12/09/2007	DER-1-131	25	FAD

12	11/03/2007	11/07/2007	DER-1-132	200	FAD
13, YO	09/29/2007	10/03/2007	DER-1-133	50	FAD
13	11/03/2007	11/07/2007	DER-1-134	500	FAD
13	11/10/2007	11/14/2007	DER-1-135	500	FAD
14 (bows only on Sandia ranger district of the Cibola national forest)	10/27/2007	10/31/2007	DER-1-136	25	FAD
16, YO	09/29/2007	10/03/2007	DER-1-137	50	FAD
16, MI	11/03/2007	11/07/2007	DER-1-138	25	FAD
16	11/03/2007	11/07/2007	DER-1-139	300	FAD
16	11/10/2007	11/14/2007	DER-1-140	300	FAD
17	11/03/2007	11/07/2007	DER-1-141	150	FAD
17	11/10/2007	11/14/2007	DER-1-142	150	FAD
17(4 day Thanksgiving holiday and following two weeks only), YO	11/22/2007 12/01/2007 12/08/2007	11/25/2007 12/02/2007 12/09/2007	DER-1-143	50	FAD
18	11/03/2007	11/07/2007	DER-1-144	100	FAD
18	11/10/2007	11/14/2007	DER-1-145	100	FAD
20	11/03/2007	11/07/2007	DER-1-146	200	FAD
20	11/10/2007	11/14/2007	DER-1-147	200	FAD
21, YO	09/29/2007	10/03/2007	DER-1-148	50	FAD
21	11/03/2007	11/07/2007	DER-1-149	700	FAD
21	11/10/2007	11/14/2007	DER-1-150	750	FAD
22	11/03/2007	11/07/2007	DER-1-151	100	FAD
22	11/10/2007	11/14/2007	DER-1-152	100	FAD
23 (except the Burro mountains hunt area)	11/03/2007	11/07/2007	DER-1-153	475	FAMD
23 (except the Burro mountains hunt area)	11/03/2007	11/07/2007	DER-1-154	50	FAWTD
23 (except the Burro mountains hunt area)	11/10/2007	11/14/2007	DER-1-155	400	FAMD
23 (except the Burro mountains hunt area)	11/10/2007	11/14/2007	DER-1-156	50	FAWTD
23 Burro mountains hunt area	11/17/2007	11/21/2007	DER-1-157	25	FAMD
23 Burro mountains hunt area	11/17/2007	11/21/2007	DER-1-158	25	FAWTD
23 Burro mountain hunt area, (4 day Thanksgiving holiday and following two weekends only), YO.	11/22/2007 12/01/2007 12/08/2007	11/25/2007 12/02/2007 12/09/2007	DER-1-159	25	FAD
24	11/03/2007	11/07/2007	DER-1-160	375	FAMD
24	11/03/2007	11/07/2007	DER-1-161	50	FAWTD
24	11/10/2007	11/14/2007	DER-1-162	200	FAMD
24	11/10/2007	11/14/2007	DER-1-163	50	FAWTD
25	11/03/2007	11/07/2007	DER-1-164	75	FAD
25	11/10/2007	11/14/2007	DER-1-165	75	FAD
26	11/03/2007	11/07/2007	DER-1-166	75	FAD
26	11/10/2007	11/14/2007	DER-1-167	75	FAD
27	11/10/2007	11/14/2007	DER-1-168	25	FAMD
27	11/10/2007	11/14/2007	DER-1-169	25	FAWTD
28 McGregor range	10/13/2007	10/14/2007	DER-1-170	10	FAD
28 McGregor range, military only	10/13/2007	10/14/2007	DER-1-171	10	FAD
29	10/27/2007	10/31/2007	DER-1-172	150	FAD
29	11/10/2007	11/14/2007	DER-1-173	150	FAD
30	10/27/2007	10/31/2007	DER-1-174	1000	FAD
30	11/10/2007	11/14/2007	DER-1-175	1500	FAD
31	11/03/2007	11/07/2007	DER-1-176	400	FAD
31	11/17/2007	11/21/2007	DER-1-177	400	FAD
32	11/03/2007	11/07/2007	DER-1-178	600	FAD
32	11/17/2007	11/21/2007	DER-1-179	600	FAD

33	10/27/2007	10/31/2007	DER-1-180	150	FAD
33	11/10/2007	11/14/2007	DER-1-181	150	FAD
34, MI	10/27/2007	10/31/2007	DER-1-182	50	FAD
34	10/27/2007	10/31/2007	DER-1-183	950	FAD
34	11/10/2007	11/14/2007	DER-1-184	1000	FAD
36 (except Fort Stanton)	11/03/2007	11/07/2007	DER-1-185	300	FAD
36 (except Fort Stanton)	11/17/2007	11/21/2007	DER-1-186	300	FAD
36 including Fort Stanton, (4 day Thanksgiving holiday and following two weekends only), YO	11/22/2007 12/01/2007 12/08/2007	11/25/2007 12/02/2007 12/09/2007	DER-1-187	25	FAD
37 (excluding Capitan mountains portion)	11/03/2007	11/07/2007	DER-1-188	300	FAD
37 Capitan mountains portion only	11/03/2007	11/07/2007	DER-1-189	300	FAD
37 (excluding Capitan mountains portion)	11/17/2007	11/21/2007	DER-1-190	300	FAD
37 Capitan mountains portion only	11/17/2007	11/21/2007	DER-1-191	300	FAD
38	11/03/2007	11/07/2007	DER-1-192	350	FAD
38	11/17/2007	11/21/2007	DER-1-193	350	FAD
39	10/27/2007	10/31/2007	DER-1-194	50	FAD
39	11/03/2007	11/07/2007	DER-1-195	50	FAD
40	11/03/2007	11/07/2007	DER-1-196	50	FAD
40	11/17/2007	11/21/2007	DER-1-197	50	FAD
41	10/27/2007	10/31/2007	DER-1-198	70	FAD
41	11/03/2007	11/07/2007	DER-1-199	70	FAD
41, YO	11/22/2007	11/25/2007	DER-1-200	10	FAD
41	11/22/2007	11/25/2007	DER-1-201	10	FAWTD
42	10/27/2007	10/31/2007	DER-1-202	60	FAD
42	11/03/2007	11/07/2007	DER-1-203	60	FAD
42	11/22/2007	11/25/2007	DER-1-204	10	FAWTD
43	10/27/2007	10/31/2007	DER-1-205	90	FAD
43	11/03/2007	11/07/2007	DER-1-206	90	FAD
44/45, MI	10/27/2007	10/31/2007	DER-1-207	25	FAD
44/45	10/27/2007	10/31/2007	DER-1-208	275	FAD
44/45	11/03/2007	11/07/2007	DER-1-209	275	FAD
44/45, (4 day Thanksgiving holiday and following two weekends only), YO	11/22/2007 12/01/2007 12/08/2007	11/25/2007 12/02/2007 12/09/2007	DER-1-210	25	FAD
47	10/27/2007	10/31/2007	DER-1-211	20	FAD
47	11/03/2007	11/07/2007	DER-1-212	20	FAD
48	10/27/2007	10/31/2007	DER-1-213	100	FAD
48	11/03/2007	11/07/2007	DER-1-214	100	FAD
49	10/27/2007	10/31/2007	DER-1-215	100	FAD
49	11/03/2007	11/07/2007	DER-1-216	100	FAD
50	10/27/2007	10/31/2007	DER-1-217	50	FAD
50	11/03/2007	11/07/2007	DER-1-218	50	FAD
51	10/27/2007	10/31/2007	DER-1-219	100	FAD
51	11/03/2007	11/07/2007	DER-1-220	100	FAD
52	10/27/2007	10/31/2007	DER-1-221	100	FAD
52	11/03/2007	11/07/2007	DER-1-222	100	FAD
53	10/27/2007	10/31/2007	DER-1-223	100	FAD
53	11/03/2007	11/07/2007	DER-1-224	100	FAD
54/55 Colin Neblett WMA	10/27/2007	10/31/2007	DER-1-225	15	FAD
54/55 Colin Neblett WMA	11/03/2007	11/07/2007	DER-1-226	15	FAD
55 E. S. Barker WMA	10/27/2007	10/31/2007	DER-1-227	5	FAD

55 E. S. Barker WMA, YO	11/22/2007	11/25/2007	DER-1-228	5	FAD
55 Urraca WMA	10/27/2007	10/31/2007	DER-1-229	10	FAD
55 Urraca WMA	11/03/2007	11/07/2007	DER-1-230	10	FAD
56	10/27/2007	10/31/2007	DER-1-231	15	FAD
56	11/03/2007	11/07/2007	DER-1-232	15	FAD
56 Sierra Grande hunt area	10/27/2007	10/31/2007	DER-1-233	10	FAD
56 Sierra Grande hunt area	11/03/2007	11/07/2007	DER-1-234	10	FAD
57	10/27/2007	10/31/2007	DER-1-235	25	FAD
57	11/03/2007	11/07/2007	DER-1-236	25	FAD
57, YO	11/22/2007	11/25/2007	DER-1-237	10	FAD
57	11/22/2007	11/25/2007	DER-1-238	10	FAWTD
58	10/27/2007	10/31/2007	DER-1-239	30	FAD
58	11/03/2007	11/07/2007	DER-1-240	30	FAD
58, YO	11/22/2007	11/25/2007	DER-1-241	10	FAD
58	11/22/2007	11/25/2007	DER-1-242	10	FAWTD

(2) 2008 -2009 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A, YO	10/25/2008	10/29/2008	DER-1-100	50	FAD
2A	11/01/2008	11/05/2008	DER-1-101	200	FAD
2A private land only	11/01/2008	11/05/2008	DER-1-102	55	FAD
2B, YO	10/18/2008	10/22/2008	DER-1-103	150	FAD
2B	10/25/2008	10/29/2008	DER-1-104	300	FAD
2B private land only	10/25/2008	10/29/2008	DER-1-105	25	FAD
2B	11/01/2008	11/05/2008	DER-1-106	390	FAD
2B private land only	11/01/2008	11/05/2008	DER-1-107	25	FAD
2B	11/08/2008	11/12/2008	DER-1-108	465	FAD
2B private land only	11/08/2008	11/12/2008	DER-1-109	75	FAD
2C	11/15/2008	11/19/2008	DER-1-110	50	FAD
2C private land only	11/15/2008	11/19/2008	DER-1-111	12	FAD
4 Humphries/Rio Chama WMAs	10/18/2008	10/22/2008	DER-1-112	20	FAD
4 Humphries/Rio Chama WMAs, YO	10/18/2008	10/22/2008	DER-1-113	5	FAD
4 Humphries/Rio Chama WMAs	10/25/2008	10/29/2008	DER-1-114	20	FAD
4 Humphries/Rio Chama WMAs, YO	11/26/2008	11/30/2008	DER-1-115	5	FAD
4 private land only	10/18/2008	10/22/2008	DER-1-116	175	FAD
4 private land only	10/25/2008	10/29/2008	DER-1-117	175	FAD
5A public land only	11/04/2008	11/10/2008	DER-1-118	30	FAD
5A private land only	11/04/2008	11/10/2008	DER-1-119	220	FAD
5B	11/08/2008	11/12/2008	DER-1-120	15	FAD
5B, YO	11/26/2008	11/30/2008	DER-1-121	5	FAD
6A and 6C, MI	10/18/2008	10/22/2008	DER-1-122	20	FAD
6A and 6C	11/08/2008	11/12/2008	DER-1-123	100	FAD
7	10/18/2008	10/22/2008	DER-1-124	25	FAD
9 (including Water canyon and Marquez WMAs)	11/08/2008	11/12/2008	DER-1-125	10	FAD
9 (including Water canyon and Marquez WMAs), YO	11/08/2008	11/12/2008	DER-1-126	10	FAD
10, MI	10/18/2008	10/22/2008	DER-1-127	20	FAD
10	10/18/2008	10/22/2008	DER-1-128	70	FAD
10	10/25/2008	10/29/2008	DER-1-129	65	FAD
10	11/01/2008	11/05/2008	DER-1-130	90	FAD
10, (4 day Thanksgiving holiday and following two weekends only), YO.	11/27/2008 12/06/2008 12/13/2008	11/30/2008 12/07/2008 12/14/2008	DER-1-131	25	FAD

12	11/01/2008	11/05/2008	DER-1-132	200	FAD
13, YO	09/27/2008	10/01/2008	DER-1-133	50	FAD
13	11/01/2008	11/05/2008	DER-1-134	500	FAD
13	11/08/2008	11/12/2008	DER-1-135	500	FAD
14 (bows only on Sandia ranger district of the Cibola national forest)	10/25/2008	10/29/2008	DER-1-136	25	FAD
16, YO	09/27/2008	10/01/2008	DER-1-137	50	FAD
16, MI	11/01/2008	11/05/2008	DER-1-138	25	FAD
16	11/01/2008	11/05/2008	DER-1-139	300	FAD
16	11/08/2008	11/12/2008	DER-1-140	300	FAD
17	11/01/2008	11/05/2008	DER-1-141	150	FAD
17	11/08/2008	11/12/2008	DER-1-142	150	FAD
17, (4 day Thanksgiving holiday and following two weekends only), YO.	11/27/2008 12/06/2008 12/13/2008	11/30/2008 12/07/2008 12/14/2008	DER-1-143	50	FAD
18	11/01/2008	11/05/2008	DER-1-144	100	FAD
18	11/08/2008	11/12/2008	DER-1-145	100	FAD
20	11/01/2008	11/05/2008	DER-1-146	200	FAD
20	11/08/2008	11/12/2008	DER-1-147	200	FAD
21, YO	09/27/2008	10/01/2008	DER-1-148	50	FAD
21	11/01/2008	11/05/2008	DER-1-149	700	FAD
21	11/08/2008	11/12/2008	DER-1-150	750	FAD
22	11/01/2008	11/05/2008	DER-1-151	100	FAD
22	11/08/2008	11/12/2008	DER-1-152	100	FAD
23 (except the Burro mountain s hunt area)	11/01/2008	11/05/2008	DER-1-153	475	FAMD
23 (except the Burro mountain s hunt area)	11/01/2008	11/05/2008	DER-1-154	50	FAWTD
23 (except the Burro mountain s hunt area)	11/08/2008	11/12/2008	DER-1-155	400	FAMD
23 (except the Burro mountain s hunt area)	11/08/2008	11/12/2008	DER-1-156	50	FAWTD
23 Burro mountain s hunt area	11/15/2008	11/19/2008	DER-1-157	25	FAMD
23 Burro mountain s hunt area	11/15/2008	11/19/2008	DER-1-158	25	FAWTD
23 Burro mountain hunt area, (4 day Thanksgiving holiday and following two weekends only), YO	11/27/2008 12/06/2008 12/13/2008	11/30/2008 12/07/2008 12/14/2008	DER-1-159	25	FAD
24	11/01/2008	11/05/2008	DER-1-160	375	FAMD
24	11/01/2008	11/05/2008	DER-1-161	50	FAWTD
24	11/08/2008	11/12/2008	DER-1-162	200	FAMD
24	11/08/2008	11/12/2008	DER-1-163	50	FAWTD
25	11/01/2008	11/05/2008	DER-1-164	75	FAD
25	11/08/2008	11/12/2008	DER-1-165	75	FAD
26	11/01/2008	11/05/2008	DER-1-166	75	FAD
26	11/08/2008	11/12/2008	DER-1-167	75	FAD
27	11/08/2008	11/12/2008	DER-1-168	25	FAMD
27	11/08/2008	11/12/2008	DER-1-169	25	FAWTD
28 McGregor range	10/11/2008	10/12/2008	DER-1-170	10	FAD
28 McGregor range, military only	10/11/2008	10/12/2008	DER-1-171	10	FAD
29	10/25/2008	10/29/2008	DER-1-172	150	FAD
29	11/08/2008	11/12/2008	DER-1-173	150	FAD
30	10/25/2008	10/29/2008	DER-1-174	1000	FAD
30	11/08/2008	11/12/2008	DER-1-175	1500	FAD
31	11/01/2008	11/05/2008	DER-1-176	400	FAD
31	11/15/2008	11/19/2008	DER-1-177	400	FAD
32	11/01/2008	11/05/2008	DER-1-178	600	FAD
32	11/15/2008	11/19/2008	DER-1-179	600	FAD

33	10/25/2008	10/29/2008	DER-1-180	150	FAD
33	11/08/2008	11/12/2008	DER-1-181	150	FAD
34, MI	10/25/2008	10/29/2008	DER-1-182	50	FAD
34	10/25/2008	10/29/2008	DER-1-183	950	FAD
34	11/08/2008	11/12/2008	DER-1-184	1000	FAD
36 (except Fort Stanton)	11/01/2008	11/05/2008	DER-1-185	300	FAD
36 (except Fort Stanton)	11/15/2008	11/19/2008	DER-1-186	300	FAD
36 including Fort Stanton, (4 day Thanksgiving holiday and following two weekends only), YO.	11/27/2008 12/06/2008 12/13/2008	11/30/2008 12/07/2008 12/14/2008	DER-1-187	25	FAD
37 (excluding Capitan mountains portion)	11/01/2008	11/05/2008	DER-1-188	300	FAD
37 Capitan mountains port ion only	11/01/2008	11/05/2008	DER-1-189	300	FAD
37 (excluding Capitan mountains portion)	11/15/2008	11/19/2008	DER-1-190	300	FAD
37 Capitan mountains portion only	11/15/2008	11/19/2008	DER-1-191	300	FAD
38	11/01/2008	11/05/2008	DER-1-192	350	FAD
38	11/15/2008	11/19/2008	DER-1-193	350	FAD
39	10/25/2008	10/29/2008	DER-1-194	50	FAD
39	11/01/2008	11/05/2008	DER-1-195	50	FAD
40	11/01/2008	11/05/2008	DER-1-196	50	FAD
40	11/15/2008	11/19/2008	DER-1-197	50	FAD
41	10/25/2008	10/29/2008	DER-1-198	70	FAD
41	11/01/2008	11/05/2008	DER-1-199	70	FAD
41, YO	11/27/2008	11/30/2008	DER-1-200	10	FAD
41	11/27/2008	11/30/2008	DER-1-201	10	FAWTD
42	10/25/2008	10/29/2008	DER-1-202	60	FAD
42	11/01/2008	11/05/2008	DER-1-203	60	FAD
42	11/27/2008	11/30/2008	DER-1-204	10	FAWTD
43	10/25/2008	10/29/2008	DER-1-205	90	FAD
43	11/01/2008	11/05/2008	DER-1-206	90	FAD
44/45, MI	10/25/2008	10/29/2008	DER-1-207	25	FAD
44/45	10/25/2008	10/29/2008	DER-1-208	275	FAD
44/45	11/01/2008	11/05/2008	DER-1-209	275	FAD
44/45, (4 day Thanksgiving holiday and following two weekends only), YO	11/27/2008 12/06/2008 12/13/2008	11/30/2008 12/07/2008 12/14/2008	DER-1-210	25	FAD
47	10/25/2008	10/29/2008	DER-1-211	20	FAD
47	11/01/2008	11/05/2008	DER-1-212	20	FAD
48	10/25/2008	10/29/2008	DER-1-213	100	FAD
48	11/01/2008	11/05/2008	DER-1-214	100	FAD
49	10/25/2008	10/29/2008	DER-1-215	100	FAD
49	11/01/2008	11/05/2008	DER-1-216	100	FAD
50	10/25/2008	10/29/2008	DER-1-217	50	FAD
50	11/01/2008	11/05/2008	DER-1-218	50	FAD
51	10/25/2008	10/29/2008	DER-1-219	100	FAD
51	11/01/2008	11/05/2008	DER-1-220	100	FAD
52	10/25/2008	10/29/2008	DER-1-221	100	FAD
52	11/01/2008	11/05/2008	DER-1-222	100	FAD
53	10/25/2008	10/29/2008	DER-1-223	100	FAD
53	11/01/2008	11/05/2008	DER-1-224	100	FAD
54/55 Colin Nebl ett WMA	10/25/2008	10/29/2008	DER-1-225	15	FAD
54/55 Colin Neblett WMA	11/01/2008	11/05/2008	DER-1-226	15	FAD
55 E. S. Barker WMA	10/25/2008	10/29/2008	DER-1-227	5	FAD
55 E. S. Barker WMA, YO	11/27/2008	11/30/2008	DER-1-228	5	FAD
55 Urraca WMA	10/25/2008	10/29/2008	DER-1-229	10	FAD
55 Urraca WMA	11/01/2008	11/05/2008	DER-1-230	10	FAD
56	10/25/2008	10/29/2008	DER-1-231	15	FAD
56	11/01/2008	11/05/2008	DER-1-232	15	FAD
56 Sierra Grande hunt area	10/25/2008	10/29/2008	DER-1-233	10	FAD
56 Sierra Grande hunt area	11/01/2008	11/05/2008	DER-1-234	10	FAD
57	10/25/2008	10/29/2008	DER-1-235	25	FAD

57	11/01/2008	11/05/2008	DER-1-236	25	FAD
57, YO	11/27/2008	11/30/2008	DER-1-237	10	FAD
57	11/27/2008	11/30/2008	DER-1-238	10	FAWTD
58	10/25/2008	10/29/2008	DER-1-239	30	FAD
58	11/01/2008	11/05/2008	DER-1-240	30	FAD
58, YO	11/27/2008	11/30/2008	DER-1-241	10	FAD
58	11/27/2008	11/30/2008	DER-1-242	10	FAWTD

B. Public land (and private lands in GMUs 2A, 2B, 2C, 4 and 5A) deer hunts for bows only, listing the open GMUs or areas, hunt dates, hunt code, number of permits and bag limit shall be as indicated below.

(1) 2007 - 2008 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A	09/01/2007	09/22/2007	DER-2-100	40	FAD
2A private land only	09/01/2007	09/22/2007	DER-2-101	20	FAD
2A	01/01/2008	01/15/2008	DER-2-102	80	FAD
2A private land only	01/01/2008	01/15/2008	DER-2-103	20	FAD
2B, YO	09/01/2007	09/22/2007	DER-2-104	20	FAD
2B	09/01/2007	09/22/2007	DER-2-105	130	FAD
2B private land only	09/01/2007	09/22/2007	DER-2-106	10	FAD
2B	01/01/2008	01/15/2008	DER-2-107	180	FAD
2B private land only	01/01/2008	01/15/2008	DER-2-108	30	FAD
2C	01/01/2008	01/15/2008	DER-2-109	50	FAD
2C private land only	01/01/2008	01/15/2008	DER-2-110	12	FAD
4 private land only	09/01/2007	09/22/2007	DER-2-111	150	FAD
5A public land only	09/01/2007	09/22/2007	DER-2-112	30	FAD
5A private land only	09/01/2007	09/22/2007	DER-2-113	220	FAD
6A and 6C	09/01/2007	09/22/2007	DER-2-114	100	FAD
7	09/01/2007	09/22/2007	DER-2-115	10	FAD
8, YO	11/17/2007	11/25/2007	DER-2-116	50	FAD
8	01/01/2008	01/15/2008	DER-2-117	50	FAD
9 (including Water can yon and Marquez WMAs)	09/01/2007	09/22/2007	DER-2-118	10	FAD
10	09/01/2007	09/22/2007	DER-2-119	120	FAD
12	09/01/2007	09/22/2007	DER-2-120	75	FAD
13	09/01/2007	09/24/2007	DER-2-121	200	FAD
13	01/01/2008	01/15/2008	DER-2-122	75	FAD
14	09/01/2007	09/22/2007	DER-2-123	25	FAD
15	09/01/2007	09/24/2007	DER-2-124	150	FAD
15	01/01/2008	01/15/2008	DER-2-125	50	FAD
16	09/01/2007	09/24/2007	DER-2-126	200	FAD
16	01/01/2008	01/15/2008	DER-2-127	200	FAD
17	09/01/2007	09/24/2007	DER-2-128	200	FAD
17	01/01/2008	01/15/2008	DER-2-129	120	FAD
18	09/01/2007	09/24/2007	DER-2-130	50	FAD
18	01/01/2008	01/15/2008	DER-2-131	100	FAD
20	09/01/2007	09/24/2007	DER-2-132	25	FAD
20	01/01/2008	01/15/2008	DER-2-133	50	FAD
21	09/01/2007	09/24/2007	DER-2-134	50	FAD
21	01/01/2008	01/15/2008	DER-2-135	200	FAD
22	09/01/2007	09/24/2007	DER-2-136	25	FAD
22	01/01/2008	01/15/2008	DER-2-137	25	FAD
23 (except the Burro mountains hunt area)	09/01/2007	09/24/2007	DER-2-138	50	FAMD
23 (except the Burro mountains hunt area)	09/01/2007	09/24/2007	DER-2-139	100	FAWTD
23 (except the Burro mountains hunt area)	01/01/2008	01/15/2008	DER-2-140	150	FAMD
23 (except the Burro mountains hunt area)	01/01/2008	01/15/2008	DER-2-141	50	FAWTD
23 Burro mountains hunt area	01/01/2008	01/15/2008	DER-2-142	50	FAMD
23 Burro mountains hunt area	01/01/2008	01/15/2008	DER-2-143	50	FAWTD
24	09/01/2007	09/24/2007	DER-2-144	100	FAMD
24	09/01/2007	09/24/2007	DER-2-145	50	FAWTD
24	01/01/2008	01/15/2008	DER-2-146	100	FAMD

24	01/01/2008	01/15/2008	DER-2-147	50	FAWTD
25	09/01/2007	09/24/2007	DER-2-148	25	FAD
25	01/01/2008	01/15/2008	DER-2-149	50	FAD
26	09/01/2007	09/24/2007	DER-2-150	25	FAD
26	01/01/2008	01/15/2008	DER-2-151	25	FAD
27	01/01/2008	01/15/2008	DER-2-152	25	FAMD
27	01/01/2008	01/15/2008	DER-2-153	30	FAWTD
29	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-154	200	FAD
30	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-155	300	FAD
31	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-156	200	FAD
32	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-157	175	FAD
33	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-158	100	FAD
34	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-159	800	FAD
36 (including Fort Stanton)	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-160	250	FAD
37 (excluding Capitan mountains portion)	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-161	100	FAD
37 Capitan mountains portion only	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-162	100	FAD
38	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-163	200	FAD
39	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-164	50	FAD
40	09/01/2007 01/01/2008	09/22/2007 01/15/2008	DER-2-165	50	FAD
41	09/01/2007	09/22/2007	DER-2-166	10	FAD
42	09/01/2007	09/22/2007	DER-2-167	10	FAD
43	09/01/2007	09/22/2007	DER-2-168	50	FAD
44/45	09/01/2007	09/22/2007	DER-2-169	120	FAD
47	09/01/2007	09/22/2007	DER-2-170	10	FAD
48	09/01/2007	09/22/2007	DER-2-171	50	FAD
49	09/01/2007	09/22/2007	DER-2-172	100	FAD
50	09/01/2007	09/22/2007	DER-2-173	10	FAD
51	09/01/2007	09/22/2007	DER-2-174	80	FAD
52	09/01/2007	09/22/2007	DER-2-175	100	FAD
53	09/01/2007	09/22/2007	DER-2-176	90	FAD
56	09/01/2007	09/22/2007	DER-2-177	5	FAD
56 Sierra Grande hunt area	09/01/2007	09/22/2007	DER-2-178	5	FAD
57	09/01/2007	09/22/2007	DER-2-179	15	FAD
57 Sugarite canyon state park	11/01/2007	11/30/2007	DER-2-180	40	FAD
58	09/01/2007	09/22/2007	DER-2-181	15	FAD

(2) 2008-2009 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A	09/01/2008	09/22/2008	DER-2-100	40	FAD
2A private land only	09/01/2008	09/22/2008	DER-2-101	20	FAD
2A	01/01/2009	01/15/2009	DER-2-102	80	FAD
2A private land only	01/01/2009	01/15/2009	DER-2-103	20	FAD
2B	09/01/2008	09/22/2008	DER-2-104	130	FAD
2B, YO	09/01/2008	09/22/2008	DER-2-105	20	FAD
2B private land only	09/01/2008	09/22/2008	DER-2-106	10	FAD
2B	01/01/2009	01/15/2009	DER-2-107	180	FAD
2B private land only	01/01/2009	01/15/2009	DER-2-108	30	FAD
2C	01/01/2009	01/15/2009	DER-2-109	50	FAD
2C private land only	01/01/2009	01/15/2009	DER-2-110	12	FAD
4 private land only	09/01/2008	09/22/2008	DER-2-111	150	FAD
5A public land only	09/01/2008	09/22/2008	DER-2-112	30	FAD
5A private land only	09/01/2008	09/22/2008	DER-2-113	220	FAD
6A and 6C	09/01/2008	09/22/2008	DER-2-114	100	FAD
7	09/01/2008	09/22/2008	DER-2-115	10	FAD
8, YO	11/22/2008	11/30/2008	DER-2-116	50	FAD
8	01/01/2009	01/15/2009	DER-2-117	50	FAD
9 (including Water canyon and Marquez WMAs)	09/01/2008	09/22/2008	DER-2-118	10	FAD
10	09/01/2008	09/22/2008	DER-2-119	120	FAD
12	09/01/2008	09/22/2008	DER-2-120	75	FAD
13	09/01/2008	09/24/2008	DER-2-121	200	FAD
13	01/01/2009	01/15/2009	DER-2-122	75	FAD
14	09/01/2008	09/22/2008	DER-2-123	25	FAD
15	09/01/2008	09/24/2008	DER-2-124	150	FAD
15	01/01/2009	01/15/2009	DER-2-125	50	FAD
16	09/01/2008	09/24/2008	DER-2-126	200	FAD
16	01/01/2009	01/15/2009	DER-2-127	200	FAD
17	09/01/2008	09/24/2008	DER-2-128	200	FAD
17	01/01/2009	01/15/2009	DER-2-129	120	FAD
18	09/01/2008	09/24/2008	DER-2-130	50	FAD
18	01/01/2009	01/15/2009	DER-2-131	100	FAD
20	09/01/2008	09/24/2008	DER-2-132	25	FAD
20	01/01/2009	01/15/2009	DER-2-133	50	FAD
21	09/01/2008	09/24/2008	DER-2-134	50	FAD
21	01/01/2009	01/15/2009	DER-2-135	200	FAD
22	09/01/2008	09/24/2008	DER-2-136	25	FAD
22	01/01/2009	01/15/2009	DER-2-137	25	FAD
23 (except the Burro mountain s hunt area)	09/01/2008	09/24/2008	DER-2-138	50	FAMD
23 (except the Burro mountain s hunt area)	09/01/2008	09/24/2008	DER-2-139	100	FAWTD
23 (except the Burro mountain s hunt area)	01/01/2009	01/15/2009	DER-2-140	150	FAMD
23 (except the Burro mountain s hunt area)	01/01/2009	01/15/2009	DER-2-141	50	FAWTD
23 Burro mountain s hunt area	01/01/2009	01/15/2009	DER-2-142	50	FAMD
23 Burro mountain s hunt area	01/01/2009	01/15/2009	DER-2-143	50	FAWTD
24	09/01/2008	09/24/2008	DER-2-144	100	FAMD
24	09/01/2008	09/24/2008	DER-2-145	50	FAWTD
24	01/01/2009	01/15/2009	DER-2-146	100	FAMD

24	01/01/2009	01/15/2009	DER-2-147	50	FAWTD
25	09/01/2008	09/24/2008	DER-2-148	25	FAD
25	01/01/2009	01/15/2009	DER-2-149	50	FAD
26	09/01/2008	09/24/2008	DER-2-150	25	FAD
26	01/01/2009	01/15/2009	DER-2-151	25	FAD
27	01/01/2009	01/15/2009	DER-2-152	25	FAMD
27	01/01/2009	01/15/2009	DER-2-153	30	FAWTD
29	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-154	200	FAD
30	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-155	300	FAD
31	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-156	200	FAD
32	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-157	175	FAD
33	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-158	100	FAD
34	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-159	800	FAD
36 (including Fort Stanton)	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-160	250	FAD
37 (excluding Capitan mountains portion)	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-161	100	FAD
37 (Capitan mountains portion only)	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-162	100	FAD
38	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-163	200	FAD
39	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-164	50	FAD
40	09/01/2008 01/01/2009	09/22/2008 01/15/2009	DER-2-165	50	FAD
41	09/01/2008	09/22/2008	DER-2-166	10	FAD
42	09/01/2008	09/22/2008	DER-2-167	10	FAD
43	09/01/2008	09/22/2008	DER-2-168	50	FAD
44/45	09/01/2008	09/22/2008	DER-2-169	120	FAD
47	09/01/2008	09/22/2008	DER-2-170	10	FAD
48	09/01/2008	09/22/2008	DER-2-171	50	FAD
49	09/01/2008	09/22/2008	DER-2-172	100	FAD
50	09/01/2008	09/22/2008	DER-2-173	10	FAD
51	09/01/2008	09/22/2008	DER-2-174	80	FAD
52	09/01/2008	09/22/2008	DER-2-175	100	FAD
53	09/01/2008	09/22/2008	DER-2-176	90	FAD
56	09/01/2008	09/22/2008	DER-2-177	5	FAD
56 Sierra Grande hunt area	09/01/2008	09/22/2008	DER-2-178	5	FAD
57	09/01/2008	09/22/2008	DER-2-179	15	FAD
57 Sugarite canyon state park	11/01/2008	11/30/2008	DER-2-180	40	FAD
58	09/01/2008	09/22/2008	DER-2-181	15	FAD

C. Public land (and private land in GMUs 2A, 2B, 2C, 4 and 5A) deer hunts for legal muzzle loading rifles or bows, listing the open GMUs or areas, hunt dates, hunt code, number of permits and bag limit shall be as indicated below. Youth hunters must provide hunter education certificate number on application.

(1) 2007-2008 hunt season

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A	09/24/2007	09/30/2007	DER-3-100	60	FAD
2A private land only	09/24/2007	09/30/2007	DER-3-101	10	FAD
2B	09/24/2007	09/30/2007	DER-3-102	175	FAD
2B, YO	09/24/2007	09/30/2007	DER-3-103	20	FAD
2B private land only	09/24/2007	09/30/2007	DER-3-104	10	FAD
2C	09/24/2007	09/30/2007	DER-3-105	50	FAD
2C private land only	09/24/2007	09/30/2007	DER-3-106	12	FAD
4 private land only	09/24/2007	09/30/2007	DER-3-107	100	FAD
6A and 6C	09/24/2007	09/30/2007	DER-3-108	100	FAD
7	09/24/2007	09/30/2007	DER-3-109	10	FAD
10	09/24/2007	09/30/2007	DER-3-110	90	FAD
12	09/24/2007	09/30/2007	DER-3-111	75	FAD
13	10/27/2007	10/31/2007	DER-3-112	500	FAD
14 (bows only on Sandia ranger district, Cibola national forest)	09/24/2007	09/30/2007	DER-3-113	50	FAD
15, YO	09/29/2007	10/03/2007	DER-3-114	50	FAD
15	10/27/2007	10/31/2007	DER-3-115	250	FAD
16	10/27/2007	10/31/2007	DER-3-116	500	FAD
17	10/27/2007	10/31/2007	DER-3-117	200	FAD
18	10/27/2007	10/31/2007	DER-3-118	50	FAD
19 (except White Sands missile range)	10/27/2007	10/31/2007	DER-3-119	10	FAD
20	10/27/2007	10/31/2007	DER-3-120	75	FAD
21	10/27/2007	10/31/2007	DER-3-121	400	FAD
22	10/27/2007	10/31/2007	DER-3-122	50	FAD
23 (except the Burro mountains hunt area)	10/27/2007	10/31/2007	DER-3-123	150	FAMD
23 (except the Burro mountains hunt area)	10/27/2007	10/31/2007	DER-3-124	50	FAWTD
24	10/27/2007	10/31/2007	DER-3-125	200	FAMD
24	10/27/2007	10/31/2007	DER-3-126	50	FAWTD
25	10/27/2007	10/31/2007	DER-3-127	35	FAD
26	10/27/2007	10/31/2007	DER-3-128	50	FAD
27	10/27/2007	10/31/2007	DER-3-129	25	FAMD
27	10/27/2007	10/31/2007	DER-3-130	25	FAWTD
29	10/20/2007	10/24/2007	DER-3-131	50	FAD
31	10/20/2007	10/24/2007	DER-3-132	120	FAD
31/33 Brantley WMA, Seven rivers & Huey waterfowl management areas, YO	11/21/2007	11/25/2007	DER-3-133	30	ES
31/33 Brantley WMA, Seven rivers & Huey waterfowl management areas, YO	12/26/2007	01/01/2008	DER-3-134	10	ES
32	10/20/2007	10/24/2007	DER-3-135	125	FAD
34	10/20/2007	10/24/2007	DER-3-136	350	FAD
36 (except Fort Stanton)	10/20/2007	10/24/2007	DER-3-137	50	FAD
36 (including Fort Stanton), YO	10/20/2007	10/24/2007	DER-3-138	25	FAD
38	10/20/2007	10/24/2007	DER-3-139	200	FAD
39	10/20/2007	10/24/2007	DER-3-140	50	FAD
40	10/20/2007	10/24/2007	DER-3-141	25	FAD
41	09/24/2007	09/30/2007	DER-3-142	50	FAD
42	09/24/2007	09/30/2007	DER-3-143	10	FAD
43	09/24/2007	09/30/2007	DER-3-144	20	FAD
44/45	09/24/2007	09/30/2007	DER-3-145	150	FAD
47	09/24/2007	09/30/2007	DER-3-146	20	FAD
56	09/24/2007	09/30/2007	DER-3-147	5	FAD
56 Sierra Grande hunt area	09/24/2007	09/30/2007	DER-3-148	10	FAD
57	09/24/2007	09/30/2007	DER-3-149	15	FAD
58	09/24/2007	09/30/2007	DER-3-150	15	FAD

(2) 2008 -2009 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
2A	09/24/2008	09/30/2008	DER-3-100	60	FAD
2A private land only	09/24/2008	09/30/2008	DER-3-101	10	FAD
2B	09/24/2008	09/30/2008	DER-3-102	175	FAD
2B, YO	09/24/2008	09/30/2008	DER-3-103	20	FAD
2B private land only	09/24/2008	09/30/2008	DER-3-104	10	FAD
2C	09/24/2008	09/30/2008	DER-3-105	50	FAD
2C private land only	09/24/2008	09/30/2008	DER-3-106	12	FAD
4 private land only	09/24/2008	09/30/2008	DER-3-107	100	FAD
6A and 6C	09/24/2008	09/30/2008	DER-3-108	100	FAD
7	09/24/2008	09/30/2008	DER-3-109	10	FAD
10	09/24/2008	09/30/2008	DER-3-110	90	FAD
12	09/24/2008	09/30/2008	DER-3-111	75	FAD
13	10/25/2008	10/29/2008	DER-3-112	500	FAD
14 (bows only on Sandia ranger district of the Cibola national forest)	09/27/2008	10/03/2008	DER-3-113	50	FAD
15, YO	09/27/2008	10/01/2008	DER-3-114	50	FAD
15	10/25/2008	10/29/2008	DER-3-115	250	FAD
16	10/25/2008	10/29/2008	DER-3-116	500	FAD
17	10/25/2008	10/29/2008	DER-3-117	200	FAD
18	10/25/2008	10/29/2008	DER-3-118	50	FAD
19 (except White Sands missile range)	10/25/2008	10/29/2008	DER-3-119	10	FAD
20	10/25/2008	10/29/2008	DER-3-120	75	FAD
21	10/25/2008	10/29/2008	DER-3-121	400	FAD
22	10/25/2008	10/29/2008	DER-3-122	50	FAD
23 (except the Burro mountain s hunt area)	10/25/2008	10/29/2008	DER-3-123	150	FAMD
23 (except the Burro m ountains hunt area)	10/25/2008	10/29/2008	DER-3-124	50	FAWTD
24	10/25/2008	10/29/2008	DER-3-125	200	FAMD
24	10/25/2008	10/29/2008	DER-3-126	50	FAWTD
25	10/25/2008	10/29/2008	DER-3-127	35	FAD
26	10/25/2008	10/29/2008	DER-3-128	50	FAD
27	10/25/2008	10/29/2008	DER-3-129	25	FAMD
27	10/25/2008	10/29/2008	DER-3-130	25	FAWTD
29	10/18/2008	10/22/2008	DER-3-131	50	FAD
31	10/18/2008	10/22/2008	DER-3-132	120	FAD
31/33 Brantley WMA, Seven rivers & Huey waterfowl management areas, YO	11/26/2008	11/30/2008	DER-3-133	30	ES
31/33 Brantley WMA, Seven rivers & Huey waterfowl management areas, YO	12/26/2008	01/01/2009	DER-3-134	10	ES
32	10/18/2008	10/22/2008	DER-3-135	125	FAD
34	10/18/2008	10/22/2008	DER-3-136	350	FAD
36 (except Fort Stanton)	10/18/2008	10/22/2008	DER-3-137	50	FAD
36 (including Fort Stanton), YO	10/18/2008	10/22/2008	DER-3-138	25	FAD
38	10/18/2008	10/22/2008	DER-3-139	200	FAD
39	10/18/2008	10/22/2008	DER-3-140	50	FAD
40	10/18/2008	10/22/2008	DER-3-141	25	FAD
41	09/24/2008	09/30/2008	DER-3-142	50	FAD
42	09/24/2008	09/30/2008	DER-3-143	10	FAD
43	09/24/2008	09/30/2008	DER-3-144	20	FAD
44/45	09/24/2008	09/30/2008	DER-3-145	150	FAD
47	09/24/2008	09/30/2008	DER-3-146	20	FAD

56	09/24/2008	09/30/2008	DER-3-147	5	FAD
56 Sierra Grande hunt area	09/24/2008	09/30/2008	DER-3-148	10	FAD
57	09/24/2008	09/30/2008	DER-3-149	15	FAD
58	09/24/2008	09/30/2008	DER-3-150	15	FAD

D. Public land deer hunts for restricted legal muzzle loading rifles only, as defined in 19.31.13.7 NMAC, listing the open GMUs or areas, hunt dates, hunt code, number of permits and bag limit shall be as indicated below. Youth hunters must provide hunter education certificate number on application.

(1) 2007 - 2008 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
9 (including Water canyon and Marquez WMAs)	09/24/2007	09/30/2007	DER-3-151	10	FAD
23 Burro mountain s hunt area	10/27/2007	10/31/2007	DER-3-152	25	FAMD
23 Burro mountain s hunt area	10/27/2007	10/31/2007	DER-3-153	25	FAWTD
30	10/13/2007	10/17/2007	DER-3-154	500	FAD
33	10/20/2007	10/24/2007	DER-3-155	50	FAD
37 (except Capitan mountains portion)	10/20/2007	10/24/2007	DER-3-156	125	FAD
37 Capitan mountains portion only	10/20/2007	10/24/2007	DER-3-157	100	FAD
52	09/24/2007	09/30/2007	DER-3-158	30	FAD

(2) 2008 - 2009 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
9 (including Water canyon and Marquez WMAs)	09/24/2008	09/30/2008	DER-3-151	10	FAD
23 Burro mountain s hunt area	10/25/2008	10/29/2008	DER-3-152	25	FAMD
23 Burro mountain s hunt area	10/25/2008	10/29/2008	DER-3-153	25	FAWTD
30	10/11/2008	10/15/2008	DER-3-154	500	FAD
33	10/18/2008	10/22/2008	DER-3-155	50	FAD
37 (except Capitan mountains portion)	10/18/2008	10/22/2008	DER-3-156	125	FAD
37 Capitan mountains portion only	10/18/2008	10/22/2008	DER-3-157	100	FAD
52	09/24/2008	09/30/2008	DER-3-158	30	FAD

E. Private land-only deer hunts: Private land-only deer permits shall be restricted to the season dates, sporting arms type, and bag limit that corresponds to the public land hunt code listed in Subsections A, B, C and D of 19.31.8.15 NMAC above for the GMU where the private landowner's property lies. The private land-only deer permits shall be unlimited and available from any license vendor; however, only one private land-only deer permit will be issued per license. Private land-only hunters in GMUs 2A, 2B, 2C, 4 and 5A must obtain a special application form from landowner and apply through the draw. Hunts in GMUs 8, 46, 54, and 55 shall be as indicated below:

(1) 2007 - 2008 hunt season:

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
8 for any legal sporting arm	10/20/2007	10/24/2007	DER-1-300	unlimited	FAD
8 for legal muzzle loading rifles or bows	09/24/2007	09/30/2007	DER-3-301	unlimited	FAD
46 for any legal sporting arm	10/27/2007	10/31/2007	DER-1-302	unlimited	FAD
46 for any legal sporting arm	11/03/2007	11/07/2007	DER-1-303	unlimited	FAD
46 for bows only	09/01/2007	09/22/2007	DER-2-304	unlimited	FAD
46 for legal muzzle loading rifles or bows	09/24/2007	09/30/2007	DER-3-305	unlimited	FAD
54 for any legal sporting arm	10/27/2007	10/31/2007	DER-1-306	unlimited	FAD
54 for any legal sporting arm	11/03/2007	11/07/2007	DER-1-307	unlimited	FAD
54 for any legal sporting arm	11/22/2007	11/25/2007	DER-1-308	unlimited	FAWTD
54 for bows only	09/01/2007	09/22/2007	DER-2-309	unlimited	FAD
54 for legal muzzle loading rifles or bows	09/24/2007	09/30/2007	DER-3-310	unlimited	FAD
55 for any legal sporting arm	10/27/2007	10/31/2007	DER-1-311	unlimited	FAD
55 for any legal sporting arm	11/03/2007	11/07/2007	DER-1-312	unlimited	FAD
55 for bows only	09/01/2007	09/22/2007	DER-2-313	unlimited	FAD
55 for legal muzzle loading rifles or bows	09/24/2007	09/30/2007	DER-3-314	unlimited	FAD
55B for any legal sporting arm	11/22/2007	11/25/2007	DER-1-315	unlimited	FAWTD

(2) 2008-2009 hunt season

open GMUs or areas	hunt start	hunt end	hunt code	permits	bag limit
8 for any legal sporting arm	10/18/2008	10/22/2008	DER-1-300	unlimited	FAD
8 for legal muzzle loading rifles or bows	09/24/2008	09/30/2008	DER-3-301	unlimited	FAD
46 for any legal sporting arm	10/25/2008	10/29/2008	DER-1-302	unlimited	FAD
46 for any legal sporting arm	11/01/2008	11/05/2008	DER-1-303	unlimited	FAD
46 for bows only	09/01/2008	09/22/2008	DER-2-304	unlimited	FAD
46 for legal muzzle loading rifles or bows	09/24/2008	09/30/2008	DER-3-305	unlimited	FAD
54 for any legal sporting arm	10/25/2008	10/29/2008	DER-1-306	unlimited	FAD
54 for any legal sporting arm	11/01/2008	11/05/2008	DER-1-307	unlimited	FAD
54 for any legal sporting arm	11/27/2008	11/30/2008	DER-1-308	unlimited	FAWTD
54 for bows only	09/01/2008	09/22/2008	DER-2-309	unlimited	FAD
54 for legal muzzle loading rifles or bows	09/24/2008	09/30/2008	DER-3-310	unlimited	FAD
55 for any legal sporting arm	10/25/2008	10/29/2008	DER-1-311	unlimited	FAD
55 for any legal sporting arm	11/01/2008	11/05/2008	DER-1-312	unlimited	FAD
55 for bows only	09/01/2008	09/22/2008	DER-2-313	unlimited	FAD
55 for legal muzzle loading rifles or bows	09/24/2008	09/30/2008	DER-3-314	unlimited	FAD
55B for any legal sporting arm	11/27/2008	11/30/2008	DER-1-315	unlimited	FAWTD

[19.31.13.15 NMAC - Rp, 19.31.8.9 & 20, 4-1-2007]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 14 ELK**

19.31.14.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.14.1 NMAC - N, 4-1-2007]

19.31.14.2 SCOPE: Hunters of elk: Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.14.2 NMAC - N, 4-1-2007]

**19.31.14.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.14.3 NMAC - N, 4-1-2007]

19.31.14.4 DURATION: April 1, 2007 through March 31, 2009.
[19.31.14.4 NMAC - N, 4-1-2007]

19.31.14.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.
[19.31.14.5 NMAC - N, 4-1-2007]

19.31.14.6 O B J E C T I V E :
Establishing open hunting seasons and basic regulation, rules, and procedures governing the issuance of special elk permits and licenses by the department.
[19.31.14.6 NMAC - N, 4-1-2007]

19.31.14.7 DEFINITIONS:

A. "A" or "antlerless elk" shall mean any one elk without antlers.

B. "APRE/6" shall mean any antler point restricted bull elk with a minimum of 6 visible antler points on one side, a brow tine, or eye guard, constitutes a point, a burr at the base does not.

C. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

D. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take elk.

E. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

F. "Core occupied elk range" or "COER" shall mean the portion of land within the boundaries of a game management unit (GMU) that is designated by the department as containing the majority of routine and substantial elk use. This shall be the area on which elk management goals and subsequent harvest objectives are based.

G. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

fy.

H. "Department" shall mean the New Mexico department of game and fish.

I. "Director" shall mean the director of the New Mexico department of game and fish.

J. "Elk" as used herein, shall mean any wild cervid of the genus Cervus.

K. "Elk enhancement program" and "Special elk permits" as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one bull elk per permit with the purpose of raising funds for programs and projects to benefit elk.

L. "Elk harvest success rate" will mean the success rate of elk hunters who hunted pursuant to licenses issued through the conversion of private land authorizations and public draw licenses in each game management unit as determined by hunter harvest surveys.

M. "Elk region" shall mean a portion of the state designated by the department to administer elk management activities. An elk region describes an assemblage of one or more herd units and encompasses one or more GMUs.

N. "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

O. "ES" or "either sex" shall mean any one elk.

P. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions

for Wildlife Management Areas.

Q. "High demand hunt" is hereby defined as a special draw hunt where the total number of non-resident applicants for an elk hunt in each unit exceeds twenty-two percent of the total applicants based on data for the two immediately preceding years.

R. "License" shall mean a valid official document that is issued or approved by the director that each person hunting elk in New Mexico must have or obtain prior to hunting.

S. "License year" shall mean the period from April 1 through March 31.

T. "MB" or "mature bull" shall mean a male elk with at least one brow tine extending six or more inches from the main beam or at least one forked antler with both branches six or more inches long.

U. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

V. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

W. "Private land authorization certificate" will mean the document generated by the department and issued to a private landowner that authorizes the holder to purchase a specified license to hunt elk.

X. "Quality hunt" is hereby defined as a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: a pleasurable experience based on timing and length of hunt season, lower hunter density, and an increased opportunity for success.

Y. "TBD" or "to be determined" shall mean the details of a hunt will be provided to the hunter as designated by the director.

Z. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

AA. "Valles Caldera national preserve (VCNP)" shall mean the hunt area within game management sub-unit 6B known as the Valles Caldera national preserve.

BB. "Web sale" shall refer to accessing the department's Internet address to initiate the process to purchase specific elk hunting licenses as designated by the director annually.

CC. "Wildlife manage-

ment area" or "WMA" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC boundary descriptions for wildlife management areas. [19.31.14.7 NMAC - N, 4-1-2007]

19.31.14.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, or authorization certificates, up or down by no more than 20% to address significant changes in population levels or habitat availability (exception: GMU 34, elk licenses and authorizations may be adjusted beyond this amount as necessary to meet management objectives). This adjustment may be applied to any or all permits, authorizations, licenses for elk in a specific GMU or designated area. [19.31.14.8 NMAC - N, 4-1-2007]

19.31.14.9 ELK LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS.

A. One elk permit or license per year: It shall be unlawful for anyone to hold more than one permit or license to hunt elk during the current license year unless otherwise specifically allowed by rule.

B. Valid dates of license or permit: All elk permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt information printed on the permit, license, or carcass tag.

C. Valle Vidal elk once-in-a-lifetime hunts:

(1) It shall be unlawful for anyone to apply for a license to hunt bull elk on the Valle Vidal (as described in 19.30.4.11 NMAC) if he/she has ever held a license allowing them to take a bull elk on the Valle Vidal since 1983. This restriction applies to all licenses valid for a bag limit that allows the harvest of an antlered bull elk. It shall be unlawful for anyone to apply for a license to hunt antlerless elk on the Valle Vidal if he/she has ever held a Valle Vidal elk license valid for a bag limit of antlerless since 1983. Either sex (ES) or mature bull/antlerless (MB/A) shall not be considered as an "antlerless" license for this restriction. Persons who have held a Valle Vidal elk license through any incentive program are exempt from this restriction.

(2) It shall be unlawful to hunt bear on the Valle Vidal except for properly licensed bear hunters that possess a Valle Vidal elk hunting muzzleloader, bow, or rifle license and only during the dates of the elk hunt specified. Use of dogs shall not be allowed for bear hunting on the Valle Vidal.

D. Mobility impaired

(MI) elk hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) elk license, except as allowed by 19.31.3.11 NMAC.

E. Youth only (YO) elk hunts: It shall be unlawful for anyone to apply for youth only (YO) elk license except as allowed by 19.31.3.11 NMAC. [19.31.14.9 NMAC - N, 4-1-2007]

19.31.14.10 ELK MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Hunt season and hours: Elk may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one elk during a current license year unless otherwise provided by regulation.

C. Tagging:

(1) Any license that permits the taking of elk shall be issued with an elk carcass tag.

(2) It shall be unlawful to possess more than one elk carcass tag per year, except as specifically permitted by rule.

(3) It shall be unlawful for any licensee to fail to tag the elk as prescribed below.

(a) Immediately after killing any elk; the licensee killing the elk shall notch the proper day and month of kill from the elk carcass tag.

(b) The tag shall be attached to the elk carcass and remain attached while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) An elk tag, when attached to the carcass of legally taken elk, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize any elk carcasses that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of an elk without proof of sex. The antlers of any bull elk taken shall remain attached to the skull plate until arriving at a residence, taxidermist, meat processing facility, or place of final storage. The scalp and both ears of female or immature male shall accompany the carcass in the same manner.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt elk, except leashed dogs may be used to locate wounded or dead elk. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

G. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any elk by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any elk.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any elk.

J. Killing out-of-season: It shall be unlawful to kill any elk out of elk hunting season.

K. Bullets: It shall be unlawful to take or attempt to take elk by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking elk.

L. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

M. Legal sporting arms for elk are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts (as designated by the director).

N. Areas closed to elk hunting. The following areas shall remain closed to elk hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.14.10 NMAC - N, 4-1-2007]

19.31.14.11 CHRONIC WASTING DISEASE CONTROL - ELK: The director has the authority to designate possession criteria to any elk hunter where chronic wasting disease is a concern. It shall be unlawful to transport dead elk, or their parts, taken from any game management unit or area identified by the director in which the presence of, or possibility of, exposure to chronic wasting disease has been identified to any location outside that

game management unit except for the following parts of elk:

A. meat that is cut and wrapped (either commercially or privately);

B. quarters or other portions of meat with no part of the spinal column or head attached;

C. meat that has been boned out;

D. hides with no heads attached;

E. clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least 1 part chlorine bleach and 2 parts water with no meat or tissue attached;

F. antlers with no meat or tissue attached;

G. upper canine teeth, also known as "buglers," "whistlers," or "ivories;"

H. finished taxidermied heads.

[19.31.14.11 NMAC - N, 4-1-2007]

19.31.14.12 QUALITY ELK HUNTS. Quality hunts for elk are as follows:

A. All Valle Vidal hunts.

B. First three mature bull hunts and both bow hunts on the Sargent WMA as follows: ELK-1-139, ELK-1-140, ELK-1-141; ELK-2-137, and ELK-2-138.

C. Any elk hunt in game management units 15, 16, and 17, including all sub-units, except antlerless or youth only hunts, that are closest to the rut period of September 15 to October 15 for each weapon type as follows; ELK-2-226, ELK-3-228, ELK-2-236, ELK-1-238, ELK-2-244, ELK-1-245, ELK-2-250, ELK-1-252, ELK-2-258, ELK-1-260, ELK-2-266, ELK-3-268, ELK-2-275, and ELK-3-277.

D. The mobility impaired elk hunts in sub-units 16A and 16D as follows: ELK-1-237 and ELK-1-259.

E. All GMU 6B Valles Caldera national preserve hunts that allow the hunter to take an antlered bull.

F. Quality hunt fees in sections C and D above shall apply to the conversion of any mature bull or either sex, except youth only, private land authorizations that include any hunt dates from September 15 through October 15 for private lands that lie within the COER, but not to private lands outside COER areas.

[19.31.14.12 NMAC - N, 4-1-2007]

19.31.14.13 SPECIAL ELK HUNTING OPPORTUNITIES:

A. ELK ENHANCEMENT PROGRAM:

(1) Program description: The director of the department shall collect all proceeds generated through the auction and

lottery of special bull elk permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit elk and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of elk.

(2) Requirements for issuance of special elk permits:

(a) The state game commission shall authorize the director of the department to issue not more than two special elk permits in any one license year to take one bull elk per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing of a lottery ticket by the department or an incorporated, nonprofit organization dedicated to the conservation of elk.

(b) Proposals for auctioning one special elk permit and the sale of lottery tickets to obtain one special elk permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

(c) The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (1) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (2) the estimated amount of money to be raised and the rationale for that estimate; and (3) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

(d) The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organizations previous involvement with elk management and its conservation objectives. The director may accept any

proposals when it is in the best interest of elk to do so.

(e) After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

(f) The marketing organization must agree in writing to the following: (1) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (2) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special elk permits are issued.

(g) The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

(h) Unless his/her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special elk auction permit and/or purchase lottery tickets in an attempt to be selected for the special elk lottery permit.

(i) The special elk permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

(j) Special elk permits granted through auction and/or lottery, as described above, shall not be considered a 'once-in-a-lifetime' permits.

(3) Enhancement hunts: Elk enhancement licenses shall be valid from September 1 through January 31 for any legal sporting arms. These licenses shall be valid statewide where hunting is allowed, including private land with valid written landowner permission. Bag limit shall be one bull elk. The hunt code shall be ELK-1-500. The authorization to obtain an elk enhancement license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter, or gift.

B. ELK INCENTIVE PROGRAMS.

(1) The director may annually allow up to two (2) elk authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing.

(2) Authorizations certificates to purchase incentive license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter, or gift.

(3) Elk incentive hunts shall be valid only for the dates, legal sporting arms, bag limit and area specified by the director.

C. APPLICATION REQUIREMENTS, PROCEDURES FOR DETERMINATION OF THE HUNTING ACCESS AUTHORIZATION HOLDERS FOR THE VALLES CALDERA NATIONAL PRESERVE HUNTS, AND HUNT ADMINISTRATION.

(1) The department shall issue elk hunting licenses only to persons holding a valid VCNP elk hunting access authorization in accordance with 17-3-16 NMSA.

(2) Prior to the department issuing any elk hunting licenses to persons holding a valid VCNP elk hunting access agreement, the VCNP must provide to the department, written verification from the contractor conducting the drawing process to determine the holders of VCNP elk hunting access authorizations, that the provisions of 17-3-16B, C and D NMSA have been met with respect to all authorizations issued.

(3) The VCNP shall utilize a contractor to conduct the drawing that determines the holders of any VCNP elk hunting access authorization. The contractor must be approved by the department prior to the drawing process conducted in accordance with this subsection.

(4) Each Valles Caldera national preserve elk hunting license shall be valid for one hunt in GMU 6B for which the bag limit and hunt period is specified on the Valles Caldera national preserve elk hunting access authorization.

(5) Valles Caldera national preserve elk hunts, listing the sporting arms, hunt dates, hunt code, number of licenses and bag limit shall be as indicated in Subsection D of 19.31.14.15 NMAC.

D. UNIQUE LATE SEASON ARCHERY BULL ELK HUNTS. Late season bow-only elk hunts. These hunts will be administered by the department through an Internet registration process, web sale, rather than the random draw process. The open GMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below.

open GMUs or areas	2007 hunt start date	2007 hunt end date	2008 hunt start date	2008 hunt end date	hunt code	licenses	bag limit
12	11/24/2007	11/28/2007	11/22/2008	11/26/2008	ELK-2-450	TBD	APRE/6
34	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-2-451	TBD	APRE/6
37	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-2-452	TBD	APRE/6
50	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-2-453	TBD	APRE/6

[19.31.14.13 NMAC - N, 4-1-2007]

19.31.14.14 POPULATION REDUCTION HUNTS.

A. Public land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for elk, when justified in writing by department personnel.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses. No qualifying license holder shall take more than one animal of each species per license year.

(3) The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license after notification by telephone.

(4) Applications will only be accepted at the Santa Fe office on the special hunt application form provided by the department. Applications shall be received by the department up to 5:00 P.M. on the first Saturday in February. Applications postmarked by the deadline date, will be accepted up to five working days after the deadline.

(5) Applications of licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form, or

do not supply adequate information.

(6) In the event that an applicant is not able to hunt on the dates specified, the applicant’s name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

(7) Not more than one person may apply under each application.

(8) An applicant shall be restricted to one administrative area of the state (NE, NW, SE, SW).

(9) The population reduction hunts for elk shall be as indicated below or as specific dates and hunt areas are determined (TBD) by the department.

species	open area	hunt start	hunt end	hunt code	licenses	bag limit
elk	northwest area	TBD	TBD	ELK-5-465	TBD	TBD
elk	northeast area	TBD	TBD	ELK-5-466	TBD	TBD
elk	southwest area	TBD	TBD	ELK-5-467	TBD	TBD
elk	southeast area	TBD	TBD	ELK-5-468	TBD	TBD

B. Private land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for elk management when justified in writing by department personnel. The department shall enter into a written hunt agreement with the landowner or lessee to obtain permission for hunting these species on the property.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses available for each private land population reduction hunt based on input from the district officer and the landowner.

(3) Any private landowner requesting the hunt may designate eligible hunter(s) of their choice to participate in the hunt. The prospective hunter will submit the authorization certificate, issued by the department, along with the correct license fee to the appropriate area office for a license.

[19.31.14.14 NMAC - Rp, 19.31.8.8 NMAC, 4-1-2007]

19.31.14.15 ELK HUNTS in COER GMUs: This section lists elk management information and subsequent hunting opportunities for GMUs in elk regions where a core occupied elk range has been established. The listed information includes elk population information, management goals, harvest objectives, total number of hunting opportunities, GMUs or areas open for hunting, season dates, hunt codes, bag limits, legal weapons, number of licenses available in the public draw and the number and type of authorization certificates available for private lands within the COER of each GMU. Hunt codes for elk hunts allowing the “any legal weapon” type shall be designated ELK-1, hunt codes for elk hunts allowing the “bow only” weapon type shall be designated as ELK-2, hunt codes for elk hunts allowing the “muzzle loading rifles or bow” weapon type shall be designated as ELK-3. Youth hunters must provide hunter education certification number on application. Military only hunters must be full time active military and proof of military status must accompany application. Proof of this service is required. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts.

A. ELK MANAGEMENT GOALS.

(1) Quality hunt management (QHM)

(a) Manage for herds with composition ratios greater than 40 bulls/100 cows post season.

(b) Seasons should be designed to ensure timing and length of hunts is desirable.

(c) At least 2/3 of all hunters are “satisfied” with the experience.

(2) Optimal opportunity management (OOM)

(a) Manage for herds with composition ratios of at least 20 bulls /100 cows post season and harvest near optimal sustainable yield.

(b) Season structure should be designed to ensure timing and length of hunts provides significant amount of opportunity.

(c) At least 1/3 of all hunters are “satisfied” with the experience.

B. NORTHWEST REGION, GMUs 2, 5A, 9, and 10.

(1) Quality hunt management within COER area in GMUs 2 and 5A.

(2) Optimal opportunity management within COER areas in GMUs 9, and 10.

(3) Foundational resource information for the northwest region is indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goals		total licenses by bag limit				projected harvest	
		population estimate	bull:cow: calf ratio	bulls	cows	MB	A	ES bow	total lic.	bulls	cows
2	QHM	364 - 1122	37:100:39	53	66	324	294	282	900	62	64
5A	QHM	855 - 945	34:100:36	61	77	238	238	71	547	83	72
9	OOM	4770 - 5440	22:100:29	367	397	573	1762	780	3115	384	351
10	OOM	565 - 860	27:100:38	61	66	206	588	368	1162	65	53
Totals		6554 - 8367	25:100:31	542	606	1341	2882	1501	5724	595	552

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007-2008 hunt seasons		2008-2009 hunt seasons		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
2	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-100	240	ES
2	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-101	150	MB
2	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-102	125	MB
2	12/01/2007	12/05/2007	12/06/2008	12/10/2008	ELK-1-103	100	A
2 YO	12/01/2007	12/05/2007	12/06/2008	12/10/2008	ELK-1-104	50	A
2 web sale	TBD	TBD	TBD	TBD	ELK-1-105	100	A
5A public land only	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-106	11	ES
5A public land only	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-107	10	MB
5A public land only	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-108	10	A
5A public land only	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-109	10	MB
5A public land only	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-110	10	A
5A public land only	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-111	10	MB
5A public land only	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-112	10	A
5A public land only	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-113	8	MB
5A public land only	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-114	8	A
5A web sale	TBD	TBD	TBD	TBD	ELK-1-115	0	A
9: Marquez WMA	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-116	5	ES
9: Marquez WMA	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-117	5	MB
9: Marquez WMA	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-118	5	MB
9: Marquez WMA	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-3-119	5	MB
9: Marquez WMA	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-3-120	5	A
9: Marquez WMA	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-3-121	5	A
9: Marquez WMA	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-3-122	5	A
9: (including Water canyon WMA)	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-123	315	ES
9: (including Water canyon WMA) MI	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-124	40	MB
9: (including Water canyon WMA)	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-125	70	MB
9: (including Water canyon WMA)	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-3-126	70	MB
9: (including Water canyon WMA)	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-3-127	40	MB
9: (including Water canyon WMA)	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-3-128	200	A
9: (including Water canyon WMA)	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-3-129	200	A
9 web sale	TBD	TBD	TBD	TBD	ELK-3-130	308	A
10	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-131	250	ES
10	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-132	70	MB
10	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-133	70	MB
10 YO	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-134	150	A
10	12/01/2007	12/05/2007	12/06/2008	12/10/2008	ELK-1-135	150	A
10 web sale	TBD	TBD	TBD	TBD	ELK-1-136	100	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt season				2008 - 2009 hunt season			
	MB	A	ES bow only	total	MB	A	ES bow only	total
2	49	44	42	135	49	44	42	135
5A	200	200	60	460	200	200	60	460
9	338	1039	460	1837	338	1039	460	1837
10	66	188	118	372	66	188	118	372
Total	653	1471	680	2804	653	1471	680	2804

(6) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during the "mobility impaired hunters" or "youth only" hunt periods.

legal sporting arms	open GMUs or area	2007-2008 hunt dates	2008-2009 hunt dates
bows only.	2, 5A, 9, 10	09/01/2007 - 09/22/2007	09/01/2008 - 09/22/2008
muzzle loading rifles and bows .	2, 10	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008
muzzle loading rifles and bows, MI.	9	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008
muzzle loading rifles and bows .	9	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal sporting arms .	2, 10	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal sporting arms .	5A	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008
any legal sporting arms, youth only-antlerless only .	2	12/01/2007 - 12/05/2007	12/06/2008 - 12/10/2008
any legal sporting arms , youth only.	10	11/10/2007 - 11/14/2007	11/08/2008 - 11/12/2008

C. North central region, COER areas of GMU's 4, 5B, 50, 51, 52.

(1) Optimal opportunity management within COER areas in GMUs 4, 5B, 50, 51, and 52.

(2) Foundational resource information for the north central region shall be as indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goals		total licenses by bag limit				projected harvest	
		population estimate	bull:cow: calf ratio	bulls	cows	MB	A	ES bow	total lic.	bulls	cows
4	OOM	4000-5000	30:100:33	332	359	1160	445	476	2081	700	264
5B	OOM	700 - 1165	30:100:28	60	64	551	551	400	1502	97	50
50	OOM	215 - 465	30:100:46	33	35	283	30	152	465	74	8
51	OOM	370 - 1630	31:100:41	88	96	727	545	227	1499	122	99
52	OOM	875 - 2545	18:100:24	108	117	625	550	500	1675	160	86
TOTAL		6160-10805	27:100:31	621	671	3346	2121	1755	7222	1154	507

(3) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007-2008		2008-2009		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
4:Sargent WMA	9/01/2007	9/10/2007	9/01/2008	9/10/2008	ELK-2-137	10	ES
4:Sargent WMA	9/16/2007	9/22/2007	9/16/2008	9/22/2008	ELK-2-138	11	ES
4:Sargent WMA	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-139	10	MB
4:Sargent WMA	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-140	10	MB
4:Sargent WMA	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-141	10	MB
4:Sargent WMA	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-142	10	MB
4:Sargent WMA	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-143	10	A
4:Sargent WMA, YO	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-144	10	A
4:Humphries WMA only	9/01/2007	9/10/2007	9/01/2008	9/10/2008	ELK-2-145	10	ES
4:Humphries WMA only	9/16/2007	9/22/2007	9/16/2008	9/22/2008	ELK-2-146	10	ES
4:Humphries/Rio Chama WMAs	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-147	15	MB
4:Humphries/Rio Chama WMAs	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-148	15	MB
4:Humphries/Rio Chama WMAs	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-149	10	A
4:Humphries/Rio Chama WMAs, YO	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-150	15	A

5B	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-151	340	ES
5B	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-152	234	MB
5B	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-153	200	A
5B	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-154	234	MB
5B	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-155	150	A
5B web sale	TBD	TBD	TBD	TBD	ELK-1-156	118	A
50	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-157	117	ES
50	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-158	109	MB
50	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-159	13	A
50	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-160	109	MB
50	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-161	10	A
50 web sale	TBD	TBD	TBD	TBD	ELK-1-162	0	A
51	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-163	202	ES
51	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-164	323	MB
51	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-165	324	MB
51	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-166	142	A
51	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-167	143	A
51 web sale	TBD	TBD	TBD	TBD	ELK-1-168	200	A
52	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-169	230	ES
52	09/16/2007	09/22/2007	09/16/2008	09/22/2008	ELK-2-170	230	ES
52 MI	10/06/2007	10/10/2007	10/04/2008	10/02/2008	ELK-3-171	50	MB
52	10/06/2007	10/10/2007	10/04/2008	10/02/2008	ELK-3-172	100	MB
52	10/06/2007	10/10/2007	10/04/2008	10/02/2008	ELK-3-173	50	A
52	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-174	212	MB
52	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-175	213	MB
52 YO	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-176	50	A
52 MI	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-177	50	A
52	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-178	60	A
52	11/25/2007	11/29/2007	11/23/2008	11/27/2008	ELK-1-179	100	A
52 web sale	TBD	TBD	TBD	TBD	ELK-1-180	200	A

(4) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt season				2008 - 2009 hunt season			
	bull	antlerless	ES bow only	total	bull	antlerless	ES bow only	Total
4	1090	400	435	1925	1090	400	435	1925
5B	83	83	60	226	83	83	60	226
50	65	7	35	107	65	7	35	107
51	80	60	25	165	80	60	25	165
52	50	40	40	130	50	40	40	130
Total	1368	590	595	2553	1368	590	595	2553

(5) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during the "Mobility Impaired Hunters" or "Youth Only" hunt periods.

legal sporting arms	open GMUs or areas	2007-2008 hunt dates	2008-2009 hunt dates
bows only	52	09/01/2007 - 09/15/2007	09/01/2008 - 09/15/2008
bows only	52	09/16/2007 - 09/22/2007	09/16/2008 - 09/22/2008
bows only	4, 5B, 50, 51	09/01/2007 - 09/22/2007	09/01/2008 - 09/22/2008
Any legal weapon, MI only	52	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008
muzzle loading rifles and bows	52	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008
Any legal sporting arms	4	any 5 consecutive days, 10/01/2007 - 12/31/2007	any 5 consecutive days, 10/01/2008 - 12/31/2008
Any legal sporting arms	5B, 50, 52	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
Any legal sporting arms	51	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008

D. Jemez region, COER areas of GMU's 6A, 6B, 6C, and 7.

- (1) Quality hunt management goals for GMU 6A, and 6B.
- (2) Optimal opportunity management within COER areas in GMU 6C and 7.
- (3) Foundational resource information for the Jemez region shall be as indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goals		total licenses by bag limit				projected harvest	
		population estimate	bull:cow: calf ratio	bulls	cows	MB	A	ES bow	total lic.	bulls	cows
6A	QHM	1000 - 1400	35:100:36	81	102	361	120	300	781	98	10
6B	QHM	2500 - 3500	37:100:18	114	142	42	225	35	302	59	151
6C	OOM	800 - 1200	30:100:30	70	75	685	690	425	1800	109	104
7	OOM	140 - 300	36:100:36	17	18	68	185	31	284	16	6
Totals		4440 - 6400	35:100:24	282	337	1156	1220	791	3167	282	271

- (4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below (potential proportion for 6A and 6C may change based upon boundary changes).

open GMUs or areas	2007-2008 hunt season		2008-2009 hunt season		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
6A	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-181	150	ES
6A	09/16/2007	09/22/2007	09/16/2008	09/22/2008	ELK-2-182	105	ES
6A	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-183	110	MB
6A	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-184	100	MB
6A	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-185	100	MB
6A	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-186	102	A
6A web sale	TBD	TBD	TBD	TBD	ELK-1-187	0	A
6B:VCNP	09/05/2007	09/11/2007	09/03/2008	09/09/2008	ELK-2-188	20	ES
6B:VCNP	09/15/2007	09/19/2007	09/13/2008	09/17/2008	ELK-2-189	15	ES
6B:VCNP mzl only	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-190	5	A
6B:VCNP mzl only	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-191	12	MB
6B:VCNP	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-192	15	MB
6B:VCNP	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-193	5	A
6B:VCNP	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-194	15	MB
6B:VCNP	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-195	5	A
6B:VCNP YO	10/27/2007	10/29/2007	10/25/2008	10/27/2008	ELK-1-196	27	A
6B:VCNP YO	11/03/2007	11/05/2007	11/01/2008	11/03/2008	ELK-1-197	27	A
6B:VCNP MI	11/10/2007	11/12/2007	11/08/2008	11/10/2008	ELK-1-198	27	A
6B:VCNP	11/17/2007	11/19/2007	11/15/2008	11/17/2008	ELK-1-199	27	A
6B:VCNP	11/24/2007	11/26/2007	11/22/2008	11/24/2008	ELK-1-200	27	A
6B:VCNP web sale any 3 consecutive days	12/01/2007	12/15/2007	12/01/2008	12/15/2008	ELK-1-201	75	A
6C	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-202	180	ES
6C	09/16/2007	09/22/2007	09/16/2008	09/22/2008	ELK-2-203	181	ES
6C	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-204	250	MB
6C	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-205	200	MB
6C	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-206	132	MB
6C	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-207	200	A
6C	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-208	200	A
6C	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-1-209	125	A
6C web sale	TBD	TBD	TBD	TBD	ELK-1-210	61	A
7	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-211	25	ES
7	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-212	25	MB
7	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-213	30	MB
7	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-214	50	A
7 web sale	TBD	TBD	TBD	TBD	ELK-1-215	100	A

- (5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt season				2008 - 2009 hunt season			
	bull	antlerless	ES bow only	total	bull	antlerless	ES bow only	total
6A	51	17	42	110	51	17	42	110
6C	103	104	64	271	103	104	64	271
7	13	35	6	54	13	35	6	54
Total	167	156	112	435	167	156	112	435

(6) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during the "mobility impaired hunters" or "youth only" hunt periods.

legal sporting arms	open GMUs or area	2007 hunt dates	2008 hunt dates
bows only	6A, 6C	09/01/2007 - 09/15/2007	09/01/2008 - 09/15/2008
bows only	6A, 6C	09/16/2007 - 09/22/2007	09/16/2008 - 09/22/2008
bows only	7	09/01/2007 - 09/22/2007	09/01/2008 - 09/22/2008
muzzle loading rifles and bows	6A, 6C, 7	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal weapon	6A, 6C, 7	any 5 consecutive days, 10/20/2007 - 12/31/2007	any 5 consecutive days, 10/18/2008 - 12/31/2008

E. Southwest region.

- (1) Quality hunt management for COER areas of GMU's 15, 16A, 16B, 16C, 16D, 16E, and 17.
- (2) Optimal opportunity management for COER areas of GMUs 13, 21A, 21B, 22, and 23.
- (3) Foundational resource information for the southwest region shall be as indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goals		total licenses by bag limit				projected harvest	
		population estimate	bull:cow:calf ratio	bulls	cows	MB	A	ES bow	total lic.	bulls	cows
13	OOM	930 - 2100	36:100:43	136	147	395	278	278	951	141	73
15	QHM	4200 - 6400	34:100:45	433	539	858	769	769	2396	327	261
16A	QHM	2310 - 3690	46:100:38	201	250	232	155	412	799	143	92
16B	QHM	1870 - 2270	34:100:23	98	122	298	0	336	634	97	10
16C	QHM	1400 - 1800	27:100:42	129	160	201	118	294	613	145	83
16D	QHM	1200 - 2200	46:100:37	112	140	146	114	171	431	77	59
16E	QHM	1000 - 2300	49:100:47	128	160	242	217	145	604	92	43
17	QHM	800 - 1000	40:100:32	59	64	258	233	233	724	59	19
21A	OOM	290 - 510	38:100:26	23	25	102	0	102	204	16	2
21B	OOM	100 - 300	15:100:26	13	14	94	113	94	301	39	6
22	OOM	290 - 510	30:100:26	25	27	26	0	52	78	13	3
23	OOM	400 - 500	35:100:35	34	37	103	52	206	361	23	8
Totals		14790-23580	38:100:38	1391	1685	2955	2049	3092	8096	1172	659

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt seasons		2008 - 2009 hunt season		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
13	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-216	100	ES
13	09/16/2007	09/24/2007	09/16/2008	09/24/2008	ELK-2-217	50	ES
13 YO	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-218	25	ES
13	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-219	75	MB
13	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-3-220	113	MB
13	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-3-221	75	A
13	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-3-222	75	A
13 web sale	TBD	TBD	TBD	TBD	ELK-3-223	0	A
15	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-224	250	ES
15	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-225	200	ES
15	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-226	150	ES
15 YO	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-227	25	ES

15	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-228	200	MB
15	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-3-229	244	MB
15	11/24/2007	11/28/2007	11/22/2008	11/26/2008	ELK-3-230	200	MB
15	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-3-231	300	A
15	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-3-232	300	A
15 web sale	TBD	TBD	TBD	TBD	ELK-3-233	0	A
16A	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-234	150	ES
16A	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-235	150	ES
16A	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-236	100	ES
16A MI	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-237	25	MB
16A	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-238	75	MB
16A	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-239	125	MB
16A	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-240	150	A
16A web sale	TBD	TBD	TBD	TBD	ELK-1-241	0	A
16B	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-242	111	ES
16B	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-243	111	ES
16B	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-244	111	ES
16B	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-245	148	MB
16B	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-246	147	MB
16B web sale	TBD	TBD	TBD	TBD	ELK-1-247	0	A
16C	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-248	100	ES
16C	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-249	75	ES
16C	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-250	75	ES
16C YO	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-251	25	ES
16C	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-252	50	MB
16C	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-253	96	MB
16C	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-254	100	A
16C web sale	TBD	TBD	TBD	TBD	ELK-1-255	0	A
16D	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-256	60	ES
16D	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-257	50	ES
16D	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-258	40	ES
16D MI	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-259	25	MB
16D	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-260	53	MB
16D	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-261	50	MB
16D	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-262	100	A
16D web sale	TBD	TBD	TBD	TBD	ELK-1-263	0	A
16E	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-264	34	ES
16E	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-265	33	ES
16E	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-266	33	ES
16E YO	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-267	25	ES
16E	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-268	71	MB
16E	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-269	71	MB
16E	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-270	75	A
16E	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-1-271	75	A
16E web sale	TBD	TBD	TBD	TBD	ELK-1-272	0	A
17	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-273	75	ES
17	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-274	75	ES
17	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-275	50	ES
17 YO	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-276	25	ES
17	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-277	97	MB
17	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-3-278	100	MB
17	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-3-279	100	A

17	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-3-280	100	A
17 web sale	TBD	TBD	TBD	TBD	ELK-3-281	0	A
21A	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-282	50	ES
21A	09/16/2007	09/24/2007	09/16/2008	09/24/2008	ELK-2-283	50	ES
21A	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-284	50	MB
21A	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-285	50	MB
21A web sale	TBD	TBD	TBD	TBD	ELK-1-286	0	A
21B	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-287	25	ES
21B	09/16/2007	09/24/2007	09/16/2008	09/24/2008	ELK-2-288	25	ES
21B	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-289	25	MB
21B	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-290	25	MB
21B	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-291	15	A
21B	11/24/2007	11/28/2007	11/22/2008	11/26/2008	ELK-1-292	15	A
21B	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-293	15	A
21B	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-1-294	15	A
22	09/01/2007	09/15/2007	09/01/2008	09/15/2008	ELK-2-295	25	ES
22	09/16/2007	09/24/2007	09/16/2008	09/24/2008	ELK-2-296	25	ES
22	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-297	25	MB
22 web sale	TBD	TBD	TBD	TBD	ELK-1-298	0	A
23	09/01/2007	09/10/2007	09/01/2008	09/10/2008	ELK-2-299	75	ES
23	09/11/2007	09/18/2007	09/11/2008	09/18/2008	ELK-2-300	75	ES
23	09/19/2007	09/24/2007	09/19/2008	09/24/2008	ELK-2-301	50	ES
23	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-302	50	MB
23	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-303	50	MB
23	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-304	50	A
23 web sale	TBD	TBD	TBD	TBD	ELK-1-305	0	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt season				2008 - 2009 hunt season			
	bull	antlerless	ES bow only	total	bull	antlerless	ES bow only	total
13	182	128	128	438	182	128	128	438
15	189	169	169	527	189	169	169	527
16A	7	5	12	24	7	5	12	24
16B	3	0	3	6	3	0	3	6
16C	30	18	44	92	30	18	44	92
16D	18	14	21	53	18	14	21	53
16E	75	67	45	187	75	67	45	187
17	36	33	33	102	36	33	33	102
21A	2	0	2	4	2	0	2	4
21B	44	53	44	141	44	53	44	141
22	1	0	2	3	1	0	2	3
23	3	2	6	11	3	2	6	11
Total	590	489	509	1588	590	489	509	1588

(6) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during the "mobility impaired hunters" or "youth only" hunt periods.

legal sporting arms	open GMUs or are a	2007 hunt dates	2008 hunt dates
bows only	13,21A, 21B, 22	09/01/2007 - 09/15/2007	09/01/2008 - 09/15/2008
bows only	13,21A, 21B, 22	09/16/2007 - 09/24/2007	09/16/2008 - 09/24/2008
bows only	15, 16A, 16B, 16C, 16D, 16E, 17, 23	09/01/2007 - 09/10/2007	09/01/2008 - 09/10/2008
bows only	15, 16A, 16B, 16C, 16D, 16E, 17, 23	09/11/2007 - 09/18/2007	09/11/2008 - 09/18/2008
bows only	15, 16A, 16B, 16C, 16D, 16E, 17, 23	09/19/2007 - 09/24/2007	09/19/2008 - 09/24/2008
muzzle loading rifles and bows	13, 15, 16E, 17, 23	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008

muzzle loading rifles and bows, YO	13, 15, 17	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008
muzzle loading rifles only	13 with approval of SW area chief and state game commission chairman. Antlerless elk only	any 5 consecutive days 01/01/2008 -01/31/2008	any 5 consecutive days 01/01/2009 -01/31/2009
any legal sporting arms	16A, 16B, 16C, 16D, 21A, 21B	any 5 consecutive days 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal sporting arms	16E, 22, 23	any 5 consecutive days 10/20/2007 - 12/31/2007	any 5 consecutive days, 10/18/2008 - 12/31/2008
any legal sporting arms, YO	16C, 16E	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008
any legal sporting arms, MI	16A, 16D	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008

F. SOUTH CENTRAL REGION GMUs 34 and 36.

- (1) Quality hunt management for GMU 36.
- (2) Optimal opportunity management goals for GMU 34.
- (3) Foundational resource information for the south central region shall be as indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goals		total licenses by bag limit				projected harvest	
		popn est.	bull:cow: calf ratio	bulls	cows	MB	A	ES bow	total lic.	bull	cow
34	OOM	1705 - 2255	60:100:30	117	126	690	690	460	1840	195	223
36	QHM	1195 - 1880	38:100:27	81	101	425	220	228	873	96	71
Totals		2900 - 4135	49:100:28	198	227	1115	910	688	2713	290	294

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt seasons		2008 - 2009 hunt seasons		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
34	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-306	400	ES
34 YO	09/29/2007	10/03/2007	09/27/2008	10/01/2008	ELK-1-307	150	ES
34 MI	09/29/2007	10/03/2007	09/27/2008	10/01/2008	ELK-1-308	50	MB
34	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-309	250	MB
34	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-310	150	MB
34	11/24/2007	11/28/2007	11/22/2008	11/26/2008	ELK-1-311	250	A
34	12/01/2007	12/05/2007	11/29/2008	12/03/2008	ELK-1-312	250	A
34 web sale	TBD	TBD	TBD	TBD	ELK-1-313	100	A
36	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-314	148	ES
36	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-315	125	MB
36	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-316	75	MB
36	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-317	143	A
36	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-318	76	MB
36 web sale	TBD	TBD	TBD	TBD	ELK-1-319	0	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below.

open GMUs or areas	2007 - 2008 hunt season				2008 - 2009 hunt season			
	bull	antlerless	ES bow only	total	bull	antlerless	ES bow only	total
34	90	90	60	240	90	90	60	240
36	149	77	80	306	149	77	80	306
Total	239	167	140	546	239	167	140	546

(6) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during the "mobility impaired hunters" or "youth only" hunt periods.

legal sporting arms	open GMUs or area	2007 - 2008 hunt dates	2008 - 2009 hunt dates
bows only	34, 36	09/01/2007 - 09/22/2007	09/01/2008 - 09/22/2008
any legal sporting arms, YO & MI only	34	10/06/2007 - 10/10/2007	10/04/2008 - 10/08/2008
muzzle loading rifles and bows	34, 36	any 5 consecutive day s, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal sporting arms	34, 36	any 5 consecutive days, 10/20/2007 - 12/31/2007	any 5 consecutive days, 10/18/2008 - 12/31/2008
rifles only	36 with approval of SE area chief and state game commission chairman. Antlerless elk only	any 5 consecutive days 01/01/2008 -01/31/2008	any 5 consecutive days 01/01/2009 -01/31/2009

G. Northeast region

- (1) Quality hunt management for COER areas of GMU 44/45
- (2) Optimal opportunity management goals for GMU's COERs of 48, 49, and 53:
- (3) Foundational resource information for the northeast region shall be as indicated below.

GMU	mgmt goal	population information		sustainable harvest pursuant to goal		total licenses by bag limit				projected harvest	
		popn. est.	bull:cow: calf ratio	bulls	cows	MB	A	ES bow	total lic.	bulls	cows
44/45	QHM	1000 - 2300	27:100:32	107	134	457	82	163	702	88	21
48	OOM	630 - 1385	32:100:44	94	102	426	370	451	1247	104	95
49	OOM	344 - 630	28:100:24	28	31	161	211	125	497	25	34
53	OOM	658 - 774	27:100:47	72	78	362	224	174	760	72	78
Totals		2632 - 5089	28:100:36	301	345	1406	887	913	3206	289	228

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits, and weapon types, shall be as indicated below:

open GMUs or areas	2007 -2008 hunt season		2008 - 2009 hunt season		hunt code	licenses	bag limit
	hunt start	hunt end	hunt start	hunt end			
44/45	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-320	150	ES
44/45	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-321	140	MB
44/45	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-322	140	MB
44/45	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-323	140	MB
44/45	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-3-324	50	A
44/45 web sale	TBD	TBD	TBD	TBD	ELK-1-325	25	A
48	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-326	122	ES
48	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-327	20	MB
48	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-3-328	55	MB
48	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-329	20	MB
48	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-330	40	A
48	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-1-331	20	MB
48	12/08/2007	12/12/2007	12/06/2008	12/10/2008	ELK-1-332	60	A
48 web sale	TBD	TBD	TBD	TBD	ELK-1-333	0	A
49	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-334	120	ES
49	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-335	80	MB
49	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-336	75	MB
49	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-337	80	A
49	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-338	75	A
49 web sale	TBD	TBD	TBD	TBD	ELK-1-339	48	A
53	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-340	120	ES
53 (exc. Cerro portion)	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-1-341	125	MB
53 (exc. Cerro portion)	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-342	125	MB
53 (exc. Cerro portion)	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-343	60	A
53 (exc. Cerro portion)	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-344	70	A
53 (exc. Cerro portion) web sale	TBD	TBD	TBD	TBD	ELK-1-345	25	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types, shall be as indicated below:

open GMUs and areas	2007 - 2008 hunt season				2008 - 2009 hunt seasons			
	MB	A	ES bow only	total	MB	A	ES bow only	total
44/45	37	7	13	57	37	7	13	57
48	311	270	329	910	311	270	329	910
49	6	8	5	19	6	8	5	19
53	112	69	54	235	112	69	54	235
Total	466	354	401	1221	466	354	401	1221

(6) Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC, in order to hunt during "MI" or "YO" hunt periods.

legal sporting arms	open GMUs or area	2007 - 2008 hunt dates	2008 - 2009 hunt dates
bows only	44/45, 48, 49, 53	09/01/2007 - 09/22/2007	09/01/2008 - 09/22/2008
muzzle loading rifles and bows	44/45, 48	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008
any legal sporting arms	53 (exc. Cerro portion)	any 5 consecutive days, 10/06/2007 - 12/31/2007	any 5 consecutive days, 10/04/2008 - 12/31/2008
any legal sporting arms	44/45,49	any 5 consecutive days, 10/13/2007 - 12/31/2007	any 5 consecutive days, 10/11/2008 - 12/31/2008
any legal sporting arms	48	any 5 consecutive days 10/20/2007 - 12/31/2007	any 5 consecutive days, 10/18/2008 - 12/31/2008
rifles only	48 with approval of NE area chief and state game commission chairman. Antlerless elk only	any 5 consecutive days 01/01/2008 -01/31/2008	any 5 consecutive days 01/01/2009 -01/31/2009

[19.31.14.15 NMAC - Rp, 19.31.8.13 & 24 NMAC, 4-1-2007]

19.31.14.16 ELK HUNTS WHERE NO COER IS ESTABLISHED: This section lists public draw elk hunts in GMUs with no established COER. The list includes GMUs or areas open for hunting, season dates, hunt codes, weapon types, number of available licenses and bag limits. Hunt codes for elk hunts for any legal weapon hunts shall be designated ELK-1, hunt codes for elk hunts using only bow and arrows shall be designated as ELK-2, elk hunts for hunters using muzzle loading rifles or bow and arrows shall be designated as ELK-3. Youth hunters must provide hunter education certification number on application.

A. Public lands in GMUs with no established core occupied elk range.

open GMUs and areas	2007 - 2008		2008 - 2009		hunt code	lic.	bag limit
	hunt start	hunt end	hunt start	hunt end			
12	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-346	30	ES
12	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-347	30	MB
12	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-348	30	A
18	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-349	50	ES
37	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-350	40	ES
37	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-351	25	MB
37	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-352	25	MB
37	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-353	25	A
38	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-354	15	ES
43	09/29/2007	10/03/2007	09/27/2008	10/01/2008	ELK-1-355	60	ES
54: Colin Neblett WMA/south	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-356	20	MB
54: Colin Neblett WMA/south	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-357	20	MB
54: Colin Neblett WMA/south	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-358	20	MB
54: Colin Neblett WMA/south	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-359	20	MB
54: Colin Neblett WMA/south	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-360	20	A

55: Colin Neblett WMA/north	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-361	20	MB
55: Colin Neblett WMA/north	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-362	20	MB
55: Colin Neblett WMA/north	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-363	20	MB
55: Colin Neblett WMA/north	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-364	20	MB
55: Colin Neblett WMA/north	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-365	20	A
55 ES Barker WMA	09/01/2007	09/22/2007	09/01/2007	09/22/2008	ELK-2-366	10	ES
55 ES Barker WMA	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-367	10	MB
55: Urraca WMA	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-368	10	MB
55: Urraca WMA	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-369	10	MB
55: Urraca WMA	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-370	10	MB
55: Urraca WMA	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-371	10	MB
55: Urraca WMA	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-372	15	A
55: Urraca WMA	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-373	15	A
55: Valle Vidal and greenwood areas	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-374	30	ES
55: Valle Vidal and greenwood areas	10/06/2007	10/10/2007	10/04/2008	10/08/2008	ELK-3-375	30	MB
55: Valle Vidal and greenwood areas	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-376	40	MB
55: Valle Vidal and greenwood areas, YO	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-377	20	MB
55: Valle Vidal and greenwood areas	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-378	50	MB
55: Valle Vidal and greenwood areas	10/27/2007	10/31/2007	10/25/2008	10/29/2008	ELK-1-379	50	MB
55: Valle Vidal and greenwood areas, YO	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-380	25	A
55: Valle Vidal and greenwood areas	11/03/2007	11/07/2007	11/01/2008	11/05/2008	ELK-1-381	80	A
55: Valle Vidal and greenwood areas, YO	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-382	25	A
55: Valle Vidal and greenwood areas	11/10/2007	11/14/2007	11/08/2008	11/12/2008	ELK-1-383	80	A
55: Valle Vidal and greenwood areas	11/17/2007	11/21/2007	11/15/2008	11/19/2008	ELK-1-384	110	A
55: VV/greenwood areas - web sale	TBD	TBD	TBD	TBD	ELK-1-385	123	A
56: Sierra grande hunt area	10/13/2007	10/17/2007	10/11/2008	10/15/2008	ELK-1-386	10	MB
56: Sierra grande hunt area	10/20/2007	10/24/2007	10/18/2008	10/22/2008	ELK-1-387	10	A
57: Sugarite State Park	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK-2-388	5	ES

B. PRIVATE LAND ONLY ELK HUNTING.

(1) For private lands that are not within core occupied elk range or private lands that lay within GMUs with no designated core occupied elk range, the department may work with interested landowners to develop appropriate bag limits, weapon types, season dates and authorization numbers for private land hunting needed to achieve the proper harvest within the exterior boundaries of participating ranches.

(2) **Private land-only elk hunts in the northeast area:** The department may use input from landowners to develop appropriate license numbers and bag limits for private land hunting needed to achieve the desired and proper harvest within the exterior boundaries of participating ranches. These hunts shall be restricted to the areas, season dates, and sporting arms type as indicated below, except that the bag limit from January 1 through January 31 is one antlerless elk. Elk hunting licenses issued pursuant to this section shall be designated as "RANCH ONLY".

open GMUs and areas	2007-2008		2008-2009		hunt code
	hunt start	hunt end	hunt start	hunt end	
41 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-389
41 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-390
42 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-391
42 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-392
43 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-393
43 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-394
46 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-395
46 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-396
47 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-397
47 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-398
54 (exc. NE portion) bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-399
54 (exc. NE portion) any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-400
55A bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-401
55A any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-402
56A bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-403
56A any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-404
57 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-405
57 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-406
58 bow hunt	09/01/2007	09/22/2007	09/01/2008	09/22/2008	ELK -2-407
58 any consecutive 5 days	10/01/2007	01/31/2008	10/01/2008	01/31/2009	ELK -1-408

(3) Unlimited private land either-sex or antlerless licenses valid for GMUs 54 northeast portion and 55B shall be available over-the-counter or by mail without deadline at all department of game and fish offices. Licenses are "ranch only" and require the landowner's signature on the application prior to purchasing the license. Licenses issued for GMUs 54 northeast portion and 55B shall be limited to any 30 consecutive day period from April 1 through March 31. Any legal sporting arms for taking elk may be used during these hunts. [19.31.14.16 NMAC - N, 4-1-2007]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 15 PRONGHORN ANTELOPE AND JAVELINA

19.31.15.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.15.1 NMAC - N, 4-1-2007]

19.31.15.2 SCOPE: Hunters of pronghorn antelope and javelina. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.15.2 NMAC - N, 4-1-2007]

19.31.15.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.15.3 NMAC - N, 4-1-2007]

19.31.15.4 DURATION: April 1, 2007 through March 31, 2009.
[19.31.15.4 NMAC - N, 4-1-2007]

19.31.15.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.
[19.31.15.5 NMAC - N, 4-1-2007]

19.31.15.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of pronghorn antelope and javelina permits and licenses by the department.
[19.31.15.6 NMAC - N, 4-1-2007]

19.31.15.7 DEFINITIONS:

- A. "Antelope private land use system" or "A-PLUS"** shall mean the program in which the director may issue authorization certificates to private lands whose owners, manager, or lessees sign a hunting agreement with the department.
- B. "Antelope management units" or "AMU"** shall mean those areas as documented in the state game commission's rule

19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

C. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

D. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take pronghorn antelope or javelina.

E. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

F. "Crossbows" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

G. "Department" shall mean the New Mexico department of game and fish.

H. "Director" shall mean the director of the New Mexico department of game and fish.

I. "ES or either sex" shall mean any one animal of the species.

J. "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

K. "F-IM or female or immature pronghorn antelope" shall mean a pronghorn antelope without horns or with both horns shorter than its ears.

L. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

M. "License" shall mean a valid official document that is issued or approved by the Director that each person hunting pronghorn antelope or javelina in New Mexico must have or obtain prior to hunting.

N. "License year" shall mean the period from April 1 through March 31.

O. "MB or mature buck pronghorn antelope" shall mean a pronghorn antelope with at least one horn longer than its ears.

P. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

Q. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohib-

ited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

R. "Private land authorization certificate" shall mean a valid official document that entitles a person to purchase an antelope hunting license for specific season dates, weapon types, bag limits, and hunt areas.

S. "TBD or to be determined" shall mean the details of hunt dates, license numbers, and/or hunt areas will be determined by the department.

T. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

U. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.15.7 NMAC - N, 4-1-2007]

19.31.15.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS:

The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses or permits for javelina up or down by no more than 20 percent of the total permits available in the area or GMU to address significant changes in population levels or habitat availability. The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, or authorization certificates for pronghorn antelope up or down to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the specific hunt codes for pronghorn antelope. The director may change or cancel any hunts on military lands to accommodate closures on those lands; provided the subsequent hunts have the same season length and bag limit as assigned on original hunt code.

[19.31.15.8 NMAC - N, 4-1-2007]

19.31.15.9 PRONGHORN ANTELOPE AND JAVELINA LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One license per pronghorn antelope or javelina per year: It shall be unlawful for anyone to hold more than one permit or license for pronghorn antelope or javelina during a current license year unless otherwise allowed by rule.

B. Valid dates of license or permit: All pronghorn antelope and javelina entry permits, licenses, or authorizations shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on

the permit, license, or carcass tag.

C. Mobility impaired (MI) hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) pronghorn license, except as allowed by 19.31.3.11 NMAC.

D. Youth only (YO) hunts: It shall be unlawful for anyone to apply for a youth only (YO) pronghorn or javelina license, except as allowed by 19.31.3.11 NMAC.

E. Military only hunts: It shall be unlawful for anyone to apply for a military only pronghorn or javelina license, except as allowed by 19.31.3.11 NMAC.

F. Mentor/Youth only hunts: It shall be unlawful for anyone to apply for a mentor/youth only license, except as allowed by 19.31.3.11 NMAC. [19.31.15.9 NMAC - N, 4-1-2007]

19.31.15.10 PRONGHORN ANTELOPE AND JAVELINA MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Seasons and hours: pronghorn antelope and javelina may be only hunted or taken during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one pronghorn antelope or javelina during a current license year unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of any pronghorn antelope or javelina shall be issued with a tag bearing the species name.

(2) It shall be unlawful to possess more than one tag per pronghorn antelope or javelina except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the pronghorn antelope or javelina as prescribed below:

(a) Immediately after killing any pronghorn antelope or javelina, the licensee killing the animal shall notch the proper day and month of kill from the species tag.

(b) The tag shall be attached to the carcass of the killed pronghorn antelope or javelina and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A pronghorn antelope or

javelina tag, when attached to the carcass of legally taken pronghorn antelope or javelina, shall authorize possession and storage for the period designated on the carcass tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of pronghorn antelope or javelina that are improperly tagged.

E. Proof of sex of pronghorn antelope: It shall be unlawful for anyone to transport or possess the carcass of any pronghorn antelope without proof of sex until the carcass arrives at a residence, taxidermist, meat processing facility, or place of final storage. The horns of any buck pronghorn antelope taken shall remain attached to the skull. The scalp and both ears of females or immature males of pronghorn antelope shall accompany the carcass in same manner.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt pronghorn antelope or javelina, except leashed dogs may be used to locate wounded or dead pronghorn antelope or javelina. Hunters must register with the appropriate department area office for the AMU and/or GMU they will be hunting before their hunt begins to use a dog in this manner.

G. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any pronghorn antelope or javelina by use of baits or scents. Scent masking agents on one's person are allowed.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any pronghorn antelope or javelina.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any pronghorn antelope or javelina.

J. Killing out-of-season: It shall be unlawful to kill any pronghorn antelope or javelina out of their respective hunting seasons.

K. Legal sporting arms for pronghorn antelope and javelina are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles (muzzle-loading handguns are legal sporting arms for javelina only); bows and arrows; and crossbows and bolts (as designated by the director).

L. Areas closed to pronghorn antelope or javelina hunting: The following areas shall remain closed to pronghorn antelope and javelina hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

M. Bow and mobility-impaired pronghorn antelope hunters shall not be allowed in any AMU or portion thereof that has been administratively closed by the director to rifle hunting.

[19.31.15.10 NMAC - N, 4-1-2007]

19.31.15.11 PRONGHORN ANTELOPE POPULATION REDUCTION HUNTS:

A. Public land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for pronghorn antelope, when justified in writing by department personnel.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses. No qualifying license holder shall take more than one animal of each species per license year.

(3) The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license after notification by telephone.

(4) Applications will only be accepted at the Santa Fe office on the special hunt application form provided by the department. Applications shall be received by the department up to 5:00 P.M. on the first Saturday in February. Applications postmarked by the deadline date, will be accepted up to five working days after the deadline.

(5) Applications of licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form, or do not supply adequate information.

(6) In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

(7) Not more than one person may apply under each application.

(8) An applicant shall be restricted to one administrative area of the state (NE, NW, SE, SW).

(9) The population reduction hunts for pronghorn antelope shall be as indicated below or as specific dates and hunt areas are determined (TBD) by the department.

species	open area	hunt start	hunt end	hunt code	licenses	bag limit
pronghorn antelope	northeast area	TBD	TBD	ANT-5-575	TBD	TBD
pronghorn antelope	southeast area	TBD	TBD	ANT-5-576	TBD	TBD

B. Private land population reduction hunts:

(1) The respective area chief may authorize population reduction hunts for pronghorn antelope management when justified in writing by department personnel. The department shall enter into a written hunt agreement with the landowner or lessee to obtain permission for hunting pronghorn antelope on the property.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses available for each private land population reduction hunt based on input from the district officer and the landowner.

(3) Any private landowner requesting the hunt may designate eligible hunter(s) of their choice to participate in the hunt. The prospective hunter will submit the authorization certificate, issued by the department, along with the correct license fee to the appropriate area office for a license.

[19.31.15.11 NMAC - Rp, 19.31.8.8 NMAC, 4-1-2007]

19.31.15.12 INTERNET HARVEST REPORTING INCENTIVE. The director may annually allow up to two (2) pronghorn antelope authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates awarded pursuant to this rule may be transferred through sale, barter, or gift. Pronghorn antelope incentive hunts shall be valid only for the dates, legal sporting arms, bag limit and area specified by the director.

[19.31.15.12 NMAC - N, 4-1-2007]

19.31.15.13 PRONGHORN ANTELOPE HUNTING SEASONS:

A. Pronghorn antelope hunts for any legal sporting arms, listing the open areas or AMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below. Youth hunters must provide hunter education certificate number on application.

(1) 2007-2008 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10, 12, 13, 15, 16, 17, 18, 20 .	10/06/2007	10/08/2007	ANT-1-100	125	MB
3, 5, 6, 10, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 43 , MI.	08/04/2007	08/05/2007	ANT-1-101	45	MB
12, MI.	08/03/2007	08/05/2007	ANT-1-102	2	MB
13, MI.	08/03/2007	08/05/2007	ANT-1-103	5	MB
16, MI.	08/03/2007	08/05/2007	ANT-1-104	2	MB
18, MI.	08/03/2007	08/05/2007	ANT-1-105	5	MB
6, 23, 24, 25, 26, 27, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43 .	09/15/2007	09/16/2007	ANT-1-106	300	MB
selected ranches in SE area, YO .	09/22/2007	09/23/2007	ANT-1-107	75	F-IM
19 Stallion range of WSMR .	09/15/2007	09/16/2007	ANT-1-108	5	MB
19 Stallion range of WSMR, YO .	09/15/2007	09/16/2007	ANT-1-109	5	MB
19 Stallion range of WSMR, MI.	09/15/2007	09/16/2007	ANT-1-110	5	MB
20, MI.	08/03/2007	08/05/2007	ANT-1-111	2	MB
42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58, MI.	08/04/2007	08/05/2007	ANT-1-112	25	MB
selected ranches in NE area, YO.	08/25/2007	08/27/2007	ANT-1-113	20	MB
41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58.	08/25/2007	08/27/2007	ANT-1-114	300	MB
selected ranches in NE area, YO .	09/01/2007	09/02/2007	ANT-1-115	20	F-IM

(2) 2008-2009 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10, 12, 13, 15, 16, 17, 18, 20 .	10/04/2008	10/06/2008	ANT-1-100	125	MB
3, 5, 6, 10, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 43, MI.	08/02/2008	08/03/2008	ANT-1-101	45	MB
12, MI.	08/01/2008	08/03/2008	ANT-1-102	2	MB
13, MI.	08/01/2008	08/03/2008	ANT-1-103	5	MB
16, MI.	08/01/2008	08/03/2008	ANT-1-104	2	MB
18, MI.	08/01/2008	08/03/2008	ANT-1-105	5	MB
6, 23, 24, 25, 26, 27, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43 .	09/13/2008	09/14/2008	ANT-1-106	300	MB
selected ranches in SE area, YO .	09/20/2008	09/21/2008	ANT-1-107	75	F-IM
19 Stallion range of WSMR .	09/13/2008	09/14/2008	ANT-1-108	5	MB
19 Stallion range of WSMR, YO .	09/13/2008	09/14/2008	ANT-1-109	5	MB
19 Stallion range of WSMR , MI.	09/13/2008	09/14/2008	ANT-1-110	5	MB
20, MI.	08/01/2008	08/03/2008	ANT-1-111	2	MB
42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58, MI.	08/02/2008	08/03/2008	ANT-1-112	25	MB
selected ranches in NE area, YO .	08/23/2008	08/25/2008	ANT-1-113	20	MB
41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58.	08/23/2008	08/25/2008	ANT-1-114	300	MB
selected ranches in NE area, YO .	08/30/2008	08/31/2008	ANT-1-115	20	F-IM

B. Pronghorn antelope hunts for bows, listing the open AMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below:

(1) 2007-2008 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10.	08/18/2007	08/26/2007	ANT-2-100	10	MB
12.	08/18/2007	08/26/2007	ANT-2-101	15	MB
13.	08/18/2007	08/26/2007	ANT-2-102	30	MB
16.	08/18/2007	08/26/2007	ANT-2-103	25	MB
17.	08/18/2007	08/26/2007	ANT-2-104	2	MB
20.	08/18/2007	08/26/2007	ANT-2-105	30	MB
6, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43 .	08/18/2007	08/22/2007	ANT-2-106	200	MB
42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58.	08/11/2007	08/15/2007	ANT-2-107	100	MB

(2) 2008-2009 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10.	08/16/2008	08/24/2008	ANT-2-100	10	MB
12.	08/16/2008	08/24/2008	ANT-2-101	15	MB
13.	08/16/2008	08/24/2008	ANT-2-102	30	MB
16.	08/16/2008	08/24/2008	ANT-2-103	25	MB
17.	08/16/2008	08/24/2008	ANT-2-104	2	MB
20.	08/16/2008	08/24/2008	ANT-2-105	30	MB
6, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 43 .	08/16/2008	08/20/2008	ANT-2-106	200	MB
42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58.	08/09/2008	08/13/2008	ANT-2-107	100	MB

C. Pronghorn antelope hunts for legal muzzle loading rifles and bows, listing the hunt dates, open areas or AMUs, hunt code, number of licenses and bag limit shall be as indicated below. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. Mentor/youth only hunts are restricted to applications that combine one adult hunter with up to three youth hunters pursuant to 19.31.3.11 NMAC. Youth hunters must provide hunter education certificate number on application.

(1) 2007-2008 hunt season.

Open AMUs or areas	Hunt start	Hunt end	Hunt code	Licenses	Bag limit
11.	10/06/2007	10/08/2007	ANT-3-100	50	MB
29.	09/08/2007	09/09/2007	ANT-3-101	40	MB
29 McGregor range, YO .	09/08/2007	09/09/2007	ANT-3-102	10	MB
29 McGregor range, military only .	09/08/2007	09/09/2007	ANT-3-103	10	MB
29 selected ranches, men tor/youth only .	09/08/2007	09/09/2007	ANT-3-104	10	MB
52 portion west of the Rio Grande, YO .	08/18/2007	08/21/2007	ANT-3-105	25	MB
52 portion west of the Rio Grande .	08/18/2007	08/21/2007	ANT-3-106	150	MB

(2) 2008-2009 hunt season.

Open AMUs or areas	Hunt start	Hunt end	Hunt code	Licenses	Bag limit
11.	10/04/2008	10/06/2008	ANT-3-100	50	MB
29.	09/06/2008	09/07/2008	ANT-3-101	50	MB
29 McGregor range, YO .	09/06/2008	09/07/2008	ANT-3-102	10	MB
29 McGregor range, military only .	09/06/2008	09/07/2008	ANT-3-103	10	MB
29 selected ranches, mentor/ youth only .	09/06/2008	09/07/2008	ANT-3-104	10	MB
52 portion west of the Rio Grande , YO.	08/16/2008	08/19/2008	ANT-3-105	25	MB
52 portion west of the Rio Grande .	08/16/2008	08/19/2008	ANT-3-106	150	MB

D. A-PLUS pronghorn antelope hunts: The director may allot A-PLUS pronghorn antelope authorization certificates for use on those ranches whose owners, manager, or lessees sign and return a hunting agreement with the department. Private land hunt dates shall be as indicated below, listing areas or AMUs open, the hunt date, hunt code, number of licenses and bag limit:

(1) 2007-2008 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10, 12, 13, 15, 16, 17, 18, 20 .	10/06/2007	10/08/2007	ANT-1-700	TBD	MB
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/15/2007	09/16/2007	ANT-1-701	TBD	F-IM
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/15/2007	09/16/2007	ANT-1-702	TBD	MB
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/22/2007	09/23/2007	ANT-1-703	TBD	F-IM
selected ranches in SE Area, YO.	09/22/2007	09/23/2007	ANT-1-704	TBD	ES
selected ranches in AMUs 41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58 .	08/25/2007	08/27/2007	ANT-1-705	TBD	MB
selected ranches in AMUs 41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58 .	09/15/2007	09/17/2007	ANT-1-706	TBD	MB
selected ranches in NE area .	09/01/2007	09/02/2007	ANT-1-707	TBD	F-IM

(2) 2008-2009 hunt season.

open AMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
3, 5, 10, 12, 13, 15, 16, 17, 18, 20 .	10/04/2008	10/06/2008	ANT-1-700	TBD	MB
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/15/2008	09/16/2008	ANT-1-701	TBD	F-IM
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/13/2008	09/14/2008	ANT-1-702	TBD	MB
selected ranches in AMUs 1, 2, 3, 5, 6, 7, 8, 10, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43 .	09/20/2008	09/21/2008	ANT-1-703	TBD	F-IM
selected ranches in SE Area, YO.	09/20/2008	09/21/2008	ANT-1-704	TBD	ES
selected ranches in AMUs 41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58 .	08/30/2008	09/01/2008	ANT-1-705	TBD	MB
selected ranches in AMUs 41, 42, 44, 45, 46, 47, 48, 49, 53, 54, 55, 56, 57, 58 .	09/13/2008	09/15/2008	ANT-1-706	TBD	MB
selected ranches in NE area .	08/30/2008	08/31/2008	ANT-1-707	TBD	F-IM

[19.31.15.13 NMAC - Rp, 19.31.8.14 & 25 NMAC, 4-1-2007]

19.31.15.14 JAVELINA HUNTING SEASONS: Javelina hunts shall be as indicated below, listing the hunt date, hunt code, number of licenses, bag limit, and open GMUs or areas. For javelina hunt JAV-1-102, the sporting arm is restricted to bow only for Tuesday through Thursday during the middle of the first week of the season. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. Youth hunters must provide hunter education certification number on application.

A. The 2007-2008 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
12, 13, 15, 16, 17, 20, 21, 22, 29, 30, 31, 32, 33, 34.	01/15/2008	03/31/2008	JAV-1-100	600	ES
12, 13, 15, 16, 17, 19 (excluding WSMR and Fort Bliss lands), 20, 21, 22, 23, 24, 25, 26, 27 (including big hatchet WMA), 29, 30, 31, 32, 33, 34, YO .	01/15/2008	03/31/2008	JAV-1-101	100	ES
19 (excluding WSMR and Fort Bliss lands), 23, 24, 25, 26, 27 (including big hatchet WMA); bow only 2/05 - 2/07.	02/01/2008	02/15/2008	JAV-1-102	1300	ES
28 McGregor range, military only .	12/29/2007	12/30/2007	JAV-1-103	5	ES

B. The 2008-2009 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
12, 13, 15, 16, 17, 20, 21, 22, 29, 30, 31, 32, 33, 34.	01/15/2009	03/31/2009	JAV-1-100	600	ES
12, 13, 15, 16, 17, 19 (excluding WSMR and Fort Bliss lands), 20, 21, 22, 23, 24, 25, 26, 27 (including big hatchet WMA), 29, 30, 31, 32, 33, 34, YO.	01/15/2009	03/31/2009	JAV-1-101	100	ES
19 (excluding WSMR and Fort Bliss lands), 23, 24, 25, 26, 27 (including big hatchet WMA); bow only 2/03 - 2/05.	02/01/2009	02/15/2009	JAV-1-102	1300	ES
28 McGregor range, military only.	12/27/2008	12/28/2008	JAV-1-103	5	ES

[19.31.15.14 NMAC - Rp, 19.31.8.17 & 28, 04-01-2007]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 NATURAL
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 16 TURKEY**

19.31.16.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.16.1 NMAC - N, 4-1-2007]

19.31.16.2 SCOPE: Hunters of turkey. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.16.2 NMAC - N, 4-1-2007]

19.31.16.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.16.3 NMAC - N, 4-1-2007]

19.31.16.4 DURATION: April 1, 2007 through March 31, 2009.
[19.31.16.4 NMAC - N, 4-1-2007]

19.31.16.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.
[19.31.16.5 NMAC - N, 4-1-2007]

19.31.16.6 OBJECTIVE : Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of turkey permits and licenses by the department.
[19.31.16.6 NMAC - N, 4-1-2007]

19.31.16.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take turkey.

C. "Bearded turkey" shall mean a turkey with a visible beard.

D. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

E. "Department" shall mean the New Mexico department of game and fish.

F. "Director" shall mean the director of the New Mexico department of game and fish.

G. "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

H. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

I. "License year" shall mean the period from April 1 through March 31.

J. "Modern shotguns" shall mean center-fire shotguns, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

K. "Muzzle-loading shotguns" shall mean those shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

L. "Non-toxic shot" shall

mean shot approved for use by the U. S. fish and wildlife service.

M. "Turkey license" shall mean a valid official document that is issued or approved by the Director that each person hunting turkey in New Mexico must have or obtain prior to hunting.

N. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

O. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.16.7 NMAC - N, 4-1-2007]

19.31.16.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, authorizations, or harvest limits, up or down by no more than 20% to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the entry hunt codes for turkey.

[19.31.16.8 NMAC - N, 4-1-2007]

19.31.16.9 TURKEY LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. License limitations: A hunter is limited to purchasing only one license in the fall and one in the spring during the current license year, unless otherwise allowed by rule.

B. Valid dates of license or permit: All turkey entry permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Over-the-counter licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by rule or regulation.

C. Youth only (YO) hunts: It shall be unlawful for anyone to apply for youth only (YO) turkey license, except as allowed by 19.31.3.11 NMAC.

[19.31.16.9 NMAC - N, 4-1-2007]

19.31.16.10 TURKEY MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Turkey may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than the number and type of turkey during the current license year as specified by the hunt code printed on the permit or license unless otherwise provided by regulation.

C. Tagging:

(1) Any license that permits the taking of any turkey shall be issued turkey tag(s).

(2) It shall be unlawful to possess more than one tag per turkey except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the turkey as prescribed below:

(a) Immediately after killing any turkey the licensee killing the turkey shall notch the proper day and month of kill from the turkey tag.

(b) The tag shall be attached to the carcass of the turkey and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle.

(4) A turkey tag, when attached to the carcass of legally taken turkey, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of turkey(s) that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of a turkey without proof of sex. When the required bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the same turkey carcass until arriving at a residence, taxidermist, meat processing place, or place of final storage.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt turkey.

G. Use of baits: It shall be lawful to hunt and take turkey from any place or area where turkey feeders occur on private property.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any turkey.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any turkey.

J. Killing out-of-season: It shall be unlawful to kill any turkey out of turkey hunting season.

K. Roost shooting: It shall be unlawful to shoot turkey(s) while it is located in a tree or structure used for resting.

L. Legal sporting arms for turkey are as follows: shotguns firing shot, including muzzle-loading shotguns; bows and arrows; and crossbows and bolts (as designated by the director).

M. Non-toxic shot use is required on all state game commission owned lands.

N. Areas closed to hunting turkey: The following areas shall remain closed to hunting turkey, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.16.10 NMAC - N, 4-1-2007]

19.31.16.11 INTERNET HARVEST REPORTING INCENTIVE. The director may annually allow up to two (2) turkey authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established Website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates awarded pursuant to this rule may be transferred through sale, barter, or gift. Turkey incentive hunts shall be valid only for Unit 2, the Sargent WMA in Unit 4 and the Valle Vidal area.

[19.31.16.11 NMAC - N, 4-1-2007]

19.31.16.12 TURKEY HUNTS:

A. Over-the-counter hunts for any legal firearms, including shotguns and muzzle loading shotguns firing shot, bows, and crossbows (certified mobility impaired hunters only), shall be as indicated below, listing the hunt dates, hunt code, maximum number of licenses, and bag limits. The areas and GMUs open are: 4 (spring only, excluding Sargent, Humphries, and Rio Chama WMAs), 5 (spring only), 6 (spring only), 7, 9 (Except Marquez WMA. The water canyon WMA is open in spring only), 10, 12, 13, 14 (spring only, Sandia ranger district of the Cibola national forest is open only for bows), 15, 16, 17, 18 (spring only), 20 (spring only, Doña Ana county portion closed), 21 (except Doña Ana county), 22, 23, 24, 29, 34, 36, 37, 39 (spring only), 40, 41, 42, 43 (spring only), 44 (spring only), 45, 46, 47, 48, 49 (spring only), 51 (spring only), 52 (spring only), 53 (spring only), 54 (including Colin Neblett south), 55 (except Urraca WMA and except Valle Vidal and Greenwood wildlife areas), 55: Colin Neblett north WMA, 55:E. S. Barker WMA (spring only), 56, 57 (Sugarite canyon state park is open only for bow and only in spring), 58.

(1) 2007-2008 hunt seasons

hunt seasons	hunt start	hunt end	hunt code	licenses	bag limit
Spring	04/15/2007	05/10/2007	TUR-1-001	unlimited	2 turkeys with visible beards
spring, YO	05/12/2007	05/13/2007	TUR-1-001	unlimited	2 turkeys with visible beards
Fall	09/10/2007	09/18/2007	TUR-1-001	unlimited	1 turkey

(2) 2008-2009 hunt season.

hunt seasons	hunt start	hunt end	hunt code	licenses	bag limit
Spring	04/15/2008	05/10/2008	TUR-1-001	unlimited	2 turkeys with visible beards
spring, YO	05/17/2008	05/18/2008	TUR-1-001	unlimited	2 turkeys with visible beards
Fall	09/08/2008	09/16/2008	TUR-1-001	unlimited	1 turkey

B. Entry hunts for any legal firearms, listing the areas open, hunt dates, hunt code, maximum number of licenses, and bag limits shall be as indicated below. Youth hunters must provide hunter education certificate number on application.

(1) 2007-2008 hunt season.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
2 except sub-unit 2A	04/15/2007	04/30/2007	TUR-1-100	100	1 turkey with visible beard
4 Sargent WMA	04/15/2007	04/30/2007	TUR-1-101	5	1 turkey with visible beard
6 Valles caldera national preserve	04/15/2007	04/30/2007	TUR-1-102	TBD	1 turkey with visible beard
9 Marquez WMA	04/15/2007	04/30/2007	TUR-1-103	5	1 turkey with visible beard
33 WS Huey WMA, YO	04/21/2007	04/22/2007	TUR-1-104	3	1 turkey with visible beard
33 WS Huey WMA, YO	04/28/2007	04/29/2007	TUR-1-105	3	1 turkey with visible beard
33 WS Huey WMA, YO	05/05/2007	05/06/2007	TUR-1-106	3	1 turkey with visible beard
55 Valle Vidal area	04/15/2007	04/30/2007	TUR-1-107	20	1 turkey with visible beard

(2) 2008-2009 hunt season.

Open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
2 except sub-unit 2A	04/15/2008	04/30/2008	TUR-1-100	100	1 turkey with visible beard
4 Sargent WMA	04/15/2008	04/30/2008	TUR-1-101	5	1 turkey with visible beard
6 Valles caldera national preserve	04/15/2008	04/30/2008	TUR-1-102	TBD	1 turkey with visible beard
9 Marquez WMA	04/15/2008	04/30/2008	TUR-1-103	5	1 turkey with visible beard
33 WS Huey WMA, YO	04/19/2008	04/20/2008	TUR-1-104	3	1 turkey with visible beard
33 WS Huey WMA, YO	04/26/2008	04/27/2008	TUR-1-105	3	1 turkey with visible beard
33 WS Huey WMA, YO	05/03/2008	05/04/2008	TUR-1-106	3	1 turkey with visible beard
55 Valle Vidal area	04/15/2008	04/30/2008	TUR-1-107	20	1 turkey with visible beard

[19.31.16.12 NMAC - Rp, 19.31.8.10 & 21 NMAC, 4-1-2007]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 17 BIGHORN SHEEP**

19.31.17.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.17.1 NMAC - N, 4-1-2007]

19.31.17.2 SCOPE: Hunters of bighorn sheep. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.17.2 NMAC - N, 4-1-2007]

**19.31.17.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts

pertaining to protected mammals, birds, and fish.
[19.31.17.3 NMAC - N, 4-1-2007]

19.31.17.4 DURATION: April 1, 2007 through March 31, 2009.
[19.31.17.4 NMAC - N, 4-1-2007]

19.31.17.5 EFFECTIVE DATE: April 1, 2007, unless a later date is cited at the end of individual sections.
[19.31.17.5 NMAC - N, 4-1-2007]

19.31.17.6 O B J E C T I V E : Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of bighorn sheep licenses by the department.
[19.31.17.6 NMAC - N, 4-1-2007]

19.31.17.7 DEFINITIONS:
A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take bighorn sheep.

C. "Bighorn enhancement program" as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one bighorn ram per permit with the purpose of raising funds for programs and projects to benefit bighorn sheep.

D. "Bighorn ewe" shall mean any female bighorn sheep.

E. "Bighorn ram" shall mean any male bighorn sheep.

F. "Bighorn sheep license" shall mean a valid official document that is issued or approved by the director that each person hunting bighorn sheep in New Mexico must have or obtain prior to hunting.

G. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

H. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

I. "Department" shall mean the New Mexico department of game

and fish.

J. "Director" shall mean the director of the New Mexico department of game and fish.

K. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

L. "License year" shall mean the period from April 1 through March 31.

M. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

N. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

O. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas. [19.31.17.7 NMAC - N, 4-1-2007]

19.31.17.8 ADJUSTMENT OF LICENSES: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of bighorn licenses to address significant changes in population levels or habitat availability. [19.31.17.8 NMAC - N, 4-1-2007]

19.31.17.9 BIGHORN SHEEP LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One bighorn sheep license per year: It shall be unlawful for anyone to hold more than one permit or license for any bighorn sheep during the current license year unless otherwise allowed by rule.

B. Valid dates of license or permit: All permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag.

C. Rocky mountain bighorn sheep once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a Rocky mountain bighorn sheep license if one has previously held a license to hunt Rocky mountain bighorn sheep in New Mexico, excluding the youth-only, auction, and raffle bighorn licenses. A person that has received the youth-only license is eligi-

ble for this hunt only once as a youth (under age 18), but may apply for the other Rocky mountain and desert bighorn once-in-a-lifetime hunts as long as they are eligible. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky mountain or desert bighorn sheep in New Mexico.

D. Desert bighorn sheep once-in-a-lifetime: It shall be unlawful for anyone to apply for a desert bighorn sheep license if one has previously held a license to hunt desert mountain bighorn sheep in New Mexico. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky mountain or desert bighorn sheep in New Mexico.

E. Youth only (YO) bighorn sheep hunts: It shall be unlawful for anyone to apply for youth only (YO) bighorn sheep license except as allowed by 19.31.3.11 NMAC. [19.31.17.9 NMAC - N, 4-1-2007]

19.31.17.10 BIGHORN SHEEP MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Bighorn sheep may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one bighorn sheep during a current license year unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of bighorn sheep shall be issued with a bighorn carcass tag.

(2) It shall be unlawful to possess more than one tag per bighorn sheep except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the bighorn sheep as prescribed below:

(a) Immediately after killing any bighorn sheep, the licensee killing the bighorn shall notch the proper day and month of kill from the carcass tag.

(b) The tag shall be attached to the carcass of bighorn sheep and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the

carcass left in a camp or vehicle.

(4) A bighorn sheep tag, when attached to the carcass of legally taken game, shall authorize possession and storage for the period designated on the tag.

D. Proof of sex: It shall be unlawful for any one to transport or possess the carcass of any bighorn sheep without proof of sex. The horns of any bighorn sheep taken shall remain attached to the skull until arriving at a residence, taxidermist, meat processing facility, or place of final storage.

E. Sealing of bighorn sheep horns: A seal shall be affixed to a horn of every bighorn sheep head taken in New Mexico, imported into New Mexico, or found in the field in New Mexico subsequent to August 17, 1973. Bighorn sheep heads found in the field within New Mexico shall remain the property of the state until disposed of by permit from the director. The seal shall authorize possession and transportation of the head within New Mexico.

(1) Such sealing shall be done within ten (10) days after the bighorn sheep head is taken, imported, or found in the field and before the bighorn sheep head is exported from New Mexico. Bighorn sheep heads not so declared shall be seized. Only legally taken and possessed bighorn sheep heads shall be sealed.

(2) Bighorn sheep heads legally sealed in other states, tribal entities, provinces, and territories, and currently have a valid visible seal attached, are exempted.

F. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of bighorn sheep that are improperly tagged.

G. Use of dogs in hunting: It shall be unlawful to use dogs to hunt any bighorn sheep.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any bighorn sheep by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any bighorn sheep.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any bighorn sheep.

K. Killing out-of-season: It shall be unlawful to kill any bighorn sheep out of bighorn sheep season.

L. Bullets: It shall be unlawful to take or attempt to take bighorn sheep by the use of tracer ammunition or any ammunition loaded with a full metal

jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking bighorn sheep.

M. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

N. Legal sporting arms for bighorn sheep are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts (as designated by the director).

O. Areas closed to bighorn sheep hunting: The following areas shall remain closed to bighorn sheep hunting, except as permitted by regulation: Sugarite canyon state park; Rio Grande wild and scenic river area, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.17.10 NMAC - N, 4-1-2007]

19.31.17.11 BIGHORN SHEEP HUNTING SEASONS: Bighorn sheep hunts are restricted to those who have never held a once-in-a-lifetime bighorn sheep hunting license and shall be as indicated below, listing the hunt dates, hunt code, number of licenses, bag limit, and GMUs or areas open. The Pecos mountain youth hunt (BHS-1-103) bag limit is one ram. Youth hunters must provide hunter education certificate number on application.

A. The 2007-2008 hunt seasons for the once-in-a-lifetime restricted hunts.

open GMUs or areas	hunt start	hunt end	hunt code	lic.	bag limit
27 Peloncillo mountains	11/01/2007	11/30/2007	BHS-1-101	1	1 ram
44/45 Pecos mountains	08/25/2007	08/31/2007	BHS-1-102	5	1 ram
44/45 Pecos mountains	09/01/2007	09/07/2007	BHS-1-103	4	1 ram
44/45 Pecos mountains, YO	09/01/2007	09/07/2007	BHS-1-104	1	1 ram
53 Wheeler peak portion south of NM 38	09/07/2007	09/17/2007	BHS-1-105	4	1 ram
53 Latir portion north of NM 38	08/18/2007	08/25/2007	BHS-1-106	2	1 ram
16B, 22, 24 Turkey Creek	01/12/2008	01/20/2008	BHS-1-107	1	1 ram
auction hunt, 1 hunt area of: 16B, 22, 24, 27, 44/45, 53 north of NM 38 (Latir), or	08/01/2007	12/31/2007	BHS-1-500	1	1 ram
auction hunt (continued): 53 south of NM 38	08/01/2007 09/01/2007	08/10/2007 12/31/2007	BHS-1-500	1	1 ram
raffle hunt, 1 of 4 hunt areas not chosen by auction hunter: 16B, 22, 24, 27, 44/45, 53 north of NM 38 (Latir), or	08/01/2007	12/31/2007	BHS-1-600	1	1 ram
raffle hunt (continued): 53, south of NM 38	08/01/2007 09/01/2007	08/10/2007 12/31/2007	BHS-1-600	1	1 ram

B. The 2008-2009 hunt seasons for the once-in-a-lifetime restricted hunts.

open GMUs or areas	hunt start	hunt end	hunt code	lic.	bag limit
27 Peloncillo mountains	11/01/2008	11/30/2008	BHS-1-101	1	1 ram
44/45 Pecos mountains	08/23/2008	08/29/2008	BHS-1-102	5	1 ram
44/45 Pecos mountains	08/30/2008	09/05/2008	BHS-1-103	4	1 ram
44/45 Pecos mountains, YO	08/30/2008	09/05/2008	BHS-1-104	1	1 ram
53 Wheeler peak portion south of NM 38	09/05/2008	09/15/2008	BHS-1-105	4	1 ram
53 Latir portion north of NM 38	08/16/2008	08/23/2008	BHS-1-106	2	1 ram
16B, 22, 24 Turkey Creek	01/10/2009	01/18/2009	BHS-1-107	1	1 ram
auction hunt, 1 hunt area of: 16B, 22, 24, 27, 44/45, 53 north of NM 38 (Latir), or	08/01/2008	12/31/2008	BHS-1-500	1	1 ram
auction hunt (continued): 53 south of NM 38	08/01/2008 09/01/2008	08/10/2008 12/31/2008	BHS-1-500	1	1 ram
raffle hunt, 1 of 4 hunt areas not chosen by auction hunter: 16B, 22, 24, 27, 44/45, 53 north of NM 38 (Latir), or	08/01/2008	12/31/2008	BHS-1-600	1	1 ram
raffle hunt (continued): 53, south of NM 38	08/01/2008 09/01/2008	08/10/2008 12/31/2008	BHS-1-600	1	1 ram

[19.31.17.11 NMAC - Rp, 19.31.8.16 & 27 NMAC, 4-1-2007]

19.31.17.12 BIGHORN SHEEP ENHANCEMENT PROGRAM:

A. The director of the department shall collect all proceeds generated through auction and lottery of special bighorn sheep permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit bighorn sheep and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of bighorn sheep.

B. The state game commission shall authorize the director of the department to issue not more than two special bighorn sheep permits in any one license year to take one bighorn sheep ram per permit. The director shall allow the sale of one permit through

auction to the highest bidder and one permit to a person selected through a random drawing for the holder of a lottery ticket by the department or by an incorporated, nonprofit organization dedicated to the conservation of wild sheep.

C. Proposals for auctioning one special bighorn sheep permit and the sale of lottery tickets to obtain a second special bighorn sheep permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

D. The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (1) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (2) the estimated amount of money to be raised and the rationale for that estimate; and (3) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

E. The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organizations previous involvement with wild sheep management and its conservation objectives. The director may accept any proposals when it is in the best interest of bighorn sheep to do so.

F. After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

G. The marketing organization must agree in writing to the following: (1) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (2) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special bighorn sheep permits are issued.

H. The department and the marketing organization must agree to the arrangements for the deposit of the pro-

ceeds, payment for services rendered, the accounting procedures, and final audit.

I. Unless his/her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special bighorn auction permit and/or purchase lottery tickets in an attempt to be selected for the special bighorn lottery permit.

J. The special bighorn sheep permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

K. Special bighorn sheep permits granted through auction and/or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits.

[19.31.17.12 NMAC - N, 4-1-2007]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.4 NMAC, Sections 8, 9, and 11, effective 4-1-2007.

19.30.4.8 BIG GAME MANAGEMENT UNITS:

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

B. GMU 2: Beginning at the junction of the east boundary 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. GMU 3: The Jicarilla Apache Indian reservation.

D. 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. 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. 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. 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. 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. 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. 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. GMU 11: The Zuni Indian reservation.

L. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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 Button Mesa road/Lea county road 156, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, NM 330/RR AK, to its junction 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. 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. 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]~~ then northeast

along US 70 to NM 330/RR AK at Elida, then south along NM 330/RR AK, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, Button Mesa road/Lea county road 156, and NM 172 to US 82, then west along US 82 to US 285 at Artesia.

HH. 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. GMU 35: The Mescalero Apache Indian reservation.

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

LL. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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; A, 4-1-2007]

19.30.4.9 GAME MANAGEMENT SUB-UNITS AND PORTIONS OF UNITS:

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 and north of the following line: from the junction of the New Mexico/Colorado state line and Pine river, then south along the Pine river to its junction with the San Juan river, then south and west along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to ~~[a point 2 miles north of the northwest corner of the Jicarilla Apache Indian reservation, then south along the eastern side of sections 25 and 36 of township 27N, range 6W to]~~ the Jicarilla Apache Indian reservation boundary.

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 it's 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 it's intersection with US 550 near La Ventana, then north and west along US 550 to it's 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 it's east boundary to it's intersection with NM 595, then east along NM 595 to it's junction with NM 96, then east along NM 96 to it's junction with forest road (FR) 103, then south along FR 103 to it's junction with FR 117, then south along FR 117 to it's junction with FR 527 (Pipeline road), then east along FR 527 to it's 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 it's junction with FR 280 and NM 4, then south along FR 280 to it's junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to it's junction with FR 266, then south and east along FR 266 to it's

junction with NM 16, then along NM 16 to it's junction with I-25, then south and west along I-25 to it's 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 it's junction with FR 117, then south along FR 117 to it's junction with FR 527 (Pipeline road), then east along FR 527 to it's 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 it's junction with NM 4 and FR 280, then south along FR 280 to it's junction with forest service trail (FT) 1-40, then south along FT 140 to Peralta creek, then south and east along Peralta creek to it's junction with FR 266, then south and east along FR 266 to it's junction with NM 16, then south and east along NM 16 to it's junction with interstate I-25, then north along I-25 to it's junction with US 84 at Santa Fe, then north along US 84 to it's junction with NM 96 west of Abiquiu, then west along NM 96 to it's 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~~ **mountains** portion of the Gila national forest ~~lying within~~ **in** GMU 23 **and shall include all private land lying within the national forest boundary.**

R. McGregor range portion of Fort Bliss military reservation in GMU 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 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 AO45 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.

Y. Sub-unit 2C: that portion of GMU 2 south and west of the following line: from the junction of US 550 and the San Juan river at Bloomfield, then east along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to [a point 2 miles north of the northwest corner of the Jicarilla Apache Indian reservation, then south along the eastern side of sections 25 and 36 of Township 27N, Range 6W to] the Jicarilla Apache Indian reservation boundary.

Z. GMU 9 Laguna Indian reservation portion: shall mean that portion of GMU9 comprising all tribal trust lands designated as the Laguna Indian reservation.

AA. GMU 13 Acoma Indian reservation portion: shall mean that portion of GMU 13 comprising all tribal trust lands designated as the Acoma Indian reservation.

BB. Portions of GMU 10:

That portion of GMU 10 beginning at the junction of interstate 40 and NM 400 east of Gallup and continuing south along NM 400 to its junction with the Cibola national forest boundary; then north along the Cibola national forest boundary to the Fort Wingate military depot boundary, then south and west along the Fort Wingate military depot boundary to the Zuni Indian reservation boundary, then south and east along the Zuni Indian Reservation boundary to its junction with the Rio Nutria, then east along the Rio Nutria to Six Mile draw, then east and south along Six Mile draw to its junction with USFS road 157, then north along USFS road 157 to its junction with USFS road 459, then east on USFS road 459 to its junction with USFS road 50, then east and south on USFS road 50 to Cottonwood creek, then north and east along Cottonwood creek to its junction with the Cibola national forest boundary, then north and west along the Cibola national forest boundary to its junction with interstate 40 at Coolidge, then northwest along interstate 40 to its junction with NM 400.

CC. GMU 37: Capitan mountains portion: shall mean that portion of GMU 37 beginning at the intersection of US 380 and NM 246 at Capitan and running north along NM 246 to CR B001, then east along CR B001 to its intersection with 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 intersection with US 70/380, then west along US 70/380 to its intersection with NM 380, then west along NM 380 to its intersection with NM 246 at Capitan. [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; A, 4-1-2005; A, 10-17-2005; A, 4-1-2007]

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 GMU 55.

B. Florida mountains, as used herein, shall mean the main Florida mountain range and Little Floridas, consisting of that portion of 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. 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 GMU 57.

D. White Sands missile

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

E. Organ mountain hunt area: beginning at the intersection of I-25 and US 70, then south along I-25 to its 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.

[F. 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 Sarea, the entire Ladrón mountain range, including the area along the Rio Salado west of the Sevilleta national wildlife refuge (nwr) border to Riley road to include the area 3 miles north of the Rio Salado and 1 mile south of the Rio Salado; and an area south of the Sevilleta nwr to include Polvadera mountain and Socorro mountain in a line directly south of the southwest corner of the Sevilleta nwr to NM highway 60 and east on NM highway 60 to

~~Interstate 25 and north on Interstate 25 to the southeast corner of the Sevilleta nwr and then west along the south border of the Sevilleta nwr to the southwest corner of the Sevilleta nwr, Sevilleta national wildlife refuge and New Mexico tech property 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.~~

~~**H.** Bear zones as used herein, shall define hunt areas consisting of one or more GMU's and are described as follows:~~

~~(1) Zone 1, GMU's 4, 5, 6, 7, 51, and 52.~~

~~(2) Zone 2, GMU's 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, and 58.~~

~~(3) Zone 3, GMU's 9, and 10.~~

~~(4) Zone 4, GMU's 8, and 14.~~

~~(5) Zone 5, GMU's 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, and 27.~~

~~(6) Zone 6, GMU's 34, 36, 37, and 38.]~~

~~**[H.] E. Fort Stanton hunt area,** as used herein, shall mean those lands owned and administered by the bureau of land management within the historic Fort Stanton military reservation in GMU 36.~~

~~**G. Taos valley overlook,** as used herein, shall mean those lands owned and administered by the bureau of land management in GMU 49 bounded by the Rio Grande on the west, U. S. Highway 68 on the east, and the Arroyo Hondo canyon on the south.~~

~~[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; A, 7-15-2003; A, 11-~~

~~13-2003; A, 4-1-2005; A, 4-1-2007]~~

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.5 NMAC, Section 8, effective 12-14-2006.

19.30.5.8 PARTICIPATION REQUIREMENTS:

A. Minimum qualifications:

(1) Private lands that lie within core occupied elk range.

(2) Private lands that provide meaningful benefits to elk, at least occasionally, as determined by the appropriate district officer or game manager.

(3) Only landowners or lessees who agree in writing to accept elk on their property will be considered. Any landowner that files a depredation complaint regarding elk or takes action pursuant to Section 17-2-7.2 NMSA 1978 shall have automatically elected to become ineligible for continued participation in this program. Exceptions to this may be allowed when short-term or unusual circumstances that are typically not associated with the normal presence of elk using land and forage on the property exist. In these instances, if the landowner desires to continue contributing to elk, the department may allow the landowner to continue participating in this system while seeking resolution to the short-term or unusual damage pursuant to the depredation program. Evidence of depredation may be used as documentation of elk presence to ensure the appropriate ECR has been assigned.

(4) Landowner must agree that participation is voluntary, is based on annual variation in habitat and elk populations, and there is no guarantee of a specific number of authorizations issued each year.

(5) All participating properties annually will be subject to the requirements found in this Section.

(6) Private lands that lie within villages, towns or recorded subdivisions with covenants or ordinances that prohibit hunting and/or the discharge of firearms will be ineligible to participate unless part of a combined property choice under Paragraph (8) of Subsection E of 19.30.5.9 NMAC.

(7) Private lands that if hunted, would result in safety concerns as determined by the district officer will be ineligible to participate unless allowed pursuant to a specific agreement containing provisions for minimizing safety concerns.

B. Enrollment process:

(1) Initial application:

(a) Landowners who choose to enroll in the system must submit a complet-

ed application form approved by the department. Application must include all documentation requested on application form.

(b) Application must be submitted to the department, hand delivered or post marked, no later than February 1 of each year. Applications received without all required documentation or hand delivered or post marked after February 1 shall be rejected. Rejected applications may be corrected and resubmitted through March 1 to be included that year if the original application was submitted by the February 1 deadline but the applicant mistakenly omitted necessary documentation or a documented family emergency, sickness or death resulted in the application deadline being missed.

(c) Accepted applications will be forwarded by the department to the appropriate area game manager and district officer so that a determination can be made as to the application satisfying the requirements set forth in Subsection A, 19.30.5.8 NMAC.

(d) Properties meeting the requirements set forth in Subsection A, 19.30.5.8 NMAC will be assigned an elk contribution rating and be eligible for authorization certificates pursuant to the processes set forth in Sections 9 and 12 of 19.30.5 NMAC.

(e) Landowners with properties that do not meet the requirements set forth in Subsection A, 19.30.5.8 NMAC will be advised and provided options and alternatives including the right to appeal the department's decision with regard to meeting the minimum requirements for participation.

(f) Area game managers and district officers may place newly enrolling properties on review for a period of time not to exceed 12 months to allow sufficient time to determine if the minimum requirements have been met and assign the proper elk contribution rating.

(2) Participating ranches:

(a) All authorized ranch contacts for participating ranches will receive an agreement and affidavit of ownership form annually.

(b) The agreement and affidavit of ownership form will list the name, address, and phone number of the authorized ranch contact, the number of deeded acres considered, and the elk contribution rating assigned. It will provide the opportunity to appeal the listed acreage and the assigned elk contribution rating and allow for the authorized ranch contact to notify the department of appropriate changes. If changes include the addition or reduction of deeded acreage, a new property boundary map must be submitted with the form. The agreement portion of the form will set out the terms for participation and provide the ability to elect the "ranch only" option.

(c) The agreement and affidavit of ownership form must be signed and initialed where designated and returned to the department via hand delivery or post marked no later than February 1 each year. Failure to meet these requirements will result in the ranch being placed on review until the following year when the process begins again. If circumstances beyond the control of the authorized ranch contact or a documented family emergency, sickness or death, resulted in this deadline being missed, the department may accept completed agreement and affidavit of ownership forms through March 1.

~~(d) [If the department determines there has been a breach of the terms set forth in the agreement, false representation of a property's deeded acreage, rightful ownership, or legal representation of a property, the department shall immediately inactivate the property, void all unconverted authorizations issued to the ranch and the owner or authorized ranch contact will be subject to the processes set forth in 19.31.2 NMAC.]~~ **Any property in which the landowner or the landowner's designated contact person represents or permits the false representation of the property's deeded acreage or breaches or violates the conditions of any elk-private land use system (E-Plus) agreement entered into with the department of game and fish, shall be suspended from further participation in E-Plus for a period of up to 3 years. Upon the department's determination that a violation or breach has occurred, the landowner or landowner's designated contact person shall be notified of the suspension via certified mail. The landowner or landowner's designated contact person may request a hearing that shall be held in accordance with the processes set forth in 19.31.2.13 NMAC (without reference to points) through Subsection A of 19.31.2.22 NMAC. Any property in which the landowner or the landowner's designated contact person does not hold rightful ownership, or legal representation of a property shall be suspended from further participation in E-Plus until such time as rightful ownership or legal representation is determined to the reasonable satisfaction of the department. Authorizations that have been issued to the property shall not be revoked or voided.**

(e) After 2 years of non-receipt of affidavits, the department will inactivate the respective ranch until a new initial application has been submitted by the following February 1 deadline.

(f) Requests to add occupied deeded acreage for the upcoming season must include a map showing the new property boundary and be included with the

agreement and affidavit of ownership form submitted by the February 1 deadline.

(g) Properties that are sold or transferred to new ownership must re-apply as required for initial enrollment by the February 1 deadline. The previous owner must report any reduction in acreage resulting from sale or transfer, on their annual affidavit of ownership and provide an updated map documenting the acreage reduction. Properties, or portions of properties, that have been reported by the previous owner as sold or transferred will be considered un-enrolled until the new owners apply as an initial sign-up.

(h) The department may make reasonable accommodations in circumstances where transfer of ownership occurs after the February 1 deadline.

(i) All participating ranches that the department determines do not meet minimum requirements for participation shall be sent written notice of inactivation in the system for the following license year.

(j) District officers and game managers may adjust the elk contribution rating for any participating ranch annually. In the case an adjustment is warranted, the landowner will be contacted and notified of the rating change.

[19.30.5.8 NMAC - N, 10-17-2005; A, 12-14-2006]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.2 NMAC, Sections 8 and 9, effective 12-14-2006.

19.31.2.8 REVOCATION:

A. Points: Any person accumulating 20 or more points within any consecutive three-year period shall be considered for revocation and suspension of all his/her hunting and fishing, trapping license privileges, or guiding and outfitting registration or revocation and suspension of any permit or certificate issued under Chapter 17 and its implementing regulations.

B. Timeframe: Any person found to be in violation of Chapter 17, its implementing regulations, or Section 30-14-1 NMSA 1978, after notice and an opportunity for review by a hearing officer, shall have his or her license, permit, or certificate revoked for up to three (3) years in accordance with Section 8, unless otherwise provided for by law. Any person found to be in violation of the Parental Responsibility Act, 40-5A-1, after notice and an opportunity for review by a hearing officer, shall have his or her license, permit, or certificate or registration privileges revoked until he or she provides a certified

letter of compliance from the human services department. Any person whose found to be violation by another wildlife violator compact state and in accordance with 17-2-10.3.B and revoked by the state game commission, shall remain on revocation until he or she proves by certified letter or list from the respective member state that his or her revocation is no longer in place. Any person found to not comply with **antelope** landowner authorization hunting agreement shall have his or her authorization privileges placed on revocation for up to 3 years.

[4-1-95, 10-31-98, 11-14-98, 1-29-99; 19.31.2.8 NMAC - Rn & A, 19 NMAC 31.2.8, 12-14-01; A, 12-14-06]

19.31.2.9 POINT CATEGORIES:

A. 20-point violations:

Any person who violates one of the following listed provisions shall accumulate twenty (20) points for each violation toward the revocation of his/her license, permit, or certificate and suspension of associated privileges:

(1) illegally taking, attempting to take, killing, capturing or possessing any big game species outside of hunting season in violation of Section 17-2-7 or 17-3-33;

(2) except as otherwise provided by Sections 17-2-37 to 17-2-46, taking, possessing, transporting, exporting, processing, selling or offering for sale, or shipping any species or subspecies of wildlife listed on the state list of endangered species or the United States' list of endangered native and foreign fish and wildlife;

(3) signing a false statement to procure a resident hunting or fishing license when the applicant is residing in another state at the time of application, in violation of Section 17-3-6;

(4) selling, offering for sale, offering to purchase or purchasing any game animal, game bird or protected species, in violation of Section 17-2-7;

(5) hunting with the aid of an artificial light or spotlight, in violation of Section 17-2-31;

(6) hunting elk outside the ranch boundaries for which a ranch-only license is issued or otherwise hunting elk in the wrong area, in violation of Section 17-2-7;

(7) criminal trespass, in violation of Section 30-14-1, for a minimum of three (3) years;

(8) for violations of Section 17-2-29, involving hunting or boating while intoxicated (revocation for a period of one (1) year, as prescribed by Section 17-2-30);

(9) buying of licenses, permits certificates or registration without sufficient funds to pay for same;

(10) buying or procuring a prohibited license or registration while on rev-

ocation;

(11) flagrant violation of the provisions of any special use of wildlife permit issued by the department pursuant to Chapter 17 and its implementing regulations;

(12) any person whose name appears on a human services department certified list of obligors not in compliance with the Parental Responsibility Act;

(13) guiding and/or outfitting without being registered (17-2A-3);

(14) using an outfitter or guide license issued to another;

(15) accessory of any of the above;

(16) any person whose name appears on the wildlife violator compact certified list or has been revoked by another wildlife violator compact member state and is in accordance with 17-2-10.3.B;

(17) any resident who fails to comply with the terms of a citation including failure to appear, from a wildlife violator compact member state; however reinstatement of licenses privileges shall occur once the department receives a certified notice from the state that initiated this actions that the terms of the citation have been met;

(18) failure to remit payment for penalty assessment citation; however reinstatement of license privileges may occur once the department receives payment in full for penalty assessment fees;

(19) any person submitting, or allowing to be submitted for them, false or fraudulent harvest reporting information pursuant to 19.30.10.11 NMAC.

B. 15-point violations:

Any person who violates one of the following listed provisions shall accumulate fifteen (15) points toward the revocation of his/her license, permit, or certificate and suspension of associated privileges:

(1) unlawful hunting in violation of Subsection (A) of 19.31.10.17 NMAC;

(2) unlawful hunting in violation of Subsection (B) of 19.31.10.17 NMAC;

C. 10-point violations:

Any person who violates one of the following listed provisions shall

accumulate ten (10) points toward the revocation of his/her license, permit, or certificate and suspension of associated privileges:

(1) hunting in a closed area;

(2) exceeding the bag limit of game;

(3) using a license issued to another;

(4) illegal possession of fish;

(5) procurement or possession of additional deer license;

(6) fishing without a license;

(7) exceeding the bag limit on fish;

(8) fishing by an illegal method;

(9) illegally taking, attempting to take, killing, or capturing of any big game species during hunting season, in violation of Section 17-2-7 (1);

(10) illegal possession of any big game species during hunting season, in violation of Section 17-2-7 (2);

(11) hunting without a license.

D. 5-point violations: Any person who violates any provision of Chapter 17 and its implementing regulations, that is not specifically listed herein, shall accumulate five (5) points toward the revocation of his/her license, permit, or certificate and suspension of associated privileges except violations of Section 17-2A-3 and its implementing regulations.

E. Guide and outfitter:

Any registered outfitter or guide who violates provisions of Section 17-2A-3 and its implementing regulations not already addressed in this section shall be assessed points towards the revocation or suspension of their guide and or outfitting registration as follows: Guides and outfitters shall be afforded a hearing before the assessment of points.

(1) Failure to provide signed contract pursuant to Subsection A of 19.30.8.11 NMAC (5pts)

(2) Failure to provide sufficient guides pursuant to Subsection B of 19.30.8.11 NMAC (10pts)

(3) Failure to supervise pursuant to Subsection C of 19.30.8.11 NMAC (10pts)

(4) Misconduct pursuant to Subsection D of 19.30.8.11 NMAC (20pts)

(5) Unregistered services pursuant to Subsection E of 19.30.8.11 NMAC (10pts)

(6) Failure to report illegal activity pursuant to Subsection F of 19.30.8.11 NMAC (5pts)

(7) Failure to comply with and convicted of any local, state, or federal laws pursuant to Subsection G of 19.30.8.11 NMAC (10pts)

(8) Willfully allowing client misconduct pursuant to Subsection I of 19.30.8.11 NMAC (10pts)

(9) Breach of contract pursuant to Subsection J of 19.30.8.11 NMAC (10pts).

(10) Violation of conditions of registration pursuant to Subsection K of 19.30.8.11 NMAC (20pts).

(11) An outfitter knowingly (unlawfully) using an unregistered guide (10pts).

F. Antelope landowner contracts and agreements: Landowner: Any landowner who breaches or violates the conditions of any ~~landowner sportsman system (LOSS)~~ **antelope-private land use system (A-Plus)** agreement/contract entered into with the department of game

and fish shall be assessed points towards the revocation or suspension of their landowner permits as follows. Landowners shall be afforded a hearing before the assessment of points.

(1) Unit-wide option antelope: Failure to grant free, unrestricted and equal access, (to include vehicle access) to the ranch named on the contract only for the purpose of hunting antelope, to the licensed hunters, and some that may be accompanied with their outfitters/guides. The licenses must be valid for the same coded hunt and same management unit as the licenses authorized by the land owners contract. Hunters must carry written permission from a department representative to move to another ranch. (20 points)

(2) Denying licensed public antelope hunters assigned to the ranch by the department, some who may be accompanied with their registered outfitter, free, unrestricted and equal access, (to include vehicle access) to the ranch for the purpose of hunting antelope. (20 points)

~~[(3) Unit wide option elk: Failure to grant free, unrestricted and equal access, including vehicular access, for the sole purpose of hunting elk to any legally licensed person and their companions during all corresponding public hunt periods with their sporting arms and bag limit restrictions in the same unit as the ranch. (20 points)~~

~~(4)~~ (3) Discriminating against those with whom he/she negotiates for the use of the private land licenses on the basis of race, color, religion, sex and origin. (20 points)

~~[(5)~~ (4) Failure to provide reasonable access to include keys and/or combinations, if necessary, to locked gates for department personnel during the entire hunt periods for elk and antelope for the purpose to record biological data and enforce laws and regulations. (20 points)

~~[(6)~~ (5) Providing false documentation, records or falsifying a landowner hunting agreement/contract in any manner. (20 points)

~~[(7)~~ (6) Failure of the landowner, manager or lessee to inform the department of any changes in ownership, a eage and/or address changes, etc. (5 points)

[4-1-95, 10-31-98, 11-14-98, 1-29-99; 19.31.2.9 NMAC - Rn & A, 19 NMAC 31.2.9, 12-14-01; A, 05-15-02; A, 9-30-02; A, 6-15-06; A, 12-14-06]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

This is an amendment to 19.31.3 NMAC, Sections 8, 9, 10, and 11, effective 4-1-2007.

19.31.3.8 PUBLIC LICENSES AND PERMITS - APPLICATION FOR:

A. Application form:

Application for all public licenses and permits shall be made on the standard application form provided by the department of game and fish.

B. Application deadline(s): Applications for all population reduction hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear entry, deer entry, oryx, javelina, and ibex hunts must be received, in the Santa Fe office only, by 5:00 p.m. on dates set by the state game commission.

C. Mailed application deadline: Mailed applications postmarked, but not delivered by the deadline date, will be accepted by the Santa Fe office up to five (5) working days after that deadline.

D. One applicant per application: No more than one (1) person may apply under each application number for bighorn sheep, bear entry, ibex, population reduction hunts and game management sub-unit 6B (Valles Caldera national preserve).

E. Two applicants per application: No more than two (2) persons may apply under the same application number for turkey and oryx.

F. Four applicants per application: No more than four (4) persons may apply under the same application number for deer entry, elk, pronghorn antelope, and javelina.

G. Resident and non-resident application combination: Any mixture or combination of residents and non-residents may make application for special drawing providing the number of applicants does not exceed the restriction of this section (subsection D, E or F).

H. Applications rejected: Applications for licenses may be rejected by the department if an applicant did not:

- (1) apply on the proper form as designated by the director;
- (2) submit the correct or required information;
- (3) submit the correct license or application fee, and any other required fee;
- (4) meet the deadline date;
- (5) comply with a current statute or rule, or did not submit valid written landowner permission when specified by rule.

I. More applications than permits: If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing.

J. Increase in licenses or permits: The number of licenses or permits available may be increased to accommodate corrections or errors by the department which result in the addition of names to the successful list.

K. Additional choices: Applicants for public licenses may designate additional choices for hunt periods. ~~[No additional choices may be made for hunt codes designated as unlimited as defined in 19.31.8 NMAC.]~~

L. Application categories: Applications for special drawing hunts will be placed into the appropriate categories, as specified in 17-3-16 NMSA 1978 by department personnel or their designee. Special drawings shall continue to draw applicants from the appropriate drawing pool progressively for each respective hunt code, starting with first choice applicants, then proceeding to second and subsequent choice applicants until the quota has been met or the pool of applicants has been exhausted.

M. Resident and non-resident applications:

(1) A non-resident applicant must have a valid outfitter registration number on his or her application to be placed in the separate pool designed for guided hunts.

(2) For an application to be successfully drawn, there must be a sufficient number of licenses or permits available for that hunt code to accommodate all applicants from their respective drawing pools.

(3) Any licenses left over from the appropriate drawing pool will be allocated as prescribed in Paragraph C of Section 17-3-16 NMSA 1978 Compilation.

~~[N. Valles Caldera national preserve or VCNP requirements and procedures for determination of access authorization holders.~~

~~(1) The department shall issue elk hunting licenses only to persons holding a valid VCNP elk hunting access authorization in accordance with 17-3-16 NMSA.~~

~~(2) Prior to the department issuing any elk hunting licenses to persons holding a valid VCNP elk hunting access agreement, the VCNP must provide to the department, written verification from the contractor conducting the drawing process to determine the holders of VCNP elk hunting access authorizations, that the provisions of 17-3-16B, C and D NMSA have been met with respect to all authorizations issued.~~

~~(3) The VCNP shall utilize a con-~~

~~tractor to conduct the drawing that determines the holders of any VCNP elk hunting access authorization. The contractor must be approved by the department prior to the drawing process conducted in accordance with paragraph 1 and 2 if this subsection.~~

~~O. Off-range population reduction hunts for oryx: ORX 5 550 through ORX 5 561. Only applicants with even numbered birth year may apply during even numbered license years and only applicants with odd numbered birth year may apply during odd numbered license years.~~

~~P. Oryx WSMR restricted area hunts ORX 5 520 through ORX 5 527: are available only to those persons who have never held a 'once in a lifetime' oryx license, to personnel with appropriate security badges or their guests in accordance with White Sands missile range provisions, and to persons whose year of birth, whether odd or even, matches the year of application, odd with odd, even with even.]~~

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 12-30-04; A, 4-1-07]

19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:

A. No application deadline: Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

B. Issuance of licenses: Licenses will be issued, in person or by mail, out of the Santa Fe, Albuquerque, Las Cruces, Roswell, and Raton offices.

C. Maximum number of licenses: Licenses will be issued only up to the number of ~~[licenses]~~ **authorizations** allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

D. No authorizations issued: Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lays outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

E. Pronghorn antelope [landowner system] private lands use system (A-PLUS):

~~[(1) The deadline for new landowner sign ups and changes to existing data is February 1.]~~

~~(2) Sign up requirements: Landowners wanting to apply for private land pronghorn antelope authorizations must submit: 1) warranty deed of the property; 2) most recent tax receipt for the property; 3) a map which outlines and provides the boundary locations of the property.]~~

(1) The deadline for new

landowners to apply and any changes (i.e. change in ownership, acreage, ranch contact person, etc.) reported for existing ranches is February 1, annually.

(2) Landowners must enroll the entire ranch into the system which includes all deeded acres as well as any leased public acreage (BLM, USFS, and state trust).

(3) Participation requirements: New landowners applying for private land pronghorn antelope authorization certificates must submit the current A-PLUS application along with all required documentation listed on the application. Existing ranches are subject to random requests for updated ownership documentation. If a landowner fails to submit ownership documents when requested, the ranch will be inactivated from the system. The ranch will be considered for re-activation for the following license year upon receipt of requested documentation.

(3) (4) All signed pronghorn antelope hunt [contracts] agreements must be received in the Santa Fe office by [June 8] the deadline date indicated on the annual hunting agreement. The annual deadline date is subject to change pursuant to the big game public draw date. If a landowner fails to submit the hunt agreements by the deadline date, the ranch will not be eligible to receive pronghorn antelope authorization certificates during the current license year.

F. Private land elk license allocation: The private land elk license allocation system may be found in 19.30.5 NMAC.
[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 12-30-04; A, 6-15-06; A, 4-1-07]

19.31.3.10 ~~[DEER — PERMIT VALIDATIONS:~~

A. ~~Hunt code validations:~~ Whenever a license vendor issues a private land deer permit, the vendor shall indicate on the permit the hunter's selection for a DER hunt code as listed in 19.31.8 NMAC. The hunt code indicated shall be one listed for draw deer hunts both within the GMU and for the specific sporting arms type. Vendors shall not validate private land deer permits with hunt codes for deer hunts on wildlife management areas. Private land only hunt codes are established for these GMU's in 19.31.8 NMAC.

B. ~~Change of validation:~~ No one other than a department representative, a law enforcement designee or a department license vendor may change the hunt code validation marked on any deer permit. Such changes must be made on the face of the permit, using a special stamp supplied by the department. No changes in the hunt code may be made after the start of

the first deer season for which the permit is validated. Permits issued through the draw system are not eligible for validation changes.] [RESERVED]

[19.31.3.10 NMAC - Rp, 19.31.3.10 NMAC, 12-30-04; A, 4-1-07]

19.31.3.11 RESTRICTIONS:

A. One license per big game species per year: It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise allowed by rule.

B. Valid dates of license or permit: All permits or licenses shall be valid only for the specified dates, legal sporting arms, bag limit and area. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU or AMU, that is open to hunting for that species, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

[C. ~~Rocky — Mountain bighorn sheep — once in a lifetime hunts:~~ It shall be unlawful for anyone to apply for a Rocky Mountain bighorn sheep license if one has previously held a license to hunt Rocky Mountain bighorn sheep in New Mexico, including the youth only bighorn hunt. However, a person that has received the youth only license is allowed to apply for the regular once in a lifetime bighorn hunts as long as they are eligible. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky Mountain or desert bighorn sheep in New Mexico.

D. ~~Desert bighorn sheep — once in a lifetime:~~ It shall be unlawful for anyone to apply for a desert mountain bighorn sheep license if one has previously held a license to hunt desert mountain bighorn sheep in New Mexico. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he/she has previously held a license to hunt Rocky Mountain or desert bighorn sheep in New Mexico.

E. [RESERVED]

F. ~~ibex — once in a lifetime:~~ It shall be unlawful for anyone to apply for a once in a lifetime ibex license if he/she ever held a once in a lifetime license to hunt ibex. Youth ibex hunts, year round off mountain hunts, and hunts for female or immature (FIM) ibex, as designated in 19.31.8 NMAC, are not once in a lifetime hunts.

G. ~~Oryx — once in a lifetime:~~ It shall be unlawful, beginning April 1, 1993, for anyone to apply for an oryx license if he/she ever held a "once in a lifetime" license to hunt oryx. Exception: Depredation population reduction oryx hunts, youth oryx hunts and incentive hunts are not once in a lifetime hunts.

H. ~~Valle Vidal — (as described in Subsection A of 19.30.4.11 NMAC):~~

(1) It shall be unlawful for anyone to apply for a license to hunt bull elk on the Valle Vidal if he/she has ever held a license allowing them to take a bull elk on the Valle Vidal since 1983. This restriction applies to all licenses valid for a bag limit of mature bull (MB), either sex (ES) or mature bull/antlerless (MB/A). It shall be unlawful for anyone to apply for a license to hunt antlerless elk on the Valle Vidal if he/she has ever held a Valle Vidal elk license valid for a bag limit of antlerless since 1983. Either sex (ES) or mature bull/antlerless (MB/A) shall not be considered as an "antlerless" license for this restriction. Persons who have held a Valle Vidal elk license through any incentive program are exempt from this restriction.

(2) It shall be unlawful to hunt bear on the Valle Vidal except for properly licensed bear hunters that possess a Valle Vidal elk hunting muzzleloader, bow, or rifle license and only during the dates of the elk hunt specified. Use of dogs shall not be allowed for bear hunting on the Valle Vidal.]

[H] C. ~~Transfer of permits or licenses:~~ The director may grant the transfer of a hunting license or permit once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has; died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

[J] D. ~~Refunds:~~ The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has; died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting.

[K] E. ~~Donation of permits or licenses:~~ Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a person who has been qualified through a nonprofit wish-granting

organization. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit wish-granting organizations that identify and submit recipients for donated licenses or permits.

~~[H.] E. More than one application:~~ It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation. Exception: An individual may apply for both a population reduction hunt on public or private land and a special drawing hunt. However, an applicant shall follow the application procedures outlined in 19.31.3.8 NMAC.

~~[M. Deer hunts: It shall be unlawful for any person who is issued a deer hunting permit:~~

~~(1) to hunt with any sporting arms type other than that for which his/her deer permit is validated;~~

~~(2) to hunt during any season other than that for which his/her deer permit is validated;~~

~~(3) to hunt in any GMU other than that for which his/her deer permit is validated;~~

~~(4) to hunt deer on public land in any GMU with a private land deer permit, except in conjunction with this subsection, if it is on state land where there is a valid agreement for unitizing state leased and privately owned or leased lands; or~~

~~(5) to hunt private property without possessing a valid deer permit, the proper deer license and written permission.]~~

~~[N.] G. Handicapped fishing or handicapped general hunting license qualifications:~~ To hold a handicapped fishing or handicapped general hunting license, the individual must be a resident of New Mexico and must show proof of a severe disability by reason of one or more physical disabilities resulting from amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or who has a combination of permanent disabilities which cause comparable substantial functional limitation. Reasonable accommodation will be made, relating to these licenses, upon request.

~~[O.] H. Mobility impaired (MI) deer, elk, oryx, or antelope license qualifications:~~ To hold a mobility

impaired deer, elk, oryx, or antelope license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation and then obtain department approval for MI hunt eligibility.

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

(2) All current MI card holders shall have their card expire on March 15, 2007 and must resubmit on the proper department form and obtain department approval prior to being eligible to apply for MI designated hunt codes.

~~[P. One deer permit per year:~~ It shall be unlawful for anyone to hold more than one deer permit during the current license year.]

~~[Q.] L. Youth hunts:~~ Only applicants who have not reached their 18th birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt. Applicant for firearm hunts must provide hunter education certificate number on application.

~~[R. Bear entry hunt:~~ It shall be unlawful to hunt bear in designated wildlife areas without having a valid bear entry permit and a valid license in the hunter's possession. Bear entry hunters shall be allowed to hunt any other bear hunt provided they have a valid license and tag.]

~~[S.] J. An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.~~

~~[T. It shall be unlawful to hunt pheasant in Valencia county without possessing a valid pheasant permit, the proper license and written permission.~~

~~(1) Exception: A hunter with a Valencia county pheasant north hunt or south hunt area permit is not required to have written permission for these specific hunt areas.~~

~~(2) It is unlawful for a hunter that successfully draws a Valencia county pheasant north hunt or south hunt to hunt any other area or property outside of the designated hunt area in Valencia county that~~

~~same season.~~

~~[U. GMU 4 and 5A private land only hunts:~~ Deer hunt applicants in GMUs 4 and 5A must obtain a special application from landowner. GMU 4 and 5A landowners may be required to provide proof of land ownership to obtain special application forms.]

~~[V.] K. Military only hunts:~~ Applicants must be full time active military and proof of military status must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

~~[W.] L. Penalty assessments:~~ When a person is issued a penalty assessment citation for fishing without a license or hunting small game without a license, the citation will serve as a special permit for that specific activity for fifteen (15) calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within thirty (30) days of the date of citation issuance.

~~[M. Iraq/Afghanistan veteran oryx hunts:~~ Only New Mexico residents who served on active duty military during the Iraq or Afghanistan conflict are eligible to apply for Iraq/Afghanistan veteran oryx licenses. Proof of active duty military assignment in Iraq or Afghanistan must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

~~[N. Mentor/youth only hunts:~~ Applications for mentor/youth only hunts are limited to one adult (18 years and older) and up to 3 youth applicants (under 18 years as of opening day of the hunt). Youth applicants for any mentor/youth only firearm hunts must provide hunter education certificate number on application.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 12-30-04; A, 6-30-05; A, 9-30-05; A, 10-31-05; A, 3-31-06; A, 6-15-06; A, 4-1-07]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.32.2 NMAC, Sections 7, 8, 9, 10, 11 and 14, effective 4-1-2007.

- 19.32.2.7 DEFINITIONS:**
- A. "Land set," as used herein, shall mean any trap or snare set on land.
- B. "Water set" shall mean any trap or snare set fully or partially in water.
- C. "Conibear-type traps"

shall mean ~~[traps designed to kill animals instantly]~~ **a rotating jaw trap designed to capture an animal by the body.**

D. "Agent" shall mean any New Mexico resident who is registered, by the trapper, with the department of game and fish. No fur dealer may act as an agent. ~~[There shall be no more than one agent per trapper].~~ **Agents must have a valid trapper license.**

E. "Lamination" shall mean ~~[additional surface area added to the outside or inside of the jaw of a steel trap]~~ **modifying the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) above or/and below the trap jaw that increases the contact surface area of the trap jaw.**

F. "Off-set" shall mean a **space measuring a minimum of 3/16 inch between the contact surfaces of the closed jaws of a foothold trap.**

G. "Natural or man-made cubby set" shall mean a **close ended hole, structure, bucket or declivity, or open-ended "tunnel-type" enclosure used for the purpose of trapping protected furbearers.**

H. "Jaw spread" shall mean **the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is in the set position.**

I. "Steel trap" shall mean **a spring actuated device designed to capture an animal by the foot, leg or body gripping.**

[4-1-95; 19.32.2.7 NMAC - Rn, 19 NMAC 32.1.7, 9-29-00; A, 4-1-03; A, 4-1-07]

19.32.2.8 OPEN SEASONS AND OPEN AREAS:

A. Badger, weasel, fox, ringtail and bobcat: ~~[October 15]~~ **November 1** through March 15, statewide.

B. Raccoon: April 1-May 15 and September 1-March 31 statewide.

C. Beaver, nutria and muskrat: April 1-April 30 and ~~[October 15]~~ **November 1**-March 31, statewide, provided that no beaver trapping shall be permitted on any public lands within the exterior boundaries of any national forest, except those public lands within the Carson and Santa Fe national forest.

[4-1-95; 19.32.2.8 NMAC - Rn, 19 NMAC 32.1.8, 9-29-00; A, 02-28-01; A, 4-1-07]

19.32.2.9 BAG LIMIT: There shall be no bag limit on any furbearer **unless sport harvest exceeds estimated total sustainable harvest in the furbearer population assessment and harvest management matrix as approved by the commission.**

[4-1-95; 19.32.2.9 NMAC - Rn, 19 NMAC

32.1.9, 9-29-00; A, 4-1-07]

19.32.2.10 MANNER AND METHOD OF TAKING FURBEARERS:

A. Legal methods of taking shall include dogs, firearms, bows and arrows, or traps and snares as further restricted below.

B. The following restrictions on traps and snares shall apply to the setting of any trap or snare that could reasonably be expected to catch a protected furbearer.

(1) Identification of the trap user shall be such that each trap or snare used in the taking of wild animals must be either permanently marked with a user-identification number that is issued by the department of game and fish, or be permanently marked with the name and address of the trapper using the trap or snare.

(2) No ~~[steel]~~ **foot hold** trap with an outside spread larger than 7 inches if laminated ~~[and]~~ **above the jaw surfaces or tooth jawed traps,** shall be used in making a land set. ~~[-except conibear type traps set on land for beaver. All leg hold traps]~~ **All foothold traps with an inside jaw spread equal to or greater than 5.5 inches** shall be offset.

(3) No land set shall be placed within 1/4 mile of an occupied dwelling without prior, written permission of the occupant of the dwelling, except for a land set placed by a landowner on his own land.

(4) No land set shall be placed within 1/4 mile of an established public campground, roadside rest area, picnic area, or boat-launching area.

(5) No land set shall be placed within 25 yards of any forest service or bureau of land management system trail designated on agency maps provided for the general public or within 25 yards of the shoulder of any public road that is ~~[graded and]~~ annually maintained with public funds **as follows: when a boundary fence is present, sets must be made on the side of the fence opposite the road.**

(6) No land set shall be placed within 50 yards of any man-made livestock or wildlife ~~[watering]~~ **catchment, pond or tank containing water,** except on private land with written permission from the landowner.

(7) No steel trap with an ~~[outside]~~ **inside** jaw spread larger than **7.5 inches or conibear-type trap with a jaw spread greater than** 12 inches shall be used in making a water set.

(8) It shall be illegal to place, set or maintain any steel trap or snare within 25 feet of bait that is at all visible from any angle and that consist of the flesh, hide, fur, viscera, or feathers of any animal; provided, however, that a cubby set shall be legal

when set where the bait cannot be seen except from a height of 3 feet or less above ground level and at a maximum distance of 25 feet. ~~[Both the trap or snare and]~~ **The** bait must be inside the natural or man-made cubby **but the steel trap may be outside.** Bones that are entirely free of flesh, hide, fur or feathers may be used as visible bait. The restriction on visible bait shall not apply to a trap flag that is suspended ~~[at least 3 feet]~~ above the ground and that is made from materials other than parts of mammals, birds, fish, reptiles, or amphibians.

(9) No conibear type trap with an inside jaw spread greater than seven (7) inches may be set on land and must be used in conjunction with a cubby set such that the trap trigger is recessed in the cubby at least eight (8) inches from an entrance. Conibear type traps with an inside jaw spread less than six (6) inches are not required to be used in conjunction with a cubby set.

[4-1-95, 19.32.2.10 NMAC - Rn, 19 NMAC 32.1.10, 9-29-00; A, 4-1-03; A, 4-1-07]

19.32.2.11 TRAP INSPECTION AND FURBEARER REMOVAL:

A. A licensed trapper, or his/her agent, must make a visual inspection of each trap every 24 hours. If wildlife is held captive in the trap, the trapper or agent must remove the wildlife. A release device or catchpole shall be carried to release pets and maybe used to release non-target or undesirable animals. All traps must be personally checked by the trapper every ~~[48 hours]~~ **other calendar day** and all wildlife removed. Each trapper will be allowed ~~[one agent]~~ **multiple agents** who must possess written permission from the trapper **and a valid trapper license.** The permission must include the trapper's full name, address, trapper's license number, trap identification number(s), if appropriate, and general location or route of traps.

B. It shall be illegal to import any furbearer into the state. It shall be illegal to retain alive in captivity any furbearer except raccoons held under a valid New Mexico department of game and fish live animal permit. Upon written application, the director may issue a permit for retention of raccoon, or other activity permitted under Title 19.31.2 NMAC.

[4-1-95; A, 2-28-98, A, 9-30-98; 19.32.2.11 NMAC - Rn, 19 NMAC 32.1.11, 9-29-00; A, 4-1-03; A, 4-1-07]

19.32.2.14 TAGGING BOBCAT PELTS:

A. Every person who takes a bobcat in New Mexico shall present the pelt for tagging. The trapper or his agent must make arrangements to have **all bobcat pelts tagged** ~~[within 30 days of capture]~~ **no**

later than April 14, annually.

B. Every person who presents a bobcat for tagging shall display a current trapper license **except residents 11 years of age or younger.** Tags may be obtained from department offices in Raton, Roswell, Las Cruces, Albuquerque and Santa Fe. In addition pelts may be tagged by New Mexico licensed furbearer dealers following policies set forth by the department.

C. No person shall transport across state lines, sell, barter, or otherwise dispose of any bobcat pelt taken in New Mexico unless it has been properly tagged.

D. It shall be unlawful to present for tagging, or to have tagged, any pelt from a bobcat taken outside the state of New Mexico.

E. It shall be unlawful for fur dealers to tag any bobcat contrary to this rule.

[4-1-95; 19.32.14 NMAC - Rn, 19 NMAC 32.1.14, 9-29-00; A, 4-1-05; A, 4-1-07]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an emergency to amend 8.200.400 NMAC, Section 10, which will be effective on December 1, 2006. The Medical Assistance Division amended the section to include Mi Via Home and Community-Based Services Waiver.

8.200.400.10 BASIS FOR DEFINING GROUP: Individuals are eligible for medicaid if they meet the specific criteria for one of the eligibility categories. In New Mexico, other medical assistance programs for individuals who do not qualify for medicaid are available, such as the children's medical services program (category 007) administered by the New Mexico department of health.

A. Assistance groups: The HSD income support division (ISD) determines eligibility for individuals applying for medicaid.

(1) Category 002 provides medicaid for families with dependent child(ren) for individuals who meet July 16, 1996 AFDC related eligibility criteria.

(2) Category 027 provides four (4) months of medicaid if category 002 medicaid eligibility is lost due to increased child support.

(3) Transitional medicaid (category 028) extends medicaid benefits up to twelve (12) months for families who lose category 002 medicaid eligibility due to increased earnings or loss of the earned income disregard.

(4) Category 033 provides medicaid for individuals who are ineligible for category 002 medicaid due to income or resources deemed from a stepparent, grandparent, or sibling.

B. Medical assistance for women and children: ISD offices establish eligibility for medical assistance for women and children (MAWC) categories. For these categories, medicaid coverage does not depend on one or both parents being dead, absent, disabled, or unemployed. Children and pregnant women in intact families may be eligible for these medicaid categories.

(1) **Category 030:** This category provides the full range of medicaid coverage for pregnant women in families meeting AFDC income and resource standards.

(2) **Category 031:** This category provides twelve (12) months of medicaid coverage for babies born to mothers who, at the time of the birth, were either eligible for and receiving New Mexico medicaid or were deemed to have been eligible for and receiving New Mexico medicaid. To receive the full twelve (12) months of coverage, all of the following criteria must be met:

(a) The mother remains eligible for New Mexico medicaid (or would be eligible if she were still pregnant).

(b) The baby remains with the mother.

(c) Both mother and baby continue to reside in New Mexico.

(3) **Category 032:** This category provides medicaid coverage to children who are under 19 years of age in families with incomes under 235% of federal income poverty guidelines. Uninsured children in families with income between 185-235% of FPL are eligible for the state children's health insurance program (SCHIP). Certain additional eligibility criteria are applicable under SCHIP, as well as co-payment requirements. Native American children are exempt from co-payments.

(4) **Category 035:** This category provides medicaid coverage for pregnancy-related services for pregnant women and family planning services for women in families whose income is below 185% of the federal income poverty level. There is no resource test for this category.

C. Supplemental security income: Eligibility for supplemental security income (SSI) is determined by the social security administration. This program provides cash assistance and medicaid for eligible aged (category 001), blind (category 003) or disabled (category 004) recipients. ISD offices determine medicaid eligibility for individuals who are ineligible for SSI due to income or resources deemed from stepparents (category 034).

D. Medicaid extension: Medicaid extension provides medicaid coverage for individuals who lose eligibility for SSI due to a cost of living increase in social security benefits and to individuals who lose SSI for other specific reasons. Under the "Pickle Amendment" to the Social Security Act, medicaid coverage is extended to individuals who lose SSI for any reason which no longer exists and who meet SSI eligibility criteria when social security cost-of-living increases are disregarded.

(1) Individuals who meet the following requirements may also be eligible for medicaid extension:

(a) widow(er)s between sixty (60) and sixty-four (64) years of age who lose SSI eligibility due to receipt of or increase in early widow(er)s' Title II benefits; eligibility ends when an individual becomes eligible for part A medicare or reaches age sixty-five (65);

(b) certain disabled adult children (DACs) who lose SSI eligibility due to receipt of or increase in Title II DAC benefits;

(c) certain disabled widow(er)s and disabled surviving divorced spouses who lose SSI eligibility due to receipt of or increase in disabled widow(er)s or disabled surviving divorced spouse's Title II benefit; medicaid eligibility ends when individuals become eligible for part A medicare;

(d) non-institutionalized individuals who lose SSI eligibility because the amount of their initial Title II benefits exactly equals the income ceiling for the SSI program; and

(e) certain individuals who become ineligible for SSI cash benefits and, therefore, medicaid as well, may receive up to two (2) months of extended medicaid benefits while they apply for another category of medicaid.

(2) Medicaid extension categories include individuals who are sixty-five (65) years and older (category 001), individuals who are less than sixty-five (65) years of age and blind (category 003) and individuals who are less than sixty-five (65) years of age and disabled (category 004).

E. Institutional care medicaid: ISD offices establish eligibility for institutional care medicaid. Individuals who are aged (category 081), blind (category 083) or disabled (category 084) must require institutional care in nursing facilities (NFs), intermediate care facilities for the mentally retarded (ICF-MRs), or acute care hospitals and meet all SSI eligibility criteria, except income, to be eligible for these medicaid categories.

F. Home and community-based waiver services: ISD offices establish the financial eligibility for individuals who apply for medicaid under one of

the home and community based waiver programs. Individuals must meet the resource, income, and level of care standards for institutional care; however, these individuals receive services at home. Mi via is a self-directed waiver encompassing the five waiver categories. It is available as a possible option to the traditional case management services provided in the five waiver programs. The waiver programs are listed below:

(1) acquired immunodeficiency syndrome (AIDS) and AIDS-related condition (ARC) waiver. (category 090);

(2) disabled and elderly waiver - aged (category 091), blind (category 093), disabled (category 094);

(3) medically fragile waiver (category 095); and

(4) developmental disabilities waiver (category 096); and

(5) brain injury (category 092) under the mi via waiver.

G. Qualified medicare beneficiaries: Medicaid covers the payment of medicare premiums as well as deductible and coinsurance amounts for medicare-covered services under the qualified medicare beneficiaries (QMB) program for individuals who meet certain income and resource standards (category 040). To be eligible, an individual must have or be conditionally eligible for medicare hospital insurance (medicare part A).

H. Qualified disabled working individuals: Medicaid covers the payment of part A medicare premiums under the qualified disabled working individuals (QDs) program for individuals who lose entitlement to free part A medicare due to gainful employment (category 042). To be eligible, individuals must meet the social security administration's definition of disability and be enrolled for premium part A. These individuals must also meet certain income and resource standards. They are not entitled to additional medicaid benefits and do not receive medicaid cards.

I. Specified low-income medicare beneficiaries: Medicaid covers the payment of medicare part B premiums under the specified low-income medicare beneficiaries (SLIMB) program for individuals who meet certain income and resource standards (category 945). To be eligible, individuals must already have medicare part A. They are not entitled to additional medicaid benefits and do not receive medicaid cards.

J. Medical assistance for refugees: Low-income refugees may be eligible for medical and cash assistance. Eligibility for refugee assistance programs is determined by the ISD offices. To be eligible for cash assistance and medical coverage (category 019) or medical coverage only (category 049), a refugee must meet

the income criteria for AFDC programs. Refugee medical assistance is limited to an eight (8) month period starting with the month a refugee enters the United States. Refugee medical assistance is approved only in the following instances:

(1) refugees meet the AFDC standard of need when the earned income disregard is applied;

(2) refugees meet all criteria for refugee cash assistance but wish to receive only refugee medical assistance;

(3) refugees receive a four (4) month refugee medical assistance extension when eligibility for refugee cash assistance is lost due to earned income; or

(4) refugee spends-down to the AFDC standard of need (category 059).

K. Emergency medical services for aliens: Medicaid covers emergency services for certain nonqualified, illegal undocumented, or non-immigrant aliens who meet all eligibility criteria for one of the existing medicaid categories, except for citizenship or legal alien status. These individuals must receive emergency services from a medicaid provider and then go to an ISD office for an evaluation of medicaid eligibility. Once an eligibility determination is made, the alien must notify the servicing provider so that the claim can be submitted to MAD or its designee for a medical necessity evaluation and claim payment.

L. Children, youth, and families medicaid: Medicaid covers children in state foster care programs (category 006, category 046, category 066, category 086) and in adoption subsidy situations (category 017, category 037, and category 047) when the child's income is below the AFDC need standard for one person. Medicaid also covers children who are the full or partial responsibility of the children, youth, and families department (CYFD) such as category 060 and category 061. The eligibility determination for these categories is made by CYFD.

M. Working disabled individuals: The working disabled individuals (WDI) program (category 043) covers disabled individuals who are either employed, or who lost eligibility for supplemental security income (SSI) and medicaid due to the initial receipt of social security disability insurance (SSDI) and who do not yet qualify for medicare.

N. Breast and cervical cancer: The breast and cervical cancer (BCC) program (category 052) covers uninsured women, under the age of 65 who have been screened and diagnosed as having breast or cervical cancer, including pre-cancerous conditions by a contracted provider for the centers for disease control and prevention's national breast and cervical cancer early detection program (NBCCEDP).

O. State coverage insur-

ance: The state coverage insurance (SCI) program (category 062) covers uninsured adults ages 19-64 who: have no other health insurance and are not eligible for other government insurance programs; have income levels up to 200% of the federal poverty limit (FPL); comply with income and eligibility requirements as specified in 8.262.400 NMAC, 8.262.500 NMAC and 8.262.600 NMAC; are employed by an employer who purchases an SCI employer group policy or who participate in an individual policy.

P. Medicare part D - low income subsidy: The subsidy program (category 048) available to individuals enrolled in part D of medicare and whose gross income is less than 150% of the federal poverty level (FPL). This subsidy helps pay the cost of premiums, deductibles, and co-payments.

Q. Program of all-inclusive care for the elderly: The program of all-inclusive care for the elderly (PACE), (categories 081, 083, and 084) covers all acute and long-term care needs of adults age 55 years or older who meet level of care requirements for medicaid nursing facility care.

R. Mi via waiver: The waiver provides self-directed services to waiver recipients who are disabled or elderly (D&E), developmentally disabled (DD), medically fragile (MF), those diagnosed with acquired immunodeficiency syndrome (AIDS), and those diagnosed with certain brain injuries (BI).

[2-1-95; 1-1-97; 4-1-98; 6-30-98; 3-1-99; 8.200.400.10 NMAC - Rn, 8 NMAC 4.MAD.402 & A, 7-1-01; A, 7-1-02; A, 10-1-02; A, 7-1-05; A, 2-1-06; A, 12-1-06; A/E, 12-1-06]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an emergency to amend 8.200.420 NMAC, Section 11, which will be effective on December 1, 2006. The Medical Assistance Division amended the section to include Mi Via Home and Community-Based Services Waiver.

8.200.420.11 DISABILITY: For an applicant/recipient applying for certain medicaid categories, such as category 042, qualified disabled working individuals [~~or~~], category 092 brain injured under the mi via waiver or category 094, home and community-based services waiver for the handicapped and elderly, disability is a factor in the medicaid eligibility determination. The determination of disability is made by the disability determination services unit. The social security administration's definition of

disability is use for that determination.
[2-1-95; 8.200.420.11 NMAC - Rn, 8
NMAC 4.MAD.424, 7-1-01; A/E, 12-1-06]

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

This is an emergency to amend 8.206.400 NMAC, Sections 9, 18 and 20 which will be effective on December 1, 2006. The Medical Assistance Division amended the section to exclude all income and resources for applicants/recipients between 18 and 21 years of age who are receiving Chafee Independent Living assistance from CYFD.

**8.206.400.9 MEDICAID FOR
RECIPIENTS UNDER EIGHTEEN
YEARS OF AGE FOR WHOM THE
CHILDREN, YOUTH, AND FAMILIES
DEPARTMENT HAS FULL OR PARTIAL
FINANCIAL RESPONSIBILITY -
CATEGORIES, 006, 017, 037, 046, 047,
060, 061, 066, AND 086 AND EXTEND-
ED MEDICAID FOR CERTAIN INDIV-
IDUALS ~~[IN FOSTER CARE CATE-
GORIES, 006 AND 066]~~ RECEIVING
CHAFEE INDEPENDENT LIVING
[FUNDS] ASSISTANCE:**

A. The New Mexico medicaid program (medicaid) is required to furnish coverage to recipients under eighteen (18) years of age for whom adoption assistance or foster care maintenance payments are made under Title IV-E of the Social Security Act [42 CFR Section 436.118].

B. Medicaid has opted to furnish coverage to recipients under eighteen (18) years of age who meet all the aid to families with dependent children (AFDC) eligibility criteria except for the definition of "dependent child" for whom the state of New Mexico, through the children, youth, and families department (CYFD) has assumed full or partial financial responsibility [42 CFR Section 436.222].

C. Medicaid furnishes extended coverage to recipients over eight-
een (18) years of age, but under twenty-one
(21) years of age who [remain under CYFD
foster care categories 006 and 066 after
attaining the age of 18 years and who] are receiving Chafee independent living ~~[funds]~~ assistance.

D. For purposes of this provision, the following definitions apply:

(1) "Full or partial financial responsibility" means CYFD has made a payment on behalf of the recipient during each month for which medicaid eligibility is sought. The nature of CYFD's financial responsibility must be documented. Documentation must include the court-ordered placement and/or custody award

and CYFD payments made on behalf of the recipient at the time of application and each subsequent periodic review.

(2) "Private institutions" includes accredited and non-accredited residential treatment centers and group homes, and treatment foster care. Institutions specifically excluded from this definition are the youth diagnostic development center, New Mexico boys and girls schools, and reintegration centers which are not certified to furnish medical care. A child placed in these facilities is not eligible for medicaid.

(3) "Substitute placement" includes placement in foster homes or private institutions.

[10/1/94; 8.206.400.9 NMAC - Rn, 8
NMAC 4.CYM.400, 7/1/03; A, 10/1/06;
A/E, 12-1-06]

8.206.400.18 AGE: To be eligible for CYFD medicaid, an applicant/recipient must be under ~~[nineteen (19)]~~ eighteen (18) years of age.

A. **Students under nine-
teen:** An otherwise eligible recipient who reaches eighteen (18) years of age loses medicaid eligibility, unless he/she is a full-time student in a secondary school or its equivalent and is expected to complete the program before reaching nineteen (19) years of age. In such cases, eligibility is terminated when the applicant/recipient leaves school or on his/her nineteenth birthday, whichever comes first. School attendance must be verified each semester as part of CYFD's recertification process.

B. **Proof of age:** The following documents are proof of age:

- (1) birth certificate;
- (2) adoption papers or records;
- (3) hospital or clinic records;
- (4) church or baptismal records;
- (5) bureau of vital statistics or local government records;
- (6) United States passports or immigration and naturalization services records;
- (7) Indian census reports; or
- (8) birth records maintained by the social security administration.

C. If the age of the applicant/recipient cannot be established using primary evidence, a minimum of two pieces of corroborating secondary evidence must be used, such as school records, census records, court support order not generated by CYFD, physician statement, juvenile court records not generated by CYFD, child welfare records not generated by CYFD, voluntary social services agency records, insurance policies, minister's signed statement, affidavits and military records.

[10/1/94; 8.206.400.18 NMAC - Rn, 8
NMAC 4.CYM.421, 7/1/03; A/E, 12-1-06]

**8.206.400.20 REPORTING
REQUIREMENTS:** For medicaid recipients under eighteen (18) years of age or under twenty-one (21) years of age for recipients under Chafee medicaid who receive services through CYFD, all changes in the recipient's circumstances which affect eligibility must be documented and acted upon by the responsible party at CYFD within ten (10) days of the change.
[10/1/94; 8.206.400.20 NMAC - Rn, 8
NMAC 4.CYM.450, 7/1/03; A/E, 12-1-06]

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

This is an emergency to amend 8.206.500 NMAC, Sections 13, 17 and 18 which will be effective on December 1, 2006. The Medical Assistance Division amended the section to exclude all income and resources for applicants/recipients between 18 and 21 years of age who are receiving Chafee Independent Living assistance from CYFD.

**8.206.500.13 RESOURCE
EXCLUSIONS:** Certain resources are excluded from the resource computation.

A. **Vehicle exclusion:** The equity value of one vehicle belonging to the applicant/recipient or in his/her name, is not considered a countable resource if the value of the vehicle is \$1,500 or less. Any excess over \$1,500 is a countable resource. The value of any apparatus for the handicapped which is installed on the vehicle is also excluded.

B. **Income exclusion:** Any income which is excluded under income provisions is also excluded from consideration as a resource. Excluded income which is saved must be kept separate from non-excluded savings.

C. **Settlement fund pay-
ment exclusion:** Payments received from the Radiation Exposure Compensation Act is excluded. Payments made under the Agent Orange Settlement Act is also excluded. Payments by the remembrance, responsibility and the future foundation to individual survivors forced into slave labor by the Nazis are excluded.

D. **Earned income tax
credit payment exclusion:** Earned income tax credit payments are not considered resources until the third month after receipt of the payment.

E. **Funeral agreement
exclusion:** The equity value of funeral agreement(s) owned by the applicant/recipients which do not exceed \$1,500 are excluded.

F. **Contingent and unli-
quidated claim exclusion:** "Contingent and unliquidated claim" is defined as a yet

unnamed right of the applicant/recipient to receive, at some future time, a resource such as an interest in an unprobated estate or damages/compensation from an accident or injury. These claims are excluded if the applicant/recipient can demonstrate that he/she has consulted an attorney or that under the circumstances it is reasonable not to have consulted an attorney but that he/she is making effort to prosecute his/her claim or to proceed with the probate. If the applicant/recipient can demonstrate that his/her share in an unprobated estate would be less than the expense of the proceeding to probate the estate, the value is not considered a resource.

G. Chafee medicaid: All resources belonging to recipients of Chafee medicaid who are between eighteen (18) and twenty-one (21) years of age are excluded.

[10-1-94; 8.206.500.13 NMAC - Rn, 8 NMAC 4.CYM.500, 3-1-01; A, 5-1-01; A/E, 12-1-06]

8.206.500.17 EARNED INCOME:

A. If an applicant/recipient of CYFD medicaid has earned income and is not a full-time student in elementary school, high school, or a course of vocational or technical training, his/her earnings are considered in the earned income calculation.

B. Earned income exclusions:

(1) **Exclusion for full-time students:** If an applicant/recipient of CYFD medicaid has earned income and is a full-time student in elementary school, high school, or in a course of vocational or technical training, his/her earnings are totally excluded.

(2) **Job Training Partnership Act (JTPA) earnings and earned income tax credit exclusion:** JTPA earning/reimbursement and earned income tax credit payments are excluded from consideration as income regardless of whether the applicant/recipient is a full-time student.

(3) **Work-related expense disregard:** An applicant/recipient of CYFD medicaid with earned income from employment is entitled to a deduction of ninety dollars (\$90) from gross monthly earnings for work-related expenses.

(4) **Census bureau employment:** Wages paid by the census bureau for temporary employment related to the census are excluded from consideration as income in the eligibility determination process.

(5) **Recipients of Chafee medicaid:** All earned income of an applicant/recipient between eighteen (18) and twenty-one (21) years of age is excluded while receiving Chafee independent living assistance from CYFD.

[10-1-94, 8.206.500.17 NMAC - Rn, 8

NMAC 4.CYM.521 & A, 3-1-01; A/E, 12-1-06]

8.206.500.18 U N E A R N E D INCOME: Unearned incomes includes but is not limited to social security benefits, child support, gifts, contributions, and all other cash income which does not meet the definition of earned income. Unearned income is counted in the gross amount received.

A. **Unearned income exclusions and disregards:** Certain amounts of unearned income are excluded from the computation of unearned income.

(1) **Educational assistance exclusions:** Bona fide loans from private individuals or commercial institutions for education assistance are excluded from unearned income. Income from work study whose purpose is to assist with educational expenses are excluded from unearned income. Educational grants and scholarships whose purpose is to assist with education expenses are excluded regardless of the actual utilization of the funds.

(2) **Child nutrition and school lunch benefit exclusion:** Child nutritional and school lunch benefits provided in the form of money payments, vouchers, or foodstuffs authorized under the Child Nutritional Act and the National School Lunch Act are excluded.

(3) **Income tax return income exclusion:** State and federal income tax refunds are excluded from consideration as income. Tax refunds are considered resources.

(4) **Native American payment exclusion:** Certain payments to Native Americans can be excluded which include:

(a) per capita payment of tribal funds authorized by the tribe or by the secretary of the United States department of the interior; payments received and distributed by the bureau of Indian affairs (BIA) as a trustee for an individual members of a tribe, refer to as individual Indian monies (IAMB) are not considered as per capita payments;

(b) interest derived from retrained per capita payments is disregarded if the retained per capita payments have not been commingled with other savings; and

(c) BIA general assistance payments made to disabled tribal members by the BIA;

(d) any tax exempt payment made under the Alaska Native Claims Act are excluded from consideration as unearned income.

(5) **Settlement fund payment exclusions:** Payments received from the agent orange settlement fund or from any other fund established pursuant to the agent orange product liability litigation settlement are excluded from unearned income. Payments received from the Radiation

Exposure Compensation Act are excluded from unearned income. Payments by the remembrance, responsibility and the future foundation to individual survivors forced into slave labor by the Nazis are excluded from unearned income.

(6) **Payments made by division of vocational rehabilitation:** Any payment made by the division of vocation rehabilitation to an applicant/recipient in training to help him/her meet additional training costs are disregarded. The entire payment is disregarded unless specific portion is designated for basic maintenance and the applicant/recipient is maintaining only one resident. The portion designated for basic maintenance is considered income.

(7) **Child support disregard:** The first fifty dollars (\$ 50) of child support payments received in a month from an absent parent which represents payment on a support obligation for the month is disregarded in the eligibility determination and redetermination process.

(a) If multiple child support payments are received such as cases where more than one parent is paying or a parent makes weekly or biweekly payments, the disregard is allowed only once during the month.

(b) If a payment included both current support and arrearage, the disregard is allowed only on the current support.

(8) **Disregard for payments made by CYFD:** Payment made by CYFD to a third party on behalf of an applicant/recipient are not considered income to the applicant/recipient.

(9) **Chafee independent living assistance recipients:** All unearned income of an applicant/recipient between eighteen (18) and twenty-one (21) years of age is excluded.

[10-1-94; 8.206.500.18 NMAC - Rn, 8 NMAC 4.CYM.500, 3-1-01; A, 5-1-01; A/E, 12-1-06]

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

This is an emergency to amend 8.290.400 NMAC, Sections 9 and 10, which will be effective on December 1, 2006. The Medical Assistance Division amended the section to include Mi Via Home and Community-Based Services Waiver.

8.290.400.9 HOME AND COMMUNITY-BASED WAIVER SERVICES - Category 090, 091, 092, 093, 094, 095, 096: The human services department (HSD) is the single state agency designated to administer the medicaid program in New Mexico. The department of health (DOH), the aging and long term services department

(ALTSD) and the human services department [is] are charged with developing and implementing home and community-based waiver services (HCBWS) to [be furnished] medicaid applicants/recipients who meet both financial and medical criteria for an institutional level of care. Provision of these services under a waiver allows applicants/recipients to receive the care required at home at less cost than in an institution. The services to be furnished under the waiver must be cost-effective. This means the aggregate cost of care must be an amount less than the cost of maintaining individuals in institutions at the appropriate level of care. The types of services for which medicaid recipients are eligible vary based on the individual waiver. See medical assistance division program manual for the standards for individual waiver of covered services and program policies for all waiver services. The following sections contain the eligibility policy for all waiver services. Unless specifically approved by the medical assistance division director, no other policies, procedures, or rules of any kind apply. [2/1/95; 8.290.400.9 NMAC - Rn, 8 NMAC 4.WAV.400 & A, 5/1/02; A/E, 12-1-06]

8.290.400.10 BASIS FOR DEFINING THE GROUP: Eligibility for applicants/recipients who apply for waiver services is determined as if he/she were actually institutionalized, although this requirement has been waived. Entry into some of the waiver programs may be based upon the number of unduplicated recipient positions (UDRs) (i.e., slots). Some waiver categories require individuals to be placed on a central registry. The individual waiver program manager is responsible for notifying ISD when an individual is allocated into a waiver program.

A. Disabled and elderly (D&E) waiver: The disabled and elderly waiver identified as categories 091 (elderly), 093 (blind) and 094 (disabled) was approved effective July 1983, subject to renewal. To qualify as disabled or blind for the purposes of this waiver, disability or blindness must have been determined to exist by the disability determination contractor (DDC). To qualify as an elderly person for purposes of this waiver, the applicant/recipient must be sixty-five (65) years of age or older. Applicants/recipients must also meet both the financial and non-financial eligibility requirements and meet the medical level of care for nursing facility services.

B. Developmentally disabled (DD) waiver: The developmental disabled waiver identified as category 096 was approved effective July 1984, subject to renewal. This waiver is designed to furnish services to applicants/recipients who meet the definition of a developmental dis-

ability and mental retardation or specific related condition as determined by the department of health and the DDC in accordance with the approved DD waiver criteria, including the following:

(1) The individual has a developmental disability, defined as a severe chronic disability, other than mental illness, that:

(a) is attributable to a mental or physical impairment, including the result of trauma to the brain, or a combination of mental and physical impairments;

(b) is manifested before the person reaches the age of twenty-two years (22);

(c) is expected to continue indefinitely;

(d) results in substantial functional limitations in three or more of the following areas of major life activity:

(i) self-care;
(ii) receptive and expressive language;

(iii) learning;

(iv) mobility;

(v) self-direction;

(vi) capacity for independent living; and

(vii) economic self-sufficiency; and

(e) reflects the person's need for a combination and sequence of special or interdisciplinary treatment, generic or other support and services that are of lifelong or extended duration and are individually planned and coordinated.

(2) The individual also has mental retardation or a specific related condition, limited to cerebral palsy, autism (asberger syndrome), seizure disorders, chromosomal disorders (e.g. downs), syndrome disorders, inborn errors of metabolism, and developmental disorders of brain formation.

(3) The individual must also require the level of care provided in an intermediate care facility for the mentally retarded (ICF-MR), and meet all other applicable financial and non-financial eligibility requirements.

C. Medically fragile (MF) waiver: The medically fragile (MF) waiver identified as category 095 was established effective August, 1984 subject to renewal. To be eligible for the medically fragile waiver, an applicant/recipient must meet the level of care required for admission to an intermediate care facility for the mentally retarded (ICF/MR), and meet all other applicable financial and non-financial eligibility requirements.

(1) To qualify for the MF waiver an individual must:

(a) have a developmental disability, developmental delay, or be at risk for developmental delay as determined by the DDC, and

(b) be diagnosed with a medically

fragile condition prior to the age of twenty-two (22), defined as a chronic physical condition, which results in a prolonged dependency on medical care for which daily skilled (nursing) intervention is medically necessary, and which is characterized by one or more of the following:

(i) a life threatening condition characterized by reasonably frequent periods of acute exacerbation, which require frequent medical supervision and/or physician consultation and which, in the absence of such supervision or consultation, would require hospitalization;

(ii) frequent, time-consuming administration of specialized treatments, which are medically necessary;

(iii) dependency on medical technology such that without the technology a reasonable level of health could not be maintained; examples include, but are not limited to, ventilators, dialysis machines, enteral or parenteral nutrition support and continuous oxygen; and

(iv) periods of acute exacerbation of a life-threatening condition, the need for extraordinary supervision or observation, frequent or time-consuming administration of specialized treatments, dependency on mechanical (life) support devices, and developmental delay or disability.

D. Acquired immunodeficiency syndrome (AIDS) and AIDS related condition (ARC) waiver: The acquired immunodeficiency syndrome (AIDS) and AIDS related condition waiver designated as category 090, was established effective July 1987, subject to renewal. This waiver serves applicants/recipients diagnosed with AIDS/ARC. Applicants/recipients must require institutional level of care and meet all other applicable financial and non-financial eligibility requirements.

E. Brain injury (BI) under the mi via waiver: Brain injury under the mi via waiver, designated as category 092, is effective December 1, 2006 and subject to renewal. To qualify for purposes of this waiver, the applicant/recipient must be under sixty-five (65) years of age, meet all other applicable financial and non-financial eligibility requirements and have a brain injury. Brain injury is defined as an injury to the brain of traumatic or acquired origin resulting in total or partial functional disability or psychosocial impairment or both. Additional criteria include the following:

(1) the term applies to open and closed head injuries caused by: an insult to the brain from an outside physical force; anoxia; electrical shock; shaken baby syndrome; toxic and chemical substances; near-drowning; infections; tumors; or vascular lesions;

(2) BI may result in either temporary or permanent, partial or total impairments in one or more areas including, but not limited to: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory perception and motor abilities; psychosocial behavior; physical functions; information processing; and speech;

(3) the term "brain injury" does not apply to injuries that are congenital, degenerative, induced by birth trauma or neurological disorders related to the aging process, or chemically caused brain injuries that are a result of habitual substance abuse; the BI participant must have a documented BI diagnosis, as defined by the state; a list of applicable international classification of disease (ICD9) codes can be obtained from ALTSO or HSD/MAD; and

(4) individuals who require nursing facility level of care. [2/1/95; 3/15/96; 8.290.400.10 NMAC - Rn, 8 NMAC 4.WAV.402 & A, 5/1/02; A/E, 12-1-06]

NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS

This is an amendment to 16.39.3 NMAC Sections 7 and 8, effective 1/01/2007. [In the previous revision to 16.39.3 NMAC Section 7 and 8, effective 7/1/2006, the Board intended to create the means for engineers to be recognized for specialty experience and training regarding on-site wastewater systems, within the definition of the practice of engineering. When submitted for filing, 16.39.3.8 NMAC included the "definition of practice" specialty sub-discipline of on-site wastewater engineering practice. During filing, this language was moved to Definitions, Subsection B of 16.39.3.7 NMAC. On November 2-3, 2006, after addressing concerns from the public, the Board voted to move the language of Subsection B of 16.39.3.7 NMAC to 16.39.3.8 NMAC under Engineering Disciplines.]

16.39.3.7 DEFINITIONS: [A-] Board-approved, four-year curriculum in engineering is defined as:

[A+] A. engineering curriculum accredited by the engineering accrediting commission (EAC) of the accreditation board for engineering and technology (ABET);

[B+] B. graduation from an engineering curriculum that receives ABET accreditation within three years of the appli-

cant's graduation;

[B+] C. non-ABET accredited engineering degree curriculum with the minimum number of engineering credits as required in an ABET-accredited degree (32 semester or 48 quarter credit hours in math/science including 12 semester credits of calculus terminating with differential equations; 32 semester or 48 quarter credit hours of engineering science; 16 semester or 24 quarter credits of engineering design; and 16 semester or 24 quarter credits of humanities/social science);

[D+] D. graduate degree (master or doctoral) from an engineering program where the bachelor's degree is ABET-accredited and the candidate has completed all the BS deficiencies (confirmation letter from graduate committee), even though the applicant's bachelor's degree was earned in a non-engineering program.

[B-] On-site wastewater engineering practice is defined as the design of septic tank systems, on-site wastewater treatment plants, leach fields, evapotranspiration fields, and similar structures that do not discharge wastewater effluent directly to a surface watercourse or stream.]

[16.39.3.7 NMAC - Rp, 16 NMAC 39.3.7, 1/01/2002; A, 7/01/2006; A, 1/01/2007]

16.39.3.8 ENGINEERING DISCIPLINES:

A. Licensure is granted as a professional engineer and shall be so stated on the certificate. Although the Engineering and Surveying Practice Act makes no specific designation as to the disciplines of engineering practice on the certificates as issued by the board, the records and roster of the board shall indicate the discipline(s) in which the licensee is competent to practice in accordance with this section. Only the discipline(s) of engineering for which the applicant has successfully been examined or approved by the professional engineering committee will be recorded.

B. Requests for engineering disciplines will be accepted from the following list; and the board's records and roster will be annotated with the corresponding alphabetical code:

- (1) architectural A
- (2) aeronautical B
- (3) civil C
- (4) agricultural D
- (5) electrical and computer E
- (6) network engineer F
- (7) geological G
- (8) chemical H
- (9) industrial I
- (10) mechanical M
- (11) mining N
- (12) metallurgical NN
- (13) petroleum P
- (14) control systems Q
- (15) structural R

- (16) nuclear T
- (17) fire protection U
- (18) environmental V
- (19) construction W

C. A licensee may be listed in no more than three disciplines of engineering. Subsequent to initial licensure, a licensee may apply for licensure in another discipline of engineering. The licensee shall demonstrate competence in that discipline and may be required to appear before the board. Demonstration of competence may be accomplished by presenting evidence as follows:

(1) the licensee shall file a separate application for the additional discipline requested and pay an application fee for the additional application; and

(2) complete the application forms to indicate clearly the education, experience, and three (3) acceptable personal references which will substantiate proficiency in the discipline for which the licensee is applying; experience and personal references must be stated;

(3) an applicant for licensure by endorsement may initially apply for the three disciplines.

D. Structural discipline - except for an applicant with a B.S. degree with a structural option and a minimum of four years of post-baccalaureate structural engineering experience, listing as a structural engineer may be obtained by having gained an acceptable engineering degree which included a minimum of 6 hours of structural design; having licensure as a professional engineer; and having four years of structural experience gained after licensure and acceptable to the board.

(1) Passing the NCEES structural tests part I & II may be substituted for two years of the required experience.

(2) A master's degree in structures may be substituted for one year of the required experience.

(3) An applicant for licensure as a structural engineer by endorsement shall meet the requirements of Paragraphs (1) and (2) of Subsection D of 16.39.3.8 NMAC.

E. Specialty sub-disciplines - The professional engineering committee of the board may determine that the special practice of engineering within one or more of the engineering disciplines in Subsection B of 16.39.3.8 NMAC requires unique training/education and experience to adequately protect the public safety and health, and the professional engineering committee of the board shall declare this special practice of engineering to be a specialty sub-discipline. The declaration of a specialty sub-discipline shall be based on a need identified by the state or any of its political subdivisions, availability of appropriate and timely training/education within the state of New Mexico, and the ability of

the identification of a specialty sub-discipline to inform the public of the needed special practice of engineering. If the professional engineering committee of the board declares a specialty sub-discipline, after a rules hearing, the requirements for the special practice of engineering shall be included in Title 16, Chapter 39 of the New Mexico administrative code for engineering and surveying:

(1) the specialty sub-discipline rules shall specify the training/education and experience requirements to obtain certification for the special engineering practice, including provisions for equivalent training when a particular course of training/education is specified; in anticipation that more than one discipline identified in Subsection B of 16.39.3.8 NMAC will qualify for the specialty sub-discipline, the rules shall identify which engineering disciplines in Subsection B of 16.39.3.8 NMAC, are most likely to qualify for the specialty sub-discipline;

(2) the board shall maintain a list of engineers who have been certified as meeting the requirements for the specialty sub-discipline; the list shall be available to the public upon request and pursuant to the inspection of public records; the professional engineering committee of the board shall establish a form for the application to obtain a certification for the specialty sub-discipline; upon approval by the professional engineering committee of the board, the qualified licensee's name shall be added to the list of licensees having the specialty sub-discipline;

(3) a licensee's name may be removed from the list of persons certified for the specialty sub-discipline, upon determination of the professional engineering committee of the board that the licensee no longer qualifies for the certification specialty sub-discipline; such removal shall be only after the appropriate process/hearing by the professional engineering committee of the board;

(4) the failure to obtain certification for the specialty sub-discipline shall not limit the practice of engineering within any of the engineering disciplines identified in Subsection B of 16.39.3.8 NMAC, and the failure to obtain certification in the specialty sub-discipline shall not constitute practice outside the licensee's area of competence; however, the failure to obtain certification for a specialty sub-discipline and a determination by the professional engineering committee of the board of inappropriate practice of engineering within the engineering specialty may be cause for determination that the engineering practice is not within the licensee's authorized discipline, and that appropriate disciplinary action can be taken;

(5) the certification of a specialty

sub-discipline shall be for a period established by the professional engineering committee of the board, but not less than two years or more than six years; renewal of the specialty sub-discipline shall be concurrent with license renewal;

(6) the professional engineering committee of the board may remove the specialty sub-discipline from the rules for engineering and surveying, after a rules hearing, upon the finding that the training/education is no longer available or that the designation of the specialty sub-discipline is no longer needed to protect the public safety and health.

F. Establishment of specialty sub-disciplines - The following specialty sub-discipline(s) for the practice of engineering are established. On-site wastewater engineering [~~as defined in Subsection B of 16.39.3.7 NMAC~~].

(1) Area of practice - the design of septic tank systems, on-site wastewater treatment plants, leach fields, evapotranspiration fields, and similar structures that do not discharge wastewater effluent directly to a surface watercourse or stream.

~~(1)~~ (2) New Mexico governmental agency identifying the need for this specialty sub-discipline - New Mexico environment department.

~~(2)~~ (3) Training/education within New Mexico - a course of training/education conducted in cooperation with the New Mexico environment department and approved by the professional engineering committee of the board. The course content shall include NM laws, unique NM conditions requiring special design practice, site testing that must be performed, procedures of approval of plans and specifications, and requirements for certification of construction.

~~(3)~~ (4) The engineering disciplines in Subsection B of 16.39.3.8 NMAC that may be applicable to this specialty sub-discipline are: architectural, civil, agricultural, geological, industrial, petroleum, environmental and construction.

~~(4)~~ (5) The certification of specialty sub-discipline for on-site wastewater engineering shall expire at the end of the license renewal period that is three years after the granting of the certification for specialty sub-discipline. The certification may be renewed by submitting documentation of updated training/education.

G. Fire protection discipline - professional responsibility for professional engineers practicing fire protection engineering - the overall design of a fire protection system involves a broad range of hazards and protection schemes in the development of a workable, integrated solution to a fire system problem. This process includes the practice of engineering as defined by Section 61-23-3(E), NMSA

1978 (New Mexico Engineering and Surveying Practice Act). This rule clarifies the practice of engineering relating to fire protection systems.

(1) Licensed professional engineers, who design fire detection, fire alarm, or fire sprinkler systems including the identification of the water source shall sign, seal and prepare all plans in accordance with the New Mexico Engineering and Surveying Practice Act, Title 16, Chapter 39 of the New Mexico administrative code as it pertains to the practice of engineering:

(a) prepare construction plans and documents that depict all required components and devices for a complete fire detection, fire alarm, and/or fire sprinkler system in accordance with the applicable codes and standards;

(b) be responsible for any change orders, additions or corrections to bring a deficient layout into compliance with the applicable national fire protection association (NFPA) standard(s) and/or applicable local or state codes.

(2) Licensed professional engineers shall specify the installation of fire detection, fire alarm and/or fire sprinkler systems. A professional engineer's responsibilities are to identify on the construction plans/design drawings and documents/specifications the following:

(a) the applicable prescriptive codes and/or standards;

(b) the specific building use and/or occupancy classification; and/or;

(c) describe the function, placement, performance and operation of the devices and components to correctly layout the system(s);

(d) sprinkler system: the density and water flow and pressure requirements of the sprinkler system design, classification of the commodities to be protected, and confirmation of the water supply, hydraulic data and preliminary hydraulic design as shown on plans and documents signed and sealed by an engineer; the plans prepared by the engineer shall include details, location and design of the fire sprinkler riser, fire department connections, test station and sprinkler head location;

(e) alarm system: appropriate building system interfaces, effect of construction on system design, selection of devices and systems, device location and spacing, control panel location, and preliminary riser diagrams as shown on plans and documents signed and sealed by an engineer.

(3) Engineering for fire detection, fire alarm, and/or fire sprinkler systems by a New Mexico licensed professional engineer shall be limited to:

(a) those engineers who have been approved by the board to practice in the discipline of fire protection engineering,

or

(b) an engineer who is competent by experience or education in designing such systems and can demonstrate continuing professional competency by attending and reporting sufficient professional development hours including, but not limited to, the fire protection codes and standards.

[16.39.3.8 NMAC - Rp, 16 NMAC 39.3.8, 1/01/2002; A, 7/01/2006; A, 1/01/2007]

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 75 INSTRUCTIONAL MATERIALS AND TECHNOLOGY PART 4 RELATING TO THE IMPLEMENTATION OF THE BRAILLE ACCESS ACT

6.75.4.1 ISSUING AGENCY: Public Education Department

[6.75.4.1 NMAC - N, 12-14-06]

6.75.4.2 SCOPE: All educational institutions providing services at the elementary and secondary level.

[6.75.4.2 NMAC - N, 12-14-06]

6.75.4.3 STATUTORY AUTHORITY: This regulation is promulgated pursuant to Sections 9-24-8, 22-2-1 and 22-15-30 NMSA 1978 which directs the department to adopt guidelines consistent with the Braille Access Act for the implementation and administration of that act.

[6.75.4.3 NMAC - N, 12-14-06]

6.75.4.4 DURATION: Permanent

[6.75.4.4 NMAC - N, 12-14-06]

6.75.4.5 EFFECTIVE DATE: December 14, 2006, unless a later effective date is cited at the end of a section.

[6.75.4.5 NMAC - N, 12-14-06]

6.75.4.6 OBJECTIVE: This regulation governs the procedures for the adoption, purchase, and delivery of instructional material in compliance with the Braille Access Act, Sections 22-15-26 to 22-15-31 NMSA 1978, through provision of alternate accessible format materials and incorporates the federal standards of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. Section 1400 et seq. (IDEA).

[6.75.4.6 NMAC - N, 12-14-06]

6.75.4.7 DEFINITIONS:

A. "Alternate accessible format" as used in the Braille Access Act

has the same meaning as "specialized formats" as used in the IDEA and both terms mean one of several alternatives to traditional printed instructional materials, including but not limited to Braille, audio or digital text or large print formats which are exclusively for students as defined in this rule.

B. "Department" means the public education department.

C. "Educational institution" means "public school", including charter schools, or "state agency" or "state institution" as defined in Section 22-1-2 NMSA 1978.

D. "Educational purposes" means materials that are necessary for instruction of a student.

E. "Instructional materials" means textbooks, workbooks, teacher manuals or editions, blackline masters, transparencies, test packets, software, CD-ROMs, videotapes and audio materials.

F. "National instructional materials access center" or NIMAC means the center established pursuant to 20 U.S.C. 1474(e) of the IDEA.

G. "National instructional materials accessibility standard" or NIMAS means the standard established by the secretary of the United States department of education to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

H. "Nontextual mathematics or science instruction materials" means mathematical or scientific pictures, illustrations, graphs, charts, symbols and notations.

I. "Structural integrity" means all of the printed instructional materials, including the text of the material, sidebars, table of contents, chapter headings and subheadings, footnotes, indexes, glossaries and bibliographies. Structural integrity need not include nontextual elements such as pictures, illustrations, graphs or charts. The publisher should include a brief textual description of any such nontextual element when it is practical to do so and mention of the nontextual element when a description is not practical.

J. "Student" means a blind or other person with print disabilities accepted, enrolled in or attending an educational institution who has been determined by the educational institution to need instructional materials in an alternate accessible format and shall include:

(1) blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter if visual field subtends an angular distance no greater than 20 degrees;

(2) persons whose visual disability, with correction and regardless of optical measurement, is certified by competent

authority as limiting the reading of standard printed material;

(3) persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations;

(4) persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.

K. "Competent authority" as used in this subsection is defined as follows:

(1) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, vocational rehabilitation counselors, teachers of students with blindness/visual impairment B-12 and superintendents).

(2) In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.

L. "Timely manner" means ten business days from the receipt by the authorized user of the NIMAS conformant file from NIMAC or in the case of an educational institution that chooses not to coordinate with the NIMAC, ten business days from the identification by the educational institution that the student needs printed instructional materials in an alternate accessible or specialized format. Partial receipt of instructional materials in alternate accessible or specialized formats shall be considered receipt in a timely manner if the material received covers both the chapters in the instructional materials that have been covered and the chapters that are currently being covered by the student's class.

[6.75.4.7 NMAC - N, 12-14-06]

6.75.4.8 GENERAL REQUIREMENTS

A. The department adopts the NIMAS for the purpose of providing print instructional materials in alternate accessible or specialized formats to blind persons or other persons with print disabilities in a timely manner.

B. In consultation with representatives from educational institutions and publishers, the department shall ensure to the qualified student the provision of instructional materials that:

(1) are deemed essential or required for student success;

(2) meet requirements for nontextual mathematics or science instructional

materials that use mathematical or scientific pictures, illustrations, graphs, charts, symbols or notations;

(3) maintain structural integrity and meet requirements for textual descriptions of pictures, illustrations, graphs and charts; and

(4) are available in an alternate accessible or specialized format.

C. The department, through its instructional materials adoption process, shall require publishers to prepare and, on or before delivery of the printed instructional materials, provide to the NIMAC electronic files containing the content of the printed instructional materials using the NIMAS for all instructional material adopted by the department after July 19, 2006.

[6.75.4.8 NMAC - N, 12-14-06]

6.75.4.9 REQUIREMENTS: RESPONSIBILITIES OF EDUCATIONAL INSTITUTIONS

A. An educational institution is not required to coordinate with the NIMAC. If the educational institution chooses to coordinate with the NIMAC, the educational institution shall acquire instructional materials in the same manner and subject to the same conditions as provided in 6.75.4.8 NMAC.

B. If an educational institution becomes a coordinating agency with NIMAC, it shall place its orders for instruction materials in alternate accessible or specialized formats through the persons responsible for coordinating services to students with disabilities with the central repository authorized by the department. The central repository shall serve as the authorized user and agent of the educational institution with NIMAC and it will have access to the NIMAC database and it may download NIMAS files in accordance with established agreements so that printed instructional materials can be efficiently converted to alternate accessible or specialized formats. The central repository will perform the conversion of the NIMAS files into the alternate accessible or specialized format and deliver it in a timely manner to the educational institution that ordered it.

C. If the educational institution chooses not to coordinate with the NIMAC, the educational institution shall provide a written assurance to the department in its annual local IDEA application that the educational institution shall provide instructional materials in an alternate accessible or specialized format to blind students or other students with print disabilities in a timely manner.

D. Educational institutions, through the persons responsible for coordinating services to students with disabilities, must certify in writing to the cen-

tral repository authorized by the department that:

(1) the materials are deemed essential or required for student success;

(2) an electronic copy of the materials will be used solely for the student's educational purposes.

E. No educational institution, its employees or its students shall authorize any use of instructional materials that would be inconsistent with the provisions of 17 U.S.C. Section 121 as amended by Title III, Section 306 of the IDEA.

[6.75.4.9 NMAC - N, 12-14-06]

6.75.4.10 REQUIREMENTS: RESPONSIBILITIES OF PUBLISHERS

A. All publishers submitting instructional materials for adoption on the department's multiple list must agree through a signed contract with the department to provide, at no additional cost, NIMAS-conformant files of any printed instructional materials, on or before delivery of the printed instructional materials to the publisher's New Mexico distribution point, to the NIMAC at the American printing house for the blind. The publisher must also agree that the NIMAS-conformant files provided to NIMAC include the latest corrections and revisions of the printed instructional materials.

B. Publishers may require written assurance from the educational institution that:

(1) the alternate accessible or specialized formats of the printed instructional materials will be used solely for the student's educational purposes; and

(2) the student or educational institution will not copy, publish or in any other way distribute the alternate accessible or specialized formats of printed instructional materials for use by anyone other than the original student, except that the educational institution may provide the instructional materials to another qualifying student who has signed a statement or, if a minor, whose parent on behalf of the student has signed a statement agreeing to the terms contained in this subsection and unless it is otherwise permitted by federal law.

[6.75.4.10 NMAC - N, 12-14-06]

6.75.4.11 COMPLAINTS AGAINST A PUBLISHER

A. A student, parent, educational institution or organization on behalf of a student with a complaint against a publisher must submit the complaint in writing to the chief of the instructional materials bureau of the department if they believe that a publisher has failed to comply with a request under this rule.

B. The bureau chief shall investigate and provide the complainants

and the publisher with notice of required compliance if warranted.

C. The publisher must respond in writing to the notice within ten (10) business days.

D. The department may terminate the contract of a publisher for failure to comply with its responsibilities under this rule as provided in the involuntary termination provisions of its instructional materials contract.

[6.75.4.11 NMAC - N, 12-14-06]

HISTORY OF 6.75.4 NMAC: [RESERVED]

NEW MEXICO DEPARTMENT OF PUBLIC SAFETY TRAINING AND RECRUITING DIVISION Law Enforcement Academy

This is an amendment to 10.29.7 NMAC, Section 8, effective 12-14-2006.

10.29.7.8 2006-2007 IN-SERVICE TRAINING CYCLE FOR LAW ENFORCEMENT OFFICERS

A. A minimum of twenty (20) hours of maintenance training/education may apply toward the 40-hour requirement. This is training/education which insures that previously learned knowledge, skills, and abilities of a critical nature are maintained at an acceptable level of proficiency. Four (4) hours shall be in safe pursuit procedures pursuant to Section 29-20-3 NMSA 1978. A minimum of one (1) hour shall be in domestic abuse incident training pursuant to Section 29-7-4.1 NMSA 1978. For all officers who may be involved in the arrest of DWI offenders, eight (8) hours shall be in NHTSA approved standardized field sobriety testing (SFST) protocols. For SFST instructors, sixteen (16) hours shall be in NHTSA approved SFST instructor recertification. A minimum of two (2) hours shall be in the detection, investigation and reporting of a crime motivated by hate pursuant to Section 31-18B-5 NMSA 1978. Remaining hours may include firearms, first aid, defensive tactics, driving, and DWI measuring devices or other areas where periodic maintenance is measured and/or tested. Any training conducted in this area must be accredited by the academy.

B. A minimum of twenty (20) hours are required of advanced and specialized training/education. This is training/education which is designed to improve upon or add to the knowledge, skills, and abilities of the law enforcement officer. Of the twenty hours above, a minimum of eight (8) hours are required from one or any combination of the following

subjects: cultural awareness, critical incident response, ethics, legal update, first line supervision, mid-management, executive management, animal cruelty, amber alert, racial profiling, homeland security, natural disaster preparedness, and identity theft. Training courses that are conducted in critical incident response or amber alert must be accredited by the academy.

C. Required training may be received through the following means.

(1) The advanced training bureau will contract for course instruction at the regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at the regional training sites.

(3) Curriculum developed by the training and recruiting division will be provided to individual agencies upon request for their own certified instructors to present to their officers, provided the instructor is qualified in the subject matter.

(4) The training and recruiting division will provide instructional video tapes which can be loaned to agencies. Agency instructors or facilitators will conduct the training using the same guidelines for other video training. Facilitator guidelines and exams will accompany the video tape.

(5) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

D. This five-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon law enforcement and the opportunity to have statewide consistency in certain critical areas.

E. Implementation is to begin on January 1, 2006. This two-year period consists of the twenty (20) hours of maintenance training required in Subsection A of 10.29.7.8 NMAC, the twenty (20) hours of advanced training required in Subsection B of 10.29.7.8 NMAC.

F. Officers obtaining certification between January 1, 2006 and December 31, 2006, will be required to obtain one-half of the in-service training requirement. Officers obtaining certification between January 1, 2007, and December 31, 2007, will be required to meet the next two-year requirement which will go into effect on January 1, 2008. This policy will apply in subsequent two-year cycles. Officers transferring from one agency to another will carry with them the responsibility for in-service training.

[1-30-93, 12-15-93, 1-17-94, 12-7-95, 10-1-

97, 1-1-98, 1-1-2000; 10.29.7.8 NMAC - Rn, 10 NMAC 29.7.8, 7/1/01; A, 1/1/02; A, 6/14/02; A, 01/01/04; A, 04/15/04; A, 12/30/05; A, 12/14/06]

NEW MEXICO RETIREE HEALTH CARE AUTHORITY

This is an amendment to 2.81.10.8 NMAC, effective 01/01/2007. In addition, 2 NMAC 81.10, "Post-1997 Participating Employer/Employee Contributions Rule" (filed 06/02/1998) was also renumbered and reformatted to 2.81.10 NMAC, "Post-1997 Participating Employer/Employee Contributions Rule" in accordance with current NMAC requirements, effective 01/01/2007.

2.81.10.8 SURPLUS-AMOUNT CONTRIBUTION: Post-1997 participating employers must pay the applicable surplus-amount contribution for each NMRHCA fiscal year beginning with FY91 through the fiscal year in which the employer is accepted into the NMRHCA program.

A. The surplus-amount contribution for each of the NMRHCA's fiscal years since the inception of the NMRHCA (Paragraph (2) of Subsection C of 2.81.10.8 NMAC) is calculated by using either the retiree formula or the active employee formula. On a case by case basis, the formula which results in the greater contribution payment to the NMRHCA shall be used to set the surplus-amount contribution of each post-1997 participating employer.

(1) Retiree formula: Using this formula, the surplus-amount contribution equals the surplus amount added to the NMRHCA trust account at the end of the fiscal year after all bills were paid divided by the number of NMRHCA participating retirees during that fiscal year and then multiplied by the number of the post-1997 participating employer's eligible retirees in that fiscal year. **Retiree formula example:** Employer opted to become a NMRHCA participating employer in 1998. In fiscal year 91, the NMRHCA had an applicable surplus of \$9,247.756 and an average of 10,412 participating retirees which amounts to a FY91 surplus per participating retiree of \$888.18. Employer Apple had 30 employees in FY91 which multiplied by the \$888.18 FY 91 surplus/participating retiree equals a surplus-amount contribution of \$26,645.40. Employer Apple must also pay surplus-amount contribution for each fiscal year between 1990 and date that Employer Apple becomes a participating employer, which amounts to eight years.

(2) Active employee formula: Using this formula, the surplus-amount contribution equals the surplus amount added to

the NMRHCA trust account at the end of the fiscal year after all bills were paid divided by the number of NMRHCA active employees during that fiscal year and then multiplied by the number of the post-1997 participating employer's active employees in that same fiscal year. **Active employee example:** Employer Orange opted to become a NMRHCA participating employer in 1998. In Fiscal Year 1991, the NMRHCA had an applicable surplus of \$9,247.756 and an average of 71,585 active employees which amounts to a surplus per active employee of \$129.19. Employer Orange had 200 employees in FY91 which multiplied by the \$129.19 FY91 surplus/employee equals a surplus-amount contribution of \$25,838.00. Employer Orange must also pay surplus-amount contributions for each fiscal year between 1990 and date that Employer Orange becomes a participating employer, which amounts to eight years.

B. EXTENDED PAYMENTS AND INTEREST: Post-1997 participating employers may either pay the entire surplus-amount contribution upon being accepted into the NMRHCA program or choose to pay the fee over an extended period of time. Post-1997 participating employers that elect to pay the surplus-amount contribution over time, shall have no more than 13 years to complete such payments. Interest in the amount of seven and one-half percent (7.5 %) per annum shall accrue and be charged on all surplus-amount contribution amounts not paid within 30 days of the employer's acceptance into the program, except that, on the basis of its unique equitable circumstances in having submitted its participation petition prior to January 1, 1998, and having been denied participation at that time solely due to its technical ineligibility, the middle Rio Grande conservancy district, notwithstanding the other provisions of this section, in paying its surplus-amount contribution over time, may pay interest at the rate of five percent (5 %) per annum. The NMRHCA will provide each employer with a payment schedule of monthly principal/interest payments.

(1) Example 1: Employer opted to become a participating employer in 1998, Employer Apple owes surplus-amount contributions for FY91 through FY98. Employer Apple opts to pay the fee over time and has 13 years to pay the total surplus-amount contribution at the interest rate of 7.5 % per annum, or at 5 % per annum in the case of the middle Rio Grande conservancy district. There would be no interest charges if Employer Apple paid the surplus-amount contribution in full within 30 days of being accepted into the NMRHCA program.

(2) Subject to approval by the

NMRHCA board, a post-1997 participating employer, may petition to make interest-only payments for the first-year of the employer's NMRHCA participation. If employer's petition is approved, the employer will be required to begin making normal principal and interest payments at the end of the first year of NMRHCA participation.

C. The NMRHCA trust fund surplus amounts for past years (through FY97) are as follows:

Fiscal Year 91 = \$888.18 per retiree (Paragraph (2) of Subsection C of 2.81.10.8 NMAC) \$129.19 per active employee.

Fiscal Year 92 = \$679.54 per retiree - \$102.19 per active employee.

Fiscal Year 93 = \$358.76 per retiree - \$ 56.73 per active employee.

Fiscal Year 94 = \$801.74 per retiree - \$137.41 per active employee.

Fiscal Year 95 = \$713.84 per retiree - \$132.82 per active employee.

Fiscal Year 96 = \$887.07 per retiree - \$174.64 per active employee.

Fiscal Year 97 = \$993.61 per retiree - \$213.07 per active employee.

(1) The annual surplus amounts shall be calculated by the NMRHCA annually and made public by July 30th of each year or as soon as possible.

(2) In calculating the trust fund surplus for fiscal year 91, all employer and employee contributions received prior to December 31, 1990 were not included.

D. The post-1997 participating employer can determine the percentage of the surplus-amount contributions and interest to be paid by its employees, provided that the employees' percentage does not exceed one-third of the total amount.

E. Notwithstanding and in lieu of Subsection A, post 2006 participating employers must pay the actuarial accrued liability associated with their participating retirees and active employees determined in accordance with the statements of the governmental accounting standards board (GASB).

(1) Such calculation shall be performed by the NMRHCA actuary utilizing the same methodology and assumptions as the last valuation performed for GASB reporting purposes, except that the discount rate shall be 7.75% regardless of the rate utilized by the actuary for other purposes.

(2) In addition, the post 2006 participating employer must pay a fee not to exceed \$10,000 at the time of petitioning for membership in NMRHCA for the purpose of defraying the cost of the actuarial valuation required to establish the amount due as the surplus amount calculation, and must provide all necessary participant data on active and retired employees necessary to perform the valuation.

[6-15-98; A, 1-15-99; 2.81.10.8 NMAC - Rn & A, 2 NMAC 81.10.8, 01/01/2007]

End of Adopted Rules Section

SUBMITTAL DEADLINES AND PUBLICATION DATES**2006**

Volume XVII	Submittal Deadline	Publication Date
Issue Number 19	October 2	October 16
Issue Number 20	October 17	October 31
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 14
Issue Number 24	December 15	December 29

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Volume XVIII	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 16
Issue Number 2	January 17	January 31
Issue Number 3	February 1	February 14
Issue Number 4	February 15	February 28
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 30
Issue Number 7	April 2	April 16
Issue Number 8	April 17	April 30
Issue Number 9	May 1	May 15
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Issue Number 20	October 16	October 31
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 3	December 14
Issue Number 24	December 17	December 31

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