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New Mexico Register

The official publication for all official notices of rulemaking and filing of proposed, adopted and emergency rules.

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New Mexico Register

Volume XXVIII, Issue 20 October 31, 2017

Table of Contents

Notices of Rulemaking and Proposed Rules

Administrative Hearing Office Notice of Rulemaking and Public Rule Hearing	926
Attorney General, Office of the	
Notice of Rulemaking	927
Environment Department	
Notice of Public Hearing to Amend 20.1.6 NMAC, Rulemaking Procedures For the WQCC Notice of Public Hearing to Consider Proposed Amendments to 20.6.4 NMAC -	928
Standards for Interstate and Intrastate Surface Waters - for Dog Canon Creek and Tecolote Creek, WQCC 17-04	930
Finance and Administration, Department of Notice of Proposed Rulemaking	032
Notice of Proposed Rulemaking	932
Finance, State Board of	
Notice of Board of Finance Rulemaking	
Game and Fish, Department of	
Notice to Terminate Rulemaking	
Higher Education Department	
Notice of Proposed Rulemaking	
Notice of Proposed Rulemaking	934
Notice of Proposed Rulemaking	935
Notice of Proposed Rulemaking	936
Notice of Proposed Rulemaking	
Notice of Proposed Rulemaking	
Notice of Proposed Rulemaking	
Notice of Proposed Rulemaking	939
Human Services Department	
Medical Assistance Division	
Notice of Rulemaking	939
Public Education Department	
Notice of Proposed Rulemaking	941

Adopted Rules

A = Amended, E = 1	Emergency, $N = Nev$	w, $R = Repealed$,	Rn = Renumbered
--------------------	----------------------	---------------------	-----------------

21.151 NMAC R OrganicArchitecture	Agriculture, Departmen	t of		
21.15.1 NMAC N OrganicArchitecture			OrganicArchitecture	
21.34.3 NMAC A Pasteurized Milk Ordinance.	21.15.1 NMAC	Ν		
2.82 2 NMAC R Membership	21.34.3 NMAC	А		
2.82 2 NMAC R Membership	Educational Retirement	Board		
282.4 NMAC R Service Credit.			Membership	944
2.82 6 NMAC R Disability Benefits.		R		
2.82.2 NMAC N Membership		R		
2.82 4 NMAC N Service Credit.	2.82.2 NMAC	Ν		
2.82.6 NMAC N Disability Benefits.				
19.31.3 NMAC R Hunting and Fishing Licenses and Application				
19.31.3 NMAC R Hunting and Fishing Licenses and Application	Game and Fish. Departi	ment of		
19.31.3 NMAC N Hunting and Fishing Licenses and Application			Hunting and Fishing Licenses and Application	952
19.31.5 NMAC A Upland Game 957 19.31.6 NMAC A Migratory Game Bird 960 19.31.10 NMAC A Hunting and Fishing - Manner and Method of Taking 965 19.31.11 NMAC A Bear and Cougar 968 19.31.12 NMAC A Barbary Sheep, Oryx and Persian Ibex 970 19.31.13 NMAC A Deer 972 19.31.14 NMAC A Elk 974 19.31.15 NMAC A Deer 972 19.31.16 NMAC A Trikey 1003 19.31.17 NMAC A Bighorn Sheep 1010 19.31.21 NMAC A Javelina 1012 Higher Education Department 5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education 1014 5.7.12 NMAC R Procedures, Standards and Eligibility Requirements for 1014 5.7.10 NMAC N Capital Projects Approval by Commission on Higher Education 1014 5.7.10 NMAC N Capital Projects Approval by Commission on Higher Education 1014 5.7.10 NMAC N E				
19.31.6 NMAC A Migratory Game Bird				
19.31.10 NMAC A Hunting and Fishing - Manner and Method of Taking. .965 19.31.11 NMAC A Bear and Cougar. .968 19.31.12 NMAC A Barbary Sheep, Oryx and Persian Ibex. .970 19.31.13 NMAC A Deer. .972 19.31.14 NMAC A Elk. .984 19.31.15 NMAC A Pronghorn.Antelope. .1003 19.31.16 NMAC A Turkey. .1008 19.31.17 NMAC A Bighorn Sheep. .1010 19.31.21 NMAC A Javelina. .1012 Higher Education Department 5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education. .1014 5.7.12 NMAC R Minority Doctoral Assistance. .1014 5.3.10 NMAC R Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust. .1014 5.7.30 NMAC N Education Trust Board and College Savings Program. .1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance. .1014 5.7.30 NMAC N Education Trust Board and College Savings Program. <t< td=""><td></td><td></td><td></td><td></td></t<>				
19.31.11 NMAC A Bear and Cougar. 968 19.31.12 NMAC A Barbary Sheep, Oryx and Persian Ibex. 970 19.31.13 NMAC A Deer. 972 19.31.15 NMAC A Elk. 984 19.31.15 NMAC A Pronghorn Antelope. 1003 19.31.15 NMAC A Turkey. 1008 19.31.17 NMAC A Bighorn Sheep. 1010 19.31.21 NMAC A Javelina. 1012 Higher Education Department 5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education. 1014 5.7.12 NMAC R Minority Doctoral Assistance. 1014 5.7.30 NMAC R Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust. 1014 5.7.12 NMAC N Capital Projects Approval by Commission on Higher Education Department. 1014 5.7.12 NMAC N Capital Projects Approval by Commission on Higher Education Department. 1014 5.7.30 NMAC N Education Trust. 1014 5.7.30 NMAC N Education Trust Board and				
19.31.12 NMAC A Barbary Sheep, Oryx and Persian Ibex.				
19.31.13 NMAC A Deer.				
19.31.14 NMAC A Elk				
19.31.15 NMAC A Pronghorn Antelope 1003 19.31.16 NMAC A Turkey 1008 19.31.17 NMAC A Bighorn Sheep 1010 19.31.17 NMAC A Javelina 1012 Higher Education Department 5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education 1014 5.7.12 NMAC R Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust 1014 5.3.10 NMAC N Education Trust Board and College Savings Program 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1016 5.7.30 NMAC N Education Trust Board and College Savings Program 1018 5.7.30 NMAC N Education Trust Board and College Savings Program 1024 Public Education Department 6.41.4 NMAC A/E Standard For Providing Transportation For Eligible Students 1029 Racing Co		А		
19.31.16 NMAC A Turkey				
19.31.17 NMAC A Bighorn Sheep. 1010 19.31.21 NMAC A Javelina 1012 Higher Education Department 5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education 1014 5.7.12 NMAC R Minority Doctoral Assistance 1014 5.7.30 NMAC R Procedures, Standards and Eligibility Requirements for 1014 5.3.10 NMAC N Capital Projects Approval by Commission on Higher Education 1014 5.7.30 NMAC R Procedures, Standards and Eligibility Requirements for 1014 5.3.10 NMAC N Capital Projects Approval by Commission on Higher Education 1014 5.7.12 NMAC N Capital Projects Approval by Commission on Higher Education 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1016 5.7.30 NMAC N Education Trust Board and College Savings Program 1018 5.7.30 NMAC N Tax Refund Intercept by New Mexico Higher Education Department 1020 5.7.20 NMAC A Legislative Lottery Scholarship Program 1029 Racing Commission <td< td=""><td></td><td></td><td></td><td></td></td<>				
19.31.21 NMAC A Javelina		А		
5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education				
5.3.10 NMAC R Capital Projects Approval by Commission on Higher Education	Higher Education Dena	rtment		
5.7.12 NMAC R Minority Doctoral Assistance 1014 5.7.30 NMAC R Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust 1014 5.3.10 NMAC N Capital Projects Approval by Commission on Higher Education Department 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance 1014 5.7.30 NMAC N Education Trust Board and College Savings Program 1018 5.7.30 NMAC N Tax Refund Intercept by New Mexico Higher Education Department 1020 5.7.20 NMAC A Legislative Lottery Scholarship Program 1024 Public Education Department 6.41.4 NMAC A/E Standard For Providing Transportation For Eligible Students 1029 Racing Commission 15.2.6 NMAC A Veterinary Practices, Equine Health, Medication, and Trainer Responsibility			Capital Projects Approval by Commission on Higher Education	1014
5.7.30 NMAC R Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust				
Participation in the New Mexico Education Trust				
5.3.10 NMAC N Capital Projects Approval by Commission on Higher Education Department 1014 5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance. 1016 5.7.30 NMAC N Education Trust Board and College Savings Program. 1018 5.7.30 NMAC N Education Trust Board and College Savings Program. 1018 5.7.33 NMAC N Tax Refund Intercept by New Mexico Higher Education Department1020 1024 Public Education Department 6.41.4 NMAC A/E Standard For Providing Transportation For Eligible Students	<i>0.1.00</i> 1000 10	it it	Participation in the New Mexico Education Trust	1014
Department	5 3 10 NMAC	Ν		
5.7.12 NMAC N Minority Doctoral Loan Repayment Assistance		11		1014
5.7.30 NMAC N Education Trust Board and College Savings Program	5 7 12 NMAC	Ν		
5.7.33 NMAC N Tax Refund Intercept by New Mexico Higher Education Department1020 5.7.20 NMAC A Legislative Lottery Scholarship Program				
5.7.20 NMAC A Legislative Lottery Scholarship Program				
6.41.4 NMAC A/E Standard For Providing Transportation For Eligible Students1029 Racing Commission 15.2.6 NMAC A Veterinary Practices, Equine Health, Medication, and Trainer Responsibility				
6.41.4 NMAC A/E Standard For Providing Transportation For Eligible Students1029 Racing Commission 15.2.6 NMAC A Veterinary Practices, Equine Health, Medication, and Trainer Responsibility	Public Education Denar	tment		
15.2.6 NMAC A Veterinary Practices, Equine Health, Medication, and Trainer Responsibility			Standard For Providing Transportation For Eligible Students	1029
15.2.6 NMAC A Veterinary Practices, Equine Health, Medication, and Trainer Responsibility	Racing Commission			
Trainer Responsibility		٨	Vatarinary Practices Equina Health Medication and	
Manufactured Housing Division Manufactured Housing - Fees	13.2.0 NMAC	A		1032
Manufactured Housing Division Manufactured Housing - Fees	Regulation and Licensin	ig Depart	ment	
14.12.10 NMAC A Manufactured Housing - Fees				
			Manufactured Housing - Fees	1032
	State Land Office			
		Ν	State Trust Lands Restoration and Remediation Fund	1033

Other Material Related To Administrative Law

Human Services Department Medical Assistance Division	
Notification Of Minor, Non-Substantive Correction	
Public Education Department Notice of Minor, Non-Substantive Correction	
Secretary of State Notice of Minor, Non-Substantive Correction	

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Notices of Rulemaking and Proposed Rules

ADMINISTRATIVE HEARING OFFICE

NOTICE OF RULE MAKING AND PUBLIC RULE HEARING

Notice of Rulemaking: The Administrative Hearings Office ("AHO") will hold a public hearing on the proposed adoption of certain rules, as detailed below in the description of Proposed Rules, governing the conduct and procedures for administrative hearings before the Administrative Hearings Office. These new rules are proposed pursuant to Section 7-1B-5 NMSA 1978. No technical scientific information was consulted in drafting these proposed rules.

Copies of all the proposed rules may be found at AHO's website, <u>http://</u><u>www.aho.state.nm.us</u>, or at AHO's main office in Santa Fe, Wendell Chino Building, Rm. 269, 1220 S. St. Francis Drive, Santa Fe, NM, AHO's office in Albuquerque, Compass Bank Building, 505 Marquette NW, Suite 1150, Albuquerque, NM 87102, AHO's office in Clovis, 904 W. 6th Street, Veteran Services, Clovis, NM 88101, or in AHO's Las Cruces Office, 2540 El Paseo, Bldg. #2, Las Cruces, NM 88001.

Notice of Public Rule Hearing: The public rule hearing will occur on Friday, December 1, 2017 at 9:00 am in Porter Hall, Wendell Chino Building, 1220 S. St. Francis Drive, Santa Fe, New Mexico. The public hearing will be conducted in a fair and equitable manner by an AHO hearing officer and shall be recorded. Any interested member of the public may attend the hearing and will be provided a reasonable opportunity to offer public comment, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to

contact John Griego at john.griego1@ state.nm.us. AHO will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days before the scheduled hearing.

Notice of Acceptance of Written Public Comment: Written public comment, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public will be accepted until 9:00 a.m. on December 1, 2017 by submitting them via email to tax.pleadings@state.nm.us with the subject line "AHO Rulemaking R17-01," or via first class mail to Administrative Hearings Office, ATTN Rulemaking R17-01, P.O. 6400, Santa Fe, NM, 87502, or by hand delivery to AHO's Santa Fe office, Wendell Chino Building, Rm. 269, 1220 S. St. Francis Drive, Santa Fe, NM.

Description of Proposed Rules: in compliance with Section 14-4-5.2 NMSA 1978, including a summary of the proposed rule, a short explanation of the purpose of the rule, and specific legal authority authorizing the proposed rule (the method and manner of public comment and notice of public hearing on the proposed rules are listed above):

22.600.1 NMAC ("General Administrative Hearing Rules and

Procedures"): The rule is being proposed pursuant to Section 7-1B-5 NMSA 1978. The purpose of the proposed rule is to establish general rules and practice procedures for administrative hearings conducted by AHO, unless a more specific statute or regulation applies to the substantive hearing type at issue. In summary, the proposed rule establishes: how to request an administrative hearing in a matter within the jurisdiction of AHO; who may represent a party in a matter before AHO; how to file pleadings in a matter before AHO; the manner of conducting prehearing

and scheduling conferences; the requirements for notices of hearing; the location of hearings both in person and by telephone or videoconference; how to request continuances of a scheduled hearing; what attire is to be worn at hearings before AHO; the burden of proof, presentation of the case, and evidentiary rules of the hearings before AHO; the rules for calling of witnesses; the power and responsibilities of the hearing officer; the openness or confidentiality of the proceeding, including exhibits; the rules for issuance of administrative subpoenas; the requirements for language interpreters; the consequences for failing to appear at the scheduled hearing; when and how a reconsideration of AHO decision is permitted; information about an appeal of AHO decision; how to request copies of exhibits and the administrative record; and what rules apply to hearings conducted involving other state agencies other than the Taxation and Revenue Department. Copies of the proposed rule may be found as indicated in the second paragraph of this notice. Information on the public hearing and on submitting written comments is described above in paragraph three and four respectively of this notice.

22.600.2 NMAC ("Code of Conduct for Administrative Hearings"): The rule is being proposed pursuant to Section 7-1B-5 NMSA 1978. The purpose of the proposed rule is to establish a code of conduct for AHO hearing officers conducting and adjudicating administrative hearings. In summary, the proposed rule establishes that hearings officers: conduct the hearings in a manner that promotes public confidence in the integrity and fairness of the process; avoid impropriety and the appearance thereof; be competent in conducting hearings; exercise independent judgment in adjudicating the matter; ensure good order and decorum in the hearing, including regulating the conduct of parties, representatives, and witnesses appearing before

AHO; conduct the hearing impartially and without bias, prejudice or harassment; refrain from prohibited ex parte communications; limit public statements on pending matters while remaining engaged with the legal community; manage personal conduct to reduce the possibility of disqualifications; maintain required confidentiality; comply with other ethical standards; disqualify themselves when required; and establishes an informal and formal complaint procedure under the Code of Conduct. Copies of the proposed rule may be found as indicated in the second paragraph of this notice. Information on the public hearing and on submitting written comments is described above in paragraph three and four respectively of this notice.

22.600.3 NMAC ("Hearings under the Tax Administration Act"): The rule is being proposed pursuant to Section 7-1B-5 NMSA 1978, for protest hearings pursuant to Section 7-1-24 NMSA 1978. The purpose of the proposed rule is to establish the rules of procedure for tax protest administrative hearings before AHO. In summary, the proposed rule establishes: the manner and method to request a tax protest hearing before AHO; the scheduling of various types of hearings before AHO; the location of tax protest hearings; procedures for conducting videoconference and telephonic hearings; who may appear as a representative at a hearing; that tax protest hearings are closed, confidential proceedings; procedures for withdrawing a protest; a mechanism for expedited, proposed summary disposition of limited types of cases; the procedures for filing pleadings; rules on motion practice; a discovery process; consequences for failing to follow orders; the rules of prehearing conference, status conferences, and status checks; the method of securing and serving subpoenas; how to request a continuance of a hearing; the consequence for failing to appear at a scheduled hearing; the powers and duties of a hearing officer conducting a tax protest hearing; evidentiary

standards of the hearing; the manner of recording the proceeding; the procedures for post-hearing briefing; the date of mailing or delivery of the decision; and the procedures for appeal of a decision. Copies of the proposed rule may be found as indicated in the second paragraph of this notice. Information on the public hearing and on submitting written comments is described above in paragraph three and four respectively of this notice.

22.600.6 NMAC ("Implied Consent Act License Revocation Hearings"): The rule is being proposed pursuant to Section 7-1B-5 NMSA 1978, for Implied Consent Act license revocation hearings pursuant to Section 66-8-112 NMSA 1978. The purpose of the proposed rule is to establish the rules of procedure for Implied Consent Act license revocation hearings heard before AHO. In summary, the proposed rule establishes: the procedures for requesting an Implied Consent Act hearing and the Motor Vehicle Division's referral of the matter to AHO for hearing; who may appear as a representative at hearing; the time, place, location, and method of conducting the hearing; how to request a continuance of a scheduled hearing; how to subpoena witnesses and documents for the hearing; the powers and duties of a hearing officer; the parties to the hearing and their rights at hearing; the evidentiary standards for the hearing; the issues to be considered at the hearing; that hearings are open to the public; the requirements of issuing a decision and order; the method of recording the proceeding; and how to calculate time frames under the Implied Consent Act. Copies of the proposed rule may be found as indicated in the second paragraph of this notice. Information on the public hearing and on submitting written comments is described above in paragraph three and four respectively of this notice.

22.600.9 NMAC ("Parental Responsibility Act License Suspension Hearings"): The rule is being proposed pursuant to Section 7-1B-5 NMSA 1978, for the conduct of Parental Responsibility Act license suspension hearings pursuant to Section 40-5A-6 NMSA 1978. The purpose of the proposed rule is to establish the rules of procedure for Parental Responsibility Act driver's license suspension hearings heard before AHO. In summary, the proposed rule establishes: the procedures for requesting a hearing challenging a license suspension and MVD's referral of the matter to AHO for hearing; the procedures of setting the hearing, sending notice, and conducting the hearing; the issues to be considered at the hearing; the relevant evidence and proof to be considered at the hearing; the order to be issued; and the procedures for appeal of a decision. Copies of the proposed rule may be found as indicated in the second paragraph of this notice. Information on the public hearing and on submitting written comments is described above in paragraph three and four respectively of this notice.

22.600.4 NMAC, 22.660.5 NMAC, 22.600.7 NMAC, and 22.600.8 NMAC are reserved for future rulemaking.

ATTORNEY GENERAL, OFFICE OF THE

NOTICE OF RULEMAKING

The Office of the Attorney General is proposing to adopt a new rule, 1.24.25 NMAC, Default Procedural Rule for Rulemaking, in accordance with Section 14-4-5.8 NMSA 1978 of the State Rules Act, that directs the Attorney General to adopt default procedural rules for public rules hearings for use by agencies that have not adopted their own procedural rules. The proposed rule is intended to comport with House Bill 58 (Laws 2017, Chapter 137), and addresses the initiation of and public participation in the rulemaking process, as well as the conduct and record of the public hearing. Copies of the new rule are

New Mexico Register / Volume XXVIII, Issue 20/ October 31, 2017

available at the New Mexico Office of the Attorney General, 408 Galisteo Street, Santa Fe, NM 87501 and on the website at, <u>http://www.nmag.gov/</u>.

The Open Government Division of the Office of the Attorney General currently is accepting public comment on the proposed new rule. Please submit written comments on the proposed changes to Renee K. Romero via email at <u>rromero@nmag.</u> <u>gov</u> or regular mail at P. O. Drawer 1508, Santa Fe, NM 87504-1508 by November 30, 2017.

The Office of the Attorney General will hear public comment and consider adoption of the proposed new rule at a rule hearing on Monday, December 4, 2017, at 9:30 a. m., Toney Anaya Building, Rio Grande Conference Room, 2nd Floor, 2550 Cerrillos Road, Santa Fe, New Mexico.

If you are an individual with a disability who is in need of reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Renee K. Romero at <u>rromero@nmag.gov</u> or 505-490-4861.

ENVIRONMENT DEPARTMENT

NOTICE OF PUBLIC HEARING TO AMEND 20.1.6 NMAC, RULEMAKING PROCEDURES FOR THE WATER QUALITY CONTROL COMMISSION

The New Mexico Water Quality Control Commission ("Commission" or "WQCC") will hold a public hearing beginning at 9:00 a.m. on Tuesday, January 9, 2018, and continuing thereafter as necessary at Mabry Hall in the Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico. The hearing location may change prior to the hearing date, and those interested in attending should visit the WQCC website: http://www.env.nm.gov/wqcc prior to the hearing. The purpose of the hearing is to consider amendments to the Rulemaking Procedures for the Commission, 20.1.6 NMAC ("Rules") proposed by the New Mexico Environment Department ("NMED").

The amendments would bring the Rules into compliance with recent changes to the State Rules Act (Sections 14-4-1 thru 14-4-11 NMSA 1978). Primarily, these amendments would add requirements to the methods and content for public notice throughout the rulemaking process, clarify retention of the rulemaking record, and add post-adoption filing and notice requirements for WQCC rules. NMED proposes the Commission adopt the amendments pursuant to its authority under Sections 14-4-5.8, 74-6-4(E), and 74-6-6 NMSA 1978. Please note that formatting and minor technical changes in the Rules other than those proposed by NMED may be proposed at the hearing. Additionally, the Commission may make other changes as necessary in response to public comments and evidence presented at the hearing.

The proposed amendments may be reviewed during regular business hours at the NMED Hearing Office located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102 Santa Fe, NM, 87505. The full text of the proposed amendments is also available online at <u>http://www.env.nm.gov/general/</u> wqcc-17-06-r.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); the Water Quality Act, Section 74-6-6 NMSA 1978; the State Rules Act, Section 14-4-5.3 NMSA 1978 and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

Pursuant to the WQCC Rulemaking Procedures, those wishing to present technical testimony must file a written notice of intent to do so with the Commission on or before 5:00 p.m. on December 20, 2017. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;

- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;

- include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;

- include the text of any recommended modifications to the proposed regulatory change; and

- list and attach all exhibits anticipated to be offered by that person at the hearing.

Notices of intent for the hearing must be received in the Hearing Office no later than 5:00 p.m. on December 20, 2017, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 17-06(R). Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Administrator of Boards and Commissions Office of the Water Quality Control Commission Harold Runnels Building P.O. Box 5469 Santa Fe, NM 87502

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral

929 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Ms. Pam Castaneda, Administrator of Boards and Commissions, at the above address, and should reference docket number WQCC 17-06(R).

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pam Castaneda, WQCC Administrator by December 1, 2017, at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 827-2425 or email <u>pam.castaneda@state.nm.us</u>. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

The Commission may make a decision on the proposed regulatory change at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

Notice of Non-Discrimination NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@

state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <u>https://</u> www.env.nm.gov/NMED/EJ/index. <u>html</u> to learn how and where to file a complaint of discrimination.

AVISO DE AUDIENCIA PÚBLICA PARA ENMENDAR 20.1.6 NMAC, LOS PROCEDIMIENTOS NORMATIVOS DE LA COMISIÓN PARA EL CONTROL DE LA CALIDAD DEL AGUA

La Comisión para el Control de la Calidad del Agua de Nuevo México ("Comisión" o "WQCC" por su sigla en inglés) celebrará una audiencia pública a las 9:00 de la mañana del martes 9 de enero de 2018, la que continuará después de esa fecha según sea necesario, en la Sala Mabry Hall del edificio Jerry Apodaca, ubicado en 300 Don Gaspar, Santa Fe, Nuevo México. El lugar indicado para la audiencia podrá cambiar antes de la fecha de la audiencia, por lo que los interesados en asistir deberán verificar esta información en el sitio web de la WQCC: http://www.env.nm.gov/wqcc antes de la audiencia. El propósito de la audiencia es considerar las enmiendas a los Procedimientos Normativos de la Comisión, 20.1.6 NMAC ("Reglamento") propuestas por el Departamento del Medio Ambiente de Nuevo México ("NMED" por su sigla en inglés).

Las enmiendas modificarían el Reglamento para cumplir con los recientes cambios de la Ley Estatal para Reglamentos (NMSA 1978, Secciones 14-4-1 a -11). Principalmente, estas enmiendas agregarían requisitos para los métodos y el contenido de los avisos públicos en todo el proceso normativo, aclararían la retención del registro normativo y agregarían requisitos posteriores a su adopción correspondientes a presentaciones y notificaciones en el reglamento de la WQCC. El NMED propone que la Comisión adopte las enmiendas

conforme a la autoridad conferida por NMSA 1978, Secciones 14-4-5.8, 74-6-4(E), y 74-6-6. Téngase en cuenta que, durante la audiencia, se podrán proponer cambios de formato y cambios técnicos de menor envergadura en el Reglamento distintos a aquellos propuestos por el NMED. Asimismo, la Comisión podrá hacer otros cambios, según sea necesario, en respuesta a los comentarios del público y a las pruebas presentadas durante la audiencia.

Los interesados podrán examinar las enmiendas propuestas durante el horario normal de atención al público, en la Oficina de Audiencias del NMED ubicada en Harold Runnels Building, 1190 South St. Francis Drive, Sala S-2102 Santa Fe, NM, 87505. El texto completo de las enmiendas propuestas también se puede ver en línea en <u>http://www.env.</u> nm.gov/general/wqcc-17-06-r.

La audiencia se llevará a cabo conforme a los Procedimientos Normativos de la WQCC (20.1.6 NMAC); la Ley para la Calidad del Agua, NMSA 1978, Sección 74-6-6; la Ley Estatal para Reglamentos, NMSA 1978 Sección 14-4-5.3; y otros procedimientos correspondientes.

Todos los interesados tendrán una oportunidad razonable durante la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, oralmente o por escrito; para presentar documentos y objetos de prueba; y para interrogar a los testigos. Toda persona interesada en presentar una declaración escrita que no sea de carácter técnico para que conste en actas, en lugar de testimonio oral, deberá presentar dicha declaración antes de la finalización de la audiencia.

De conformidad con los Procedimientos Normativos de la WQCC, aquellos interesados en presentar testimonio de carácter técnico deberán presentar ante la Comisión un aviso por escrito de su intención de presentar dicho testimonio antes de las 5:00 de la tarde del 20 de diciembre de 2017. El Aviso de Intención debe:

 identificar a la persona o entidad para la cual testificará/n el/los testigo/s;

- identificar a cada testigo técnico que la persona tenga la intención de presentar y establecer las cualificaciones de cada testigo, incluso una descripción de sus antecedentes educativos y laborales;

- incluir una copia del testimonio directo de cada testigo técnico en forma narrativa, e indicar la duración prevista del testimonio oral directo de ese testigo;

- incluir el texto de toda modificación recomendada para el cambio normativo propuesto; y

- hacer una lista y adjuntar todos los documentos y objetos de prueba que se anticipa que esa persona presentará en la audiencia.

Las notificaciones de intención para la audiencia deben llegar a la Oficina de Audiencias antes de las 5:00 de la tarde del 20 de diciembre de 2017, y se debe incluir como referencia el nombre del reglamento, la fecha de la audiencia y el número de expediente WQCC 17-06(R). Los avisos de intención de presentar testimonio de carácter técnico deben enviarse a la Administradora de Juntas y Comisiones:

Pam Castaneda, Administrator of Boards and Commissions Office of the Water Quality Control Commission Harold Runnels Building P.O. Box 5469 Santa Fe, NM 87502

Los interesados podrán ofrecer comentarios públicos que no sean de carácter técnico durante la audiencia o presentar declaraciones escritas que no sean de carácter técnico en lugar de testimonio oral antes o durante la audiencia. Los comentarios escritos relativos a las revisiones propuestas podrán enviarse a la Srta. Pam Castaneda, Administradora de Juntas y Comisiones, a la dirección antes indicada, y deben incluir como referencia el número de expediente WQCC 17-06(R).

Toda persona que necesite asistencia, intérprete o un dispositivo auxiliar para participar en este proceso deberá comunicarse con Pam Castaneda. Administradora de la WQCC, antes del 1 de diciembre de 2017, en P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, o también por teléfono al (505) 827-2425 o por correo electrónico a pam. castaneda@state.nm.us. (Los usuarios de TDD y TTY podrán acceder a ese número a través de New Mexico Relay Network: 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

La Comisión podrá tomar una decisión acerca del cambio normativo propuesto al finalizar la audiencia o podrá convocar una reunión después de la audiencia para considerar qué acción tomar con respecto a la propuesta.

Aviso de no Discriminación El Departamento del Medio Ambiente de Nuevo México (NMED, por su sigla en inglés) no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigido por las leyes y los reglamentos correspondientes. El NMED es responsable de la coordinación de esfuerzos para el cumplimiento de las reglas y la recepción de indagaciones relativas a los requisitos de no discriminación implementados por 40 C.F.R. Parte 7, que incluye el Título VI de la Ley de Derechos Civiles de 1964, como fuera enmendado; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975; el Título IX de las Enmiendas de Educación de 1972; y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua

de 1972. Si tiene preguntas sobre este aviso o sobre cualquier programa de no discriminación, norma o procedimiento de NMED, puede comunicarse con la Coordinadora de No Discriminación: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM, 87502, (505) 827-2855. nd.coordinator@state.nm.us. Si piensa que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con la Coordinadora de No Discriminación antes indicada o visitar nuestro sitio web en https://www.env.nm.gov/ NMED/EJ/index.html para saber cómo y dónde presentar una queja por discriminación.

ENVIRONMENT DEPARTMENT

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4 NMAC - STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS -FOR DOG CANYON CREEK AND TECOLOTE CREEK, WQCC 17-04(R)

The New Mexico Water Quality Control Commission (Commission) will hold a public hearing on Tuesday, January 9, 2018, and continuing on subsequent days, as necessary, at Mabry Hall, Jerry Apodaca Education Building 300 Don Gaspar, Santa Fe, New Mexico 87501. The purpose of the hearing is to consider amendments to the Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC. The WQCC will begin its regular monthly meeting at 9:00 am, and the public hearing will begin at the conclusion of its regular business. The hearing location may change prior to the hearing date, and those interested in attending should check the Commission website: http://www. env.nm.gov/wqcc prior to the hearing.

The proposed amendments to 20.6.4

931 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

NMAC, submitted by the New Mexico Environment Department (Department) and docketed as WQCC 17-04 (R), propose changes to the aquatic life use classifications of Dog Canyon Creek in Otero County and portions of Tecolote Creek in San Miguel County.

The Department's petition and proposed amendments are available on the Department's website, at <u>https://www.env.nm.gov/surface-</u> <u>water-quality/wqs/</u>. The petition may also be obtained electronically or reviewed in person by contacting Pam Castaneda, Commission Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827-2425 or <u>pam.castaneda@</u> <u>state.nm.us</u>.

The hearing will be conducted in accordance with the New Mexico Water Quality Act, NMSA 1978, § 74-6-6, and the Rulemaking Procedures for the Water Quality Control Commission, 20.1.6 NMAC.

Any person, including the petitioner, who intends to present technical or rebuttal testimony at the hearing must file a notice of intent to present technical testimony with the Commission Administrator no later than December 20, 2017.

The notice shall:

 Identify the person for whom the witness(es) will testify;
 Identify each technical witness the

person intends to present, and state the qualifications of that witness, including a description of their educational and work background; 3. If the hearing will be conducted at multiple locations, indicate the location or locations at which the witness will be present;

4. Include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;

5. Include the text of any recommended modifications to the proposed regulatory change and a statement of basis; and

6. List and attach all exhibits anticipated to be offered by that person at the hearing.

Any member of the general public may present non-technical testimony and exhibits at the hearing so long as the exhibit is not unduly repetitious of the testimony. No prior notification is required. A member of the general public who wishes to submit a nontechnical statement for the record, in lieu of providing oral testimony at the hearing, may file the written statement prior to the hearing or submit it at the hearing.

All documents filed in this matter, including notices of intent, must be filed with a single-sided original and fourteen copies to the Commission Administrator. At the conclusion of the hearing, the WQCC may make a final decision or may provide information regarding post-hearing submittals and a timeframe for its final decision.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pam

Castaneda, WQCC Administrator at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive,

Santa Fe, New Mexico, 87502, telephone (505) 827-2425 or email pam.castaneda@state.nm.us. (TDD or TTY)

users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning nondiscrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section

504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@ state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above.

AVISO DE AUDIENCIA PÚBLICA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS DE 20.6.4 NMAC - ESTÁNDARES DE AGUAS SUPERFICIALES INTERESTATALES E INTRAESTATALES -PARA EL ARROYO DOG CANYON Y EL ARROYO TECOLOTE, WQCC 17-04(R)

La Comisión de Control de Calidad de Aguas (WQCC, por sus siglas en inglés) de Nuevo México (la Comisión) llevará a cabo una audiencia pública el martes, 9 de enero de 2018 y continuará en días subsecuentes, según sea necesario, en el Mabry Hall, Jerry Apodaca Education Building 300 Don Gaspar, Santa Fe, Nuevo México 87501. El propósito de la audiencia es considerar enmiendas de los Estándares Interestatales e Intraestatales de las Aguas superficiales, 20.6.4 NMAC. La WQCC comenzará su reunión mensual regular a las 9:00 a.m. y la audiencia pública empezará al concluir sus asuntos regulares. La ubicación de la audiencia puede cambiar antes de la fecha de la audiencia, y quienes estén interesados en asistir deberán visitar el sitio web de la Comisión: http://www.env.

nm.gov/wqcc antes de la audiencia.

Las enmiendas propuestas de 20.6.4 NMAC, presentadas por el Departamento del Medio Ambiente de Nuevo México (el Departamento y NMED, por sus siglas en inglés), número en la lista de asuntos WQCC 17.04 (R), proponen algunos cambios en las clasificaciones de uso de la vida acuática del Arroyo Dog Canyon en el Condado de Otero y porciones del Arroyo Tecolote en el Condado San Miguel.

La petición del Departamento y las enmiendas propuestas están disponibles en el sitio web del Departamento en https://www. env.nm.gov/surface-water-quality/ wqs/. La petición también se puede obtener por vía electrónica o revisar en persona comunicándose con Pam Castaneda, Administradora de la Comisión en 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 827- 2425 o pam.castaneda@ state.nm.us.

La audiencia se llevará a cabo conforme a la Ley de la Calidad de Aguas de Nuevo México, NMSA 1978, § 74-6-6, y los Procedimientos de la Elaboración de Normas para la Comisión del Control de Calidad de las Aguas, 20.1.6 NMAC.

Cualquier persona, incluso el peticionario, que tenga la intención de presentar testimonio técnico o de refutación en la audiencia, deberá presentar un aviso de intención de presentar testimonio al Administrador de la Comisión a más tardar el 20 de diciembre de 2017.

Dicho aviso deberá:

 Identificar a la persona por quien el/los testigo/s testificará/n;
 Identificar a cada uno de los testigos técnicos que la persona pretende presentar y estipular las cualificaciones de dichos testigos, incluso una descripción de su formación académica y laboral.
 Si la audiencia se llevará a cabo en diversos lugares, indicar la ubicación o las ubicaciones donde dicho testigo estará presente.

 Incluir una copia del testimonio directo de cada testigo técnico en forma narrativa, e indicar la duración aproximada del testimonio directo oral de dicho testigo;
 Incluir el texto de las modificaciones recomendadas al cambio reglamentario propuesto y una declaración de los fundamentos; e
 Indicar y adjuntar todas las pruebas que dicha persona ofrecerá en la audiencia.

Cualquier miembro del público general puede presentar testimonio no técnico y pruebas en la audiencia siempre y cuando dichas pruebas no constituyan una repetición excesiva del testimonio. No se necesitará dar aviso previo. Un miembro del público general que desee presentar una declaración no técnica para las actas, en vez de proporcionar testimonio oral en la audiencia, puede presentar una declaración escrita antes de la audiencia o presentarla durante la audiencia.

El original escrito en una sola cara y catorce copias de todos los documentos presentados sobre este asunto, incluso los avisos de intenciones, deben ser presentados al Administrador de la Comisión. Al concluir la audiencia, el WQCC puede tomar una decisión final o proporcionar información sobre la presentación de pruebas después de la audiencia, así como un marco de tiempo para su decisión final.

Si una persona necesita ayuda, un intérprete o un asistente para participar en este proceso, sírvase comunicarse con Pam Castaneda, Administradora de la WQCC, por lo menos 14 días antes de la fecha de la audiencia, en P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, Nuevo México, 87502, teléfono (505) 827-2425 o enviar un correo electrónico a pam.castaneda@state.nm.us. Se les pide a los usuarios de TDD o TTY que deseen llamar, de hacerlo por medio de la Red de retransmisión de Nuevo México, 1-800-659-1779 (voz); los usuarios de TTY: 1-800-659-8331.

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o género en la administración de sus programas o actividades, según lo exigen las leves y reglamentos pertinentes. El NMED es responsable de coordinar las labores en cuanto al cumplimiento y las indagaciones que reciba en torno a los requisitos de no discriminación estipulados en 40 C.F.R., Parte 7, incluyo el Título VI de la Ley de Derechos Civiles de 1964, como fuera enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, Titulo IX de las Enmiendas de la Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal del Control de la Contaminación de las Aguas de 1972. Si usted tiene alguna pregunta sobre este aviso o sobre los programas de no discriminación del NMED, de sus políticas o procedimientos, sírvase comunicarse con Kristine Pintado, Coordinadora de No Discriminación. New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. Si usted piensa que ha sido objeto de discriminación en un programa o actividad del NMED, le rogamos que se comunique con la Coordinadora de No Discriminación antes mencionada.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

NOTICE OF PROPOSED RULEMAKING

The State of New Mexico Department of Finance and Administration (hereinafter "DFA") hereby gives notice, pursuant to law and rules, of the following meeting and public hearing to be held at 10:00 am on December 7, 2017 in the Red Room (Room 238) at 407 Galisteo, Santa Fe NM 87501. DFA will hear an application by the Local Government Division (hereinafter "LGD") to repeal and replace 2.110.3 NMAC, regarding the Law Enforcement Protection Fund Distribution. Pursuant to Section 29-13-8 NMSA 1978, LGD promulgates these rules to administer the provisions of the Law Enforcement Protection Fund Act, being Sections 29-13-1 through 29-13-9 NMSA 1978, as amended (hereinafter "Law Enforcement Protection Fund Act").

The proposed repeal and replacement of 2.110.3 NMAC is to update for statutory language changes to the Law Enforcement Protection Fund Act, and to clarify procedures for applying for participation in the annual distribution of the Law Enforcement Protection Fund (hereinafter "fund") and to clarify the eligible uses of the fund.

Interested individuals are encouraged to submit comments during the Public Comment Period, which runs from October 31, 2017 through November 30, 2017. Written comments may be submitted to Brenda Suazo-Giles, Bureau Chief, Budget and Finance Bureau, LGD, DFA, via email at <u>BrendaL.Suazo-Giles@state.nm.us</u>, fax (505) 827-4340, or directed to Ms. Suazo-Giles at Department of Finance and Administration, Local Government Division, Bataan Memorial Building Room 201, Santa Fe, New Mexico 87501.

Copies of the proposed rule may be accessed on the Department's website at <u>http://www.nmdfa.state.nm.us/</u>, or obtained from Ms. Suazo-Giles by calling (505) 827-4964.

Individuals with disabilities who require this information in an alternative format, or need any form of auxiliary aid to submit comments, are asked to contact Ms. Suazo-Giles as soon as possible. DFA requires at least ten (10) days advance notice to provide requested special accommodations.

FINANCE, STATE BOARD OF

NOTICE OF BOARD OF FINANCE RULEMAKING

As authorized by Section 6-1-1 NMSA 1978, the New Mexico State Board of Finance is proposing to amend 2.60.8 NMAC, Acceptance of Payment Cards and Use of Electronic Funds Transfers. Merchant acceptance of payment cards, including by the State of New Mexico, is conditioned upon the business meeting requirements of the Payment Card Industry-Data Security Standards (PCI-DSS). Under PCI-DSS, the State must establish specific rules and policies regarding vendor management of credit card services. The State has until March 2018 to meet PCI-DSS requirements otherwise the State risks losing the right to accept payment cards. The proposed amendments to Rule 2.60.8 NMAC, which provides general guidance regarding the financial and legal requirements for acceptance of payment cards through the state's fiscal agent bank and any approved third-party processor and the use of electronic fund transfers, are intended to comply with PCI-DSS 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's website, http://nmdfa.state.nm.us/board of finance.aspx.

The Board is currently accepting public comment on the proposed rule amendments. Please submit written comments on the proposed changes to Director Leila Kleats via electronic mail at <u>bof.administrator@state.</u> <u>nm.us</u> or regular mail at 181 Bataan Memorial Building, Santa Fe, NM 87501 by November 30, 2017.

The Board will hear public comment and consider adoption of the proposed rule amendments at its December 19, 2017 regular State Board of Finance meeting, which takes place at 9:00 am in the Governor's Cabinet Room, Fourth Floor, State Capitol Building in Santa Fe, New Mexico.

If you are an individual with a disability who is in need of reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact: Michelle Gonzales, Board Administrator, at (505) 827-4980.

GAME AND FISH, DEPARTMENT OF

NOTICE TO TERMINATE RULEMAKING

The New Mexico State Game Commission and The New Mexico Department of Game and Fish are providing notice to terminate the rule hearing scheduled on Thursday, November 16, 2017, at 9:00 am, at Elephant Butte Banquet Facility, 401 NM-195, Elephant Butte, NM in accordance with Section 14-4-5 (C) NMSA 1978. The following item of rulemaking is being terminated:

Amend

19.31.10 NMAC Hunting and Fishing-Manner and Method of Taking

Synopsis:

The purpose was to amend Manner and Method rule to add a new section to the rule to establish a certification process by which landowners can register their legally-posted property(s) with the department. This is a result from new language in statute §17-4-6 NMSA which was passed in the 2015 legislative session. The Department decided to terminate the current rulemaking process of Trespass Certification in section 19.31.10 NMAC. The Department has made a formal request to the New Mexico State Records Center and Archives to add a new Part in rule under: Title 19 Natural Resources and Wildlife, Chapter 31 Hunting and Fishing, to continue at a later rulemaking hearing.

The terminated proposed rules may be accessed at the Department of Game and Fish website: <u>www.</u> wildlife.state.nm/commission/ proposals-under-consideration/ or by contacting Darrell Cole at <u>dgf-</u> fieldopscomments@state.nm.us or New Mexico Department of Game and Fish, 1 Wildlife Way, P.O. Box 25112, Santa Fe, New Mexico 87507.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 8, 2017. The hearing will begin at 9:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding a proposed rulemaking adopting a new rule 5.99.1 NMAC, PUBLIC AND PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE INTERSTATE DISTANCE EDUCATION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.99.1 NMAC, which includes the following sections: 5.99.1.1: ISSUING AGENCY; 5.99.1.2: STATUTORY AUTHORITY; 5.99.1.3: SCOPE; 5.99.1.4: DURATION; 5.99.1.5: EFFECTIVE DATE; 5.99.1.6: OBJECTIVES AND GENERAL PRINCIPLES; 5.99.1.7: DEFINITIONS; 5.99.1.8: STUDENT LOCATION; 5.99.1.9: EDUCATIONAL ACTIVITY; 5.99.1.10: NON-EDUCATIONAL ACTIVITY; 5.99.1.11: INSTITUTION EXEMPT FROM DISTANCE EDUCATION AUTHORIZATION; 5.99.1.12: SARA; 5.99.1.13: DISTANCE EDUCATION AUTHORIZATION REQUIREMENTS; 5.99.1.14: APPLICABLE DISTANCE

EDUCATION AUTHORIZATION FEES; 5.99.1.15: APPLICABLE SARA FEES AND SURETY BOND; 5.99.1.16: MONITORING; COMPLAINT RESOLUTION; SANCTIONS; 5.99.1.18: REPORTING FOR DISTANCE EDUCATION AUTHORIZED INSTITUTIONS; 5.99.1.19: REPORTING FOR SARA INSTITUTIONS; 5.99.1.20: WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION PRINCIPLES.

Purpose:

Section 21-23B-1 et seq. NMSA 1978 (The Interstate Distance Education Act) was enacted in 2015. Whereas by statute the New Mexico Higher Education Department has the authority to adopt rules and regulations for the receipt of distance education by students in the state and the provision of distance education by participating post-secondary educational institutions to students in other states, the Department proposes new rule 5.99.1 NMAC PUBLIC AND PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE INTERSTATE DISTANCE EDUCATION ACT.

Summary of proposed rule:

The Department proposes adopting new rule 5.99.1 NMAC. The new proposed rule provides oversight, general standards and application requirements for every post-secondary educational institution providing distance education from New Mexico, unless expressly exempted by the Department. Every post-secondary educational institution providing distance education from a home state outside of New Mexico to a student located in New Mexico shall be subject to the oversight, standards and applications requirements set out in the proposed rule.

Technical information:

The Department referenced the State Authorization Reciprocity Agreements Policy and Operations Manual Version 16.3 updated January 2017 issued by the National Council for State Authorization Reciprocity Agreements. This document can be found at: <u>http://www.nc-sara.org//</u>files/docs/NC-SARA_Manual.pdf.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <u>http://www. hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 9:00 a.m. until 11:00 a.m. at NMHED on December 8, 2017. Any person who is or may be affected by this proposed rule may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@ state.nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23B-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that

935 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 10:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding a proposed rulemaking adopting a new rule 5.100.5 NMAC, EXEMPTION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.100.5 NMAC, which includes the following sections: 5.100.5.1: ISSUING AGENCY; 5.100.5.2: SCOPE; 5.100.5.3: STATUTORY AUTHORITY; 5.100.5.4: DURATION; 5.100.5.5: EFFECTIVE DATE; 5.100.5.6: OBJECTIVES AND GENERAL PRINCIPLES; 5.100.5.7: DEFINITIONS; 5.100.5.8: GENERAL STANDARD FOR OBTAINING EXEMPTION STATUS BY THE DEPARTMENT; 5.100.5.9: PENALTY.

Purpose:

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to adopt new rule 5.100.5 NMAC accommodated changes in the Postsecondary Education Institution Act. The proposed new rule focuses on Exemption status of a postsecondary educational institution from the Postsecondary Education Institution Act.

Summary of proposed rule:

The Department proposes adopting new rule 5.100.5 NMAC. The new proposed rule provides parameters and general standards for institutions seeking exemption from the act. The rule provides an administrative process and standards for an institution claiming express exemption while operating in the state.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rules are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules are also posted on the NMHED website and may be accessed at <u>http://www.</u> <u>hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 10:00 a.m. until 11:00 a.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed rules may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@state. nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that

the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 11:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding a proposed rulemaking adopting a new rule 5.100.6 NMAC, REGISTRATION UNDER THE POST- SECONDARY EDUCATIONAL INSTITUTION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.100.6 NMAC, which includes the following sections: 5.100.6.1: ISSUING AGENCY; 5.100.6.2: SCOPE; 5.100.6.3: STATUTORY AUTHORITY; 5.100.6.4: DURATION; 5.100.6.5: EFFECTIVE DATE; 5.100.6.6: OBJECTIVES AND GENERAL PRINCIPLES; 5.100.6.7: DEFINITIONS; 5.100.6.8: GENERAL STANDARDS FOR REGISTRATION; 5.100.6.9: APPLICATION FOR REGISTRATION; 5.100.6.10: CURRICULUM REQUIREMENTS; 5.100.6.11: ENROLLMENT AGREEMENT; 5.100.6.12: PROOF OF FINANCIAL STABILITY; 5.100.6.13: MATERIALS AND INFORMATION; 5.100.6.14: STUDENT COMPLAINT PROCEDURE; 5.100.6.15: COOPERATION; 5.100.6.16: **RECORD MAINTENANCE** AND RETENTION POLICY; 5.100.6.17: SURETY BOND; 5.100.6.18: COMPLAINT TO THE DEPARTMENT; 5.100.6.19: APPLICABLE FEES; 5.100.6.20: **REPORTING REQUIREMENTS;** 5.100.6.21: PENALTY.

Purpose:

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to adopt new rule 5.100.6 NMAC. The proposed new rule 5.100.6 NMAC accommodates changes to the act to provide for the registration of all regionally accredited colleges and universities operating in the state pursuant to the Post-Secondary Educational Institution Act.

Summary of proposed rule:

The Department proposes adopting new rule 5.100.6 NMAC. The new proposed rule provides oversight, general standards and application requirements for registration of all regionally accredited colleges and universities operating in the state. The rule sets requirements, standards, and administrative procedures for institutions applying for registration to operate in the state pursuant to the Post-Secondary Educational Institution Act.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rules are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules are also posted on the NMHED website and may be accessed at <u>http://www. hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 11:00 a.m. until 12:00 p.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed rules may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@state. nm.us. Written comments must be received no later than 5:00 p.m. on **December 1, 2017.** If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 1:30 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed rulemaking adopting a new rule 5.100.7 NMAC, LICENSURE UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.100.7 NMAC, which includes the following sections: 5.100.7.1: ISSUING AGENCY; 5.100.7.2: SCOPE; 5.100.7.3: STATUTORY AUTHORITY; 5.100.7.4: DURATION; 5.100.7.5: EFFECTIVE DATE; 5.100.7. 6: OBJECTIVES AND GENERAL PRINCIPLES; 5.100.7.7: DEFINITIONS; 5.100.7.8: GENERAL STANDARDS FOR LICENSURE; 5.100.7.9: TYPES OF LICENSURE; 5.100.7.10: APPLICATION REQUIREMENTS; 5.100.7.11: REVIEW COMMITTEE; 5.100.7.12: COMPLAINT TO THE DEPARTMENT; 5.100.7.13: APPLICABLE FEES; 5.100.7.14: REPORTING; 5.100.7.15: SITE VISITS AND RECORDS INSPECTION;

5.100.7.16:PENALTY; 5.100.7.17: REVOCATION OF A LICENSE; 5.100.7.18: DENIAL OF A LICENSE.

Purpose:

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to adopt new rule 5.100.7 NMAC. The proposed new rule 5.100.7 NMAC accommodates changes to the act to provide for licensure of all career schools and all nonregionally accredited colleges and universities operating in the state pursuant to the Post-Secondary Educational Institution Act.

Summary of proposed rule:

The Department proposes adopting new rule 5.100.7 NMAC. The new proposed rule provides oversight, general standards and application requirements for licensure of all career schools and all nonregionally accredited colleges and universities operating in the state. The rule sets requirements, standards, and administrative procedures for institutions applying for licensure to operate in the state pursuant to the Post-Secondary Educational Institution Act.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rules are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules are also posted on the NMHED website and may be accessed at <u>http://www. hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact michelle.casias@state.nm.us or 505-476-8409.

A public hearing will be held from 1:30 p.m. until 3:00 p.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed rules may appear and testify.

937 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@ state.nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that

the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 3:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed rulemaking adopting a new rule 5.100.8 NMAC, CLOSURE OR SUBSTANTIAL CHANGE TO LOCATION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.100.8 NMAC, which includes the following sections: 5.100.8.1: ISSUING AGENCY; 5.100.8.2: SCOPE; 5.100.8.3: STATUTORY AUTHORITY; 5.100.8.4: DURATION; 5.100.8.5: EFFECTIVE DATE; 5.100.8.6: OBJECTIVES AND GENERAL PRINCIPLES; 5.100.8.7: DEFINITIONS; 5.100.8.8: NOTICE; 5.100.8.9: PLAN FOR CLOSURE OR SUBSTANTIAL CHANGE TO LOCATION; 5.100.8.10: TEACH-OUT AGREEMENTS; 5.100.8.11: RECORDS MAINTENANCE; 5.100.8.12: FINAL EXECUTION REPORT.

Purpose:

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to adopt new rule 5.100.8 NMAC to accommodate for changes in the Postsecondary Education Institution Act. The proposed new rule focuses on closures of any postsecondary educational institution pursuant to the Postsecondary Education Institution Act.

Summary of proposed rule:

The Department proposes adopting new rule 5.100.8NMAC. The new proposed rule provides oversight, standards, regulations, and the administrative process an institution will follow when closing a postsecondary educational institution operating in the state pursuant to the Post-Secondary Educational Institution Act.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rules are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules are also posted on the NMHED website and may be accessed at <u>http://www.</u> <u>hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 3:00 p.m. until 4:00 p.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed rules may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@ state.nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 9:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding a proposed rulemaking repealing 5.100.2 NMAC, PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.

Repeal:

The New Mexico Higher Education Department proposes to repeal 5.100.2 NMAC.

Purpose:

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to repeal 5.100.2 NMAC and has proposed new part numbers and names for the regulation of private postsecondary institutions operating within the state of New Mexico in proposed rules 5.100.5 NMAC, 5.100.6 NMAC, 5.100.7 NMAC and 5.100.8 NMAC.

Summary of proposed changes:

The Department proposes to repeal 5.100.2 NMAC in order to create new parts. The new proposed rules will distinguish the differences between registration, licensing, exemptions from the act, and closures of all postsecondary educational institutions in New Mexico. The rules shall provide for the registration of all regionally accredited colleges and universities and licensure of all career schools and all nonregionally accredited colleges and universities operating in the state pursuant to the Post-Secondary Educational Institution Act.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rules or statement of repeal are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules or statement of repeal are also posted on the NMHED website and may be accessed at http://www.hed.state.nm.us/ under the "Recent Posting" section. To request that a copy of the proposed rules or statement of repeal be sent to you by mail or e-mail, please contact michelle.casias@state.nm.us or 505-476-8409.

A public hearing will be held from 9:00 a.m. until 10:00 a.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed changes may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM **87505 or** michelle.casias@state. nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 8, 2017. The hearing will begin at 11:00 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding the repeal of a new rule 5.100.3 NMAC, PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE OUT-OF-STATE PROPRIETARY SCHOOL ACT.

Repeal:

The New Mexico Higher Education Department is proposing repeal of rule 5.100.3 NMAC.

Purpose and summary: New Mexico Higher Education Department seeks to repeal 5.100.3 NMAC. Many provisions within the rule are duplicative of statutory language. Private post-secondary institutions operating under the out-of-state proprietary act will be governed under Sections 21-24-1 et seq. NMSA 1978. As applicable to institutions operating within the state of New Mexico, state authorization will be granted subject to Section 21-23-1 et seq. NMSA 1978 and new proposed rules 5.100.5 NMAC, 5.100.6 NMAC, 5.100.7 NMAC, and 5.100.8 NMAC. Private post-secondary institutions operating under the out-of-state proprietary act may also be subject to Section 21-23B-1 et seq. NMSA 1978 and new proposed rule 5.99.1 NMAC.

Details for Obtaining a Copy, Public Hearing and Comments:

The statement of repeal is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The statement of repeal is also posted on the NMHED website and may be accessed at <u>http://www. hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the statement of repeal be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 11:00 a.m. until 12:00 p.m. at NMHED on December 8, 2017. Any person who is or may be affected by these changes may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@ state.nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-24-1 et

939 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that

the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 8, 2017. The hearing will begin at 1:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding the repeal of a new rule 5.100.4 NMAC, ADVISORY COMMITTEE FOR PRIVATE POST-SECONDARY EDUCATION. **Repeal:**

The New Mexico Higher Education Department is proposing repeal of rule 5.100.4 NMAC.

Purpose and summary: New Mexico Higher Education Department seeks to repeal 5.100.4 NMAC. As applicable to institutions operating within the state of New Mexico, state authorization will be granted subject to Section 21-23-1 et seq. NMSA 1978 and new proposed rules 5.100.5 NMAC, 5.100.6 NMAC, 5.100.7 NMAC, and 5.100.8 NMAC. Private post-secondary institutions operating under the out-of-state proprietary act may also be subject to Section 21-23B-1 et seq. NMSA 1978 and new proposed rule 5.99.1 NMAC. A committee is proposed in new proposed rule 5.100.7 NMAC and will serve to make recommendations to the Cabinet Secretary, as applicable.

Details for Obtaining a Copy, Public Hearing and Comments: The statement of repeal is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The statement of repeal is also posted on the NMHED website and may be accessed at <u>http://www. hed.state.nm.us/</u> under the "Recent Posting" section. To request that a copy of the statement of repeal be sent to you by mail or e-mail, please contact <u>michelle.casias@state.nm.us</u> or 505-476-8409.

A public hearing will be held from 1:00 p.m. until 2:00 p.m. at NMHED on December 8, 2017. Any person who is or may be affected by these changes may appear and testify. Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or michelle.casias@ state.nm.us. Written comments must be received no later than 5:00 p.m. on December 1, 2017. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations

Legal authority for this rulemaking can be found Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8409 ten (10) business days prior to the hearing.

HUMAN SERVICES DEPARTMENT - MEDICAL ASSISTANCE DIVISION

NOTICE OF RULEMAKING

The Human Services Department (the Department), Medical Assistance Division (MAD), is amending the following rules that are part of the New Mexico Administrative Code (NMAC):

8.200.510 NMAC, General Recipient Rules-Resource Standards
8.215.500 NMAC, SSI Methodology-Income and Resource Standards
8.240.500-QMB-Income and Resource Standards
8.281.400 NMAC, Institutional Care-Recipient Policies
8.281.500 NMAC, Institutional Care-Income and Resource Standards
8.290.400 NMAC, Home and Community-Based Services Waiver-Recipient Policies

NM Statute Section 9-8-6 (2016) authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: October 31, 2017 Hearing Date: November 29, 2017 Adoption Date: Proposed as March 1, 2018

Technical Citations:

Public Law 97-458 (section 4) Amended Public Law 93-134, the Indian Judgement Award Authorization Act Public Law 113-295, The Stephen Beck, Jr., Achieving a Better Life Experience Act (ABLE Act).

The Department through these rules is revising the excess home equity amount for long-term care services, is incorporating into policy the Achieving a Better Life Experience Act (ABLE Act) which establishes state-run tax advantaged accounts for eligible individuals to use for disability related expenses, adds additional resource and income exclusions for distributions made to Native Americans, and requires interviews at initial application for Institutional Care and Waiver Medical Assistance Program (MAP) eligibility categories. Other changes throughout the rules are to update language, incorporate standardized rule language, and to provide additional clarification in sections of the rules.

8.200.510 NMAC

Section 15-The excess home equity amount for long-term care services is being changed from the federal maximum of \$840,000 down to the federal minimum of \$560,000. The home equity amount will continue to be increased each year by the urban component of the consumer price index as required by the New Mexico Medicaid State Plan.

8.215.500 NMAC

Section 12-Outdated references were replaced with current NMAC references.

Section 13-A new subsection "H" was added to incorporate language describing the ABLE Act which establishes state-run tax advantaged accounts for eligible individuals to use for disability related expenses. Tax advantaged accounts allow an eligible individual to save and use funds for disability-related expenses. Section 14-A new subsection "N" was added for ABLE Act exclusions. ABLE account balances are excluded up to \$100,000. Amounts over \$100,000 count towards the \$2,000 SSI resource limit.

A new subsection "O" was added to exclude from resources per capita payments under the Indian Judgement Fund Act of \$2,000 or less. Section 18-A new subsection "C" was added which states that contributions from any source into an ABLE account is not considered income to an SSI recipient. However, an SSI recipient's earnings contributed to an ABLE account are considered wages and counted. Gifts to an SSI recipient to be deposited into an ABLE account are considered income unless made directly into an ABLE account. Section 20-Unearned income exclusions of Subsection D paragraph (6)" were updated to exclude certain income distributions to Native Americans as required by public law. A new paragraph "15" was added to Subsection D that identifies which distributions from an ABLE account are excluded as income of the designated beneficiary. Section 21-Outdated reference was replaced with current NMAC

reference.

8.240.500 NMAC

Section 14-Language was added to clarify Qualified Medicare Beneficiary policy that the standard \$20 disregard is only given if the applicant or recipient lives with an ineligible spouse.

8.281.400 NMAC

Section 10-Language was added to this section to clarify that Level of Care determinations are also made by Managed Care Organizations. Section 11-Language was added that an interview is required at initial application for Institutional Care Medicaid. The telephonic or in-person interview shall be scheduled within ten working days at a time that is convenient for the applicant. Missed interviews can be rescheduled by that applicant. An application can be denied on the 45th day if the applicant does not contact the Income Support Division or does not appear for the rescheduled interview.

8.281.500 NMAC

Section 7-The acronym for QLTCPI was changed to QSLTCIP (Qualified State Long-Term Care Insurance Partnership) in this section and throughout the rule.

8.290.400 NMAC

Section 11-A new subsection "E" was added to state that an interview is required at initial application for Waiver programs.

This proposed amendments will be contained in 8.200.510 NMAC, 8.215.500 NMAC, 8.240.500 NMAC, 8.281.400 NMAC, 8.281.500 NMAC, and 8.290.400 NMAC.

The register and proposed rule amendments are available on the HSD website at: <u>http://www.hsd.</u> <u>state.nm.us/LookingForInformation/</u> <u>registers.aspx</u> and <u>http://www.hsd.</u> <u>state.nm.us/public-notices-proposed-</u> <u>rule-and-waiver-changes-and-</u> <u>opportunities-to-comment.aspx</u>. If you do not have internet access, a copy of the proposed register and rules may be requested by contacting MAD at 505-827-6252.

The Department proposes to implement these rules effective March 1, 2018. A public hearing to receive testimony on these proposed rules will be held in the Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, on November 29, 2017, from 10 a.m. to 12 p.m., Mountain Standard Time (MST).

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 the public hearing, please contact MAD in Santa Fe at (505) 827-6252. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

Interested persons may submit written to:

Human Services Department Office of the Secretary ATTN: Medical Assistance Division Public Comments P.O. Box 2348 Santa Fe, New Mexico 87504-2348

Recorded oral comments may be left by calling (505) 827-1337. Electronic comments may be submitted to <u>madrules@state.nm.us</u>. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than 5:00 p.m. MST, on November 29, 2017.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The Public Education Department (PED) hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, on December 5, 2017 from 9:00 a.m. to 12:00 p.m. The purpose of the public hearing will be to obtain input on the proposed repeal and replace of 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to speak will be given three (3) minutes to make a statement concerning the rule changes on record. Written comment will also be accepted at the hearing.

Rule Change Information. The purpose of this proposed rule change is to realign the evaluation and renewal sections of the 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs to be consistent with the 2004 Bilingual Multicultural Education Act (22-23-1 NMSA) and regulatory goals (6.32.2 NMAC), and include program accountability for academic and language proficiency in English and a second language for all students, not just English Learners. In addition, the proposed rule change aims to further clarify the program approval requirements and align the program element of instruction with the local implementation. The proposed changes would take effect beginning with the 2018-2019 school year.

The statutory authorizations include the following: Sections 22-2-1, 22-23-1 through 22-23-6, NMSA 1978

No technical information served as a basis for this proposed rule change.

Public Comment. Interested parties may provide comment on the proposed repeal and replacement of this state rule at the public hearing or may submit written comments, or both, to Jamie Gonzales, Policy Division, New Mexico Public Education Department, Room 101, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, or by electronic mail at rule.feedback@state.nm.us, or fax to (505) 827-6681. All written comments must be received no later than 5:00 p.m. (MDT) on the date of the public hearing. The PED encourages the early submission of written comments. The initial public comment period was March 28, 2017 to August 9, 2017 at 5pm. The PED reopened public comment on September 1, 2017. The public comment period will end on December 5, 2017 at 5 p.m. (MDT)

Copies of the proposed rules may be accessed through the New Mexico Public Education Department's website under the "Public Notices" link at <u>http://ped.state.nm.us/ped/</u> <u>PublicNotices.html</u>, or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Jamie Gonzales at (505) 827-7889 as soon as possible before the date set for the public hearing. The PED requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

> End of Notices of Rulemaking and Proposed Rules

Adopted Rules

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 in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

DEPARTMENT OF AGRICULTURE

The Board of Regents of New Mexico State University, approved at its 10/5/2017 hearing, to repeal its rule 21.15.1 NMAC – Organic Agriculture (filed 2/29/2012) and replace it with 21.15.1 NMAC – Organic Agriculture, adopted on 10/5/2017 and effective 1/1/2018.

DEPARTMENT OF AGRICULTURE

TITLE 21 AGRICULTURE AND RANCHING CHAPTER 15 AGRICULTURE GENERAL PROVISIONS PART 1 ORGANIC AGRICULTURE

21.15.1.1ISSUINGAGENCY:New Mexico StateUniversity, New Mexico Departmentof Agriculture.[21.15.1.1 NMAC - Rp, 21.15.1.1NMAC, 1/1/2018][MSC 3189, Box 30005, Las Cruces,New Mexico 88003-8005, TelephoneNo. (575) 646-3007]

21.15.1.2 SCOPE: The rule shall apply to certification of agricultural products. [21.15.1.2 NMAC - Rp, 21.15.1.2 NMAC, 1/1/2018]

21.15.1.3 STATUTORY AUTHORITY: The rule is promulgated pursuant to the provisions of the Organic Production Act, Sections 76-21A-1 through 76-21A-5 NMSA 1978. [21.15.1.3 NMAC - Rp, 21.15.1.3 NMAC, 1/1/2018]

21.15.1.4 DURATION: Permanent.

[21.15.1.4 NMAC - Rp, 21.15.1.4 NMAC, 1/1/2018]

21.15.1.5 EFFECTIVE DATE: January 1, 2018, [21.15.1.5 NMAC - Rp, 21.15.1.5 NMAC, 1/1/2018]

21.15.1.6 OBJECTIVE: The rule establishes that the department, as a USDA-accredited certifying agent, follows the requirements of the national organic program's standards to certify agricultural products as organic. [21.15.1.6 NMAC - Rp, 21.15.1.6 NMAC, 1/1/2018]

21.15.1.7 DEFINITIONS: The following definitions apply to this part and all other regulations the department adopts.

A. "Accreditation" means a determination made by USDA that authorizes a private, foreign, or state entity to conduct certification activities as a certifying agent under the standards.

B. "Agricultural product" means any agricultural commodity or product, whether raw or processed, including any commodity or product derived from livestock.

C. "Application" means a formal request to an authority for the purpose of organic certification.

D. "Certify or certification or certified" means a determination made by a USDAaccredited certifying agent that a production or handling operation is in compliance with the Organic Foods Production Act of 1990 and the standards which is documented by a certificate of organic operation.

E. "Certifying agent" means any entity accredited by the national organic program as

a certifying agent for the purpose of certifying a production or handling operation as a certified production or handling operation.

F. "Department" means the New Mexico department of agriculture.

G. "Farm operation" means raising, cultivating, propagating, fattening, grazing, or any other farming or ranching activity.

H. "Fees" means funds collected by the department as provided for under the act.

I. "Handler" means any person who engages in the business of handling agricultural products, including producers who handle crops or livestock of their own production, except such term shall not include final retailers of agricultural products that do not process agricultural products. This may include a processor.

J. "National organic program" means the USDA program authorized by the federal Organic Foods Production Act of 1990 for the purpose of implementing its provisions.

K. "Organic" means a labeling term that refers to an agricultural product produced in accordance with the federal Organic Foods Production Act of 1990.

L. "Organic products" means all products certified by the department as "100 percent organic," "organic" or "made with organic (ingredients or food groups)."

M. "Processor" means any person who engages in the cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, slaughtering, cutting, fermenting, distilling, eviscerating, preserving, dehydrating, freezing, chilling, or otherwise manufacturing and includes

943 New Mexico Register / Volume XXVIII, Issue 20/ October 31 2017

the packaging, canning, jarring, or otherwise enclosing food in a container.

N. **"Producer**" means a person who engages in the business of growing or producing food, fiber, feed, and other agricultural products.

O. "Renewal" means annual update required for continued certification.

P. "Reviewing Process" means the review of an application prior to conducting an inspection of the applicant's scope(s).

Q. "Scope" refers to operation type; crops, livestock, wild crops, and handling.

R. "Standards" means the specific federal requirements that must be verified by the certifying agent accredited by the national organic program of the USDA before products can be labeled organic.

S. "USDA" means United States department of agriculture. [21.15.1.7 NMAC - Rp, 21.15.1.7 NMAC, 1/1/2018]

21.15.1.8 ADOPTION OF THE STANDARDS: The standards established by USDA's national organic program and set forth in Title 7 CFR Part 205 are incorporated by reference. [21.15.1.8 NMAC - Rp, 21.15.1.8 NMAC, 1/1/2018]

21.15.1.9 FEES: A. All fees shall be collected directly by the department, and used to carry out the provisions of the Organic Production Act NMSA 76-21A.

B. New Application Fee: New applicants, regardless of scope, must submit a \$750 application fee for the initial review and processing of the application at the time of submission. New applications received without accompanying fees shall be deemed incomplete, and the applicant shall be notified that the application will not be further processed until the fee is paid. Applicants applying for dual scopes (crop and processor and animal and processor, but not crop and animal) must pay two fees. All fees are nonrefundable.

Renewal Fee: С. Renewal applicants must submit a \$500 application fee for the review and processing of the application at the time of submission per scope. The deadline for renewal applicants shall be the anniversary date of the operations initial certification each year. Renewal applications received without accompanying fees shall be deemed incomplete, and the applicant shall be notified that the application will not be further processed until the fee is paid. Applicants applying for dual scopes (crop and processor and animal and processor, but not crop and animal) must pay two fees. All fees are nonrefundable.

D. Late Fee – Renewals: Late fee charges on renewal applications shall be assessed as follows: Received 30 days after the anniversary date of the operations initial certification, \$100; Received 60 days after the anniversary date of the operations initial certification, \$200; Received 90 days after the anniversary date of the operations initial certification, \$200;

E. Hourly rate: an hourly rate of \$65 per hour shall be assessed for time spent directly related to conducting inspections in quarter hour increments, certification process review, and issuance of the organic certification certificate. Certificates and renewals shall only be issued once all fees have been paid in full. The hourly rate does not include mileage and per diem.

F. Mileage and per diem: In addition to the application fee and hourly rate, mileage and per diem will be charged in accordance with the provisions of the New Mexico state university business procedure manual, Chapter 5C: Travel. If multiple inspections are in the same area, the mileage and per diem rate will be divided equally among applicants.

G. Collection of Fund: All funds collected shall be subject to policies set in New Mexico state university's business procedures manual. [21.15.1.9 NMAC - Rp, 21.15.1.9 NMAC, 1/1/2018]

HISTORY of 21.15.1 NMAC:

History of the Repealed Material: 21 NMAC 15.1, Organic Agriculture Generally, filed 7/2/1998 - Repealed effective 8/30/2001 21 NMAC 17.58, Organic Methods of Control, filed 7/2/1998 - Repealed effective 8/30/2001 21 NMAC 18.5, Organic Production Methods and Materials, filed 7/2/98 -Repealed effective 8/30/2001 21 NMAC 25.6, Organic Handling Operations, Inspections and Application Process, filed 7/2/1998 -Repealed effective 8/30/2001 21 NMAC 27.3, Organic Honey Production, filed 7/2/1998 - Repealed effective 8/30/2001 21 NMAC 30.1, Organic Production Methods and Materials, filed 7/2/1998 - Repealed effective 8/30/2001 21 NMAC 34.16, Organic Production Methods and Materials, filed 7/2/1998 - Repealed effective 8/30/2001 21.15.1 NMAC, Organic Agriculture Generally, filed 8/15/2001 - Repealed effective 02/29/2012 21.17.58 NMAC, Organic Methods of Control, filed 8/15/2001 - Repealed effective 02/29/2012 21.18.5 NMAC, Organic Production Methods and Materials, filed 8/15/2001 - Repealed effective 02/29/2012 21.25.6 NMAC, Organic Labeling and Marketing, Processing/Handling **Operations**, Application Process and Inspections, filed 8/15/2001 -Repealed effective 02/29/2012 21.27.3 NMAC, Organic Honey, Propolis and Beeswax Production, filed 8/15/2001 - Repealed effective 02/29/2012 21.30.1 NMAC, Organic Production Methods and Materials, filed 8/15/2001 - Repealed effective 02/29/2012 21.34.16 NMAC, Organic Production Methods and Materials, filed 8/15/2001 - Repealed effective 02/29/2012 21.15.1 NMAC, Organic Agriculture,

filed 02/29/2012 - Repealed effective 1/1/2018.

NMAC History:

21.15.1 NMAC, 21.17.58 NMAC, 21.18.5 NMAC, 21.25.6 NMAC, 21.27.3 NMAC, 21.30.1 NMAC and 21.34.16 NMAC, all replaced by 21.15.1 NMAC, Organic Agriculture, effective 02/29/2012 21.15.1 NMAC, Organic Agriculture, filed 2/29/2012 was repealed and replaced by 21.15.1 NMAC, Organic Agriculture, effective 1/1/2018,

DEPARTMENT OF AGRICULTURE

This is an amendment to 21.34.3 NMAC - Pasteurized Milk Ordinance, Section 8, effective 1/1/2018.

21.34.3.8 PASTEURIZED MILK: The procedures for compliance testing, sampling, and checking dairy establishments shall be those contained in the latest [edition] editions of the United States department of health and human services, public health service, food and drug administration, grade A pasteurized milk ordinance, the Methods of Making Sanitation Ratings of Milk Shippers, the Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of the National Conference on Interstate Milk Shippers, and the Evaluation of Milk Laboratories provided that out-of-state producers of milk and milk products may be sampled at dairy retail stores, food service establishments, grocery stores and other places where milk and milk products are sold for purposes of quality examination to determine compliance with Sections 2, 4, 7 and 10 of the grade A pasteurized milk ordinance.

[7/1/97; 21.34.3.8 NMAC - Rn, 21 NMAC 34.3.8, 05/29/09; A, 1/1/2018]

EDUCATIONAL RETIREMENT BOARD

At its meeting on August 25, 2017, the Educational Retirement Board repealed its rule 2.82.2 NMAC, entitled Membership, filed 06/30/1999, and replaced it with a new rule 2.82.2 NMAC, entitled Membership, effective 10/31/2017.

At its meeting on August 25, 2017, the Educational Retirement Board repealed its rule 2.82.4 NMAC, entitled Service Credit, filed 6/30/1999, and replaced it with a new rule 2.82.4 NMAC, entitled Service Credit, effective 10/31/2017.

At its meeting on August 25, 2017, the Educational Retirement Board repealed its rule 2.82.6 NMAC, entitled Disability Benefits, filed 6/30/1999, and replaced it with a new rule 2.82.6 NMAC, entitled Disability Benefits, effective 10/31/2017.

EDUCATIONAL RETIREMENT BOARD

TITLE 2	PUBLIC
FINANCE	
CHAPTER 82	EDUCATIONAL
RETIREMENT	
PART 2	MEMBERSHIP

2.82.2.1 ISSUING AGENCY: Educational Retirement Board, P.O. Box 26129, Santa Fe, New Mexico 87502-0129. [2.82.2.1 NMAC - Rp, 2.82.2.1 NMAC, 10/31/2017]

2.82.2.2 SCOPE: This rule defines membership status and processes within the Educational Retirement Act, Sections 22-11-1 through 22-11-55 NMSA 1978. [2.82.2.2 NMAC - Rp, 2.82.2.2 NMAC, 10/31/2017]

2.82.2.3 STATUTORY AUTHORITY: The Educational Retirement Act, Sections 22-11-1 to 22-11-55 NMSA 1978. [2.82.2.3 NMAC - Rp, 2.82.2.3 NMAC, 10/31/2017] 2.82.2.4 **DURATION:**

Permanent. [2.82.2.4 NMAC - Rp, 2.82.2.4 NMAC, 10/31/2017]

2.82.2.5 EFFECTIVE DATE: October 31, 2017, unless a later date is cited at the end of a section. [2.82.2.5 NMAC - Rp, 2.82.2.5 NMAC, 10/31/2017]

2.82.2.6 OBJECTIVE: The purpose of this rule is to govern operations and define the types of membership eligible for coverage, as well as employees excluded from coverage.

[2.82.2.6 NMAC - Rp, 2.82.2.6 NMAC, 10/31/2017]

2.82.2.7 DEFINITIONS: [Reserved]

2.82.2.8 EMPLOYEES AND EMPLOYERS COVERED BY THE EDUCATIONAL RETIREMENT ACT:

A. Employers who are designated by statute as "local administrative units" shall be the following schools, institutions, and agencies:

(1) all public
 school districts in New Mexico;
 (2) educational
 institutions enumerated in Article 12,
 Section 11 of the constitution of New Mexico;
 (2) we have

(3) public
 education department;
 (4) educational
 retirement board;

welfare home:

(6) New Mexico boys' school;

girls'

(7) Los Lunas

(5)

medical center;

(8) technical and vocational institutes created pursuant to the Technical and Vocational Institute Act;

(9) community colleges (also known as "junior colleges") created pursuant to the Community College Act; (10) New Mexico activities association; and (11) regional education cooperatives.

B. In addition to the local administrative units enumerated in Subsection A, any state institution or agency providing an educational program and employing certified school instructors shall be a local administrative unit with coverage in such unit limited to certified school instructors.

[2.82.2.8 NMAC - Rp, 2.82.2.8 NMAC, 10/31/2017]

2.82.2.9 REGULAR MEMBERS:

A. In four-year colleges, technical and vocational institutes and community or junior colleges, public school districts, and state operated schools, "regular members" shall be all employees other than retired members, participants in the return to work program, participants in the return to work exception; participants in the alternative retirement plan (ARP) or employees excluded under 2.82.2.11 NMAC.

B. Any member except retired members participating in the return to work program, participants in the return to work exception, participants in the alternative retirement plan (ARP), or employees excluded under 2.82.2.11 NMAC, who is regularly employed in any of the following local administrative units, shall be a "regular member" if the member holds a license issued by the public education department at the time of commencement of employment in such local administrative units:

	(1)	northern
New Mexico col	lege;	
	(2)	New
Mexico boys' scl	nool;	
	(3)	girls'
welfare home;		
	(4)	Los Lunas
medical center;		
	(5)	public
education depart	ment;	
	(6)	educational
retirement board	,	
	(7)	New

Mexico school for the blind and visually impaired; (8) New Mexico school for the deaf; New (9) Mexico activities association; and (10)regional education cooperatives. С. Except retired members participating in the return to work program, participants in the return to work exception; participants in the alternative

retirement plan (ARP) or employees excluded under 2.82.2.11 NMAC, regular membership is a condition of employment and all local administrative unit employees who qualify as "regular members" must be covered under the Educational Retirement Act, commencing with the first day of employment.

D. Except retired members participating in the return to work program, participants in the return to work exception; participants in the alternative retirement plan (ARP) or employees excluded under 2.82.2.11 NMAC, any person regularly employed, whether full-time or part-time, in any state institution or agency described in Subsection B of 2.82.2.8 NMAC, shall be a regular member if employed in an educational program and holds a license issued by the public education department. [2.82.2.9 NMAC - Rp, 2.82.2.9 NMAC, 10/31/2017]

2.82.2.10 PROVISIONAL MEMBERS:

Any provisional A. member employed by any of the following local administrative units may elect to be covered under the public employees retirement association in lieu of coverage under the Educational Retirement Act within the first six months of employment or re-employment, but may not be exempted completely from being covered under either retirement system unless excluded from coverage under 2.82.2.11 NMAC: New (1) Mexico boys' school; (2) girls' welfare home;

1	(3)	New
	Mexico school for the d	leaf;
	(4)	educational
	retirement board	
	(5)	public
	education department;	
	(6)	northern
	New Mexico college;	
	(7)	Los Lunas
	medical center;	
	(8)	New
	Mexico school for the b	olind and

visually impaired; (9) until or

(9) units of unless such provisional member does elect coverage under the Public Employees Retirement Act that provisional member must be covered under the Educational Retirement Act commencing with the first day of his employment, or re-employment in any of the local administrative units enumerated in this section. Likewise, the election of coverage under the Public Employees Retirement Act requires continued coverage under that act for the duration of employment or re-employment in any of the units specified in this section.

(10) It shall be the policy of the board, in cooperation with the public employees retirement association ("PERA"), to determine annually if there are provisional members employed by these local administrative units who are retired from one system while having elected to participate in the second system.

B. To elect coverage under the Public Employees Retirement Act, a provisional member must complete a form provided by the board for that purpose. The local administrative unit shall forward the completed form to the director. The director shall approve the election of such coverage if it is in order and forward a copy of the approved form to PERA and to the local administrative unit as notice that the employee's election to be covered under the Public Employees Retirement Act has been approved. The director shall retain the original approved election form as the board's record of the approved election.

C. No provisional member may be covered under the

Public Employees Retirement Act in lieu of the Educational Retirement Act unless a properly approved form electing such coverage is on file with the director.

[2.82.2.10 NMAC - Rp, 2.82.2.10 NMAC, 10/31/2017]

2.82.2.11 EMPLOYEES EXCLUDED FROM COVERAGE:

A. Any person enrolled as a student in any of the local administrative units outlined in Subsection A of 2.82.2.8 NMAC, and who is also employed by the local administrative unit in which he is enrolled, shall be considered a student and not eligible for either "regular" or "provisional" membership under the Educational Retirement Act, except that members of the faculty or full-time staff, who may be incidentally enrolled in classes, shall not be affected by this rule. Under no circumstances shall graduate assistants, teaching fellows, or students in positions of similar nature, be considered eligible for coverage under the Educational Retirement Act. This includes any and all participation in the teacher enhancement program or participation in similar graduate programs.

B. Any person whose full time equivalency ("FTE") is .25 or less, and who is not a covered employee of another local administrative unit, shall not be covered for contribution purposes. For purposes of calculating a person's FTE, employment with all local administrative units shall be aggregated. Any person employed on July 1, 1994 who was then covered under the Educational Retirement Act shall continue to be covered for the duration of that employment.

C. Any employee engaged on a day-to-day basis to replace another employee who is temporarily absent shall be considered a "substitute" and shall not be covered under the Educational Retirement Act. An employee engaged to fill a vacant position (including a position vacated by an extended leave of absence) is not considered a "substitute" and must be covered under the Educational

Retirement Act.

D. Independent contractors who perform services for local administrative units on a fee basis are not eligible for membership under the Educational Retirement Act as a result of having performed such service, and sums paid for such service shall not be covered for purposes of contributions. The following factors shall be considered in determining whether an individual qualifies as an independent contractor:

(1) registration with the New Mexico department of taxation and revenue to pay gross receipts tax;

(2) the existence of a written contract with the local administrative unit setting forth the services to be provided and the compensation to be paid;

(3) whether the person receives benefits such as paid annual or sick leave, health insurance and other benefits that the local administrative unit provides its regular employees or is paid as an employee by the local administrative unit;

(4) whether the person satisfies internal revenue service guidelines for determining that an individual is an independent contractor rather than an employee; (a)

as necessary, the director shall make available forms for use by local administrative units for use in making this determination;

(b)

the board reserves the right to examine the complete forms, contracts and other agreements, and any other materials as may be necessary for the purpose of determining whether an individual is an independent contractor or employee.

E. All students enrolled in any public school, grades 1-12.

[2.82.2.11 NMAC - Rp, 2.82.2.11 NMAC, 10/31/2017]

2.82.2.12 **RETIRED MEMBERS:** For the purposes of the return to work program, a retired member shall be defined as any member who has retired pursuant to the Educational Retirement Act. [2.82.2.12 NMAC - Rp, 2.82.2.12 NMAC, 10/31/2017]

2.82.2.13 MEMBERSHIP ENROLLMENT; RECORDS:

A. Enrollment; changes in contact information.

(1) Members are required to complete a new employment form each time that they are hired or rehired by a local administrative unit and to provide the board with contact information, including their mailing address and e-mail address.

(2) Active members and retirees are responsible for providing the board notice in writing of any change of their mailing address or e-mail address on forms made available for this purpose by the director.

B. Local administrative units. For the purposes of providing members information regarding the board and the members' accounts, local administrative units are required to provide the educational retirement board the e-mail addresses assigned to members by a local administrative unit upon the board's request. [2.82.2.13 NMAC - Rp, 2.82.2.13 NMAC, 10/31/2017]

HISTORY OF 2.82.2 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: ERB 67-3, Rules and Procedures, filed 6-30-67. ERB 78-1, Rules and Procedures, filed 8-7-78. ERB Rule II, Membership, filed 7-2-82.

History of Repealed Material: 2.82.2 NMAC, Membership, filed 6/30/99, repealed effective 10/31/2017.

EDUCATIONAL RETIREMENT BOARD

TITLE 2 PUBLIC FINANCE CHAPTER 82 EDUCATIONAL RETIREMENT PART 4 SERVICE CREDIT

2.82.4.1 ISSUING AGENCY: Educational Retirement Board, P.O. Box 26129, Santa Fe, New Mexico 87502-0129. [2.82.4.1 NMAC - Rp, 2.82.4.1 NMAC, 10/31/2017]

2.82.4.2 SCOPE: This rule applies to earned and allowed service credit. [2.82.4.2 NMAC - Rp, 2.82.4.2 NMAC, 10/31/2017]

2.82.4.3 STATUTORY AUTHORITY: The Educational Retirement Act, Sections 22-11-1 to 22-11-55 NMSA 1978. [2.82.4.3 NMAC - Rp, 2.82.4.3 NMAC, 10/31/2017]

2.82.4.4 DURATION: Permanent. [2.82.4.4 NMAC - Rp, 2.82.4.4 NMAC, 10/31/2017]

2.82.4.5 EFFECTIVE DATE: October 31, 2017, unless a later date is cited at the end of a section. [2.82.4.5 NMAC - Rp, 2.82.4.5 NMAC, 10/31/2017]

2.82.4.6 **OBJECTIVE:** Clarifies requirements, conditions and procedures for determining a member's years of service, and the purchase of allowed service credit. [2.82.4.6 NMAC - Rp, 2.82.4.6 NMAC, 10/31/2017]

2.82.4.7 DEFINITIONS: [Reserved]

2.82.4.8 EARNED SERVICE CREDIT:

A. Earned service credit shall be granted on a quarterly basis.

B. A member shall receive one quarter of credit for each calendar quarter in which the member has earnings from regular employment and renders services for a minimum of 16 days. A member is considered to have rendered services for each day upon which the member is paid salary, regardless of whether the member is on annual, sick, administrative or other form of paid leave. Four calendar quarters of credit shall constitute one year. The calendar quarters of a year shall begin and end as follows: July 1 through September 30; October 1 through December 31; January 1 through March 31; and April 1 through June 30.

C. Members who are granted paid sabbatical leave shall receive one calendar quarter of earned service credit for each quarter in which they receive pay for such.

D. If a member is granted earned service credit while on paid sabbatical leave and that sabbatical leave is subsequently revoked, with salary payments returned to, or demanded by the administrative unit, under the terms of the leave agreement between the administrative unit and the member, the earned service credit granted during such sabbatical leave shall be revoked.

E. In the event of revocation of earned service credit as provided in Subsection D of 2.82.4.8 NMAC, disposition of contributions made by the member and local administrative unit relating to the revoked period of earned service credit shall be as follows:

(1) Local administrative unit contributions shall be credited to the local administrative unit to be used against future contribution costs.

(2) Before the member contribution shall be disbursed, or credited, the local administrative unit shall furnish the board with proof of the settlement which has been made with the member. Following the receipt of this proof, the member contributions shall be handled as follows: If the local administrative unit has completed the financial settlement with the member without being reimbursed for member contributions relating to the leave and paid to the board, the administrative unit shall be granted credit for such member contributions to be used against the future administrative unit contribution costs.

(b)

If the local administrative unit has been reimbursed by the member for member contributions relating to the leave and paid to the board, such member contributions shall be paid to the member on a refund voucher separate from any other refund which might be requested by the member.

F. An exchange teacher who is working outside the New Mexico public schools, but who is being paid a regular salary by a local administrative unit, shall receive earned service credit for such service.

G. The board shall not allow contributory service credit when token salaries are paid or when gratuitous service is performed. The ERB shall rule on each case involving gratuitous service or token salaries when each case is presented.

H. The board may accept rollover and employer payroll deduction contributions for the restoration of withdrawn earned service credit if the following conditions are met:

(1) The payments must be all or a portion of the member's interest qualified under Section 401(a) of the Internal Revenue Code.

(2)

The payments shall contain only tax-deferred contributions and earnings on the contributions. The member and employer must submit satisfactory documentation, releases or indemnification to the board against any and all liabilities that may be connected with the transfer, verifying that the proposed transfer is a qualifying contribution under the Internal Revenue Code.

(3) Payroll deductions and employer pickups are authorized by the governing body of

the ERA employer.

(4) The board may not accept rollover or employer pickup payroll deduction contributions in excess of the amount required to restore the withdrawn earned service credit.

I. For payments to restore earned service credit which commence on and after January 1, 2002, the board may accept rollover and transfers if the following conditions are met:

(1) Rollovers must be eligible rollover distributions that are not includible in the income of the member by reason of Sections 402(c), 403(b)(8), 408(d) or 457(e) (16) of the Internal Revenue Code.

(2) Transfers must be direct trustee-to-trustee transfers from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code to the extent permitted by Section 403(b)(13) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code to the extent permitted by Section 457(e)(13) of the Internal Revenue Code.

(3) The rollovers and transfers shall contain only pre-tax deferred contributions and earnings on the contributions. The member and employer must submit satisfactory documentation, releases, or indemnification to the board against any and all liabilities that may be connected with the rollover or transfer verifying that the proposed rollover or transfer is permissible under the Internal Revenue Code.

(4) Payroll deduction contributions shall no longer be allowed for the purchase of earned service credit if the contributions would commence on or after July 1, 2002.

(5) The board may not accept rollovers or transfers in excess of the amount required to restore the withdrawn earned service credit.

[2.82.4.8 NMAC - Rp, 2.82.4.8 NMAC, 10/31/2017]

2.82.4.9 ALLOWED SERVICE CREDIT:

A. For purposes of granting allowed service credit pursuant to Paragraph (2) of Subsection A of Section 22-11-34 NMSA 1978, a member engaged in military service that interrupted the member's employment under a state system in New Mexico shall return to employment within 18 months following honorable discharge.

(1) In order to claim such service credit the member shall furnish documentary evidence of: (a) the member's entry into and honorable discharge from military service; (b) the dates of service to an affiliated public employer prior to entry into military service.

(2) The director shall review the members' request for allowed service credit based upon the documentary evidence presented, and, in the director's discretion, shall request additional documentation to verify the member's eligibility for such allowed service credit.

B. For purposes of granting allowed service credit pursuant to Paragraph (3) of Subsection A of Section 22-11-34 NMSA 1978, a member engaged in United States military service, shall: (1) be

honorably discharged from such service;

(2) have
 five or more years of contributory
 employment at the time of the
 application for allowed service credit,
 in order to be eligible to purchase
 allowed service credit pursuant to
 Paragraph (3) of Subsection A of
 Section 22-11-34 NMSA 1978;
 (3) contribute

to the fund, for each year of service credit the member elects to purchase, a sum equal to the member's average annual actual salary for the five years of contributory employment preceding the date of the contribution multiplied by the sum of the member's contribution rate and the employer contribution rate in effect at the time of the member's written election to purchase, subject to the federal Uniformed Services Employment and Reemployment Rights Act of 1994;

(4) full

payment shall be made in a single lump sum within 60 days of the date that the member is informed of the amount of the payment;

(5) the portion of the purchase cost derived from the employer's contribution rate shall be credited to the fund and, in the event that a member requests a refund of contributions pursuant to Section 22-11-15 NMSA 1978, the member shall not be entitled to a refund of that portion of the purchase cost derived from the employer contribution rate;

(6) the director shall use the salary information on file with the board in determining "average annual actual salary" under Paragraph (3) of Subsection A of Section 22-11-34 NMSA 1978; if reasonable evidence of the salaries earned is not available, the director shall set amounts to be used which, in his opinion, are representative of reasonable annual salaries for the periods of contributory employment for the position held by the applicant at that time;

(7) when the actual cost of purchase of allowed service credit for periods of military service is calculated under Paragraph (3) of Subsection A of Section 22-11-34 NMSA 1978, the "average annual actual salary" shall be based upon the member's most recent 20 calendar quarters of contributory employment prior to the date on which he makes payment;

(8) no allowed service credit shall be granted for service not performed by the member by reason of service in the uniformed services of the United States, nor for periods of service in the military reserves or national guard for short term training during which the member was not activated pursuant to a federal call to duty, deployment or peacekeeping mission or other declared national emergency;

(9) purchase of allowed service credit as provided in Paragraph (3) of Subsection A of Section 22-11-34 NMSA 1978, may be carried out only while the member is currently employed by an administrative unit;

(10) the provisions of 2.82.10.8 NMAC shall apply to purchase of allowed service credit under this paragraph;

(11) a member who has forfeited service credit may reinstate such service credit in order to establish the minimum period of contributory employment required by this subsection by repayment of withdrawn member contributions in the manner required by Subsection C of Section 22-11-33 NMSA 1978; such repayment shall be made at the same time as the lump sum payment for allowed service credit as specified in Paragraph (3) of Subsection A of Section 22-11-34 NMSA 1978.

C. Notwithstanding the provisions of Subsection A of 2.82.3.8 NMAC the "annual actual salary" to be used in calculating the cost of allowed service credit described in Paragraphs (3) and (4) of Subsection A of Section 22-11-34 NMSA 1978 shall be an annualized salary. For the purpose of this rule, employment shall be viewed as either full-time or part-time employment, and an annualized salary shall be defined as follows.

(1) For fulltime employees: The annual salary as defined in Subsection A of 2.82.3.8 NMAC.

(2) For part-time employees: The total remuneration for the part-time employment divided by the full-time equivalency, as defined by the director at the time of the contribution. In no event shall allowed service credit contributions be granted for any calendar quarter in which the member did not work more than .25 of the fulltime equivalency for the applicable position as determined pursuant to rules enacted by the board or the director.

(3) For employees on sabbatical leave: The amount that would have been earned during the entire year had the member been on regular assignment. In determining the full-time equivalency of an employee, the director may refer to the administrative unit's approved budget for the fiscal year under consideration.

D. For the purpose of granting allowed service credit, pursuant to Paragraph (4) of Subsection A of Section 22-11-34 NMSA 1978, a "public school or public institution of higher learning" in another state, territory, or possession of the United States shall be taken to mean one that is open to the public without regard to race, creed, or color, and such school or institution need not be tax supported. The out-of-state public school shall be accredited by the state in which it is located or another accrediting organization which is recognized by the state. Service credit purchasable pursuant to Subparagraph (a) of Paragraph (4) of Subsection A of Section 22-11-34 NMSA 1978 shall not include employment as a graduate assistant, teaching assistant or teaching fellow or in any position of a similar nature while the member was enrolled as a student in that institution.

E. Prior to the purchase of allowed service credit under Subparagraph (d) of Paragraph (4) of Subsection A of Section 22-11-34 NMSA 1978, a member must provide satisfactory evidence that the private school was accredited by the state board of education at the time of the member's employment.

F. The board may accept rollover and employer pickup payroll deduction contributions for the purchase of allowed service credit if the following conditions are met.

(1) The payments must be all or a portion of the member's interest qualified under Section 401(a) of the Internal Revenue Code.

(2)

The payments shall contain only tax-deferred contributions and earnings on the contributions. The member and employer must submit satisfactory documentation, releases or indemnifications to the board against any and all liabilities that may be connected with the transfer, verifying that the proposed transfer is a qualifying contribution under the Internal Revenue Code.

(3) Payroll deductions and employer pickups are authorized by the governing body of the ERA employer.

(4) The board may not accept rollover or employer pickup payroll deduction contributions in excess of the amount required to purchase the allowed service credit.

G. For payments to purchase allowed service credit which commence on and after January 1, 2002, the board may accept rollover and transfers if the following conditions are met.

(1) Rollovers must be eligible rollover distributions that are not includible in the income of the member by reason of Sections 402(c), 403(b)(8), 408(d) or 457(e) (16) of the Internal Revenue Code.

(2) Transfers must be direct trustee-to-trustee transfers from a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code, an annuity contract described in Section 403(b) of the Internal Revenue Code to the extent permitted by Section 403(b)(13) of the Internal Revenue Code, or an eligible plan under Section 457(b) of the Internal Revenue Code to the extent permitted by Section 457(e)(13) of the Internal Revenue Code.

(3) The rollovers and transfers shall contain only pre-tax deferred contributions and earnings on the contributions. The member and employer must submit satisfactory documentation, releases, or indemnification to the board against any and all liabilities that may be connected with the rollover or transfer verifying that the proposed rollover or transfer is permissible under the Internal Revenue Code.

(4) Payroll deduction contributions shall no longer be allowed for the purchase of allowed service credit if the contributions would commence on or after July 1, 2002.

(5) The board

may not accept rollovers or transfers in excess of the amount required to purchase the allowed service credit. [2.82.4.9 NMAC - Rp, 2.82.4.9 NMAC, 10/31/2017]

2.82.4.10 **RETURN TO** WORK: No service credit can be earned, purchased or otherwise credited for any of the time a retired member is employed by a local administrative unit while the member is participating in the return to work program of the Act or the return to work exception. While a member is participating in the return to work program or the return to work exception, no service credit can be purchased for service previously earned or withdrawn. [2.82.4.10 NMAC - Rp, 2.82.4.10 NMAC, 10/31/2017]

HISTORY OF 2.82.4 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: ERB 67-3, Rules and Procedures, filed 6-30-67. ERB 78-1, Rules and Procedures, filed 8-7-78. ERB Rule IV, Service Credit, filed 7-2-82.

History of Repealed Material: 2.82.4 NMAC, Service Credit, filed 6/30/99, repealed effective 10/31/2017 and replaced by 2.82.4, Service Credit, effective 10/31/2017.

EDUCATIONAL RETIREMENT BOARD

TITLE 2 PUBLIC FINANCE CHAPTER 82 EDUCATIONAL RETIREMENT DISABILITY PART 6 BENEFITS

2.82.6.1 ISSUING **AGENCY:** Educational Retirement Board, P.O. Box 26129, Santa Fe, New Mexico 87502-0129. [2.82.6.1 NMAC - Rp, 2.82.6.1 NMAC, 10/31/2017]

2.82.6.2 **SCOPE:** This rule applies to disability retirement. [2.82.6.2 NMAC - Rp, 2.82.6.2 NMAC, 10/31/2017]

2.82.6.3 **STATUTORY AUTHORITY:** The Educational Retirement Act, Sections 22-11-1 to 22-11-55 NMSA 1978. [2.82.6.3 NMAC - Rp, 2.82.6.3 NMAC, 10/31/2017]

2.82.6.4 **DURATION:** Permanent.

[2.82.6.4 NMAC - Rp, 2.82.6.4 NMAC, 10/31/2017]

2.82.6.5 EFFECTIVE **DATE:** October 31, 2017 unless a later date is cited at the end of a section. [2.82.6.5 NMAC - Rp, 2.82.6.5 NMAC, 10/31/2017]

2.82.6.6 **OBJECTIVE:** Clarification of procedures and requirements for disability benefits. [2.82.6.6 NMAC - Rp, 2.82.6.6 NMAC, 10/31/2017]

2.82.6.7 [Reserved]

2.82.6.9

DEFINITIONS:

2.82.6.8 **ELIGIBILITY:** The member is eligible when the member has met the statutory requirements for service and extent of disability if application is filed as provided in Subsection A of 2.82.6.9 NMAC.

[2.82.6.8 NMAC - Rp, 2.82.6.8 NMAC, 10/31/2017]

APPLICATION:

A. An application for benefits may be filed prior to, and in anticipation of a member's termination by reason of disability, or within a reasonable time following the date of termination.

Application for R disability may be initiated by the member or his employer on forms furnished by the director and made available in each local administrative unit. The member may also write to the director to apply for benefits.

If the applicant for С.

disability benefits is not employed at the time of application, the director shall deal directly with the member in processing the application, without reference to, or concurrence of, the last employer.

D. At the time of application, the member shall furnish medical proof satisfactory to the educational retirement board, that his termination of employment is, or was, a direct result of his disability. The member's employer, or former employer shall also be requested to advise the board, in writing, of all facts pertinent to the applicant's termination, of which the employer has knowledge.

Applicant shall E. furnish a list of all physicians who have examined or treated the member regarding the disability and provide copies of their reports, shall provide copies of any and all vocational rehabilitation reports made since the disability was incurred and shall provide any other information requested by the educational retirement board, the medical review authority or medical appeals hearing officer.

F. An applicant may review any and all evidence, physician reports etc., which the medical review authority or medical appeals hearing officer has which pertains to his/her case. [2.82.6.9 NMAC - Rp, 2.82.6.9 NMAC, 10/31/2017]

2.82.6.10 **EFFECTIVE DATE OF BENEFITS:**

A. The effective date of disability benefits shall be the first day of the month following the member's termination of employment, or the first day of the month following receipt of the member's application, whichever is later.

В. The applicant for disability benefits shall not be considered to have terminated employment until all accumulated sick leave granted by the employer shall have been used. If the employer pays the member's accumulated sick leave in a lump-sum, the member's termination date shall be the date on

which the last day would have been paid had payment been made in due course, rather than in a lump-sum.

C. In the absence of any other formal declaration of termination of employment, the member's application for disability benefits shall serve as declaration as of the date indicated thereon by employer.

[2.82.6.10 NMAC - Rp, 2.82.6.10 NMAC, 10/31/2017]

2.82.6.11 DETERMINATION OF DISABILITY:

A. The medical review authority shall, in its recommendation to the educational retirement board, report whether the applicant is or is not totally disabled to continue with his/her employment and unable to obtain and retain other gainful employment commensurate with his/her background, education and experience. In cases of recommended denials, reasons with sufficient detail shall also be provided.

B. When considering an applicant's background, education and experience, the guidelines established by the social security administration, vocational opinions, guides, books or reports and any other relevant information may be used.

C. If recommending disability benefits to the educational retirement board, the medical review authority or medical appeals hearing officer may, if appropriate, recommend that the applicant be referred to the division of vocational rehabilitation ("DVR") for its provision of available services to the disabled member. [2.82.6.11 NMAC - Rp, 2.82.6.11 NMAC, 10/31/2017]

2.82.6.12 CONTINUATION OF DISABILITY BENEFITS:

A. The requirements of Section 22-11-36 NMSA 1978 shall be met in the following manner: (1) Each

recipient of disability benefits shall be required to furnish a report from his/her personal physician or health care provider or report to an assigned medical examiner for examination at least once each year following approval of disability status. The frequency of examination (not less than once each year) shall be determined in each individual case by the medical review authority based upon the nature and extent of the disability. The director shall, in all cases, retain the authority to require an independent medical examination not called for by the medical review authority.

(2) Periodic examination reports on disability cases shall be studied by the medical review authority who shall make recommendations to the retirement board for consideration and action, and in no case shall a disability benefit be discontinued without the action of the retirement board.

B. If a member approved for disability is age 60 or more at the time of approval, or is receiving disability benefits when the member becomes age 60, the member shall be considered to have then retired by reason of age as provided in Section 22-11-38 NMSA 1978. At such time, the member may elect an optional benefit as provided in Section 22-11-29 NMSA 1978, regardless of number of years of earned service credit attained by the member.

C. Coincident with the annual medical report required of each member receiving disability benefits, the director shall obtain a report of the employment status of the disabled member which shall be considered along with the medical report in determining the member's continued eligibility.

D. In the event that a member receiving disability benefits from ERB is removed from a disability status by the board, disability payments shall continue to that member for a period of two full months following the month of removal, except if such member becomes employed before the expiration of this two-month period, the member shall be removed from the payroll on the date of employment. If the member removed from a disability status is eligible and opts for age/service retirement, disability payments shall terminate upon the effective retirement date, but in no case shall extend beyond the two-month period cited in this rule.

In making a E. recommendation following reexamination of a disability recipient, the medical review authority shall state whether there is or is not a substantial betterment of the member's disability. In the event a substantial betterment is concluded by the medical review authority, it shall further state whether, in light of that betterment, the member is or is not totally disabled for employment and unable to obtain and retain other gainful employment commensurate with his/her background, education and experience. In cases of recommended terminations of disability, reasons with sufficient detail shall also be provided. In the event that no substantial betterment can be concluded in any future reexamination, the medical review authority can recommend the recipient as permanently disabled.

F. A disability recipient who is no longer totally disabled for employment and is able to obtain and retain gainful employment commensurate with the recipient's background, education and experience, will be determined not disabled, with consequent termination of benefits. In such cases, substantial betterment should be recommended by the medical review authority to the board. The board shall take action on such recommendation. A disability recipient who is totally disabled and unable to maintain and obtain employment commensurate with his/her background, education and experience may be determined permanently disabled without future re-examination. The permanent disability should be recommended by the medical review authority to the board, together with a statement that the recipient is permanently disabled. The board shall take action on such recommendation

G. When considering a recipient's background, education and experience, the guidelines established

by the social security administration, vocational opinions, guides, books or reports, reports from DVR and any other relevant information may be used.

H. A disability recipient shall furnish a list of all physicians who have examined or treated the recipient during the period of disability and provide copies of their reports and shall provide any other information requested by the educational retirement board, the medical review authority or the medical appeals hearing officer.

I. A disability recipient may review any and all evidence, physician reports, etc., which the medical review authority has which pertains to his/her case. [2.82.6.12 NMAC - Rp, 2.82.6.12 NMAC, 10/31/2017]

2.82.6.13 **APPROVAL OF APPLICATION:** The director is authorized to approve duly executed applications for disability benefits on behalf of the board in order to insure timely approval of same if the medical review authority has determined that the applicant is disabled; however, all such approvals must be ratified by the educational retirement board at a subsequent meeting of the board. At the time of ratification, the director shall make available to the board, the reports of the medical examiners, the recommendations of the medical review authority, and the member's completed application along with such other information as the board may require.

[2.82.6.13 NMAC - Rp, 2.82.6.13 NMAC, 10/31/2017]

History OF 2.82.6 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: ERB 67-3, Rules and Procedures, filed 6/30/67. ERB 78-1, Rules and Procedures, filed 8/7/78. ERB Rule VI, Disability Benefits, filed 7/2/82.

History of Repealed Material: 2.82.6 NMAC, Disability Benefits,

filed 6/30/99, repealed effective 10/31/2017 and replaced by 2.82.6 NMAC, Disability Benefits, effective 10/31/2017.

GAME AND FISH, DEPARTMENT OF

At its meeting on September 28, 2017, the State Game Commission repealed its rule 19.31.3 NMAC, entitled Hunting and Fishing Licenses and Application, filed 4-1-16 and replaced it with a new rule 19.31.3 NMAC, entitled Hunting and Fishing Licenses and Application, effective 10-31-17.

GAME AND FISH, DEPARTMENT OF

TITLE 19NATURALRESOURCES AND WILDLIFECHAPTER 31HUNTING ANDFISHING REGULATIONSPART 3HUNTINGAND FISHING LICENSES ANDAPPLICATION

19.31.3.1 ISSUING AGENCY: New Mexico Department of Game and Fish. [19.31.3.1 NMAC - Rp, 19.31.3.1 NMAC, 10-31-17]

19.31.3.2 SCOPE: Sportspersons interested in fishing, hunting and trapping and management of big game and furbearers in New Mexico. Additional requirements may be found in Chapter 17 NMSA 1978 and other Parts of Title 19, Chapter 31. [19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 10-31-17]

19.31.3.3 STATUTORY AUTHORITY: 17-1-14, 17-1-26, 17-3-2, 17-3-5, 17-3-7, 17-3-13, 17-3-14, and 17-3-14.1 NMSA 1978, which pertain to the types of licenses and permits available and grant the state game commission authority to create regulations setting the license fees and application procedure. [19.31.3.3 NMAC - Rp, 19.31.3.3 NMAC, 10-31-17]

19.31.3.4 DURATION: Permanent. [19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 10-31-17]

19.31.3.5 EFFECTIVE DATE: October 31, 2017, unless a later date is cited at the end of a section. [19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 10-31-17]

19.31.3.6 OBJECTIVE: Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special permits and licenses issued by the department pertaining to deer, elk, pronghorn antelope, turkey, oryx, ibex, javelina, furbearer, and other species determined by the state game commission.

[19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 10-31-17]

19.31.3.7 DEFINITIONS: [Reserved]

19.31.3.8 PUBLIC LICENSES AND PERMITS -APPLICATION FOR:

B.

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.

Application

deadline(s): Applications for all public licenses and permits, including population management hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear, deer, oryx, javelina, and ibex hunts must be received by 5:00 p.m. on dates set by the state game commission.

C. One applicant per application: No more than one person may apply under each application number for bighorn sheep, bear, and GMU 5A private land deer.

D. Two applicants per application: No more than two persons may apply under the same application number for turkey, ibex and oryx.

E. Four applicants

per application: No more than four persons may apply under the same application number for deer, elk, pronghorn antelope, Barbary sheep and javelina.

F. Resident and nonresident 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).

G. 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; or

(5) comply with a current statute or rule.

H. More applications than permits: If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing.

I. Increase in licenses or permits: The number of licenses or permits available may be increased to accommodate corrections or errors by the department which results in the addition of names to the successful list.

J. Additional choices: Applicants for public licenses may designate additional choices for hunt periods.

K. Application categories: Applications for special drawing hunts will be placed into the appropriate categories, as specified in Section 17-3-16 NMSA 1978 by department personnel or their designee. Special drawings shall continue to draw applicants from the appropriate drawing pool progressively for each respective hunt code, starting with first choice applicants, then proceeding to second and subsequent choice applicants until the quota has been met or the pool of applicants has been exhausted.

L. Resident and non-resident applications:

(1) To be placed in the separate pool designated for guided hunts, an applicant must have a valid registration number issued to a New Mexico outfitter as prescribed in Paragraph H of Section 17-3-6 NMSA 1978, on their application.

(2) For an application to be successfully drawn, there must be a sufficient number of licenses or permits available for that hunt code to accommodate all applicants from their respective drawing pools.

(3) Any licenses left over from the appropriate drawing pool will be allocated as prescribed in Subsection C of Section 17-3-16 NMSA 1978.

M. New Mexico department game and fish customer identification number: All persons purchasing licenses, making application to the department for hunt drawings for public licenses and permits, and converting private landowner authorizations to licenses must have a "New Mexico department of game and fish (NMDGF) customer identification number."

(1) "NMDGF customer identification number" shall be obtained only from the department and must be obtained prior to the submission of any application or private landowner authorization.

(2) Each person making application for public drawing license, permit or private landowner authorization must use their own valid NMDGF customer identification number on his or her application.

(3) Any application received without a valid NMDGF customer identification number or false NMDGF customer number will be rejected.

N. Trapper license restriction: No nonresident who resides in a state that does not permit

New Mexico residents to procure nonresident trapper licenses may purchase a New Mexico nonresident trapper license.

O. Director's Authority to Adjust Licenses and Permits: The director may adjust licenses or permit numbers for special drawings, by no more than one per hunt code, to comply with Chapter 17 NMSA 1978 and its corresponding rules.

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 10-31-17]

19.31.3.9 PRIVATE LAND -PRONGHORN ANTELOPE AND ELK LICENSES:

A. Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

B. The amount due for a private land hunting license shall be composed of "landowner authorization certificate" fee, the appropriate "certificate of application" fee as defined in 19.30.9 NMAC and the appropriate license fee as defined in Section 17-3-13 NMSA 1978.

C. Licenses will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

D. 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 lies outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC. [19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 10-31-17]

19.31.3.10 NEW MEXICO RESIDENT MILITARY AND VETERAN DISCOUNT

A. A New Mexico resident, as defined in Section 17-3-4 NMSA 1978, who is active duty military or a veteran of the United States military as defined by the New Mexico department of veterans' services is eligible for a fifty percent

discount on all licenses, permits and stamps as defined in 19.30.9 NMAC and in Section 17-3-13 NMSA 1978. Exceptions: No discount shall apply to the resident, disabled veteran game hunting and fishing combination license, or to any administrative fee, including the "landowner authorization certificate" fee, the certificate of application fee, and the license vendor fee.

B. Nonresident military personnel stationed on Fort Bliss who qualify for resident prices on big-game hunts that occur on Fort Bliss are not eligible for the resident military and veteran discount.

С. The department shall conduct audits to determine eligibility for benefits as defined under 19.31.3.10 NMAC. Failure to provide requested documentation within the timeframe specified by the department shall result in the removal of the discount and suspension of any future discounts until such time as the requested documents are received and verified.

D. Any license, permit or stamp obtained by falsely claiming this discount is unlawful. [19.31.3.10 NMAC - Rp, 19.31.3.10 NMAC, 10-31-17]

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.

Validity of license B. or permit: All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, 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 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. **Improper license** С. and permit: Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any game animal, fur-bearing animal, game bird or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting, fishing or trapping without a proper license as required by Section17-3-1 NMSA 1978 unless otherwise exempted by a valid commission rule.

D. 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.

E. 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.

F. **Donation of** permits or licenses: Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a youth 17 years of age or younger, a New Mexico resident veteran of the United States military as approved by the New Mexico department of veterans'

services, or a "first responder" who is a resident of the state of New Mexico as defined by Subsection B of Section 12-10D-2 NMSA 1978 who has been qualified through an approved nonprofit organization that promotes hunting, fishing and trapping activities. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit organizations prior to their participation in receiving, identifying or submitting recipients for donated licenses or permits. In order to be an approved nonprofit organization, the organization must demonstrate to the state game commission their history and ability to promote hunting, fishing, and trapping activities. A once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit organization. Donation of a once-ina-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

G. 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.

H. Handicapped fishing or handicapped game hunting license qualifications: To hold a handicapped fishing or handicapped game hunting license, the individual must be a resident of New Mexico and must be able to show proof of having a severe physical or developmental disability that substantially limits one or more major life activities. Reasonable accommodation will be made, relating to these licenses, upon request.

Mobility impaired I.

(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. 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.

J. 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. Applicants for firearm hunts must provide hunter education certificate number, or mentor youth number for appropriate species on application.

K. Required information: An individual making license application shall supply the department on the appropriate form with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

L. 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.

M. 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

15 calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within 30 days of the date of citation issuance.

N. 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.

0. Youth encouragement hunts: Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits for those species will be eligible to apply for licenses for these hunts for 14 days subsequent to the original posting of availability of these hunts on the department website. Licenses remaining after the first 14 days of availability shall be available to any youth hunters as defined by 19.31.3.11 NMAC who are eligible to purchase an elk license.

P. NMDGF customer identification number: It shall be unlawful for an applicant to use another person's NMDGF customer identification number or to provide false information to obtain a NMDGF customer identification number.

Q. Application fee: Prior to the drawing, all applicants for special hunt drawings for public draw licenses shall pay the applicable species license fees including depredation damage stamp, the required game hunting license fee and the non-refundable application fee as defined by 19.30.9.9 NMAC. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings. **R.** Game hunting license fee refund: Applicants for special hunt drawings for public draw licenses may elect to receive a refund of the game hunting license and appropriate fees if they are unsuccessful in the drawing for all of the species applied for, as long as an authorization number (pursuant to Section 17-3-5 NMSA 1978) has not been issued to the applicant by the department.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 10-31-17]

19.31.3.12 DENIAL OR REVOCATION:

A. Any applicant for any license, permit, certificate or registration will be automatically rejected if their name and other identifying factors appears on the department's revocation list or a list of provided by the wildlife violator compact.

B. Any applicant automatically rejected shall be afforded a revocation hearing in accordance with 19.31.2 NMAC, unless a hearing has already been offered.

C. Any applicant automatically rejected must re-apply for any license; permit, certificate or registration if they are found to be eligible, providing applicant shall comply with all the conditions set forth by Chapter 17 and its implementing regulations. [19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 10-31-17]

History of 19.31.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68; Turkey Seasons For The Spring Of

Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71; Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71; Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71; Regulation No. 532, Establishing

1972, filed 3/20/72; Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72; Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72; Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72; Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73; Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73; Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73; Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74; Regulation No. 556. Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74; Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74; Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75; Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75; Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;

Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76; Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear,

Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77; Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78; Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79; Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;

Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 2/17/81;

Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;

Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;

Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;

Regulation No. 634, Establishing

Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85:

Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;

Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;

Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;

Regulation No. 658, Establishing A System For Allocating Elk Licenses On Private And Public Lands Within Game Management Units, filed 6/1/88;

Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;

Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;

Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89:

Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;

Regulation No. 689, Establishing

Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92:

Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

19.31.3 NMAC, Hunting and Fishing License Applications, filed 1/17/01 -Repealed effective 12/30/04. 19.31.3 NMAC, Hunting and Fishing License Applications, filed 12/30/04 -Repealed effective 4/1/16. 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/16 - Repealed effective 10/31/17.

GAME AND FISH, **DEPARTMENT OF**

This is an amendment to Sections 7 and 9 of 19.31.5 NMAC, effective 4-1-2018.

19.31.5.7 **DEFINITIONS:** "Aggregate" shall A. mean the sum of individual game taken comprised of several species as allowed by the bag limit or possession limit.

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

C. "Bag limit" shall mean the number of upland game animals a licensed hunter is allowed per day.

"Baiting" D. 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 upland game birds or mammals.

"Bow" shall mean E. compound, recurve, long bow, or crossbow. Sights on bows shall not project light [nor magnify.], however, illuminated pins/reticles and scopes of any magnification are allowed.

"Crossbows" F. 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.], however, illuminated pins/reticles and scopes of any magnification are allowed.

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

H.

"Department

offices" shall mean department offices in Santa Fe, Albuquerque, Raton, Las Cruces, or Roswell.

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

J. "Established road" is defined as follows:

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

"Falconry" shall К. mean hunting upland game using raptors.

"License year" L. 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.

"Non-toxic shot" 0. shall mean that non-toxic shot approved for use by the U.S. fish and wildlife service.

P. "Pellet Gun" shall mean a handgun or rifle that propels a single .177 caliber or larger pellet by means of compressed air or other gas.

"Permanent 0. mobility limitation" shall mean an individual that permanently has: restricted movement in both arms, or is restricted to the use of a walker, wheelchair, or two crutches to walk, or has a combination of disabilities that cause comparable substantial functional limitations.

R. "Possession limit" shall mean twice the daily bag limit one can have in their ownership, except where otherwise defined.

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

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

all animals (2) listed as endangered species or subspecies as stated in regulation(s) set by the state game commission.

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

"State game U. commission owned properties" shall mean all department owned or managed waterfowl management areas, wildlife management areas, Sandhills Prairie conservation area and lesser prairie-chicken areas.

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

W. "Waterfowl management area (WMA)" shall mean Bernardo, Casa Colorada,

Charette lake, Jackson lake, La Joya, McAllister lake, Salt lake, Tucumcari, and W.S. Huey state game commission owned or managed waterfowl management areas.

"Wildlife X. management area" shall mean Big Hatchet, Colin Neblett, E.S. Barker, Humphries, Marquez, Rio Chama, Sargent, Socorro-Escondida, and Water canyon wildlife management areas, the Sandhills Prairie conservation area, and state game commission owned lesser prairiechicken areas.

"Youth" shall mean Y. those less than 18 years of age except where otherwise defined. [19.31.5.7 NMAC - Rp, 19.31.5.7 NMAC, 8-15-17; A, 4-1-2018]

19.31.5.9 MANNER AND METHODS FOR UPLAND GAME:

A. Season and hours: Upland game may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset, unless otherwise specifically allowed by rule.

On wildlife (1) management areas, the lesser prairiechicken areas, and the Sandhills Prairie conservation area hunting hours shall be from one-half hour before sunrise to one-half hour after sunset.

(2) On

waterfowl management areas (WMAs), hunting hours shall be from one-half hour before sunrise to 1:00 p.m. For the special permit pheasant hunts on W.S. Huey WMA, hunting hours shall be from one-half hour before sunrise to 4 p.m.

B. **Bag limit:** It is unlawful for any person to hunt for or take more than one daily bag limit allowed by regulation.

С. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of any upland game that are illegally obtained.

Use of bait: It D. shall be unlawful for anyone to take

or attempt to take any upland game, other than quail on private property, by use of bait. It shall be lawful to take quail from areas where quail feeders occur on private property.

Live animals: It E. shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any upland game.

F. Use of calling **devices:** It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any upland game.

Killing out-of-G. season: It shall be unlawful to kill any upland game out-of-season.

H. Legal sporting arms and ammunition:

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

(a) shotguns firing shot, including muzzle-loading shotguns;

(b)

(c)

bows and arrows: and

crossbows.

The

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

(a)

shotguns firing shot, including muzzle-loading shotguns;

(b)

(d)

rimfire firearms:

(c)

muzzle-loading firearms;

bows and arrows;

(e) crossbows; and

(f)

pellet guns.

(3) Non-

toxic shot is required for hunting on all state game commission owned lands. It shall be unlawful for any person hunting with a shotgun or muzzleloader on state game commission owned properties, to hunt with or be in possession of lead shot, or shotgun shells loaded with lead shot.

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

J. Proof of species or sex:

(1) One foot shall remain attached to each quail taken until the bird has arrived at the personal abode of the possessor or storage facility.

(2) The head or a leg of each pheasant taken must remain attached to the bird until the bird has arrived at the personal abode of the possessor or storage facility.
 [K. Possession or sale of protected species: It shall be unlawful to possess, sell, or offer for sale all or part of any upland game except as provided below:

(1) License or permit: A person may possess upland game or parts thereof that they havelawfully taken (killed) under license or permit.

(2) Gametaken by another: Any person mayhave in their possession or under their control any upland game or partsthereof that have been lawfully takenby another person, if they possessa written statement which shall be provided by the donor of the uplandgame, or parts thereof, and whichshall contain the following:

the kind and number of upland game parts donated;

the date and county where the upland game was lawfully taken;

(c) the donor's name, address, and the number of the hunting license underwhich the upland game was lawfullytaken; and

(d) the date and place of the donation. (3) Retention of live animals: It shall be unlawful to retain upland game in a live condition except under permit or license issued by the director for the following purposes:

 (a)

 zoos open for public display;

 (b)

elass A parks;		-
in projects for scientif	(c)	
propagation;		
	(d) a	F

rehabilitation permit;

under a falconry permit, only thosebirds listed on the permit;

(f) under a scientific collection permit, one may collect and possess onlythose species listed on the permit; or (g)

in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected upland game being transported.

(4) Sale of game animal parts: Only skins, claws or feathers of legally taken upland game may be bartered or sold. The disposer must supply to the recipient a written statement which shall containthe following:

(a)

description of the skin, claws, or feathers involved;

the date and county where the upland game was taken;

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

the date and place of the transaction.]

[L.] <u>K.</u> 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 upland game, without first obtaining a permit from the department of game and fish.

[<u>M.</u><u>Use of vehicles and</u> roads in hunting upland game:

(1) Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill anyupland game on, from, or across anygraded paved, or maintained publicroad and including the areas lyingwithin right-of-way fences or 40feet from the edge of the pavementor maintained surface, in absence of right-of-way fences.

 (2)
 Vehicles,

 boats, aircraft:
 It shall be unlawful to

shoot at any upland game from within a motor vehicle, power boat, sailboat, or aircraft.

(3) Harassing protected wildlife: It shall be unlawful, at any time, to pursue, harass, harry, drive, or rally any upland game by use of or from a motor-driven vehicle, powerboat, sailboat, or aircraft.

(4) Vehicle off of established road: During the seasons established for upland game, it shall be unlawful to drive or ride in a motor vehicle, which isdriven off an established road when the vehicle bears a licensed hunter, fisherman or trapper. EXCEPTION:-1) snowmobiles; 2) all landowners, lessees or their employees, while on their owned or leased landsin connection with legitimateagricultural activities.

(5) Closedroads: During the seasons established for any upland game, it shall be unlawful to knowingly occupy, drive, or eause to be driven any motorvehicle on a closed road when the vehicle bears a licensed hunter, angleror trapper.

(6) Mobility impaired:

(a) Shooting from a vehicle: The holder of a mobility impaired card isauthorized to shoot at and kill uplandgame birds during their respective open seasons from a stationarymotor-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 disabled in accordancewith the American Disability Act. Such certification shall be signed by a medical doctor or doctor of optometry licensed to practice in the applicant'sstate of residence.

(b) Driving off established roads:-Holders of a mobility impaired eard may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take squirrels or upland game birds, during

open seasons.

(e) Assistance for mobility impaired hunter: The holder of a mobility impaired card may be accompanied by another person to assist in reducing to possession any upland game animal which has clearly been wounded by the licensed mobility impaired hunter.]

[N.] L. Lands and waters owned, administered, controlled, or managed by the state game commission:

Posting of (1) 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.

Violating (2) 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. (3) Trespass on state game commission owned

lands: It shall be unlawful to hunt upland game, camp, or trespass upon state game commission owned lands unless allowed under regulation.

(4) State waterfowl management areas and wildlife management areas open, species that can be hunted, and days open for hunting: Use of vehicles will be restricted to designated areas.

(a)

The W.S. Huey WMA shall be open for quail hunting on Mondays, Wednesdays, and Saturdays during established quail seasons. The W.S. Huey WMA shall be open to pheasant hunting by special permit only.

(b) The Edward Sargent, W. A. Humphries, Rio Chama, Urraca, Colin Neblett, and Elliot S. Barker wildlife management areas shall be open for hunting upland game during established squirrel and dusky grouse seasons.

(c)

The Water canyon, Marquez, and Socorro-Escondida wildlife management areas, and the Sandhills Prairie conservation area shall be

open for hunting upland game during established quail seasons. (d)

The Big Hatchet mountain wildlife management area shall be open for quail hunting during established quail seasons.

(e)

The state game commission owned lesser prairie-chicken areas shall be open for quail hunting during established quail seasons.

Eurasian (5) collared-dove hunting shall be open during established mourning and white-winged dove seasons as defined in 19.31.6.11 NMAC, Species, Open Areas, Season Dates, and Daily Bag Limits, and during open quail, squirrel, and dusky grouse seasons in open areas, as defined above.

The Sandia (6) ranger district of the Cibola national forest shall be open to archery only hunting for upland game during established seasons.

[O.] M. Areas closed to upland game hunting: The following areas shall remain closed to hunting, except as permitted by regulation:

(1) all state game commission owned or managed properties;

(2) Rio Grande wild and scenic river area; sub-unit (3) 6B (Valles Caldera national preserve); (4) Sugarite canyon state park; and Valle Vidal (5) area. [19.31.5.9 NMAC - Rp, 19.31.5.9

NMAC, 8-15-17; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Section 7 and 10 of 19.31.6 NMAC, effective 4-1-2018.

19.31.6.7 **DEFINITIONS:** Areas, species, non-toxic shot, and possession limit defined. "Adult/youth" A.

(A/Y) as used herein, shall mean that

hunt designation where the adult and youth are permitted to hunt together. "Arrows" shall B.

mean only those arrows or bolts having broadheads with steel cutting edges.

> С. "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 migratory game birds.

"Bernardo pond D. unit" shall mean that portion of Bernardo wildlife management area 600 feet south of U.S. 60 and west of the unit 7 drain.

"Bernardo youth E. unit" shall mean that portion of Bernardo wildlife management area immediately south of the Quagmire and east of the unit 7 drain.

F. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light [nor magnify.], however, illuminated pins/reticles and scopes of any magnification are allowed.

G. "Central flyway" shall mean that portion of New Mexico east of the continental divide, with the exception of the Jicarilla Apache Indian reservation.

H. "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.], however, illuminated pins/reticles and scopes of any magnification are allowed.

I. "Dark goose" shall mean Canada goose or white-fronted goose.

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

K. "Department offices" shall mean department offices in Santa Fe, Albuquerque, Raton, Las Cruces, or Roswell.

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

М. "Dove north zone"

(north zone) shall mean that portion of New Mexico north of I-40 from the Arizona-New Mexico border to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

N. "Dove south zone" (south zone) shall mean that portion of New Mexico south of I-40 from the Arizona-New Mexico border to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

O. "Eastern New Mexico sandhill crane hunt area" (eastern) shall mean that area in the following counties: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt.

P. "Established road" is defined as follows:

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

(2) a two-track road 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.

Q. "Estancia valley sandhill crane hunt area" (EV) shall mean that area beginning at Mountainair bounded on the west by N.M. highway 55 north to N.M. 337, north to N.M. 14, and north to Interstate 25; on the north by Interstate 25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to N.M. 55 in Mountainair.

R. "Falconry" shall mean hunting migratory game birds using raptors.

S. "Federal youth waterfowl hunting days" shall mean the special seasons where only those under 18 years of age may hunt ducks and geese. A supervising adult at least 18 years of age must accompany the youth hunter. The adult may not hunt ducks; but may participate in other seasons that are open on the special youth days.

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

U. "Light geese" shall mean snow geese, blue phase snow geese, and Ross's geese.

V. "Light goose conservation order" shall mean those methods, bag and possession limits, and dates approved by the U. S. fish and wildlife service (USFWS) towards reducing over-abundant light goose populations.

W. "Middle Rio Grande valley dark goose hunt area" shall mean Sierra, Socorro and Valencia counties.

X. "Middle Rio Grande valley sandhill crane hunt area" (MRGV) shall mean Valencia and Socorro counties.

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

Z. "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.

AA. "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.

BB."Non-toxic shot"shall mean that non-toxic shotapproved for use by the USFWS.CC."North zone"shall mean that portion of the Pacificflyway north of I-40 from theArizona-New Mexico border to the

continental divide; and that portion of the central flyway north of I-40 from the continental divide to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

DD. "Pacific flyway" shall mean that portion of New Mexico west of the continental divide including the Jicarilla Apache Indian reservation.

EE. "Permanent mobility limitation" shall mean an individual that permanently has restricted movement in both arms, or is restricted to the use of a walker, wheelchair, or two crutches to walk, or has a combination of disabilities that cause comparable substantial functional limitations. EXCEPTION: For the purposes of hunting migratory game birds from a vehicle, mobility limitation individuals are those that have permanently lost one or both legs.

FF. "Possession limit" shall mean three times the daily bag limit one can have in their ownership, except where otherwise defined.

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

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

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

HH. "Quagmire" shall mean that portion of Bernardo wildlife management area 600 feet south of U.S. 60 and east of the unit 7 drain.

II. "Regular bandtailed pigeon hunting area" (regular BPHA) shall mean that portion of New Mexico not included in the southwest band-tailed pigeon hunt area.

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

KK. "South zone" shall mean that portion of the Pacific flyway south of I-40 from the Arizona-New Mexico border to the continental divide; and that portion of the central flyway south of I-40 from the continental divide to Tucumcari and U.S. 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

LL. "Southwest band-tailed pigeon hunting area" (southwest BPHA) shall mean that portion of New Mexico both south of U.S. 60 and west of I-25.

MM. "Southwest New Mexico sandhill crane hunt area" (SW) shall mean that area bounded on the south by the New Mexico-Mexico border; on the west by the New Mexico-Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico/ Mexico border.

NN. "State game commission owned properties" shall mean all department owned or managed wildlife management areas (WMAs), Sandhills Prairie conservation area, and lesser prairiechicken areas as described in state game commission rule 19.34.5 NMAC.

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

PP. "Youth" shall mean those younger than 18 years of age except where otherwise defined. [19.31.6.7 NMAC - Rp, 19.31.6.7 NMAC, 8-15-2017; A, 4-1-2018]

19.31.6.10 MANNER AND METHODS FOR MIGRATORY GAME BIRDS:

A. Season: Migratory game birds may be hunted or taken only during open seasons.

B. Hours: Migratory game birds may be hunted or taken only during the period from one-half hour before sunrise to sunset, unless otherwise specifically allowed by rule. (1) On most

(1) On mos wildlife management areas, the

lesser prairie-chicken areas, and the Sandhills Prairie conservation area, hunting hours shall be from one-half hour before sunrise to sunset.

(2) On the following wildlife management areas: Bernardo, Casa Colorada, Charette lake, Jackson lake, La Joya, McAllister lake, Wagon Mound, Tucumcari, and W.S. Huey; and the Bottomless lakes overflow, hunting hours shall mean from one-half hour before sunrise to 1:00 p.m. unless otherwise stated in rule. For hunting September teal on Bernardo and La Joya WMAs, hunting hours are from one-half hour before sunrise to sunset.

(3) During the light goose conservation order hunt dates, hunting hours shall mean from one-half hour before sunrise to one-half hour after sunset, excluding the WMAs listed in (2) above.

C. Bag limit: It is unlawful for any person to hunt for or take more than one daily bag limit allowed by regulation, unless otherwise specifically allowed by rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of any migratory game birds that are illegally obtained.

E. Use of bait: It shall be unlawful for anyone to take or attempt to take any migratory game bird by use of bait such as grain, salt or other feed.

F. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any migratory game bird.

G. Use of calling devices: It shall be unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any migratory game bird, unless otherwise specifically allowed by rule. During the light goose conservation order hunt dates, electronic calling devices are allowed. H. Killing out-ofseason: It shall be unlawful to kill any migratory game bird out-ofseason.

I. Legal sporting arms and ammunition:

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

(a)

shotguns no larger than 10 gauge firing shot, shotguns shall not be capable of holding more than three shells;

(b)

muzzle-loading shotguns firing shot; (c)

bows and arrows;

(d)

crossbows and bolts; and (e)

during the light goose conservation order hunt dates, as listed herein, shotguns capable of holding more than three shells are lawful.

(2) Non-toxic shot use is required for hunting: (a)

all migratory game bird species, excluding dove, band-tailed pigeon, and eastern sandhill crane; and (b)

on all state game commission owned lands.

(3)

Use of

lead shot: It shall be unlawful for any person hunting migratory game birds, other than dove, band-tailed pigeon and eastern sandhill crane, to hunt with or be in possession of any shotgun shells loaded with toxic shot or for any person using a muzzleloader to be in possession of lead shot.

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

K. Proof of species or sex: One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at the personal abode of the possessor or storage facility.

L. Possession or sale of migratory game bird: It shall be unlawful to possess, sell, or offer for sale all or part of any migratory game bird except as provided below.

(1) License or permit: A person may possess migratory game bird or parts thereof they have lawfully taken (killed) under license or permit.

(2) Game taken by another: Any person may have in their possession or under their control any migratory game bird 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 migratory game bird, or parts thereof, and which shall contain the following:

(a)

the kind and number of game parts donated;

(b) the date and county where the game was lawfully taken;

(c)

the donor's name, address, and the number of the hunting license under which the game was lawfully taken; and

(d) the date and place of the donation. (3) Retention of live animals: It shall be unlawful

to retain migratory game birds in a live condition except under permit or license issued by the director for the following purposes:

(a) zoos open for public display; (b) class A parks;

(c) in projects for scientific research and propagation;

(d)

in

а

rehabilitation permit;

(e)

under a falconry permit, only those birds listed on the permit;

(f)

under a scientific collection permit, one may collect and possess only those migratory game bird species listed on the permit; or

(g)

in transit through New Mexico when the transporter can demonstrate proof of legal possession of the migratory game bird being transported. (4) Sale of game animal parts: It shall be unlawful to sell or barter any parts or feathers from migratory game birds. (5) Falconry provisions for possession: The falconry hunter shall not retain nor possess any migratory game bird of

possess any migratory game bird of bird taken by a raptor except those species of protected birds taken during open falconry season.

M. 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 migratory game bird, without first obtaining a permit from the department.

N. Use of vehicles and roads in hunting migratory game birds:

(1) Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill any migratory game bird 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.

(2) Vehicles, boats, aircraft: It shall be unlawful to shoot at any migratory game bird from within a motor vehicle, power boat, sailboat, or aircraft. EXCEPTION: Migratory game 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.

(3) Harassing migratory game birds: It shall be unlawful, at any time, to pursue, harass, harry, drive, or rally any migratory game bird by use of or from a motor-driven vehicle, powerboat, sailboat, or aircraft.

(4) Vehicle off of established road: During the seasons established for any migratory game bird, 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; and 2) all landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

(5) Closed roads: During the seasons established for any migratory game bird, 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. (6) Mobility

impaired:

(a)

Shooting from a vehicle: The holder of a mobility impaired card is authorized to shoot at and kill migratory game birds 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 disabled in accordance with the American Disability Act. Such certification shall be signed by a medical doctor or doctor of optometry licensed to practice in the applicant's state of residence.

(b)

Driving off established roads: Holders of a mobility impaired card may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take migratory game birds, during open seasons.

(c)

Assistance for mobility impaired hunter: The holder of a mobility impaired card may be accompanied by another person to assist in reducing to possession any migratory game bird which has clearly been wounded by the licensed mobility impaired hunter. Persons assisting in reducing to possession any wounded migratory game birds shall be fully licensed.

O. Lands and waters owned, administered, controlled, or managed by the state game commission: (1) 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.

(2) 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.

(3) Trespass on state game commission owned lands: It shall be unlawful to hunt migratory game birds, camp, or trespass upon state game commission owned lands unless otherwise specifically allowed by rule.

(4) State wildlife management areas open, species that can be hunted, and days open for hunting (use of vehicles will be restricted to designated areas): (a)

Bernardo WMA:

(i)

That portion of the Bernardo WMA south of U.S. 60 is open to teal hunting each day of the September teal season and the federal youth waterfowl days. That portion of the Bernardo WMA north of U.S. 60 is closed except during the light goose conservation order.

(ii) The Quagmire shall be open only on Tuesday, Thursday, and Sunday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically

seasons, unless otherwise specifically allowed by rule. (iii) The Bernardo pond unit shall be

open for general waterfowl hunting from one-half hour before sunrise to 1:00 p.m. on Monday, Wednesday and Saturday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule. (iv)

The Bernardo youth unit shall be open for youth waterfowl hunting from one-half hour before sunrise to 1:00 p.m. on Monday, Wednesday and Saturday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule.

(b)

The Charette lake WMA shall be open each day of the federal youth waterfowl days and on Monday, Wednesday, and Saturday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons. Charette lake WMA is closed during the September teal season.

(c)

The Edward Sargent, W. A. Humphries, Rio Chama, Urraca, Colin Neblett, Water canyon, Marquez, and Elliot S. Barker wildlife management areas shall be open for hunting dove and band-tailed pigeon during established seasons.

(d)

The portion of Jackson lake WMA west of N.M. 170 shall be open on Mondays, Wednesdays, and Saturdays to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe. The portion of Jackson lake WMA east of N.M. 170 shall be open to falconry only migratory game bird hunting during established seasons.

(e)

(f)

The lesser prairie-chicken management areas and Sandhills Prairie conservation area shall be open to hunt dove during established seasons.

La Joya WMA:

(i)

the entire La Joya WMA shall be open to teal hunting each day of the September teal season and each day of the federal youth waterfowl days;

(ii)

that portion of La Joya WMA north of the main east/west entrance road and west of the railroad tracks shall be open on Saturdays, Mondays, and Wednesdays to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule;

(iii) that portion of La Joya WMA south of the main east/west entrance road and west of the railroad tracks shall be open on Sunday, Tuesday and Thursday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons, unless otherwise specifically allowed by rule;

(iv)

that portion of La Joya WMA east of the railroad tracks shall be open to hunt dove, ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons.

(g)

The McAllister lake WMA shall be open each day of the federal youth waterfowl days, each day of the September teal season, and on Monday, Wednesday, and Saturday to hunt ducks, dark and light geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons. McAllister lake WMA shall also be open each day of the dove season for dove hunting.

(h)

The Wagon Mound WMA shall be open to teal hunting each day of the September teal season and federal youth waterfowl days and open on Monday, Wednesday, and Saturday for ducks, geese, Virginia rail, sora, common moorhen, American coot and common snipe during established seasons.

(i)

The Socorro-Escondida wildlife management area shall be open for migratory game bird hunting during established seasons.

(j)

The Tucumcari WMA shall be open each day of the September teal and federal youth waterfowl days and on Saturday, Sunday, and Wednesday to hunt ducks, geese, Virginia rail, sora, common moorhen, American coot, and common snipe during established seasons.

(k)

The William S. Huey WMA shall

be open for dove hunting only on Monday, Wednesday, and Saturday during established statewide seasons.

(5) The Big Hatchet mountain special management area shall be open for dove hunting during established

seasons. (6) The Hammond tract WMA is open for waterfowl hunting during established seasons.

(7) The Retherford tract WMA is open for waterfowl hunting during established seasons.

(8) The Sandia ranger district of the Cibola national forest shall be open to [archery] bow only migratory game bird hunting during established seasons.

(9) All wildlife management areas shall be open to falconry waterfowl hunting each day of the established falconry season, unless otherwise restricted by rule.

P. Areas closed to migratory game bird hunting: All areas noted in 19.31.10.16 NMAC shall remain closed to hunting, except as permitted by regulation.

(1) That portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

(2) Areas within Valencia county may be closed to migratory game bird hunting that meets the following criteria:

(a)

the discharge of a shotgun in the area has been identified by department personnel as a public safety risk because of its proximity to an inhabited area. For the purpose of this section, "public safety risk" shall be defined as a reasonable potential risk of injury at an occupied place of residence: the discharge of a shotgun in the area is not prohibited by any other statute, rule, regulation or ordinance; and

(c)

these areas shall be designated by posting of signs and identified on the department's website.

Q. Regulations pertaining to boats, other floating devices, and motors:

(1) On Bernardo, La Joya, Wagon Mound and Jackson lake WMAs, only boats and other floating devices using no motors shall be permitted during waterfowl season.

(2) On Tucumcari WMA, only boats and other floating devices using electric motors or with motors that are not in use shall be permitted.

(3) On Charette and McAllister lakes 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.

(4) Department personnel or persons authorized by the director may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties. [19.31.6.10 NMAC - Rp, 19.31.6.10 NMAC, 8-15-2017; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7 and 19 of 19.31.10 NMAC, effective 4-1-2018.

19.31.10.7 D

DEFINITIONS:

[<u>A.</u><u>"Big game species"</u> 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 areloaded through the muzzle. Onlyblackpowder, Pyrodex or equivalentblackpowder substitute may beused. Use of smokeless powder isprohibited. Legal muzzle-loader shotguns shall be only those shotgunscapable of being fired from theshoulder.

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 meancompound, recurve, or long bow. Sights on bows shall not project lightnor magnify.

F. "Arrows" shall mean only those arrows or boltshaving broadheads with steel cuttingedges.

G. "Trotline" shall be synonymous with "set line" or "throw line" or "jug", and shall meana 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 fishby angling hook and line, with theline held in the hand or attached to apole or rod or other device that is held in the hand or closely attended.

I. "Spear fishing" shall mean taking or attempting totake game fish with spears, gigs, 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 attractingfish 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 NMSA 1978;

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

N. "Established road" is defined as follows:

(1) a road, built or maintained by equipment, which shows no evidence of everbeing closed to vehicular traffieby such means as berms, ripping, searification, reseeding, fencing, gates, barricades or posted closures; (2) a two-

track road which shows use prior tohunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed tovehicular traffic by such means as berms, ripping, searification, reseeding, fencing, gates, barricadesor 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 seattering of any salt, grain, seent or other feed on or over areas where hunters are attempting to take protected gamemammals 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 materialstied onto an angling hook to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which aremanufactured without barbs. Livingor 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 or lights onerossbows shall not project light. This definition shall apply to hunting forall species.

U. "Angling hook" shall mean a single, double, or treble (triple) point attached to a singleshank.

V. "Sporting arms or weapon types" shall be designated as follows:

(1) all hunt codes denoted with -1- shall authorize use of any legal weapon;

(2) all hunt eodes denoted with -2- shall authorize use of bows only;

(3) all hunt eodes denoted with -3- shall authorize use of bows, crossbows and muzzleloading firearms, except that bows and crossbows shall not be allowed during restricted muzzle-loadinghunts.

W. "Bag limit" shall mean the protected animal, qualified by species, sex, age, antlerrequirement, or size allowed by rule that a legally licensed hunter mayattempt to take or harvest.

X. "Written permission" shall mean a document (which may include a valid hunting, trapper, or fishing license) that asserts the holder has permission from the private land owner or his designee tohunt, fish, or trap on the landowner'sproperty. The information on the document must be verifiable and include the name, date, and phonenumber of the person granting the permission.

Y: "Bow fishing" shall mean taking or attempting totake game fish with arrows with barbs that are discharged above the surface of the water by a bow. Arrows mustbe attached by string, line, or rope to facilitate fish retrieval.

Z: "Drone" is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely orby an onboard computer or onboard control system. Drones may alsobe referred to as "unmanned aerialvehicle (UAV)" or "unmanned aerialvehicle systems (UAVS)"]

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

B. "Angling hook" shall mean a single, double, or treble (triple) point attached to a single shank.

<u>C. "Arrows" shall</u> mean only those arrows or bolts having broadheads with steel cutting edges.

D. "Bag limit" shall mean the protected animal, qualified by species, sex, age, antler requirement, or size allowed by rule that a legally licensed hunter may attempt to take or harvest.

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

F. "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.

G. "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 an angling hook to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or

other foods are not included.

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

I. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

J. "Bow fishing" shall mean taking or attempting to take game fish with arrows with barbs that are discharged above the surface of the water by a bow. Arrows must be attached by string, line, or rope to facilitate fish retrieval.

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

L. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed. This definition shall apply to hunting for all species.

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

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

O. "Established road" is defined as follows: (1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures; (2) a twotrack road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

<u>P.</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.

<u>O.</u> "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.

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

species" shall mean any of the following animals:

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

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

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

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

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.

<u>W. "Spear fishing"</u> shall mean taking or attempting to take game fish with spears, gigs, and arrows with barbs that are discharged under the surface of the water.

X. "Sporting arms or weapon types" shall be designated as follows:

(1) all hunt codes denoted with -1- shall authorize use of any legal weapon;

(2) all hunt codes denoted with -2- shall authorize use of bows only;

(3) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzleloading firearms, except that bows and crossbows shall not be allowed during restricted muzzle-loading hunts.

Y. "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.

Z. "Written permission" shall mean a document (which may include a valid hunting, trapper, or fishing license) that asserts the holder has permission from the private land owner or his designee to hunt, fish, or trap on the landowner's property. The information on the document must be verifiable and include the name, date, and phone number of the person granting the permission. [19.31.10.7 NMAC - Rp, 19.31.10.7

[19.31.10./ NMAC - Rp, 19.31.10./ NMAC, 12-15-2016; A, 4-1-2018]

19.31.10.19 TAKING GAME ANIMALS, FURBEARERS, GAME BIRDS BY CROSSBOW:

A. [Crossbows may beused to take or kill any game animal, furbearer or game bird by a licensedhunter in possession of a validdepartment mobility impaired (MI)eard or in possession of a reasonableaccommodation issued by the director, or as otherwise allowed by rule.] Crossbows may be used to take or kill any game animal, furbearer or game bird by a licensed hunter during any legal weapon type or muzzle loader hunt.

B. It shall be unlawful to hunt with a crossbow <u>during a</u> <u>bow-only hunt</u> without a hunter possessing a MI card or reasonable accommodation from the director, or contrary to rule or hunt code.

[C. It shall beunlawful to hunt with a crossbowthat has a scope, telescopic sight ormagnification device during any bowonly hunt for big game.] [19.31.10.19 NMAC - Rp, 19.31.10.19 NMAC, 12-15-2016; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7 and 11 of 19.31.11 NMAC, effective 4-1-2018.

19.31.11.7DEFINITIONS:A."Arrows" shallmean 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 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 hunting bear in New Mexico must have or obtain prior to hunting.

E. "Bear zones" 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.

F. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light

[nor magnify.] however, illuminated pins/reticles and scopes of any magnification are allowed.

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

H. "Cougar zones" 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.

I. "Crossbow" shall mean a device with a bow limb or band of flexible material 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] however, illuminated pins/reticles and scopes of any magnification are allowed.

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. "Foot snare" shall mean a wire or cable with a single closing device set to capture a cougar by the foot.

[**L**.] <u>M.</u> "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC.

[M.] N. "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 the written statement was given.

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

[O.] <u>P.</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.

[P:] 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 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. "Foot snare" shall mean a wire or cable with a single closing device set to capture a cougar by the foot.]

R. "Trap" shall mean a spring actuated device designed to capture a cougar by the foot.

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

T. "Website" shall refer to accessing the department's internet address.

U. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC.

[19.31.11.7 NMAC - Rp, 19.31.11.7 NMAC, 4-1-16; A, 4-1-2018]

19.31.11.11 BEAR HUNTING SEASONS:

A. Over-the-counter bear hunts for the 2016-17 through 2019-20 hunt seasons: The

following table lists bear zones, open GMUs or areas within zones, weapon type restrictions, season dates, total harvest limits, and female harvest sub-limits.

Continued On The Following Page

zone	open GMUs or areas	bow only	any legal weapon	2016-17 total limit (female)	2017-18 total limit (female)	2018-19 total limit (female)	2019-20 total limit (female)
1	4, 5, 6, 7, 51, 52	9/1 - 24	9/25 - 11/15	158 (63)	158 (63)	158 (63)	158 (63)
2	2	9/1 - 24	9/25 - 11/15	15 (6)	15 (6)	15 (6)	15 (6)
3	49, 50 and 53	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	65 (26)	65 (26)	65 (26)	65 (26)
4	45, 46, and 48	9/1 - 24	8/16 - 8/31 and 9/25 - 11/30	109(43)	109(43)	109(43)	109(43)
5	54 and 55	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	92 (37)	92 (37)	92 (37)	92 (37)
6	39, 40, 41, 42, 43, 47 and 59	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	33 (13)	33 (13)	33 (13)	33 (13)
7	56, 57 and 58	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	35 (14)	35 (14)	35 (14)	35 (14)
8	8	9/1 - 24	10/15 - 11/15	11 (4)	11 (4)	11 (4)	11 (4)
9	9 and 10	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	36 (14)	36 (14)	36 (14)	36 (14)
10	12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, and 27	9/1 - 24	8/16 - 8/31 and 9/25 - 11/30	146 (58)	146 (58)	146 (58)	146 (58)
11	37 and 38	9/1 - 24	8/16 - 8/31 and 9/25 - 11/30	36 (14)	36 (14)	36 (14)	36 (14)
12	34	9/1 - 24	8/16 - 8/31 and 9/25 - 11/30	33 (13)	33 (13)	33 (13)	33 (13)
13	36	9/1 - 24	8/16 - 8/31 and 9/25 - 11/15	16 (6)	16 (6)	16 (6)	16 (6)
14	14 B Frater ha	9/1 - 24	10/15 - 11/15	19 (7)	19 (7)	19 (7)	19 (7)

B. Entry hunts for the 2016-17 through 2019-20 hunting seasons shall be as indicated below, listing the open areas, hunt dates, hunt codes, number of licenses, and bag limit.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
2, YO	8/1	8/31	BER-1-100	5	1 bear
4: Sargent WMA only	8/1	8/31	BER-1-101	10	1 bear
4: Humphries WMA only	8/1	8/31	BER-1-102	5	1 bear
9: Marquez WMA only	8/1	8/31	BER-1-103	5	1 bear
54/55: E.S. Barker/Colin Neblett WMAs	8/1	8/31	BER-1-104	12	1 bear
55: Valle Vidal and Greenwood areas	8/1	8/31	BER-1-105	20	1 bear
55: Valle Vidal and Greenwood areas	4/15	5/20	BER-1-106	20	1 bear
57: Sugarite Canyon State Park/[archery] bow					
only	8/1	8/31	BER-2-107	5	1 bear

C. Bear hunting is closed in the Valle Vidal and Greenwood areas except by legal Valle Vidal and Greenwood area elk hunters or successful applicants for bear entry hunts BER-1-105 and BER-1-106. Dogs are permitted for BER-1-105 and BER-1-106. Valle Vidal and Greenwood area elk hunters choosing to hunt bears under this provision must adhere to the weapon type restriction and season dates specified by their elk license.

D. Bears taken from the Sargent and William A. Humphries WMAs in zone 1, Elliot Barker/Colin Neblett WMAs and Valle Vidal and Greenwood areas in zone 5, Sugarite Canyon state park in zone 7, or Marquez WMA in zone 8 shall count towards the harvest limit in those zones.

[19.31.11.11 NMAC - Rp, 19.31.11.11 NMAC, 4-1-16; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7, 12 and 14 of 19.31.12 NMAC, effective 4-1-2018.

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.] however, illuminated pins/reticles and scopes of any magnification are allowed.

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

<u>E.</u> <u>"Centerfire</u> <u>firearms"</u> shall mean any center-fire <u>firearms, not to include any fully</u> <u>automatic firearms.</u>

[E:] <u>F.</u> "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:], however, illuminated pins/reticles and scopes of any magnification are allowed.

[F.] <u>G.</u> "Department" shall mean the New Mexico department of game and fish.

[G:] <u>H.</u> "Director" shall mean the director of the New Mexico department of game and fish.

[H.] <u>I.</u> "ES" or "either sex" shall mean any one animal of the species.

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

[J-] <u>K.</u> "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 Game Management Units.

L. "Iraq/Afghanistan veterans" or "I/A vets" shall refer to only New Mexico residents returning from military service in Iraq or Afghanistan as eligible to apply for designated oryx hunts.

[K.] M. "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.

[H.] <u>N.</u> "License year" shall mean the period from April 1 through March 31.

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

[N. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.

O. "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be 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 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.

Q. "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.

<u>R.</u> "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be fired from the shoulder. S. "TBA" or "to be assigned" shall mean the details of hunt dates or hunt areas will be assigned or restricted by the military agency where the hunt will occur.

[R.] <u>T.</u> "TBD" or "to be determined" shall mean the details of hunt dates or hunt areas will be provided by the department or military agency where the hunt will occur to the hunter when the designated hunt is initiated.

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

[Ŧ:] <u>V.</u> "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC Wildlife Management Areas.

[U. "Iraq/Afghanistan veterans" or "I/A vets" shall refer to only New Mexico residents returningfrom military service in Iraq or Afghanistan as eligible to apply fordesignated oryx hunts.

V. "TBA" or "to be assigned" shall mean the details of hunt dates or hunt areas will be assigned or restricted by the militaryagency where the hunt will occur.] [19.31.12.7 NMAC - Rp, 19.31.12.7 NMAC, 4-1-16; A, 4-1-2018]

19.31.12.12 BARBARY SHEEP HUNTING SEASONS: Barbary sheep hunts for any legal weapon shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses, and bag limit. Public land Barbary sheep licenses for GMUs 29, 30, 32, 34, 36, and 37 are available only through application in the special entry draw. Private land only licenses for GMUs 29, 30, 32, 34, 36, and 37 shall not be issued through the public draw and will only be available from department offices or through the department's web site and shall only be valid on deeded private lands. BBY-1-100 and BBY-1-101 licenses shall also be valid for over-thecounter hunt 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 (BBY-1-102).

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
32, 34, 36, 37	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-100	675	ES
29, 30	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-101	600	ES
28 McGregor range, MO	12/26-12/27	12/31-1/1	12/30-12/31	12/29-12/30	BBY-1-102	8	ES
28 McGregor range	12/26-12/27	12/31-1/1	12/30-12/31	12/29-12/30	BBY-1-103	8	ES

A. Southeast area public lands entry hunts:

B. Southeast area private land-only hunts: Private land-only licenses shall only be available through department offices or the department's web site.

open GMUs	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
32, 34, 36, 37	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-200	unlimited	ES
30, 29	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-201	unlimited	ES

C. Over-the-counter hunts: The hunt area shall be statewide (including Water Canyon WMA in GMU 9) except those GMUs with bighorn sheep (8, 13, 14, 16, 20, 22, 23, 24, 26 and 27), WSMR and Fort Bliss portions of GMU 19, and those GMUs in the southeast area (28, 29, 30, 32, portions of 34, 36 and 37). The western portion of GMU 34 shall be open to over-the-counter licenses. Eastern portion of GMU 34 shall be closed to any license holder of a BBY-1-300 license. The boundary line dividing GMU 34 for the eastern and western portion is described as a line beginning at the southwest corner of the Mescalero Apache Indian reservation and traveling due south to High Rolls then south on forest service road (FR) 90 to it junction with FR570, then south on FR 570 to its junction with the southern boundary of GMU 34.

open GMUs or areas	2015-2016 hunt dates		2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
statewide, restrictions listed							
above	4/1-3/31	4/1-3/31	4/1-3/31	4/1-3/31	BBY-1-300	unlimited	ES

D. Special management properties: For private lands within GMUs 29, 30, 32, 34, 36 and 37, 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.

[19.31.12.12 NMAC - Rp, 19.31.12.12 NMAC, 4-1-16; A, 4-1-2018]

19.31.12.14 PERSIAN IBEX HUNTING SEASONS: Persian ibex hunts shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, 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 or immature (F-IM) ibex hunts are not restricted; anyone may apply, regardless if they have ever held an ibex once-in-a-lifetime license. The IBX-1-526 hunt is restricted to applicants who were successful harvesting one F-IM ibex during the IBX-1-520 hunt or a population management hunt from the previous year and have presented the head within five days of harvest to a department office or department official for confirmation that they are eligible to enter a drawing for this hunt. 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, IBX-2-536 or IBX-3-540) unless otherwise restricted by rule. The off-mountain (IBX-1-528) license holders need only submit the 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 a valid ibex license may take an unlimited number of ibex for the yearlong off mountain hunt. Any person that kills an off mountain ibex must notch the license according to instructions on the license. Hunt codes for Persian ibex hunts allowing "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, crossbow 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. The year-long off-mountain hunt area is any public land open for hunting and private lands with written permission outside the Florida mountain hunt area, including Big Hatchet WMA. Youth hunters must provide hunter education certificate number on application.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses/bag limit
Florida mountains, YO	12/27-1/10	12/27-1/10	12/27-1/10	12/27-1/10	IBX-1-500	15/ES
Florida mountains: restricted eligibility	2/1-2/14	2/1-2/14	2/1-2/14	2/1-2/14	IBX-1-526	5/ES
	11/15-11/29	11/15-11/29	11/15-11/29	11/15-11/29	IBX-1-525	25/ES
	2/15-2/29	2/15-3/1	2/15-3/1	2/15-3/1	IBX-1-520	50/F-IM
Florida mountains	10/1-10/15	10/1-10/15	10/1-10/15	10/1-10/15	IBX-2-535	100/ES
	1/15-1/29	1/15-1/29	1/15-1/29	1/15-1/29	IBX-2-536	100/ES
	12/6-12/20	12/6-12/20	12/6-12/20	12/6-12/20	IBX-3-540	25/ES
off-mountain hunt area, OTC, unlimited licenses available	4/1-3/31	4/1-3/31	4/1-3/31	4/1-3/31	IBX-1-528	unlimited/ES

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7, and 15 of 19.31.13 NMAC, effective 4-1-2018.

19.31.13.7 DEFINITIONS:

F.

A. "A" or "antlerless deer" shall mean a deer without antlers.

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

C. "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.

D. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light [normagnify.] however, illuminated pins/reticles and scopes of any magnification are allowed.

E. "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.], however, illuminated pins/reticles and scopes of any magnification are allowed.

"Deer" shall mean all or any deer species found in New Mexico.

G. "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.

H. "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.

- 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. "ES" or "either sex" shall mean any one animal of the species.

L. "ESWTD" or "either sex white-tailed deer" shall mean any one white-tailed deer.

[L.] M. "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.

[M.] N. "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.

[N-] O. "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.

[Θ :] <u>P.</u> "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 Game Management Units.

[P:] 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 upon data for the two immediately preceding years.

[Q:] <u>R.</u> "License year" shall mean the period from April 1 through March 31.

[R.] S. "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.

[S-] T. "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.

[**T**-] **U**. "Private landonly deer license" shall mean the valid official document for hunting deer on private deeded land during designated private land-only hunts. This license shall entitle the holder to hunt deer only on private deeded land and only for the sporting arms type, hunt period, and GMU for which it is validated.

[U:] <u>V.</u> "Public draw license" shall mean the valid official document awarded through a public drawing for hunting deer. This valid official license shall entitle the holder to hunt where hunter numbers are limited by rule.

[W-] X. "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.

[X:] Y. "TBD" or "to be determined" shall mean the details of hunt dates or hunt areas will be provided by the department to the hunter when the designated population management hunt is initiated.

[¥:] Z. "Unlimited" shall mean there is no set limit on the number of licenses established for the described hunt areas.
[Z-] AA. "Web sale" or
"web site" shall refer to accessing the department's internet address.

[AA.] BB. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC Wildlife Management Areas.

[**BB. "ESWTD" or "either sex white-tailed deer"** shall mean any one white-tailed deer.] [19.31.13.7 NMAC - Rp, 19.31.13.7 NMAC, 4-1-15; A, 4-1-2018]

19.31.13.15 DEER HUNTS: Hunt codes for deer hunts allowing "any legal weapon" type shall be designated DER-1, hunt codes for deer hunts allowing "bow only" weapon type shall be designated as DER-2, hunt codes for deer hunts allowing "muzzle loading rifles, crossbows or bow only" weapon type shall be designated DER-3. Select DER-3 hunts may be further restricted to "restricted muzzleloaders only", if so designated below only a "restricted muzzleloader" may be used.

Public land (and A. private lands in GMUs 2A, 2B, 2C, 4 and 5A) deer hunts, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt code, sporting arms type, 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. Youth hunters must provide their hunter education certificate number on application. The Sandia ranger district of the Cibola national forest in GMU 14 is restricted to bows only. The state game commission owned lesser prairie-chicken areas shall be open for deer hunting during established seasons. Hunters holding a valid [archery] bow deer license for GMUs 23 or 24 and did not harvest a deer during their hunt will be allowed to hunt for antlerless deer within the Silver City deer management area as

delineated by the department from January 16 through February 5.

Continued On The Following Page

			[1	1		
open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
2A	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-100	150	FAD
2A: YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-101	40	FAD
2A: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-102	40	FAD
2A	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-103	40	FAD
2A	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-104	80	FAD
2A: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-105	15	FAD
2A: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-106	15	FAD
2A	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-107	50	FAD
2A: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-108	10	FAD
2B	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-109	275	FAD
2B	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-110	375	FAD
2B	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-111	450	FAD
2B: YO	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-112	150	FAD
2B: private land only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-113	25	FAD
2B: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-114	25	FAD
2B: private land only	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-115	75	FAD
2B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-116	130	FAD
2B	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-117	180	FAD
2B: YO	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-118	20	FAD
2B: YO	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-119	50	FAD
2B: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-120	10	FAD
2B: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-121	30	FAD
2B	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-122	175	FAD
2B: YO	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-123	20	FAD
2B: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-124	10	FAD
2C	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-125	20	FAD
2C: private land only	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-126	8	FAD
2C	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-127	50	FAD
2C: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-128	15	FAD
2C	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-129	20	FAD
2C: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-130	9	FAD

4 Humphrics/Nio Chama WMAs 10/24-10/28 10/21-10/26 10/21-10/25 10/20-10/21 DER-1-131 20 FAD 4 Humphrics/Nio Chama WMAs, VO 10/24-10/28 10/29-11/2 10/28-11/1 10/27-10/31 DER-1-133 20 FAD 4 Humphrics/Nio Chama WMAs, VO 10/24-10/28 10/21-10/25 10/21-10/25 DER-1-134 5 FAD 4 Humphrics/Nio Chama WMAs, VO 10/21-11/2 10/22-10/26 10/21-10/25 DER-1-135 175 FAD 4 private land only 10/21-11/2 10/22-10/26 10/21-10/24 DER-1-136 175 FAD 4 private land only 10/21-11/4 10/22-10/26 10/21-10/24 DER-1-136 176 FAD 5A: public land only 91/21/40 91/92/44 91/92/40 91/92/40 DER-1-138 100 FAD 5A: private land only 91/21/16 11/16-11/16 11/17-11/13 11/16-11/12 DER-1-143 100 FAD 5A: private land only 91/92/44 91/92/44 91/92/44 91/92/44 DER-1-143 10 FA		8			11, 155uc 20			
Chama WMAs 10/311/14 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2410/2 10/2210/2 10/2110/2 10/2010/2 DER-1133 10 FAD 4: Private land only 10/2410/28 10/2210/2 10/2110/2 10/2010/2 DER-1135 17.5 FAD 4: private land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-1138 10.0 FAD 5: public land 11/10-11/16 11/8-111/4 11/7-11/13 11/6-11/12 DER-2-137 15.0 FAD 5: public land 11/10-11/16 11/8-111/4 11/7-11/13 11/6-11/12 DER-2-142 20.0 FAD 5: public land 11/10-11/16 11/8-111/4 11/7-11/13 11/6-111/2 DER-2-142 20.0 FAD 5: public land 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 20.0 FAD 5: public land <td< td=""><td></td><td>10/24-10/28</td><td>10/22-10/26</td><td>10/21-10/25</td><td>10/20-10/24</td><td>DER-1-131</td><td>20</td><td>FAD</td></td<>		10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-131	20	FAD
Chama WMAS, YO10/24-10/2810/22-10/2610/21-10/2810/22-10/24DER-1-13110FAD4: Humphries/Rio Chama WMAS, VO11/25-11/2911/23-11/2711/22-11/2611/21-11/25DER-1-1315.FAD4: private land only10/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-13117.5FAD4: private land only9/1-9/249/1-9/249/1-9/2410/27-10/31DER-1-13117.6FAD4: private land only9/27-10/39/27-10/39/27-10/39/27-10/3DER-1-13210.0FAD5: public land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-13230.0FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130.0FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14220.0FAD5A: private land only9/1-9/249/1-9/249/1-9/24DER-2-14330.0FAD5A: private land only9/1-9/249/1-9/249/1-9/24DER-2-14330.0FAD5A: private land only9/1-9/249/1-9/249/1-9/24DER-2-14330.0FAD5A: private land only9/1-9/249/1-9/249/1-9/24DER-2-143100FAD5A: private land only9/1-9/249/1-9/249/1-9/24DER-2-143100FAD5A: private land only9/1-9/249/1-9/249/1-9/24DE		10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-132	20	FAD
Chama WMAS, VO11/25/11/2911/25/11/2911/22/11/2011/21/11/25DERC11345FAD4: private land only10/24/10/2810/22-10/2610/21/10/2510/20-10/24DER-1-136175FAD4: private land only9/1-9/249/1-9/249/1-9/240/1-9/24DER-1-136175FAD4: private land only9/1-9/249/1-9/249/1-9/24DER-1-136176FAD5A: private land only9/27-10/39/27-10/3DER-1-136176FAD5A: private land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-13030FAD5A: private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD5A: private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD5A: private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD5B: YO11/72-11/1111/5-11/911/4-11/811/3-11/7DER-1-14015FAD6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14410FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD70/17-11/1111/5-11/911/4-11/811/3-11/7DER-1-14620FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-16110FAD70/1-11/10<	1	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-133	10	FAD
A: private land only10/31-11/410/29-11/210/28-11/110/27-10/3DER-1-136175FAD4: private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-137150FAD5A: public land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-13930.FAD5A: public land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-140220FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142220FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142220FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142220FAD5A: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142200FAD5A: public land only9/1-9/249/1-9/249/1-9/24DER-2-142200FAD5B: TO11/25-11/2911/21-11/2111/21-11/25DER-1-14315FAD6A and 6C10/7-11/1111/51-11/911/4-11/811/3-11/7DER-1-143100FAD6A and 6C10/3-10/710/15-10/1910/14-10/1810/13-10/17DER-1-143100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142100FAD6A and 6C10/3-10/710/1-10/599/30-10/49/29-10/3DER-3-148100		11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-134	5	FAD
4. private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-137150FAD4. private land only9/27-10/39/27-10/39/27-10/39/27-10/3DER-3-138100FAD5A. private land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-140220FAD5A. private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD5A. private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142220FAD5A. private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FAD5A. private land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-142200FAD5B. YO11/25-11/2911/25-11/2911/21-11/25DER-1-14310FAD6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-145100FAD6A and 6C11/7-11/1111/5-11/911/4-11/810/13-10/7DER-1-145100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-145100FAD79/1-9/24 </td <td>4: private land only</td> <td>10/24-10/28</td> <td>10/22-10/26</td> <td>10/21-10/25</td> <td>10/20-10/24</td> <td>DER-1-135</td> <td>175</td> <td>FAD</td>	4: private land only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-135	175	FAD
4. private land only 9/27-10/3 9/27-10/3 9/27-10/3 DER-3-138 100 FAD SA: public land only 11/10-11/16 11/8-11/14 11/7-11/13 11/6-11/12 DER-1-139 30 FAD SA: private land only 11/10-11/16 11/8-11/14 11/7-11/13 11/6-11/12 DER-1-140 220 FAD SA: private land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD SA: private land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD SB: YO 11/25-11/29 11/21-11/26 11/21-11/25 DER-1-143 15 FAD GA and 6C 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 DER-1-143 100 FAD 6A and 6C 10/17-10/21 10/15-10/19 10/14-10/18 10/13-10/7 DER-1-143 100 FAD 6A and 6C 10/17-10/21 10/15-10/19 10/14-10/18 10/13-10/7 DER-1-143 100 FAD 7 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-147 <td>4: private land only</td> <td>10/31-11/4</td> <td>10/29-11/2</td> <td>10/28-11/1</td> <td>10/27-10/31</td> <td>DER-1-136</td> <td>175</td> <td>FAD</td>	4: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-136	175	FAD
SA: public land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-13930FADSA: private land only11/10-11/1611/8-11/1411/7-11/1311/6-11/12DER-1-140220FADSA: public land only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-14130FADSA: private land only9/1-9/249/1-9/249/1-9/24DER-2-142220FADSB11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14315FADSB11/2-11/2911/23-11/2711/22-11/2611/21-11/25DER-1-14410FAD6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-145100FAD6A and 6C11/7-11/1210/15-10/1910/14-10/1810/13-10/17DER-1-14620FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/15-10/1910/14-10/1811/3-11/7DER-1-14620FAD710/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14620FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-3-131100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-3-15110FAD79/27-10/39/27-10/39/27-10/3DER-1-15550FAD8:YO11/21-11/2011/11-11/1511/10-11/14	4: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-137	150	FAD
only III/0-III/0 II/8-III/4 II/7-II/I3 II/0-III/2 DER-I-I39 30 FAD 5A. public land only 11/10-III/6 11/8-III/4 11/7-III/13 II/6-III/2 DER-1-140 220 FAD 5A. public land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD 5A. public land only 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD 5A. public land only 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD 5B. YO 11/25-11/29 11/23-11/27 11/22-11/26 11/21-11/25 DER-1-143 10 FAD 6A and 6C 11/7-11/11 11/5-11/9 11/41-11/8 11/31-11/7 DER-1-146 20 FAD 6A and 6C 10/3-10/11 10/1-10/19 10/1-11/8 10/1-11/10 DER-1-148 100 FAD 7 10/1-12/21 10/1-11/26 10/1-11/26 DER-1-149 DER-1-149 20 FAD 7 10/1-12/1	4: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-138	100	FAD
only 11/10-11/16 11/8-11/14 11/7-11/13 11/0-11/12 DER-1-140 220 FAD 5A: public land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-141 30 FAD 5A: private land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 200 FAD 5B 11/7-11/11 11/5-11/9 11/2-11/26 11/21-11/25 DER-1-143 15 FAD 6A and 6C 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 DER-1-145 100 FAD 6A and 6C: 10/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 DER-1-145 100 FAD 6A and 6C: 10/1-10/21 10/1-10/2 10/1-10/18 10/1-10/12 DER-2-10/3 DER-2-141 20 FAD 6A and 6C: 10/3-10/7 10/1-10/18 10/1-11/18 10/1-11/18 DER-2-1103 DER-2-141 20 FAD 7 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-153	-	11/10-11/16	11/8-11/14	11/7-11/13	11/6-11/12	DER-1-139	30	FAD
only 9/13/24 9/13/24 9/13/24 9/13/24 DER-2-141 30 FAD SA: private land only 9/1-9/24 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-142 220 FAD SB 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 DER-1-143 15 FAD GA and GC 11/7-11/11 11/5-11/9 11/2-11/26 11/21-11/25 DER-1-144 100 FAD GA and GC 10/17-10/21 10/15-10/9 10/14-10/18 10/13-10/17 DER-1-145 100 FAD GA and GC 10/17-10/21 10/15-10/9 10/14-10/18 10/13-10/17 DER-1-145 100 FAD GA and GC 10/17-10/21 10/15-10/9 10/14-10/18 10/17-10/21 DER-2-141 100 FAD GA and GC 10/17-10/21 10/15-10/17 10/1-10/18 10/13-10/17 DER-2-142 DER-2-141 100 FAD GA and GC 10/3-10/7 10/1-10/18 11/12-11/16 11/12-11/18 11/13-11/17 DER-2-151 <	*	11/10-11/16	11/8-11/14	11/7-11/13	11/6-11/12	DER-1-140	220	FAD
only9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-122/0FAD5B11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14315FAD6A and 6C11/7-11/1111/5-11/911/2-11/2611/21-11/25DER-1-144100FAD6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-145100FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/7-10/2110/15-10/1910/14-10/1810/13-10/17DER-1-14620FAD6A and 6C10/7-10/2110/15/109/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD811/1-11/1511/1-11/1511/1-11/15DER-1-15410FAD8:YO11/2-11/2911/19-11/2711/18-11/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9	-	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-141	30	FAD
SB: YO11/25-11/2911/23-11/2711/22-11/2611/21-11/25DER-1-14410FAD6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-145100FAD6A and 6C10/17-10/2110/15-10/1910/14-10/1810/13-10/17DER-1-14620FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-1-14620FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-3-15110FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/27-10/39/27-10/39/27-10/3DER-3-15710 </td <td>1</td> <td>9/1-9/24</td> <td>9/1-9/24</td> <td>9/1-9/24</td> <td>9/1-9/24</td> <td>DER-2-142</td> <td>220</td> <td>FAD</td>	1	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-142	220	FAD
6A and 6C11/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-145100FAD6A and 6C10/17-10/2110/15-10/1910/14-10/1810/13-10/17DER-1-14620FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8: YO11/2-11/1911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/2-7-10/39/2-7-10/39/2-7-10/3DER-3-15710FAD9: including Water canyon and Marquez WMAs, YO <td>5B</td> <td>11/7-11/11</td> <td>11/5-11/9</td> <td>11/4-11/8</td> <td>11/3-11/7</td> <td>DER-1-143</td> <td>15</td> <td>FAD</td>	5B	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-143	15	FAD
6A and 6C: MI10/17-10/2110/15-10/1910/14-10/1810/13-10/17DER-1-14620FAD6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-3-148100FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD9: including Water canyon and Marquez WMAs, VO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleoader only9/1-9/249/1-9/249/1-9/24DER-2-15510FAD9: including Water canyon and Marquez WMAs, restricted muzzleoader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-1	5B: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-144	10	FAD
6A and 6C9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-147100FAD6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleoader only9/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15710FAD	6A and 6C	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-145	100	FAD
6A and 6C10/3-10/710/1-10/59/30-10/49/29-10/3DER-3-148100FAD711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD<	6A and 6C: MI	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-146	20	FAD
711/7-11/1111/5-11/911/4-11/811/3-11/7DER-1-14925FAD79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	6A and 6C	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-147	100	FAD
79/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15010FAD79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	6A and 6C	10/3-10/7	10/1-10/5	9/30-10/4	9/29-10/3	DER-3-148	100	FAD
79/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15110FAD81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/27-10/39/27-10/39/27-10/3DER-3-15710FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	7	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-149	25	FAD
81/1-1/15/161/1-1/15/171/1-1/15/181/1-1/15/19DER-2-15250FAD8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	7	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-150	10	FAD
8:YO11/21-11/2911/19-11/2711/18-12/2611/17-11/25DER-2-15350FAD9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/27-10/39/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	7	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-151	10	FAD
9: including Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs, YO9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	8	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-152	50	FAD
Water canyon and Marquez WMAs11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15410FAD9: including Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs9/27-10/39/27-10/39/27-10/39/27-10/3DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	8:YO	11/21-11/29	11/19-11/27	11/18-12/26	11/17-11/25	DER-2-153	50	FAD
Water canyon and Marquez WMAs, YO11/14-11/1811/12-11/1611/11-11/1511/10-11/14DER-1-15510FAD9: including Water canyon and Marquez WMAs9/1-9/249/1-9/249/1-9/24DER-2-15610FAD9: including Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	Water canyon and	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-154	10	FAD
Water canyon and Marquez WMAs 9/1-9/24 9/1-9/24 9/1-9/24 DER-2-156 10 FAD 9: including Water canyon and Marquez WMAs, restricted muzzleloader only 9/27-10/3 9/27-10/3 9/27-10/3 9/27-10/3 DER-3-157 10 FAD 10 10/24-10/28 10/22-10/26 10/21-10/25 10/20-10/24 DER-1-158 70 FAD	Water canyon and Marquez WMAs,	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-155	10	FAD
Water canyon and Marquez WMAs, restricted muzzleloader only9/27-10/39/27-10/39/27-10/3DER-3-15710FAD1010/24-10/2810/22-10/2610/21-10/2510/20-10/24DER-1-15870FAD	Water canyon and	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-156	10	FAD
	Water canyon and Marquez WMAs, restricted	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-157	10	FAD
10 10/31-11/4 10/29-11/2 10/28-11/1 10/27-10/31 DER-1-159 65 FAD	10	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-158	70	FAD
	10	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-159	65	FAD

10	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-160	90	FAD
10: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-161	25	FAD
10: MI	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-162	20	FAD
10	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-163	120	FAD
10	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-164	90	FAD
12	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-165	90	FAD
12	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-166	25	FAD
12	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-167	45	FAD
13	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-168	150	FAD
13	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-169	150	FAD
13: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-170	50	FAD
13	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-171	200	FAD
13	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-172	200	FAD
14	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-173	30	FAD
14	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-174	30	FAD
14	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-175	50	FAD
15	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-176	100	FAD
15	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-177	165	FAD
15: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-3-178	100	FAD
16	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-179	300	FAD
16	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-180	300	FAD
16: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-181	100	FAD
16: MI	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-182	25	FAD
16	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-183	400	FAD
16	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-184	300	FAD
17	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-185	80	FAD
17	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-186	80	FAD
17: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-187	80	FAD
17	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-188	73	FAD
17	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-189	73	FAD
17	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-190	80	FAD
18	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-191	70	FAD
18	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-192	70	FAD

18	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-193	85	FAD
18	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-194	75	FAD
19: except the White Sands missile range	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-195	10	FAD
portion, mandatory check-in/check-out	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-196	10	FAD
20	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-197	90	FAD
20	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-198	90	FAD
20	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-199	50	FAD
20	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-200	85	FAD
21	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-201	425	FAD
21	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-202	425	FAD
21: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-203	100	FAD
21	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-204	500	FAD
21	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-205	350	FAD
22	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-206	70	FAD
22	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-207	70	FAD
	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25			
22: YO	12/5-12/6 12/12-12/13	12/3-12/4 12/10-12/11	12/2-12/3 12/9-12/10	12/1-12/2 12/8-12/9	DER-1-208	20	FAD
22	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-209	50	FAD
22	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-210	65	FAD
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-211	500	FAMD
23: except the	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-212	500	FAMD
Burro mountains hunt area	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-213	100	FAWTD
	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-214	50	FAWTD
23: except the	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25 12/1-12/2	DED 1 215	0.5	EAD
Burro mountains hunt area, YO	12/5-12/6 12/12-12/13	12/3-12/4 12/10-12/11	12/2-12/3 12/9-12/10	12/1-12/2 12/8-12/9	DER-1-215	95	FAD
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-216	25	FAMD
23: Burro	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-217	25	FAMD
mountains hunt area	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-218	25	FAWTD
	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-219	25	FAWTD
23: Burro mountains hunt area, YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-220	25	FAD
23: except the Burro mountains hunt area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-221	255	FAMD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			А

23: except the Burro mountains hunt area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-222	150	FAWTD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			А
23: Burro	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-223	50	FAMD
mountains hunt area	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-224	50	FAWTD
23: except the	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-225	325	FAMD
Burro mountains hunt area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-226	75	FAWTD
23: Burro	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-227	50	FAMD
mountains hunt area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-228	50	FAWTD
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-229	400	FAMD
24: excluding	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-230	400	FAMD
Fort Bayard management area	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-231	100	FAWTD
8	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-232	50	FAWTD
24: including Fort Bayard management area, YO	10/3-10/11	10/1-10/9	9/30-10/8	9/29-10/7	DER-1-233	50	FAD
24: including Fort Bayard management area, YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-234	50	FAD
24: excluding Fort Bayard management area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-235	200	FAMD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			А
24: excluding Fort Bayard mgmt. area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19		100	FAWTD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19	DER-2-236	100	А
24: excluding Fort	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-237	400	FAMD
Bayard mgmt. area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-238	100	FAWTD
25	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-239	100	FAD
25	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-240	100	FAD
25	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-241	70	FAD
25	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-242	45	FAD
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-243	100	FAD
26: excluding	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-244	100	FAD
the Big Hatchets management area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-245	35	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-246	80	FAD
27	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-247	50	FAMD
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-248	50	FAMD
27	11/14-11/10	11/12-11/10		11/10 11/14		50	1711111

27	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-250	25	FAWTD
27: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-251	25	FAD
27	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-252	50	FAMD
27	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-253	40	FAWTD
27	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-254	45	FAMD
27	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-255	50	FAWTD
28: McGregor range	11/21-11/22	11/19-11/20	11/18-11/19	11/17-11/18	DER-1-256	20	FAD
28: McGregor range, military only	11/21-11/22	11/19-11/20	11/18-11/19	11/17-11/18	DER-1-257	20	FAD
29	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-258	170	FAD
29	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-259	170	FAD
29	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-260	150	FAD
29	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-261	70	FAD
30	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-262	640	FAD
30	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-263	960	FAD
30: YO	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-264	125	FAD
30: YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-265	125	FAD
30	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-266	250	FAD
30	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-267	300	FAD
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-268	450	FAD
31: including	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-269	450	FAD
Brantley	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-270	250	FAD
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-271	150	FAD
32	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-272	625	FAD
32	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-273	625	FAD
32: portions, YO	12/16-12/31	12/16-12/31	12/16-12/31	12/16-12/31	DER-1-274	15	А
32: portions	1/16-1/31/16	1/16- 1/31/17	1/16- 1/31/18	1/16-1/31/19	DER-1-275	15	А
32	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-276	200	FAD
32	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-277	150	FAD
33	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-278	150	FAD
33	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-279	150	FAD
33	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-280	100	FAD
33: restricted muzzleloader only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-281	140	FAD

31/33 Brantley & Seven Rivers portions of Bur. of Recl. & Huey WMA areas only, YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-3-282	20	ES
31/33 Brantley and Seven Rivers portions of Bur. of Recl. & Huey WMA areas only, YO	12/26-1/1/16	12/26- 1/1/17	12/26- 1/1/18	12/26-1/1/19	DER-3-283	20	A
34	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-284	735	FAD
34	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-285	735	FAD
34: YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-286	45	FAD
34: MI	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-287	50	FAD
34	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-288	780	FAD
34	10/3-10/7	10/1-10/5	9/30-10/4	9/29-10/3	DER-3-289	340	FAD
36: exc. Fort Stanton	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-290	300	FAD
36: exc. Fort Stanton	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-291	300	FAD
36: including Fort Stanton, YO	11/25-11/29 12/12-12/13 12/19-12/20	11/23-11/27 12/10-12/11 12/17-12/18	11/22-11/26 12/9-12/10 12/16-12/17	11/21-11/25 12/8-12/9 12/15-12/16	DER-1-292	25	FAD
36: including Fort Stanton	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-293	300	FAD
36: exc. Fort Stanton	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-294	100	FAD
36: including Fort Stanton, YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-295	25	FAD
37	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-296	375	FAD
37	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-297	375	FAD
37	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-298	150	FAD
37	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-299	125	FAD
38	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-300	175	FAD
38	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-301	175	FAD
38	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-302	100	FAD
38	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-303	100	FAD
39	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-304	40	FAD
39	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-305	40	FAD
39	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-306	40	FAD
39	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-307	40	FAD
40	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-308	50	FAD
40	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-309	50	FAD

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982

52	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-352	90	FAD
52	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-352	90	FAD
52	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-1-353	80	FAD
52: restricted		9/1-9/24	9/1-9/24	9/1-9/24	DER-2-334	80	TAD
muzzleloader only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-355	25	FAD
53	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-356	85	FAD
53	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-357	85	FAD
53	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-358	90	FAD
54/55: Colin Neblet WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-359	15	FAD
54/55: Colin Neblet WMA	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-360	15	FAD
55: ES Barker WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-361	5	FAD
55: ES Barker WMA, YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-362	5	FAD
55: Urraca WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-363	10	FAD
55: Urraca WMA	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-364	10	FAD
56	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-365	15	FAD
56	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-366	15	FAD
56: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-367	10	FAD
56	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-368	10	FAD
56	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-369	10	FAD
57	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-370	25	FAD
57	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-371	25	FAD
57	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-372	10	FAWTD
57: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-373	10	FAD
57	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-374	15	FAD
57: Sugarite Canyon State Park	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	DER-2-375	20	FAD
57	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-376	15	FAD
58	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-377	30	FAD
58	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-378	30	FAD
58	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	DER-1-379	10	FAWTD
58: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-380	10	FAD
58: YO	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	DER-1-381	15	ESWTD
58	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-382	10	FAD
58	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-383	15	FAD
59	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-384	35	FAD
59	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-385	35	FAD
59	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	DER-1-386	10	FAWTD
59: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-387	5	FAD
59: YO	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	DER-1-388	15	ESWTD
59	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-389	10	FAD
59	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-390	25	FAD

B. Private land-only deer hunts: Private land-only deer licenses shall be restricted to the season dates, eligibility requirements or restrictions, sporting arms type, and bag limit that corresponds to the public land hunt code listed in 19.31.13.15 NMAC for the GMU where the private landowner's property lies. Private land-only deer licenses shall be unlimited and available from any license vendor and the department's web site; however, only one private land-only deer license will be issued. 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. Private land-only hunts in GMUs 8, 46, 54, and 55 shall be as indicated below:

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
8 for any legal sporting arm	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-450	unlimited	FAD
8 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-451	unlimited	FAD
8 for legal muzzle loading rifles, <u>crossbows</u> or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-452	unlimited	FAD
46 for any	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-453	unlimited	FAD
legal sporting arm	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-454	unlimited	FAD
46 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-455	unlimited	FAD
46 for legal muzzle loading rifles,_ <u>crossbows</u> or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-456	unlimited	FAD
54 for any	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-457	unlimited	FAD
legal sporting	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-458	unlimited	FAD
arm	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-459	unlimited	FAWTD
54 for any legal sporting arm: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-460	unlimited	FAD
54 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-461	unlimited	FAD
54 for legal muzzle loading rifles, <u>crossbows</u> or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-462	unlimited	FAD
55 for any	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-463	unlimited	FAD
legal sporting arm	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-464	unlimited	FAD
55 for any legal sporting arm: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-465	unlimited	FAD
55 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-466	unlimited	FAD
55 for legal muzzle loading rifles,_ <u>crossbows</u> or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-467	unlimited	FAD

55B for any legal sporting arm	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-468	unlimited	FAWTD
[19.31.13.15 NM	IAC - Rp, 19.31	.13.15 NMAC,	4-1-15; A, 4-1-2	2018]			

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7, 13, 15, and 16 of 19.31.14 NMAC, effective 4-1-2018.

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 six 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 [normagnify.] however, illuminated pins/reticles and scopes of any magnification are allowed.

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.] however, illuminated pins/reticles and scopes of any magnification are allowed.

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 Game Management Units.

Q. "High demand hunt" is hereby defined as a special draw hunt where the total number of non-resident applicants for an elk hunt 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>U.</u> "Mentor/youth only hunts" or "M/Y" shall be limited to one adult (18 years and older) and up to three youth (under 18 years as of opening day of the hunt) hunters. Youth applicants for any mentor/youth only firearm hunts must provide their hunter education certificate number on application.

[U.] V. "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.

[$\underbrace{\Psi}$:] \underline{W} . "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

984

capable of being fired from the shoulder.

[\.] X. "Private land authorization certificate" shall 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.] Y. "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.

[\frac{\frac{\frac{2}}{2}}{2}] \frac{\frac{2}{2}}{2}. "TBD" or "to be determined" shall mean the details of a hunt will be provided to the hunter as designated by the director.

[Z.] <u>AA.</u>"Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

[AA.] <u>BB.</u> "Valles Caldera national preserve (VCNP)" shall mean the hunt area within game management sub-unit 6B known as the Valles Caldera national preserve.

[BB:] <u>CC.</u> "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.] DD. "Wildlife management area" or "WMA" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC Wildlife Management Areas.

[DD. "Mentor/youth only hunts" or "M/Y" shall belimited to one adult (18 years and older) and up to three youth (under-18 years as of opening day of the hunt) hunters. Youth applicants for any mentor/youth only firearm huntsmust provide their hunter education certificate number on application.] [19.31.14.7 NMAC - Rp, 19.31.14.7 NMAC, 4-1-16; A, 4-1-2018]

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

(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.

conservation of elk.

(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: (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 rational 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 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: (i) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (ii) 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 or 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	Continued on the Following	
auction permit or purchase lottery	Page	
tickets in an attempt to be selected for	1 age	
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 or lottery, as described above,		
shall not be considered '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. 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: The director may		
annually allow up to two elk		
authorizations to be issued for deer		
and elk hunters submitting their		
legally harvested animal for CWD		
testing. Authorization certificates to		
purchase an incentive license may be		
used either by the applicant or any		
individual. The authorization may be		
transferred through sale, barter or gift.		
Elk incentive hunts shall be valid only		
for the dates, legal sporting arms,		
bag limit and area specified by the		
director.		
C. Unique late season		
[archery] bow 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
12	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-2-533	25	APRE/6
34	12/19-12/23	12/17-12/21	12/16-12/20	12/15-12/19	ELK-2-534	200	APRE/6
37	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-2-535	50	APRE/6
D.	Youth encou	ragement hunt	s:	•			

Youth encouragement hunts:

Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application (1) requirements and responsibilities for draw hunts for deer, elk, pronghorn antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses will be eligible to apply for licenses for these hunts for 14 days subsequent to the original posting of availability of these hunts on the department website. Licenses remaining after the first 14 days of availability shall be available to any youth hunters as defined by 19.31.3.11 NMAC and eligible to purchase an elk license.

(2) The director, with concurrence of the chairman of the state game commission, may adjust the number of licenses available in all youth encouragement hunts listed below based on changes in population levels, harvest rates, habitat availability, or increases in unlawful hunting activities resulting from these hunts.

These hunts will be administered by the department through an internet registration process, (3) 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
5B	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-501	20	А
6A	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-502	50	А
6A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-503	50	А
6C	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-504	50	А
6C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-505	50	А
9	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-506	30	А
9	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-507	30	А
10	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-508	35	А
13	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-509	60	А
13	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-510	60	А
15	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-511	75	А
15	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-512	75	А
16A	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-513	75	А
16A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-514	75	А
16C	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-515	75	А
16C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-516	75	А
16D	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-517	75	А
16D	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-518	75	А
16E	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-519	75	А
16E	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-520	75	А
17	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-521	60	А
17	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-522	60	А
34	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-523	80	А
36	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-524	60	А
36	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-525	60	А
49	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-526	50	А
50	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-527	60	А

51	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-528	75	А
51	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-529	75	А
52	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-530	50	А
53	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-531	60	А
53	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-532	60	А

E. Premium hunt opportunity: One premium elk hunt will be issued each license year through the draw. The hunt area will be statewide on any public land open to hunting, including wildlife management areas and private land with written permission.

open GMUs or areas	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
statewide	9/1/2017- 1/31/2018	9/1/2018- 1/31/2019	ELK-1-700	1	MB

[19.31.14.13 NMAC 4-1-15; A, 1-17-17; A, 4-1-2018]

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 COER has been established. The listed information includes regional 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, <u>crossbow</u> or bow" weapon type shall be designated as ELK-3. Youth hunters must provide their hunter education certification number on the 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) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below thirty-five percent.

- (b) Seasons should be designed to ensure timing and length of hunts are desirable.
- (c) At least two-thirds of all hunters are "satisfied" with the experience.

(2) Optimal opportunity management (OOM):

(a) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below forty-five percent 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 one-third 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 GMU 2.
 - (2) Optimal opportunity management within COER areas in GMUs 5A, 9 and 10.
 - (3) Foundational resource information for the northwest region is indicated below.

northwest region popul	lation information	sustainable harvest pursuant to goals		
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
San Juan (GMU 2)	1359-1865	37:100:39	92-155	122-167
Lindrith (GMU 5A)	1912-2408	34:100:36	123-191	164-207
Mt. Taylor (GMU 9)	3500-4500	37:100:12	86-127	143-147
Zuni (GMU 10)	1008-1758	27:100:38	71-152	94-164

		total licenses by bag limit					
GMU	management goals	MB or ES-1 or ES-3	Α	ES bow only	total licenses		
2	QHM	235	177	282	694		
5A	OOM	250	250	65	565		

9	OOM	356	373	500	1229
10	OOM	206	324	368	898
Total		1047	1124	1215	3386

(4) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or	2015-2016	2016-2017	2017-2018	2018-2019			bag
areas	hunt dates	hunt dates	hunt dates	hunt dates	hunt code	licenses	limit
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-100	120	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-101	120	ES
2	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-102	125	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-103	75	MB
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-104	100	А
2 YO	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-105	50	A
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-106	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-107	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-108	10	MB
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-109	10	А
5 A multipland only	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-110	10	MB
5A public land only	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-111	10	A
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-112	10	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-113	10	А
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-114	10	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-115	10	A
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-116	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-117	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-118	5	MB
0 Morguoz WMA	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-119	5	MB
9 Marquez WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-120	5	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-3-121	5	A
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-3-122	5	А
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-123	5	A
9 including Water	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-124	160	ES
canyon WMA	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-125	160	ES
9 including Water canyon WMA, MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-126	40	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-127	70	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-128	70	MB
9 including Water	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-3-129	40	MB
canyon WMA	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-3-130	80	А
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-131	80	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-132	79	А

990

	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-133	125	ES
10	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-134	125	ES
10	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-135	70	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-136	70	MB
10 YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-137	120	А
10	12/19-12/23	12/17-12/21	12/16-12/20	12/15-12/19	ELK-1-138	100	А

Private land elk authorization certificates for qualifying ranches listing the number of (5) authorization certificates, bag limits, and weapon types shall be as indicated below.

open GMUs or	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons					
areas	MB or ES-1 or ES-3	Α	ES bow only	total		
2	35	27	42	104		
5A	210	210	55	475		
9	121	119	170	410		
10	66	104	118	288		
Total	432	460	385	1277		

(6) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates		
1 1	2 5 4 0 10	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14		
bows only	2, 5A, 9, 10	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24		
muzzle	2, 10	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31		
loading	9, MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10		
rifles <u>,</u> crossbows	9	any 5 consecutive days, 10/17 - 12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31		
and bows	9 Antlerless Only	any 5 consecutive days, 11/7-12/31	any 5 consecutive days, 11/5-12/31	any 5 consecutive days, 11/4-12/31	any 5 consecutive days, 11/3-12/31		
any legal sporting arms	2, 10	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31		
	5A	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31		
C. North central region: COER areas of GMUs 4, 5B, 50, 51 and 52.							

Optimal opportunity management within COER areas in GMUs 4, 5B, 50, 51 and 52. (1) (2) Foundational resource information for the north central region shall be as indicated below.

north central region population	sustainable harvest pursuant to goals			
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Chama-San Antonio (GMUs 4, 5B, 50, 51, and 52)	22928-24683	37:100:35	1423-1758	1890-2034

		total licenses by bag limit					
GMU	management goals	MB (or ES-1 or ES-3)	Α	ES bow only	total licenses		
4	OOM	1060	645	475	2180		
5B	OOM	367	188	160	715		

50	OOM	331	117	156	604
51	OOM	970	909	434	2313
52	OOM	685	406	500	1591
Total		3413	2265	1725	7403

(3) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
areas							
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-139	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-140	10	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-141	10	MB
4:Sargent WMA	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-142	10	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-143	10	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-144	10	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-145	10	A
4:Sargent WMA, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-146	10	А
4:Humphries WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-147	10	ES
only	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-148	10	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-149	15	MB
4:Humphries/Rio Chama WMAs	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-150	15	MB
Channa wiwiAs	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-151	10	Α
4:Humphries/Rio Chama WMAs, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-152	15	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-153	75	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-154	75	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-155	86	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-156	59	A
5B	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-157	86	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-158	59	А
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-159	86	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-160	59	A
	12/12-12/16	12/17-12/21	12/16-12/20	12/15-12/19	ELK-1-161	87	MB
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-162	60	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-163	55	ES
50	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-164	120	MB
50	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-165	41	Α
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-166	123	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-167	45	А

992

	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-168	180	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-169	180	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-170	220	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-171	220	MB
51	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-172	220	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-173	251	A
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-174	251	А
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-175	252	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-176	145	ES
52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-177	230	ES
52	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-178	230	ES
52 MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-179	50	MB
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-180	120	MB
52	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-181	50	A
52	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-182	230	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-183	230	MB
52 YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-184	80	А
52 MI	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-185	56	A
52	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-186	70	A
52	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-187	115	A
	D 1	1 11 71 . 7			4 44 4		

(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.

	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons							
open GMUs or areas	MB (or ES-1 or ES-3)	Α	ES bow only	Total				
4	990	600	435	2025				
5B	22	11	10	43				
50	88	31	41	160				
51	165	155	74	394				
52	55	33	40	128				
Total	1320	830	600	2750				

(5) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
hours only	4, 5B, 50,	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
bows only	51, 52	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles, <u>crossbows</u> and bows	52	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31

	4	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31			
any legal sporting arms	5B, 50, 51	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31			
ams	52	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31			
D.	D. Jemez region: COER areas of GMUs 6A, 6B, 6C and 7.							

Jemez region: COER areas of GMUs 6A, 6B, 6C and 7.

(3)

Quality hunt management goals for GMU 6A and 6B. (1) (2)

Optimal opportunity management within COER areas in GMU 6C and 7.

Foundational resource information for the Jemez region shall be as indicated below.

Jemez region population in	sustainable harvest pursuant to goals			
Jemez herd unit	population estimate	bull:cow:calf ratio	bulls	cows
GMUs 6A, 6B, 6C, and 7	6702-7084	42:100:33	385-407	512-541

		total licenses by bag limit				
GMU	management goal	MB	Α	ES	total licenses	
6A	QHM	361	117	297	775	
6B	QHM	50	155	40	245	
6C	OOM	429	259	300	988	
7	OOM	68	62	36	166	
Total		908	593	673	2174	

Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt (4) dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-188	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-189	100	ES
6A	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-190	104	MB
0A	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-191	100	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-192	100	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-193	99	A
6B:VCNP		9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-194	20	ES
6B:VCNP		9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-195	20	ES
6B:VCNP		10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-196	15	MB
6B:VCNP		10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-197	15	MB
6B:VCNP		10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-198	20	MB
6B:VCNP MI		10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-199	15	А
6B:VCNP		11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-200	35	A
6B:VCNP		11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-201	35	А
6B:VCNP YO		11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-202	35	A
6B:VCNP		12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-203	35	A

	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-209	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-210	108	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-211	155	MB
6C	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-212	109	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-213	109	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-214	110	А
	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-215	115	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-216	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-217	15	ES
7	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-218	25	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-219	30	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-220	50	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.

	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons					
open GMUs or areas	bull	antlerless	ES	total		
6A	57	18	47	122		
6C	56	34	39	129		
7	13	12	6	31		
Total	126	64	92	282		

(6) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	
harra anlar	6A, 6C,	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	
bows only	7	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	
muzzle loading rifles, <u>crossbows</u> and bows	6A, 6C, 7	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31	
any legal weapon	6A, 6C, 7	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31	
E. Southwest region:						

(3)

(1) Quality hunt management for COER areas of GMUs 13, 15, 16A, 16B/22, 16C, 16D, 16E and

17.

(2) Optimal opportunity management for COER areas of GMUs 21A, 21B 23 and 24.

Foundational resource information for the southwest region shall be as indicated below.

southwest region popu	lation information	sustainable harvest pursuant to goals					
herd unit	population estimate	bull:cow:calf ratio	bulls	cows			
Datil (GMU 13)	2939-3313	41:100:40	198-275	263-297			
greater Gila (GMUs 15, 16A-E)	20693-21923	37:100:36	1313-1711	1744-1848			
lesser Gila (GMUs 21A, 21B, 22, 23, 24)	1046-4258	33:100:30	59-294	78-317			
San Mateo (GMU 17)	2066-2155	48:100:40	131-168	175-182			

		total licenses by bag limi	total licenses by bag limit					
GMU	management goals	MB (or ES-1 or ES-3)	Α	ES bow only	total licenses			
13	QHM	583	370	556	1509			
15	QHM	923	641	769	2333			
16A	QHM	232	155	412	799			
16B/22	QHM	323	0	394	717			
16C	QHM	200	118	294	612			
16D	QHM	148	114	171	433			
16E	QHM	239	217	217	673			
totals (13, 15	, 16A-E)	2648	1615	2813	7076			
17	QHM	291	262	233	786			
21A	OOM	102	31	102	235			
21B	OOM	94	118	94	306			
23	OOM	180	21	206	407			
24	OOM	39	5	28	72			
totals (17, 21	A, 21B, 23, 24)	706	437	663	1806			
southwest reg	gion total	3354	2052	3476	8882			

(4) Public land elk hunts listing the eligibility requirements or restrictions, hunt dates, hunt code, number of licenses, bag limits, and weapon types shall be as indicated below.

open GMUs	2015-2016	2016-2017	2017-2018	2018-2019			
or areas	hunt dates	hunt dates	hunt dates	hunt dates	hunt code	lic.	bag limit
13	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-221	175	ES
15	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-222	125	ES
13 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-223	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-224	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-225	115	MB
13	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-226	100	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-227	100	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-228	100	А
15	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-229	350	ES
13	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-230	250	ES
15 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-231	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-232	200	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-233	245	MB
15	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-234	250	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-235	250	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-236	250	А
16A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-237	250	ES
10A	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-238	150	ES
16A MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-239	25	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-240	75	MB
16 4	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-241	125	MB
16A	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-242	75	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-243	75	А

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	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-244	225	ES
16B/22	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-245	165	ES
100/22	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-246	160	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-247	160	MB
16C	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-248	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-249	100	ES
16C YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-250	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-251	50	MB
16C	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-252	95	MB
100	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-253	50	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-254	50	А
16D	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-255	90	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-256	60	ES
16D MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-257	25	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-258	55	MB
16D	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-259	50	MB
10D	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-260	50	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-261	50	А
1/1	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-262	90	ES
16E	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-263	60	ES
16E YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-264	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-265	70	MB
1/1	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-266	70	MB
16E	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-267	75	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-268	75	А
17	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-269	125	ES
17	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-270	75	ES
17 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-271	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-272	100	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-273	100	MB
1.5	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-274	25	MB
17	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-275	25	А
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-276	100	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-277	100	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-278	50	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-279	50	ES
21A	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-280	50	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-281	50	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-282	30	A
			1			1	1

	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-283	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-284	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-285	25	MB
210	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-286	25	MB
21B	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-287	15	А
	12/19-12/23	12/17-12/21	12/16-11/20	12/15-12/19	ELK-1-288	20	А
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-289	15	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-290	15	А
22	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-291	125	ES
23	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-292	75	ES
23 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-293	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-294	75	MB
23	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-295	75	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-296	20	А
24-excluding	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-297	15	ES
Ft. Bayard	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-298	10	ES
management	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-299	15	MB
area	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-300	15	MB
24: including	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-301	5	ES
Ft. Bayard management area, YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-302	5	А

(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	2015-16, 2016-17, 2017-18,	2018-19 hunt	t seasons	
open Givill's of areas	MB (or ES-1 or ES-3)	Α	ES bow only	total
13	268	170	256	694
15	203	141	169	513
16A	7	5	12	24
16B	3	0	4	7
16C	35	20	51	106
16D	18	14	21	53
16E	74	67	67	208
17	41	37	33	111
21A	2	1	2	5
21B	44	53	44	141
23	5	1	6	12
24	4	0	3	7
Total	704	509	668	1885

(6) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, 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.

	open GMUs or	2015-2016	2016-2017	2017-2018	2018-2019
legal sporting arms	area	hunt dates	hunt dates	hunt dates	hunt dates

		1	1	1	
	13, 15, 16A,	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
bows only	16B/22, 16C, 16D, 16E, 17, 21A, 21B, 23, 24	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles,	13, 15, 16E, 17, 23, 24	any 5 consecutive days, 10/17- 12/31	any 5 consecutive days, 10/15- 12/31	any 5 consecutive days, 10/14- 12/31	any 5 consecutive days, 10/13- 12/31
crossbows and bows	YO: 13, 15, 17	any 5 consecutive days, 10/10- 12/31	any 5 consecutive days, 10/8- 12/31	any 5 consecutive days, 10/7- 12/31	any 5 consecutive days, 10/6- 12/31
muzzle loading rifles only with approval of director or designee and state game commission chairman	13: antlerless elk only	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31
	16E, 23, 24	any 5 consecutive days, 10/24- 12/31	any 5 consecutive days, 10/22- 12/31	any 5 consecutive days, 10/21- 12/31	any 5 consecutive days, 10/20- 12/31
any legal sporting arms	16A, 16B/22, 16C, 16D, 21A, 21B	any 5 consecutive days, 10/17- 12/31	any 5 consecutive days, 10/15- 12/31	any 5 consecutive days, 10/14- 12/31	any 5 consecutive days, 10/13- 12/31
	YO: 16C, 16E, 23, 24	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
	MI: 16A, 16D	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
F. South c	entral region: GM	Us 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.

southeast region popula	ation information	sustainable harvest	pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Sacramento (GMU 34)	6010-6262	49:100:46	432-554	574-598
Ruidoso (GMU 36)	4654-4816	58:100:43	335-426	445-460

		total licenses by bag limit				
GMU	management goal	MB (or ES-1 or ES-3)	Α	ES bow only	total licenses	
34	OOM	603	975	460	2038	
36	QHM	507	278	320	1105	
Total		1110	1253	780	3143	

(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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
34	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-303	200	ES
54	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-304	200	ES
34 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-305	75	ES
34 10	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-306	100	А

998

34 MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-307	50	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-308	250	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-309	150	MB
34	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-310	250	А
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-311	250	А
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-312	250	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-313	130	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-314	111	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-315	135	MB
36	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-316	123	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-317	124	MB
	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-318	105	А
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-319	105	А

Private land elk authorization certificates for qualifying ranches listing the number of (5) authorization certificates, bag limits and weapon types shall be as indicated below.

	2015-16, 2016-17, 2017-1	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons						
open GMUs or areas	MB (or ES-1 or ES-3)	Α	ES bow only	total				
34	78	124	60	262				
36	125	69	79	273				
Total	203	193	139	535				

Private land elk hunts for ranches designated as "ranch only" shall be limited to the following (6) eligibility requirements or restrictions, 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	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
hours only	21 26	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
bows only	34, 30	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
any legal sporting arms	YO & MI: 34	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
muzzle loading rifles,	34	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
legal sporting arms $GMUs \text{ or}$ area $2015-2016 \text{ hunt}$ dates 2016 datesbows only $34, 36$ $9/1-9/14$ $9/1-9$ bows only $34, 36$ $9/1-9/14$ $9/1-9$ any legal sporting armsYO & MI: 34 $10/10-10/14$ $10/8$ muzzle loading rifles, crossbows and bows 34 any 5 consecutive days, $10/17-12/31$ $any 5$ daysany legal sporting arms 36 any 5 consecutive days, $10/17-12/31$ $any 5$ daysany legal sporting arms 34 any 5 consecutive days, $10/24-12/31$ $any 5$ daysany legal sporting arms 36 any 5 consecutive days, $10/17-12/31$ $any 5$ daysrifles only with approval of the director or his/her designee and state game commission chairman 36 : antlerless elk onlyany 5 consecutive days $1/1-1/31$ $any 5$ days	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31		
any legal	34		any 5 consecutive days, 10/22-12/31	any 5 consecutive days, 10/21-12/31	any 5 consecutive days, 10/20-12/31
sporting arms	36		any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
with approval of the director or his/her designee and state game commission	antlerless		any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31
G.	Northeast	region:	1	1	1

Quality hunt management for COER areas of GMU 45. (1)

(2) Optimal opportunity management goals for COER areas of GMUs 48, 49 and 53.

(3) Foundational resource information for the northeast region shall be as indicated below.

northeast region popula	tion information	sustainable harvest pursuant to goals		
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Pecos (GMU 45)	1665-2553	27:100:27	89-168	118-181
Whites peak (GMU 48)	998-1790	32:100:44	79-168	101-181
Penasco (GMU 49)	1257-1545	28:100:30	73-110	97-119
Ute-Midnight-San Cristobal (GMU 53)	1254-2291	40:100:32	71-160	94-173

		total licenses by bag lim	otal licenses by bag limit					
GMU	management goal	MB (or ES-1 or ES-3)	Α	ES bow only	total licenses			
45	QHM	457	54	163	674			
48	OOM	286	170	304	760			
49	OOM	161	162	125	448			
53	OOM	362	317	174	853			
Total	·	1266	703	766	2735			

(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	2015-2016	2016-2017	2017-2018	2018-2019			bag
areas	hunt dates	hunt dates	hunt dates	hunt dates	hunt code	lic.	limit
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-320	75	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-321	75	ES
45	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-322	140	MB
43	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-323	140	MB
•	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-324	140	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-3-325	50	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-326	92	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-327	92	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-328	80	MB
48	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-329	60	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-330	50	А
48	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-331	33	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-332	75 ES 75 ES 140 MB 140 MB 140 MB 140 MB 140 MB 50 A 92 ES 92 ES 80 MB 60 MB 53 A 61 ES 80 MB	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-333	61	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-334	60	ES
40	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-335	80	MB
49	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-336	76	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-337	80	А
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-338	77	А
52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-339	60	ES
53	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-340	60	ES

53 (exc. Cerro portion) 10/1 10/2 10/2 11/2 11/1 53 (North of 1	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-341	50	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-342	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-343	125	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-344	90	А
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-345	90	А
53 (North of Sunshine Valley road)	1/2-1/17	1/7-1/22	1/6-1/21	1/5-1/20	ELK-1-346	40	А

(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	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons						
	MB (or ES-1 or ES-3)	Α	ES bow only	Total			
45	37	4	13	54			
48	113	67	120	300			
49	5	5	4	14			
53	112	97	54	263			
Total	267	173	191	631			

(6) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, 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 "mobility impaired" or "youth only" hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
hours only	45, 48,	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
bows only	49, 53	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles, <u>crossbows</u> and bows	45, 48, 53	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
	45, 53	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
any legal sporting arms	49	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
	48	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
rifles only with approval of director or designee and state game commission chairman	48: antlerless elk only	any 5 consecutive days 1/1-1/31			

[19.31.14.15 NMAC - Rp, 19.31.14.15 NMAC, 4-1-16; A, 4-1-2018]

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 eligibility requirements or restrictions, 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 allowing the "bow only" weapon type shall be designated as ELK-2, elk hunt codes for elk hunts allowing "muzzle loading rifles, <u>crossbow</u> or bow" 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

Public lands in GMUs with no established core occupied elk range: A. open GMUs or 2015-2016 2016-2017 2017-2018 2018-2019 bag areas hunt dates hunt dates hunt dates hunt dates hunt code lic. limit 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ELK-2-347 15 ES 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 ES ELK-2-348 15 MB 10/1-10/5 10/1-10/5 10/1-10/5 10/1-10/5 ELK-1-349 20 10/10-10/14 10/8-10/12 10/7-10/11 10/6-10/10 ELK-1-350 20 MB 12 10/15-10/19 10/17-10/21 10/14-10/18 10/13-10/17 ELK-1-351 20 MB ELK-1-352 А 10/24-10/28 10/22-10/26 10/21-10/25 10/20-20/24 20 А 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 ELK-1-353 20 ELK-1-354 11/14-11/18 11/12-11/16 11/11-11/15 11/10-11/14 20 А 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ES ELK-2-355 25 18 9/15-9/24 9/15-9/24 ES 9/15-9/24 9/15-9/24 ELK-2-356 25 28 McGregor range, 12/12-12/16 12/10-12/14 12/9-12/13 12/8-12/12 ELK-1-357 10 ES military only 28 McGregor range 12/12-12/16 12/10-12/14 12/9-12/13 12/8-12/12 ELK-1-358 ES 10 10/10-10/14 10/8-10/12 10/7-10/11 10/6-10/10 ELK-1-359 20 ES 30 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ELK-2-360 10 ES 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 ELK-2-361 10 ES 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ELK-2-362 40 ES 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 ES ELK-2-363 30 37 10/10-10/14 10/8-10/12 10/7-10/11 10/6-10/10 ELK-3-364 30 MB 10/17-10/21 10/15-10/19 10/14-10/18 10/13-10/17 ELK-1-365 30 MB 11/28-12/2 11/26-11/30 11/25-11/29 11/24-11/28 ELK-1-366 45 А 38 10/10-10/14 10/8-10/12 10/7-10/11 10/6-10/10 ELK-1-367 15 ES 43 9/27-10/4 9/27-10/4 9/27-10/4 9/27-10/4 ELK-1-368 30 ES 10/10-10/14 MB 10/8-10/12 10/7-10/11 10/6-10/10 ELK-3-369 20 10/17-10/21 10/15-10/19 10/14-10/18 10/13-10/17 ELK-1-370 MB 20 10/24-10/28 10/22-10/26 10/21-10/25 10/20-10/24 ELK-1-371 20 MB 54: Colin Neblett WMA/south 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ELK-2-372 10 ES 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 10 ES ELK-2-373 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 ELK-1-374 А 20 10/10-10/14 10/8-10/12 10/6-10/10 MB 10/7-10/11 ELK-3-375 20 10/17-10/21 10/15-10/19 10/14-10/18 10/13-10/17 ELK-1-376 20 MB MB 10/24-10/28 10/22-10/26 10/21-10/25 10/20-10/24 ELK-1-377 20 55: Colin Neblett WMA/north 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ES ELK-2-378 10 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 ELK-2-379 10 ES А 11/7-11/11 11/5-11/9 11/4-11/8 11/3-11/7 ELK-1-380 20 9/1-9/14 9/1-9/14 9/1-9/14 9/1-9/14 ES ELK-2-381 5 55 ES Barker WMA 9/15-9/24 9/15-9/24 9/15-9/24 9/15-9/24 ELK-2-382 5 ES 10/10-10/14 10/8-10/12 10/7-10/11 10/6-10/10 ELK-1-383 10 MB

is required. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts.

	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-384	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-385	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-386	10	MB
55: Urraca WMA	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-387	10	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-388	10	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-389	15	А
Greenwood areas 55: Valle Vidal and Greenwood areas, YO 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas, YO	11/28-12/2	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-390	15	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-391	25	ES
55: Valle Vidal and	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-392	25	ES
Greenwood areas	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-393	40	MB
 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas, YO 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas, YO 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas 56 57: Sugarite canyon state park 	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-394	20	MB
55: Valle Vidal and Greenwood areas, YO	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-395	20	MB
55: Valle Vidal and Greenwood areas	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-396	35	MB
55: Valle Vidal and Greenwood areas, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-397	35	А
55: Valle Vidal and	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-398	15	А
Greenwood areas 55: Valle Vidal and Greenwood areas, YO 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas, YO 55: Valle Vidal and Greenwood areas 55: Valle Vidal and Greenwood areas	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-399	70	А
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-400	5	ES
57	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-401	5	ES
50	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-402	10	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-403	10	А
57: Sugarite canvon	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-404	3	ES
state park	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-405	2	ES
57/50	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-406	10	MB
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-407	10	А
D D'	4 1 1 1 1		· · · · · · · · · · · · · · · · · · ·	4 411		1 11	

B. Private land-only elk hunting: For private lands that are not within core occupied elk range or private lands that lie 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. [19.31.14.16 NMAC - Rp, 19.31.14.16 NMAC, 4-1-16; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7, 12, and 13 of 19.31.15 NMAC, effective 4-1-2018.

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 or numbers to private lands whose owners, manager, or lessees sign and return a hunting agreement with the department.

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

C. "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.

D. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light [normagnify.] however, illuminated pins/reticles and scopes of any magnification are allowed.

[O:] E. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.

[E.] <u>F.</u> "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.], however, illuminated pins/reticles and scopes of any magnification are allowed.

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

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

[H.] I. "ES" or "either sex" shall mean any one pronghorn antelope.

[H.] J. "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

[J.] <u>K.</u> "F-IM" or "female or immature pronghorn antelope" shall mean a pronghorn antelope without horns or with both horns shorter than its ears.

[K.] L. "Game management unit" or "GMU" shall mean those areas as described in 19.30.4 NMAC, Game Management Units.

[H.] M. "License" shall mean a valid official document that is issued or approved by the director that each person hunting pronghorn antelope in New Mexico must have or obtain prior to hunting.

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

[N.] O. "MB" or "mature buck pronghorn antelope" shall mean a pronghorn antelope with at least one horn longer than its ears.

[Q-] 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 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.

[R-] Q. "Private land authorization certificate or number" shall mean a valid official document that entitles a person to purchase a pronghorn antelope hunting license for specific season dates, weapon types, bag limits, and hunt areas.

[O. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic-firearms.]

[**P**:] **R**. **"Shotgun"** shall mean only those shotguns firing shot or slug that are designed to be 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 prohibited. Legal muzzle-loader shotguns shall be only those shotguns eapable of being fired from the shoulder.

R. "Private land authorization certificate or number" shall mean a valid official document that entitles a person to purchase a pronghorn 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, 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 19.34.5_NMAC, Wildlife Management Areas.

[19.31.15.7 NMAC - Rp, 19.31.15.7 NMAC, 4-1-16; A, 4-1-2018]

19.31.15.12 PRONGHORN ANTELOPE HUNTING SEASONS FOR PUBLIC DRAW LICENSES:

Numbers of licenses are evaluated annually based upon population dynamics, weather conditions, sustainable harvest, and department management objectives. Values listed are 'up to' or the upper limit of available licenses under current conditions, these may be modified as needed pursuant to 19.31.15.8 NMAC. Pronghorn antelope hunt seasons are listed below by weapon type, eligibility requirements or restrictions, each table lists the open areas or GMUs, hunt dates, hunt codes, licenses, and bag limit for the 2015-16 through the 2018-19 hunt seasons. Hunt codes for pronghorn hunts allowing "any legal weapon" type shall be designated ANT-1, hunt codes for pronghorn hunts allowing "[archery-] bow only" weapon type shall be designated as ANT-2, hunt codes for pronghorn hunts allowing "muzzle loading rifles, crossbows or [archery weapons only] bow weapon types" shall be designated ANT-3. Youth hunters must provide their hunter education certification number on their application. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts. 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.

A. Pronghorn antelope hunts for any legal sporting arms. Licenses and authorizations shall be issued pursuant to 19.30.12.9 NMAC:

	2015-2016	2016-2017	2017-2018	2018-2019			Bag
Open GMUs	hunt dates	hunt dates	hunt dates	hunt dates	Hunt code	Lic.	limit
2	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-100	5	MB
7, 9, 12, 13	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-101	80	MB
8, 14, 43 (west of Hwy. 3)	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-102	15	MB
15, 16, 17, 21 (north of NM 152)	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-103	175	MB
20	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-105	45	MB
21 (south of NM 152), 23, 24	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-106	55	MB
25, 26, 27	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-109	30	MB
31	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-112	90	MB
31: YO	9/12-9/14	9/10-9/12	9/9-9/11	9/8-9/10	ANT-1-113	10	F-IM
32, 33	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-114	200	MB
32, 33: YO	9/12-9/14	9/10-9/12	9/9-9/11	9/8-9/10	ANT-1-115	10	F-IM
portions of 32	12/1-12/15	12/1-12/15	12/1-12/15	12/1-12/15	ANT-1-116	30	F-IM
18, 36, 37, 38	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-117	200	MB
18, 36, 37, 38: YO	9/12-9/14	9/10-9/12	9/9-9/11	9/8-9/10	ANT-1-118	40	F-IM
39, 40	10/3-10/5	10/1-10/3	10/7-10/9	10/6-10/8	ANT-1-119	60	MB
39, 40: YO	9/12-9/14	9/10-9/12	9/9-9/11	9/8-9/10	ANT-1-120	10	F-IM
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/29-8/31	8/27-8/29	8/26-8/28	8/25-8/27	ANT-1-121	500	MB
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59: YO	8/29-8/31	8/27-8/29	8/26-8/28	8/25-8/27	ANT-1-122	50	ES
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59: YO	9/26-9/28	9/24-9/26	9/23-9/25	9/22-9/24	ANT-1-123	100	F-IM

B. The following hunts will be limited to youth only (YO) hunters. Licenses issued pursuant to this section shall be valid within the GMU for which they were issued.

Open GMUs	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	Hunt code	Lic.	Bag limit
2: YO	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-130	1	ES
7, 9, 12, 13	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-131	8	ES
8, 14, 43 (west of Hwy. 3)	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-132	3	ES
15, 16, 17, 21 (north of Hwy. 152)	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-133	18	ES
19 (White Sands Missile Range)	10/2-10/4	10/14-10/16	10/13-10/15	10/12-10/14	ANT-1-134	5	ES
20	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-135	5	ES
21 (south of Hwy. 152), 23, 24	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-136	5	ES
25, 26, 27	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-139	3	ES
29	10/24-10/27	10/22-10/25	10/21-10/24	10/20-10/23	ANT-3-149	15	ES
31	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-142	9	ES

32, 33	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-143	20	ES
portions of 32	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-144	5	ES
18, 36, 37, 38	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-145	20	ES
39, 40	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-146	5	ES
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	10/24-10/26	10/22-10/24	10/21-10/23	10/20-10/22	ANT-1-147	50	ES
50 (north of Hwy. 64), 52	8/15-8/18	8/13-8/16	8/12-8/15	8/11-8/14	ANT-3-150	40	ES

C. The following hunts will be limited to mobility impaired (MI) hunters. Licenses issued pursuant to this section shall be valid within the GMU for which they were issued:

	2015-2016	2016-2017	2017-2018	2018-2019			Bag
Open GMUs	hunt dates	hunt dates	hunt dates	hunt dates	Hunt code	Lic.	limit
12	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-156	10	MB
13	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-157	10	MB
8, 14, 43 (west of Hwy. 3)	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-158	15	MB
15, 16, 17, 21 (north of NM 152)	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-159	10	MB
21 (south of NM 152), 23, 24	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-161	10	MB
31	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-162	10	MB
32, 33	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-163	15	MB
18, 36, 37, 38	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-164	10	MB
39, 40	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	ANT-1-165	10	MB
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/8-8/10	8/6-8/8	8/5-8/7	8/4-8/6	ANT-1-166	25	MB

D. Pronghorn antelope hunts for [archery] bow only. Licenses issued pursuant to this section shall be valid within the GMU for which they were issued:

	2015-2016	2016-2017	2017-2018	2018-2019			Bag
Open GMUs	hunt dates	hunt dates	hunt dates	hunt dates	Hunt code	Lic.	limit
7, 9, 12, 13	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-170	25	MB
8, 14, 43 (west of Hwy. 3)	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-171	5	MB
15, 16, 17, 21 (north of NM 152)	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-172	70	MB
20	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-175	10	MB
21 (south of NM 152), 23, 24	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-176	10	MB
25, 26, 27	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-177	20	MB
30	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-179	50	MB
31	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-180	75	MB
32, 33	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-181	75	MB
18, 36, 37, 38	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-182	25	MB
39,40	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	ANT-2-183	10	MB
41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/15-8/23	8/13-8/21	8/12-8/20	8/11-8/19	ANT-2-184	100	MB

Open GMUs	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	Hunt code	Lic.	Bag limit
Open GMUS	nunt uates	nunt dates	nunt uates	nunt uates	Hunt code	LIC.	пши
28: MO	9/5-9/6	9/3-9/4	9/2-9/3	9/1-9/2	ANT-3-188	10	MB
28	9/5-9/6	9/3-9/4	9/2-9/3	9/1-9/2	ANT-3-189	5	MB
29	10/24-10/27	10/22-10/25	10/21-10/24	10/20-10/23	ANT-3-191	50	MB
50 (north of Hwy.							
64), 52	8/22-8/25	8/20-8/23	8/19-8/22	8/18-8/21	ANT-3-193	150	MB

E. Pronghorn antelope hunts for legal muzzle loading rifles, crossbows, and bows. Licenses issued pursuant to this section shall be valid within the GMU for which they were issued:

[19.31.15.12 NMAC - Rp, 19.31.15.12 NMAC, 4-1-16; A, 4-1-2018]

19.31.15.13 PRONGHORN ANTELOPE HUNTING SEASONS FOR PRIVATE LAND

AUTHORIZATIONS; A-PLUS PRONGHORN ANTELOPE HUNTS: The department may allocate A-PLUS pronghorn antelope authorization certificates or numbers for use on those ranches whose owners, managers, or lessees sign return a hunting agreement with the department. Private land hunt dates for the 2015-16 through the 2018-19 hunt seasons for any legal sporting arms shall be any three consecutive days within a 15 day period beginning on the start of the public draw license dates as indicated in Subsection A of 19.31.15.12 NMAC. Hunt seasons for mobility impaired shall be as indicated above in Subsection C of 19.31.15.13 NMAC; bow only seasons shall be as indicated above in Subsection E of 19.31.15.12 NMAC. Private land pronghorn hunts shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land bow, mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the "bow only", "mobility impaired only" or "youth only" hunt periods.

Legal sporting		2015-2016	2016-2017	2017-2018	2018-2019	Bag
arms	Open GMUs or area	hunt dates	hunt dates	hunt dates	hunt dates	limit
Bows only	7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 20, 23, 25, 26, 31, 32, 33, 36, 37, 38, 39, 40, 43 (west of Hwy. 3)	8/22-8/30	8/20-8/28	8/19-8/27	8/18-8/26	MB
	41,42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/15-8/23	8/13-8/21	8/12-8/20	8/11-8/19	MB
Any legal sporting arms: MI only	41, 42, 43, 46, 47, 48, 54, 55, 56, 57, 58, 59	8/8-8/10	8/6-8/8	8/5-8/7	8/4-8/6	MB
Any legal sporting arms: MI only	8, 12, 13, 14, 16, 17, 18, 23, 31, 32, 33, 36, 37, 38, 39, 40	8/15-8/17	8/13-8/15	8/12-8/14	8/11-8/13	MB
Muzzle-	29	10/24-10/27	10/22-10/25	10/21-10/24	10/20-10/23	MB
loading rifles, <u>crossbows</u> and bows	50 (north of Hwy. 64), 52	8/22-8/25	8/20-8/23	8/19-8/22	8/18-8/21	MB

	2, 7, 9, 12, 13, 15, 16, 17, 20, 21, 23, 24, 25, 26, 27	10/3-10/18	10/1-10/16	10/7-10/22	10/6-10/20	MB
Any legal	8, 14, 18, 31, 32, 33, 36, 37, 38, 39, 40, 43 (west of Hwy. 3)	10/3-10/18	10/1-10/16	10/7-10/22	10/6-10/20	MB
sporting arms, any 3 consecutive	41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/29-9/13	8/27-9/11	8/26-9/10	8/25-9/9	MB
days within dates stated	18, 31, 32, 33, 36, 37, 38, 39, 40	9/12-9/27	9/10-9/25	9/9-9/24	9/8-9/23	F-IM
	41, 42, 43 (east of Hwy. 3), 46, 47, 48, 54, 55, 56, 57, 58, 59	8/29-12/31	8/27-12/31	8/26-12/31	8/25-12/31	F-IM
	portions of 32	12/1-12/15	12/1-12/15	12/1-12/15	12/1-12/15	ES

[19.31.15.13 NMAC - Rp, 19.31.15.13 NMAC, 4-1-16; A, 4-1-2018]

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7 and 12 of 19.31.16 NMAC, effective 4-1-2018.

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 Gould's turkey" shall mean a turkey with a visible beard of the species *Meleagris* gallopavo mexicana.

[C.] D. "Bearded turkey" shall mean a turkey with a visible beard.

E. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

[Đ:] <u>F.</u> "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.] however, illuminated pins/reticles and scopes of any magnification are allowed.

[E.] G. "Department" shall mean the New Mexico department of game and fish.

[F.] H. "Director" shall mean the director of the New Mexico department of game and fish.

[G.] <u>I.</u> "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

[H:] J. "Game management unit" or "GMU" shall mean those areas as described in state game commission rule 19.30.4 NMAC Boundary Descriptions for Game Management Units.

[H:] K. "Gould's turkey permit" as used herein, shall mean a document issued by the department that authorizes the holder to participate in the activity as specified on the permit.

[J: "Bearded Gould's turkey" shall mean a turkey with a visible beard of the species *Meleagris* gallopavo mexicana.]

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

[L.] <u>M.</u> "Modern shotguns" shall mean center-fire shotguns. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

[M:] N. "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.

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

[Θ :] <u>P</u>. "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.

[**P**:] **O**. **"Unlimited"** shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

[Q:] R. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game

commission's rule 19.34.5 NMAC, Wildlife Management Areas. [19.31.16.7 NMAC - Rp, 19.31.16.7 NMAC, 4-1-16; A, 4-1-2018]

19.31.16.12 TURKEY HUNTS (2015-2016 through 2018-2019 hunting seasons):

A. **Over-the-counter hunts** for any legal firearms, including shotguns and muzzle loading shotguns firing shot, bows, and crossbows, shall be as indicated below, listing the GMUs and areas open, eligibility requirements or restrictions, hunt dates, and bag limits. The number of licenses for these hunts shall be unlimited.

Spring seasons:

Fall seasons:

(1)

(2)

open GMUs or areas	hunt dates	bag limit
2A (except areas east of NM 550 and north of NM 173), 2C (except areas east of Largo canyon), 4 (including WMAs), 5, 6A, 6C, 7, 9 (including Water Canyon WMA, and Marquez WMA by draw permit only), 10, 12, 13, 14 (bows only in Sandia ranger district), 15, 16, 17, 18, 20, 21, 22, 23, 24, 29, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 51, 52, 53, 54 (including Colin Neblett WMA), 55 (Colin Neblett and E.S. Barker WMAs, and Valle Vidal by permit only), 56, 57 ([archery] bow only in Sugarite Canyon state park), 58, 59.	4/15-5/10	2 turkeys with visible beards
all GMUs open for over the counter turkey, (YO)	4/10-12/2015 4/8-10/2016 4/7-9/2017 4/13-15/2018	2 turkeys with visible beards

open GMUs or areas	hunt dates	bag limit
2A (except areas east of NM 550 and north of NM 173), 2C (except areas east of Largo canyon), 5B, 6A, 6C, 7, 9 (including Water Canyon WMA, but not Marquez WMA), 10, 12, 13, 15, 16, 17, 21, 22, 23, 24, 29, 32, 34, 36, 37, 40, 41, 42, 45, 46, 47, 48, 54 (including Colin Neblett WMA), 55 (including Colin Neblett WMA, but excluding the E. S. Barker and Urraca WMAs and Valle Vidal), 56, 57 (except Sugarite Canyon state park), 58 and 59	[archery]- <u>bow</u> only: 9/1-30 any legal weapon: 11/1-30	any 1 turkey

B. Entry hunts for any legal firearms, including shotguns and muzzle loading shotguns firing shot, bows, and crossbows, shall be as indicated below, listing the GMUs and areas open, eligibility requirements, hunt dates, hunt codes, maximum number of licenses, and bag limits. Youth hunters must provide hunter education certificate number or their mentored-youth number on their application.

(1) Regular season entry hunts (April 15 through May 10) annually; limited to one turkey with a visible beard except GMU 9 Marquez WMA has a limit of two turkeys with visible beards:

open GMUs or areas	hunt code	permits
2 (except areas east of NM 550 to the pine river and north of NM 173 including Rattlesnake Canyon)	TUR-1-100	115
2 (except areas east of NM 550 to the pine river and north of NM 173 including Rattlesnake Canyon), YO	TUR-1-101	50
2A Rattlesnake canyon areas east of NM 550 to the pine river and north of NM 173 (licenses also valid in GMU 2 and in any other open GMU during the spring		
season) (YO)	TUR-1-102	5
8 (bows only in Sandia ranger district)	TUR-1-103	10
9: Marquez WMA	TUR-1-104	5

(2) Entry hunts for the Valle Caldera national preserve, WS Huey WMA and Valle Vidal/ Greenwood areas, limited to one turkey with a visible beard:

open GMUs or areas	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt codes	permits
33: WS Huey WMA, YO	4/9-10	4/8-9	4/14-15	TUR-1-105	TBD
33: WS Huey WMA, YO	4/16-17	4/15-16	4/21-22	TUR-1-106	TBD
55: Valle Vidal and Greenwood areas	4/15-4/30	4/15-4/30	4/15-4/30	TUR-1-112	20

6B, the Valle Caldera National Preserve	4/15-4/30	4/15-4/30	4/15-4/30	TUR-1-113	20
[19.31.16.12 NMAC - Rp, 19.31.16.12 NM	AC, 4-1-16; A,	4-1-2018]			

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7 and 11 of 19.31.17 NMAC, effective 4-1-2018.

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 four 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 adult 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 [normagnify.], however, illuminated pins/reticles and scopes of any magnification are allowed.

H. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.

[H:] <u>I.</u> "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.] however, illuminated pins/reticles and scopes of any magnification are allowed.

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

[J-] K. "Director" shall mean the director of the New Mexico department of game and fish.

[K.] L. "Game management unit" or "GMU" shall mean those areas as described in the rule 19.30.4 NMAC Boundary Descriptions for Game Management Units.

[H.] M. "License year" shall mean the period from April 1 through March 31.

[M. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.

N. "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be fired from the shoulder.]

[Θ :] <u>N</u>. "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.

O. "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be fired from the shoulder.

P. "Wildlife management areas" or "WMAs" shall mean those areas as described in rule 19.34.5 NMAC, Wildlife Management Areas.

[19.31.17.7 NMAC - Rp, 19.31.17.7 NMAC, 4-1-15; A, 4-1-2018]

19.31.17.11 BIGHORN SHEEP HUNTING SEASONS: The 2015-16 through 2018-19 hunting seasons shall be as indicated below, listing the GMUs or areas open, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses available, and bag limits. Additional eligibility requirements and restrictions are defined in Section 9 of 19.31.17 NMAC above. Licenses issued through private land authorizations are not 'once-in-a lifetime'. The Rocky Mountain ewe hunts shall be offered to address department management needs. <u>Hunt codes for bighorn hunts allowing</u> "any legal weapon" type shall be designated BHS-1, hunt codes for bighorn hunts allowing "bow only" weapon type shall be designated BHS-3.

A. Rocky Mountain bighorn ram hunt for any legal sporting arms (BHS-1-201). Hunters applying for BHS-1-201 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-201 will be up to 24 with a bag limit of one ram.

open GMUs	2015- 2016 hunt period	2016- 2017 hunt period	2017- 2018 hunt period	2018- 2019 hunt period
16B, 22, 23, 24	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31
45	8/14-8/23	8/12-8/21	8/11-8/20	8/10-8/19
	8/24-9/6	8/22-9/4	8/21-9/3	8/20-9/2
45, YO	8/24-9/6	8/22-9/4	8/21-9/3	8/20-9/2
53 south of NM 38 and east of NM 522	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
53 north of NM 38 and east of NM 522; 55 south of	8/7-8/16	8/5-8/14	8/4-8/13	8/3-8/12
NM 196/FS Rd 1950	8/17-8/30	8/15-8/28	8/14-8/27	8/13-8/26
49, 50, 53 west of NM 522	8/15-1/15	8/15-1/15	8/15-1/15	8/15-1/15
55 north of NM196/FS Rd 1950	8/15-1/15	8/15-1/15	8/15-1/15	8/15-1/15
58; public draw	TBD	TBD	TBD	TBD
58; private land	TBD	TBD	TBD	TBD

B. Rocky Mountain bighorn ewe hunt for any legal sporting arms (BHS-1-202). Hunters applying for BHS-1-202 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-202 will be up to 62 with a bag limit of one ewe.

open GMUs	2015- 2016 hunt period	2016- 2017 hunt period	2017-2018 hunt period	2018- 2019 hunt period
45	9/7-9/27	9/5-9/25	9/4-9/24	9/3-9/23
45, YO	9/7-9/27	9/5-9/25	9/4-9/24	9/3-9/23
52 couth of NM 29 and cost of NM 522	9/16-9/30	9/16-9/30	9/16-9/30	9/16-9/30
53 south of NM 38 and east of NM 522	10/1-10/15	10/1-10/15	10/1-10/15	10/1-10/15
53 south of NM 38 and east of NM 522, YO	9/16-9/30	9/16-9/30	9/16-9/30	9/16-9/30
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950	9/14-9/27	9/12-2/25	9/11-9/24	9/10-9/23
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950, YO	9/14-9/27	9/12-2/25	9/11-9/24	9/10-9/23

C. Rocky Mountain bighorn ewe hunt for bow only (BHS-2-203). Hunters applying for BHS-2-203 will be allowed to select and rank up to two open areas/hunt dates. The number of licenses available for BHS-2-203 will be up to 12 with a bag limit of one ewe.

open GMUs	2015- 2016 hunt period	2016- 2017 hunt period	2017- 2018 hunt period	2018- 2019 hunt period
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950	8/31-9/13	8/29-9/11	8/28-9/10	8/27-9/9
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950, YO	8/31-9/13	8/29-9/11	8/28-9/10	8/27-9/9

D. Desert bighorn ram hunt for any legal sporting arms (BHS-1-204). Hunters applying for BHS-1-204 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-204 will be up to 33 with a bag limit of one ram.

open GMUs	2015-2016 hunt period	2016-2017 hunt period	2017-2018 hunt period	2018-2019 hunt period
27	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30
26	10/1-10/15	10/1-10/15	10/1-10/15	10/1-10/15
26	10/16-10/31	10/16-10/31	10/16-10/31	10/16-10/31

	12/14-1/1	12/14-1/1	12/14-12/21	12/14-12/21
19	n/a	n/a	12/27-1/3	12/27-1/3
20. south of NIM 51	11/16-11/30	11/16-11/30	11/16-11/30	11/16-11/30
20: south of NM 51	12/1-12/15	12/1-12/15	12/1-12/15	12/1-12/15
	8/21-8/30	8/19-8/28	8/18-8/27	8/17-8/26
20: north of NM 51; public draw	10/16-10/25	3/3-3/12	10/13-10/22	3/1-3/10
	11/20-11/29	n/a	11/17-11/26	n/a
	3/4-3/13	10/14-10/23	3/2-3/11	10/12-10/21
20: north of NM 51; private land	n/a	11/18-11/27	n/a	11/16-11/25
	8/21-8/30	8/19-8/28	8/18-8/27	8/17-8/26
20: north of NM 51, YO public draw	11/20-11/29	11/18-11/27	11/17-11/26	11/16-11/25
20: north of NM 51, YO private land	11/20-11/29	11/18-11/27	11/17-11/26	11/16-11/25
13, 17	12/1-12/31	12/1-12/31	12/1-12/31	12/1-12/31
[19.31.17.11 NMAC - Rp, 19.31.17.11 NMAC, 4-1-15; A, 2-28-17; A, 4-1-2018]				

GAME AND FISH, DEPARTMENT OF

This is an amendment to Sections 7 and 11 of 19.31.21 NMAC, effective 4-1-2018.

19.31.21.7 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 javelina.

C. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light [normagnify.] however, illuminated pins/reticles and scopes of any magnification are allowed.

D. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic firearms.

[**Đ**:] **<u>E</u>. "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:] however, illuminated pins/reticles and scopes of any magnification are allowed.

[E.] E. "Department" shall mean the New Mexico department of game and fish.

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

[G.] H. "ES or either sex" shall mean any one animal of the species.

[H-] <u>I.</u> "Game management unit" or "GMU" shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

[H:] J. "License" shall mean a valid official document that is issued or approved by the director that each person hunting javelina in New Mexico must have or obtain prior to hunting.

[J.] K. "License year" shall mean the period from April 1 through March 31.

[K. "Centerfire firearms" shall mean any center-fire firearms, not to include any fully automatic-firearms.]

L. "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.

[L-] M. "Shotgun" shall mean only those shotguns firing shot or slug that are designed to be fired from the shoulder.

[M. "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.]

N. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.34.5 NMAC, Boundary Descriptions for Wildlife Management Areas. [19.31.21.7 NMAC - Rp, 19.31.21.7 NMAC, 4-1-15; A, 4-1-2018]

19.31.21.11 JAVELINA HUNTING SEASONS: Javelina hunts for the 2015-16 through the 2018-19 hunt seasons shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses, and bag limit. Hunt codes for javelina hunts allowing "any legal weapon" type shall be designated JAV-1, hunt codes for javelina hunts allowing "[archery] bow only" weapon type shall be designated as JAV-2. Youth hunters must provide their hunter education certification number on their application. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts. 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 open area for the JAV-2-101 and the JAV-1-102 hunts include the Big Hatchets special management area in GMU 26.

A. Entry hunts:

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
			JAV-1-		
statewide, YO	1/1	3/31	100	150	ES
			JAV-2-		
	1/1	1/31	101	300	ES
GMUs 19, 23, 24, 25, 26 and 27			JAV-1-		
	2/1	3/1	102	1000	ES
	12/26/2015	12/27/2015			
28 McGregor range, military only . This hunt is the	12/31/2016	1/1/2017	JAV-1-	5	ES
last weekend in December each year.	12/30/2017	12/31/2017	105	3	ES
	12/29/2018	12/30/2018			
	12/26/2015	12/27/2015			
28 McGregor range. This hunt is the last weekend in	12/31/2016	1/1/2017	JAV-1-	5	ES
December each year.	12/30/2017	12/31/2017	106	3	LO
	12/29/2018	12/30/2018			
B. Over-the-counter hunts: The hunt area shall be statewide except GMUs 19, 23, 24, 25, 26, 27 and 28.					
			1 1.		

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
Statewide except GMUs 19, 23, 24, 25,	1/1	1/31	JAV-2-103	300	ES
26, 27 and 28	1/16	3/31	JAV-1-104	1000	ES

C. Properly licensed deer or elk hunters that possess JAV-1-100 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt. Properly licensed deer or elk hunters that possess JAV-2-103 and JAV-1-104 may hunt javelina outside of the published javelina hunt dates but only during the same dates and in the same area as their deer or elk hunt, except in GMUs 19, 23, 24, 25, 26, 27 and 28. Hunters must use the same weapon type listed on their respective deer or elk license. [19.31.21.11 NMAC - Rp, 19.31.21.11 NMAC, 4-1-15; A, 1-17-17; A, 4-1-2018]

HIGHER EDUCATION DEPARTMENT

The New Mexico Higher Education Department approved at its 9/27/2017 hearing to repeal rule 5.3.10 NMAC, Post-Secondary Education Institution Finances - Capital Projects Approval by Commission on Higher Education (filed 10/31/2001) and replace it with 5.3.10 NMAC, Post-Secondary Education Institution Finances -Capital Projects Approval by the New Mexico Higher Education Department, adopted on 10/15/2017 and effective 10/31/2017.

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The New Mexico Higher Education Department approved at its 9/26/2017 hearing to repeal rule 5.7.12 NMAC, Tuition and Financial Aid -Minority Doctoral Assistance (filed 10/31/2001) and replace it with 5.7.12 NMAC, Tuition and Financial Aid -Minority Doctoral Loan Repayment Assistance, adopted on 10/15/2017 and effective 10/31/2017.

HIGHER EDUCATION DEPARTMENT

TITLE 5POST-SECONDARY EDUCATIONCHAPTER 3POST-SECONDARY EDUCATIONINSTITUTION FINANCESPART 10CAPITALPROJECTS APPROVAL BY THENEW MEXICO HIGHEREDUCATION DEPARTMENT

5.3.10.1 ISSUING AGENCY: State of New Mexico higher education department, 2044 Galisteo Street, Suite 4, Santa Fe, New Mexico 87505-2100, (505)476-8400. [5.3.10.1 NMAC - Rp, 5.3.10.1 NMAC, 10/31/2017]

5.3.10.2 SCOPE: All public post-secondary educational institutions operating within and receiving financial support from the state of New Mexico. [5.3.10.2 NMAC - Rp, 5.3.10.2 NMAC, 10/31/2017]

5.3.10.3 STATUTORY AUTHORITY: Section 21-1-21 NMSA 1978, Sections 21-2A-1 et seq. NMSA 1978, Section 9-25-13 NMSA 1978, and Section 9-25-8 NMSA 1978. [5.3.10.3 NMAC - Rp, 5.3.10.3

NMAC, 10/31/2017]

5.3.10.4 DURATION: Permanent. [5.3.10.4 NMAC - Rp, 5.3.10.4 NMAC, 10/31/2017]

5.3.10.5 EFFECTIVE DATE: October 31, 2017 [unless a later date is cited at the end of a section]. [5.3.10.5 NMAC - Rp, 5.3.10.5 NMAC, 10/31/2017]

5.3.10.6 OBJECTIVE: A. The objective of 5.3.10 NMAC is to assume responsibility for approving all building construction, major remodeling projects, and purchases of real property at public post-secondary educational institutions.

B. The purpose of 5.3.10 NMAC is to provide approval of proposed capital outlay projects for which funding is available and to be handled by the department. [5.3.10.6 NMAC - Rp, 5.3.10.6 NMAC, 10/31/2017]

5.3.10.7 DEFINITIONS: A. "Capital outlay committee" means the standing committee of the New Mexico department of higher education that reviews all capital projects. B. "Department"

means the New Mexico department of higher education.

C. "FTE enrollments" means the total number of student credit hours divided by 30 at the undergraduate level and divided by 24 at the graduate level, on an annual basis.

D. "Institutional plan" means the plan that each university, branch campus, college and special school must have on file at the department. It is a current five-year institutional plan containing the information on capital resources which is required by the institutional planning guidelines. The required information for branches of fouryear institutions may be included in the main campus institutional plan, but must be provided in full for each branch campus.

E. "Legal description" means the legal description of the subject property as described by the meets and bounds survey as completed and verified by a certified New Mexico land surveyor.

F. "Real property" means land and all interests in it such as buildings and fixtures. [5.3.10.7 NMAC - Rp, 5.3.10.7 NMAC, 10/31/2017]

5.3.10.8 PRINCIPLES AND PROCEDURES: Following are the principles and procedures for approval of proposed capital outlay projects:

A. All projects submitted for department approval must have the prior approval of the institution's governing board.

B. Proposed projects should be consistent with the institutions long-range capital planning as presented in the institutional plan.

C. All projects that fall under the following categories must be submitted to the department for approval:

(1) any purchase of real property;
 (2) any project which results in the addition of square footage, whether from construction

or long-term lease of a new facility or a building addition, or purchase of portable buildings; (3) any

proposal to issue bonds;

(4) the approval authority for any alterations or site improvements is as follows, based on total project cost:

(a)

(i)

(ii)

For institutions with FTE enrollments of 1,500 or less:

over fifty thousand (\$50,000) - staff approval;

over three hundred thousand (\$300,000) - capital outlay committee approval;

(b)

For institutions with FTE enrollments over 1,500:

over three hundred thousand (\$300,000) - staff approval;

(ii)

(i)

over five hundred thousand (\$500,000) - capital outlay committee approval;

(iii)

Exception: The New Mexico institute of mining and technology will be included with the over 1,500 FTE institutions when a particular project is entirely funded by restricted funds. (c) In

determining the total project cost, inhouse labor costs and burden, along with all materials, subcontract costs, and reasonable charge for owned equipment, must be included. (d)

Projects may not be artificially segmented or phased in a manner designed to avoid review by the Department.

(5) Any demolition of an existing building must be submitted for approval by the department staff. [5.3.10.8 NMAC - Rp, 5.3.10.8 NMAC, 10/31/2017]

5.3.10.9 **INFORMATION TO BE SUBMITTED:** For

construction, renovation, or site improvement projects, institutions must complete the department capital request forms and ensure that information is provided on:

A. need for the proposed facility or improvement and a discussion of how the project relates to the overall institutional plan;

B. if the project was included in the department recommendations for legislative funding, and if applicable, information outlining any departures from descriptions used in obtaining the initial recommendation;

C. a statement that the institutions board of regents or governing board has approved the project;

D. a summary of the types and sizes of facilities to be included in the project;

E. a copy of the project program;

F. completed preliminary floor plan drawings of the project, including elevations, with each space identified as to function;

G. a plot plan indicating the site of the project;

H. the anticipated use of any facilities to be vacated when the project is completed;

I. the projects estimated budget and source of funding. [5.3.10.9 NMAC - Rp, 5.3.10.9

NMAC, 10/31/2017]

5.3.10.10 FOR PURCHASES OF REAL

PROPERTY: For purchase of real property, institutions must submit to the department:

A. a legal description of the property;

B. a copy of the appraisal and a report from the property tax division of the taxation and revenue department containing their appraised value;

C. a site improvement survey to verify the legal description and to uncover the existence of recorded and unrecorded easements and encroachments;

D. a title insurance policy;

E. a description of the use to which the property will be put;

F. a phase one environmental report stating that an environmental review or assessment has been done and that the property is free of environmental hazards and contamination; a written statement that a phase two environmental survey is recommended or is not required;

G. the sources of funds for the purchase;

H. to obtain the approval of the state board of finance, institutions will be required to submit additional documents, as listed in the boards rules and regulations;

I. a copy of warranty deed [5.3.10.10 NMAC - Rp, 5.3.10.10 NMAC, 10/31/2017]

5.3.10.11 APPROVAL PROCESS: The department's approval process will proceed as follows:

A. The department's staff will review the proposed project and will present the project to the capital outlay committee in advance of the meeting at which the project is to be acted upon.

B. Representatives of the institution will appear to present the proposed project to the capital outlay committee.

C. The capital outlay committee will approve or disapprove the project and will present this recommendation to the department. The capital outlay committee may forward a project to the department with no recommendation.

D. The department will act to approve or disapprove the project.

[5.3.10.11 NMAC - Rp, 5.3.10.11 NMAC, 10/31/2017]

5.3.10.12 REVISED PROJECTS:

A. When the development of a project has reached the stage just short of advertising for bids, if substantial changes have occurred in the size of the project, types of spaces, or estimated costs, the institution should resubmit the appropriate forms and plans to the department's staff. The staff will then

determine whether the project should proceed or be reconsidered by both the capital outlay committee and the department. Substantial changes are defined as:

a change in (1) the size of the project of 10 percent or over 1,000 net assignable square feet, whichever is larger;

a 10 (2) percent change in the type or purpose of planned space; or

a change (3) in the total project cost of 10 percent or one hundred thousand (\$100,000), whichever is larger.

After bids have **B**. been received, if it is necessary to make substantial changes as defined in, Paragraph (1), (2), and (3) of Subsection A of 5.3.10.12 NMAC in either the plans or the budget, other than those changes made by alternates, the appropriate forms and plans should be resubmitted reflecting the proposed changes. The staff will then determine whether the project should proceed or be reconsidered by the capital outlay committee or the department.

[5.3.10.12 NMAC - Rp, 5.3.10.12 NMAC, 10/31/2017]

5.3.10.13 NOTICE **OF DISPOSITION OF REAL PROPERTY:** Notice of the sale or trade of real property must be submitted to department staff when the property exceeds a current appraisal value of one hundred thousand (\$100,000). The following information should be submitted:

a description of Α. the land parcel being sold or traded, including a location map and a statement of the appraised value;

B. the reason for the disposition;

C. the amount of anticipated revenue from the sale and the expected use of this revenue;

D. to obtain the approval of the state board of finance, institutions will be required to submit additional documents, as listed in the boards rules and regulations. [5.3.10.13 NMAC - Rp, 5.3.10.13 NMAC, 10/31/2017]

5.3.10.14 **EMERGENCY SITUATIONS:** The capital outlay committee or the department may modify or suspend any of these procedures to expedite projects which are necessary to address emergency situations.

Deadline dates: Α. 30 days prior to the capital outlay committee meeting at which approval is requested.

B. Reporting Forms: Form 1 through 6 - Department of higher education capital project request forms. [5.3.10.14 NMAC - Rp, 5.3.10.14 NMAC, 10/31/2017]

HISTORY OF 5.3.10 NMAC: Pre NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: BEF Rule 440, Capital Projects -Approved by BEF, 2/27/1985. CHE Rule 440, Capital Projects -Approved by CHE, 3/8/1990. CHE Rule 440, Capital Projects -Approved by CHE, 10/2/1991.

History of Repealed Material: 5.3.10 NMAC, Capital Projects - Approval by Commission on Higher Education, filed 10/31/2001 -Repealed, effective 10/31/2017.

Other History: 5.3.10 NMAC, "Capital Projects - Approval by Commission on Higher Education", filed 10/31/2001 was replaced by 5.3.10 NMAC, "Capital Projects -Approval by the Higher Education Department", effective 10/31/2017.

HIGHER EDUCATION DEPARTMENT

TITLE 5 POST-**SECONDARY EDUCATION** CHAPTER 7 **TUITION AND** FINANCIAL AID PART 12 MINORITY DOCTORAL LOAN REPAYMENT ASSISTANCE

ISSUING 5.7.12.1 AGENCY: State of New Mexico

higher education department. [5.7.12.1 NMAC - Rp, 5.7.12.1 NMAC, 10/31/2017]

5.7.12.2 **SCOPE:** Provisions of 5.7.12 NMAC apply to higher education department and four-year public post-secondary institutions in New Mexico. [5.7.12.2 NMAC – Rp, 5.7.12.2 NMAC, 10/31/2017]

5.7.12.3 STATUTORY **AUTHORITY:** Sections 21-21I-1 through 21-21I-8, NMSA 1978. [5.7.12.3 NMAC - Rp, 5.7.12.3 NMAC, 10/31/2017]

5.7.12.4 **DURATION:** Permanent. [5.7.12.4 NMAC – Rp, 5.7.12.4 NMAC, 10/31/2017]

5.7.12.5 EFFECTIVE **DATE:** October 31, 2017 [unless a later date is cited at the end of a section]. [5.7.12.5 NMAC – Rp, 5.7.12.5 NMAC, 10/31/2017]

5.7.12.6 **OBJECTIVE:** The objective and purpose of 5.7.12 NMAC is to increase the number of ethnic minorities and women available to teach engineering, physical or life sciences, mathematics and other academic disciplines in which ethnic minorities and women are demonstrably underrepresented in New Mexico colleges and universities.

[5.7.12.6 NMAC - Rp, 5.7.12.6 NMAC, 10/31/2017]

5.7.12.7 **DEFINITIONS:** A. "Award" is a

payment of funds on behalf of the recipient to defray the cost of educational loans accumulated in the course of study. The total amount of the award shall be an amount up to a maximum of twenty-five thousand dollars (\$25,000) for the first year of doctoral study and renewed annually for up to four years.

B. "Department" means the New Mexico higher education department. С.

"Eligible doctoral

field of study" means the fields of engineering, physical or life sciences, mathematics and other academic disciplines in which certain ethnic or gender groups are demonstrably underrepresented in the teaching faculty at the sponsoring institution.

"Eligible

D. institution" means an accredited institution of higher education that offers a doctoral degree-granting program in the fields of engineering, physical or life sciences, mathematics or other academic disciplines in which ethnic minorities or women are demonstrably underrepresented.

"Loan" means a E. grant of funds pursuant to a contract between a recipient and a lender requiring repayment of principal with interest. A lender may include the federal government, a bank or the state.

F. "Public postsecondary educational institution" means a research or comprehensive institution. as defined in Article 12, Section 11 of the Constitution of New Mexico, and branch community colleges or community college or technical and vocational institute as defined by Section 21-13, 14 and 16 NMSA 1978.

F. "Recipient" means an individual who is a member of an ethnic minority or is a woman and who has successfully completed a doctoral degree-granting program at an eligible institution in the field of engineering, physical or life sciences or mathematics or another academic discipline in which ethnic minorities or women are underrepresented; and

G. **"Tenure track** faculty position" means a full-time faculty appointment at a public postsecondary educational institution that has passed any probationary period and can be terminated only for cause or under extraordinary circumstances, as determined by the institution.

[5.7.12.7 NMAC – Rp, 5.7.12.7 NMAC, 10/31/2017]

5.7.12.8 **CONDITIONS** FOR ELIGIBILITY:

The department Α. may award a minority doctoral loan repayment assistance grant to a recipient who:

(1) has completed a doctoral degree in an eligible doctoral field of study; has been (2)

hired by a public post-secondary educational institution in New Mexico for a full time, tenure-track faculty position;

(3) has complied with all of the rules adopted by the department pursuant to the Minority Doctoral Loan Repayment Assistance Act: and

is a citizen (4) of the United States

B. The department shall give preference to a recipient who has completed a post-secondary degree at an institution designated in Article 12, Section 11 of the constitution of New Mexico. [5.7.12.8 NMAC - N, 10/31/2017]

5.7.12.9 LOAN **REPAYMENT AWARD CRITERIA; CONTRACT TERMS; PAYMENT:**

A. Loan repayment award criteria shall provide that: (1) award amounts shall be dependent upon a specific need for the recipient as determined by the department, the recipient's total education indebtedness, and available balances in the minority doctoral loan repayment fund;

awards (2) shall be made to eligible tenure track faculty teaching in the fields of engineering, physical or life sciences. mathematics or other academic disciplines in which ethnic minorities or women are demonstrably underrepresented;

award (3) amounts may be modified based upon funding availability or other special circumstances;

(4) awards may be distributed on a pro-rata basis for each year of service completed; and

> (5) the

recipient shall teach in a full-time faculty position at a public postsecondary educational institution in New Mexico for a minimum of one year for each year a minority doctoral loan repayment assistance grant is awarded

The following В. education debts are not eligible for repayment pursuant to the Minority Doctoral Loan Repayment Assistance Act:

(1) amounts incurred as a result of participation in state loan-for-service programs or other state programs whose purpose states that service be provided in exchange for financial assistance;

(2)

scholarships that have a service component or obligation;

(3) personal loans from friends or relatives:

(4) loans that exceed individual standard school expense levels; and

loans that (5) are eligible for another federal or state loan repayment program.

С. Every loan repayment award shall be evidenced by a contract between the recipient and the department acting on behalf of the state. The contract shall provide for the payment by the state of a stated sum to the recipient's approved lender and shall state the obligations of the recipient under the program, including a minimum period of service in a designated critical need recipient position, quarterly reporting requirements, and other obligations established by the department.

Recipients who D. have completed their probationary period and serve an additional year in a tenure track faculty position shall receive credit for one year for the purpose of calculating any loan repayment award amounts.

E. The contract between a recipient and the department shall provide that, if the recipient does not comply with the terms of the contract, the recipient shall reimburse the department for all loan payments made on the recipient's behalf, plus reasonable

interest at a rate to be determined by the department, unless the department finds acceptable extenuating circumstances for why the recipient cannot comply with the terms of the contract.

F Loan repayment awards shall be in the form of payments from the minority doctoral loan repayment fund directly to the federal government or commercial lender of a recipient who has received the award and shall be considered a payment on behalf of the recipient pursuant to the contract between the department and the recipient. A loan repayment award shall not obligate the state or the department to the recipient's federal government lender for any other payment and shall not be considered to create any contract between the state or the department and the lender.

G. The department shall develop policies and procedures to implement the Minority Doctoral Loan Repayment Assistance Act. The policies and procedures:

(1) shall provide a procedure for determining the amount of a loan that will be repaid for each year of service in a designated recipient position; the maximum annual award amount shall be based on program demand and available appropriations;

(2)

shall incorporate scoring criteria including but not limited to public postsecondary institution served, eligible doctoral field of study, total loan indebtedness of the worker, years of service in a tenure track faculty position, and prior loan repayment or other financial support provided to the worker; and

(3) may provide for the disbursement of loan repayment awards to lender on behalf of the recipient in annual or other periodic installments. [5.7.12.9 NMAC - N, 10/31/2017]

5.7.12.10 REPORTS: The higher education department shall submit a report to the governor and the legislature prior to each regular legislative session.

[5.7.12.10 NMAC – Rp, 5.7.12.12 NMAC, 10/31/2017]

5.7.12.11 [RESERVED] [5.7.12.11 NMAC - Repealed, 10/31/2017]

5.7.12.12 [RESERVED] [5.7.12.12 NMAC - Repealed, 10/31/2017]

HISTORY OF 5.7.12 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: CHE Rule 865, Minority Doctoral Assistance Loan for Service Program - Administrative Regulations, 8/15/1991.

CHE Rule 865, Minority Doctoral Assistance Loan for Service Program - Administrative Regulations, 6/6/1994.

History of Repealed Material:

5.3.12 NMAC, Minority Doctoral Assistance, filed 10/31/2001 -Repealed, effective 10/31/2017.

Other History: 5.3.12 NMAC, "Minority Doctoral Assistance", filed 10/31/2001 was replaced by 5.3.12 NMAC, "Minority Doctoral Loan Repayment Assistance", effective 10/31/2017.

HIGHER EDUCATION DEPARTMENT

TITLE 5POST-SECONDARY EDUCATIONCHAPTER 7TUITION ANDFINANCIAL AIDPART 30EDUCATIONTRUST BOARD AND COLLEGESAVINGS PROGRAM

5.7.30.1 ISSUING AGENCY: Education Trust Board, State of New Mexico. [5.7.30.1 NMAC - Rp, 5.7.30.1 NMAC, 10/31/2017]

5.7.30.2 SCOPE: Provisions for 5.7.30 NMAC apply to the Education Trust Board and the college

savings program. [5.7.30.2 NMAC - Rp, 5.7.30.2 NMAC, 10/31/2017]

5.7.30.3 STATUTORY AUTHORITY: Sections 21-21K-1 through 21-21K-7 NMSA 1978. [5.7.30.3 NMAC - Rp, 5.7.30.3 NMAC, 10/31/2017]

5.7.30.4 DURATION: Permanent [5.7.30.4 NMAC - Rp, 5.7.30.4 NMAC, 10/31/2017]

5.7.30.5 EFFECTIVE DATE: October 15, 2017 [5.7.30.5 NMAC - Rp, 5.7.30.5 NMAC, 10/31/2017]

5.7.30.6 **OBJECTIVE:** The Education Trust Board is responsible for developing and administering a college savings program under the Education Trust Act in a manner that allows account owners and beneficiaries to obtain and maintain federal tax benefits or treatment provided by the Internal Revenue Code for qualified state tuition programs and exemptions under federal securities laws. The promulgation of these rules is intended to inform the public and provide an orderly procedure to accomplish the board's responsibilities as provided by law. [5.7.30.6 NMAC - Rp, 5.7.30.6 NMAC, 10/31/2017]

5.7.30.7 **DEFINITIONS:** The following terms shall have the following meanings in this rule: **A. "Act"** means

Section 21-21K-1 et seq. NMSA 1978.

B. "Board" means the education trust board of the state of New Mexico.

C. "Chair" means the chair of the board or any person acting under the delegated authority of the chair.

D. "College investment agreement" means an agreement between an account owner and the board providing for the establishment by the account owner

of an account within the education trust fund and for the administration of such account for the benefit of the account owner and of the beneficiary.

E. "College savings program" means the college savings program administered by the board as described in and governed by the act and this rule, which may include one or more college savings plans.

F. "Federal requirements" means the provisions of the internal revenue code, as amended from time to time, for qualified state tuition programs, and includes any promulgated regulations, proposed regulations and any administrative or judicial rulings, if such are applicable in the opinion of the chair or board counsel.

G. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

H. "Members" means the members of the education trust board of the state of New Mexico.

I. "Program procedures and guidelines" means such operating procedures and guidelines for administration of the college savings program, consistent with the act, this rule and federal requirements, as may be established by the board.

[5.7.30.7 NMAC - Rp, 5.7.30.7 NMAC, 10/31/2017]

5.7.30.8 EXECUTIVE DIRECTOR AND ADMINISTRATION:

A. The board shall select and hire an executive director, based upon a demonstrated history of relevant skills and abilities, whose responsibility it shall be to perform such duties as may be delegated by the board, including but not necessarily limited to the direction and oversight of the day-to-day administration of the education trust fund.

B. The executive director shall have the authority to act in the areas delegated to the executive director by the board.

C. The executive director shall select and supervise staff and contractors or consultants

appointed or retained by the board, and shall perform such other functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the board as authorized by law or by rules and policies adopted by the board. [5.7.30.8 NMAC - Rp, 5.7.30.8 NMAC, 10/31/2017]

5.7.30.9 COLLEGE SAVINGS PROGRAM:

A. Account applications requirements:

(1) each applicant shall submit an application to the board or any agent or contractor designated by the board on such forms and with such attachments as the board may require;

(2) the application shall contain such information as the board may determine to be necessary or appropriate to evidence compliance with the federal requirements; and

(3) one person shall be designated as the beneficiary for each account.

B. College investment agreements:

(1) the board will enter into a college investment agreement with each account owner;

(2) the college investment agreement may include such information as the board may determine to be necessary or appropriate to evidence compliance with the federal requirements; and

(3) applications and college investment agreements may be submitted, accepted and become binding contracts by electronic means (including over the internet) as may be set forth in the program procedures and guidelines.

C. Participation in the college saving program is available to any individual or legal entity with a valid social security number or taxpayer identification number for the benefit of any individual with a valid social security number or tax identification number. Any contract entered into before the effective date of this regulation that does not allow

for the use of taxpayer identification numbers must provide for the use of taxpayer identification numbers if renewed upon the expiration of the contract. Any new contract entered into after the effective date of this regulation must allow the use of taxpayer identification numbers.

D. Investment of account assets; limitations on contributions:

(1) no account owner or beneficiary may directly or indirectly direct the investment of any contributions or of any other amounts held in an account except as permitted under the federal requirements; however, at the time an account owner opens an account, an account owner may choose among any investment options offered by the board;

(2)

contributions may be made at any time subject to any minimum deposit requirements established by the board; and

(3) total contributions to all accounts established under the college savings program which have the same beneficiary may not exceed the maximum amount as determined by the board in accordance with program procedures and guidelines and federal requirements.

E. Ownership of contributions and earnings; withdrawals:

(1) the account owner shall retain ownership and control of all contributions made to an account under any college investment agreement and earnings on those contributions while held in such account;

(2) only the account owner for each account may close an account and receive or direct a withdrawal of amounts contributed (and earnings);

(3) upon receipt of documentation required in accordance with program procedures and guidelines, the board will make distributions from an account as expressly directed by the account owner; and

(4) although

the board will report the earnings portion of all withdrawals from an account, it will solely be the responsibility of the account owner to calculate, report and pay any resulting tax liability.

> F. Fees and penalties: (1) each

college investment agreement may provide for payment to the board of an annual administrative fee based on amounts in the account accrued daily at an annualized rate or as otherwise calculated and at a level as determined by the board, and such fees may be used by the board only for costs permitted by the act; and

(2) customary and usual investment costs (including fees and expenses of any fund in which account assets are invested) and distribution costs approved by the board may be deducted from an account in connection with the investment thereof and are not included in the administrative fee, and any customary and usual account maintenance fees approved by the board may also be deducted from accounts.

G. Waiver of rule. The board may waive any requirements of this rule, except to the extent that the requirement is mandated by the act, in cases where the deviation from the rule is insubstantial and is not contrary to the purposes of the college savings program. [5.7.30.9 NMAC - Rp, 5.7.30.9 NMAC, 10/31/2017]

5.7.30.10 CONTACT ENTITY INQUIRIES REGARDING THIS ISSUANCE SHOULD BE ADDRESSED TO:

Education Trust Board, State of New Mexico, attention: Executive Director. [5.7.30.10 NMAC - Rp, 5.7.30.10 NMAC, 10/31/2017]

5.7.30.11 EXHIBITS: [RESERVED] [5.7.30.11 NMAC - Rp, 5.7.30.12 NMAC, 10/31/2017]

HISTORY OF 5.7.30 NMAC:

HISTORY OF REPEALED

MATERIAL: 5.7.30 NMAC, Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust, filed 6/1/2001 - Repealed effective 10/31/2017.

OTHER HISTORY: 5.7.30 NMAC, Procedures, Standards and Eligibility Requirements for Participation in the New Mexico Education Trust, filed 6/1/2001 was replaced by 5.7.30 NMAC, Education Trust Board and College Savings Program, effective 10/31/2017.

HIGHER EDUCATION DEPARTMENT

TITLE 5 POST-SECONDARY EDUCATION CHAPTER 7 TUITION AND FINANCIAL AID PART 33 TAX REFUND INTERCEPT BY NEW MEXICO HIGHER EDUCATION DEPARTMENT

5.7.33.1 ISSUING AGENCY: New Mexico Higher Education Department. [5.7.33.1 NMAC, N, 10/31/2017]

5.7.33.2 SCOPE: [**RESERVED**] [5.7.33.2 NMAC, N, 10/31/2017]

 5.7.33.3
 STATUTORY

 AUTHORITY:
 Sections 7-2C-1

 through 7-2C-13
 NMSA 1978.

 [5.7.33.3
 NMAC, N, 10/31/2017]

5.7.33.4 DURATION: Permanent. [5.7.33.4 NMAC, N, 10/31/2017]

 5.7.33.5
 EFFECTIVE

 DATE:
 October 31, 2017.

 [5.7.33.5 NMAC, N, 10/31/2017]

5.7.33.6 **OBJECTIVE:** Subject to the limitations contained in the Tax Refund Intercept Program Act, the taxation and revenue department, upon request from the New Mexico higher education department, shall render assistance in collection of education debt originated and owned by the New Mexico higher education department. [5.7.33.6 NMAC, N, 10/31/2017]

5.7.33.7 DEFINITIONS: A. "Appellant" means

the person submitting a request for administrative review whose tax refund has been offset, or his or her spouse, in the administrative review process.

B. "Debtor" means the person against whom an educational loan judgment has been obtained as a result of debt owned and originated by the New Mexico higher education department.

C. "Department" means the New Mexico higher education department.

D. "TRD" means the New Mexico taxation and revenue department.

[5.7.33.7 NMAC, N, 10/31/2017]

5.7.33.8 SUBMITTING REQUESTS TO THE TAXATION AND REVENUE DEPARTMENT ("TRD"):

A. Eligible accounts: Requests for collection by refund offset may be made by the department to enforce repayment of educational loan debts pursuant to the Tax Refund Intercept Program Act, Section 7-2C-3 et seq. NMSA 1978.

B. Criteria for submittal: Debts must meet the following criteria set by TRD for the tax refund offset process:

(1) the debt must be a loan for educational purposes;

(2) the debt must be equal to or more than onehundred (\$100);

(3) the debt

(a) originated by the department; and (b)

must be:

owned by the department (4) the debt

must have been reduced to judgment. C. Procedure for setoff request to TRD/suspense account: Submitting requests: All submissions

for setoffs should be made to TRD in the manner required by TRD and by the required date set by TRD. The list of setoffs requested will contain information such as debtor name, social security number, unpaid balance of judgment against debtor and such other information as TRD may require.

D. Suspense account: Upon receipt of money transferred from the TRD, the department shall deposit and hold the money in a suspense account until a final determination of the offset is made. [5.7.33.8 NMAC, N, 10/31/2017]

5.7.33.9 NOTICE PROCEDURES:

A. Notice to debtor: Within ten days after the department receives notice from TRD of a match of an offset request the department shall send a notice to the affected debtor substantially in the form of Exhibit A in 5.7.33.14 NMAC. The notice will inform the debtor of the following:

(1) that a transfer of the refund will be made and that the department intends to offset the amount of the transfer against a claimed judgment balance owed by the debtor;

(2) the amount of the claimed judgment balance and that the judgment arose from an educational loan;

(3) the name, address and telephone number of the department;

(4) the amount of the refund to be offset against the claimed judgment balance;

(5) that the debtor has 30 days from the date of the notice to contest the offset by applying to the department for a hearing with respect to the validity of the judgment balance asserted by the department; and

(6) that failure by the debtor to apply for a hearing within 30 days will be deemed a waiver of the opportunity to contest the offset and to a hearing.

B. Notice to the debtor's spouse: Except as provided

in Subsection C of 5.7.33.9 NMAC, within ten days after the department receives notice from TRD of a match on a offset request resulting from a joint tax return the department shall send a notice to the spouse of the affected debtor substantially in the form of Exhibit B in 5.7.33.15 NMAC. The notice will inform the debtor's spouse of the following:

(1) a statement that a transfer of the refund will be made and that the department intends to offset the amount of the transfer against a claimed judgment balance owing by the debtor;

(2) the total amount of the refund and the amount of the claimed judgment balance;

(3) the name, address and telephone number of the department;

(4) a statement that no debt is claimed against the spouse and that the spouse may be entitled to receive all or part of the refund regardless of the claimed judgment balance against the debtor;

(5) a statement that to assert a claim to all or part of a refund the spouse must apply to the department for a hearing within 30 days of the date indicated on the notice with respect to the entitlement of the spouse to all or part of the refund from which a transfer will be made at the request of the department; and

(6) a statement that failure of the spouse to apply for a hearing within 30 days may be deemed a waiver of any claim of the spouse with respect to the refund.

C. Judgments against debtor and spouse jointly: In the event the department is asserting a claim for tax refund offset based on a judgment entered jointly against the debtor and spouse, the department shall send notice under Subsection A of 5.7.33.9 NMAC to both persons and no notice under Subsection B of 5.7.33.9 NMAC will be sent. [5.7.33.9 NMAC, N, 10/31/2017]

5.7.33.10 PROCESSING OF ADMINISTRATIVE HEARING REQUESTS: A. Written request: All requests for administrative review must be made in writing.

B. Submittal deadline: All requests for administrative review must be received by the department within 30 days of the date of the applicable notice. Failure to submit a request within the prescribed time will be deemed a waiver of the opportunity to contest the offset and to a hearing.

C. Grounds for administrative review: The grounds for administrative review shall be limited to the following:

(1) no judgment has been filed against the appellant or the appellant's spouse for an educational loan;

(2) the judgment has been paid in full; (3) the

judgment creditor has agreed to accept other arrangements for payment of the judgment and the arrangements have been fully complied with;

(4) the amount of the intercepted refund exceeds the unpaid balance of the judgment; or (5) the

appellant is entitled to receive all or part of the refund regardless of the claimed judgment debt against the appellant's spouse based upon New Mexico's community property laws.

D. Filing of requests for administrative review: The department representative responsible for the debtor's account will receive the request for administrative review submitted by the appellant and shall file the request in the debtor's loan file.

E. Acknowledgement of receipt of request for administrative review: The department will, upon receipt of the appellant's request for administrative review, send the appellant an acknowledgment of receipt of the request and will file a copy of the acknowledgment in the debtor's loan file. The acknowledgment may be combined with a notice of rejection of the request under Subsection F of 5.7.33.10 NMAC, a notice of informal resolution under Subsection G of 5.7.33.10 NMAC, or notice of submission of the request to the administrative hearing officer under Subsection H of 5.7.33.10 NMAC.

Rejection of F. request for administrative review: The department shall review the appellant's request for administrative review to determine if the request specifies an allowable ground for review as provided in Subsection C of 5.7.33.10 NMAC. If the appellant has failed to specify an allowable ground for review, the department will prepare and send to the appellant a notice that the request has been rejected for such failure. The department will file a copy of this notice in the debtor's loan file. A request for administrative review which has been rejected shall be treated as if no request had been submitted.

G. Informal resolution by the department: If the request for administrative review specifies an allowable ground for review, the department shall check for possible error and attempt to resolve the request prior to formal hearing, as follows:

(1) Resolution prior to transfer of the refund to the department:

(a)

Certified judgment balance incorrect, no judgment, or other arrangements to pay judgment: If, prior to transfer of the refund to the department, the department determines that the debtor owes nothing, that there is no judgment against debtor, or that the debtor has made other arrangements for payment of the judgment and is not in default, the department shall cause the debtor's name to be removed from the tax refund intercept list.

(b)

Community property claim by spouse: If prior to transfer of the refund to the department, the department determines that the debtor's spouse is entitled to all or part of the refund, the department must take steps to correct the amount.

(2) Resolution

after transfer of the refund to the department:

(a)

Improper offset against debtor's refund: If the department determines that an amount which has already been offset is improper because there is no judgment against the debtor, the judgment is paid in full, or the debtor has made other arrangements for payment of the judgment and is not in default, the department must take steps to refund the amount to the debtor promptly. In cases of joint tax returns, the refund check should be made payable to both the debtor and spouse.

(b)

Excess offset against debtor's refund: If the department determines that an amount which has been offset exceeds the amount of the debtor's unpaid judgement balance, the department must take steps to refund the excess amount to the debtor promptly. In cases of joint tax returns, the refund check should be made payable to both the debtor and spouse.

(c)

Resolution of error-community property claim by spouse: If the department determines that the debtor's spouse is entitled to a share of the refund, the department must take steps to refund the proper share to the spouse. The refund check should be made payable solely to the spouse.

(3) Notice to appellant of informal resolution: In the event that the department determines that an error exists, the department shall send the appellant a notice acknowledging the determination of error and resolution. If the department 's action fully resolves the request for administrative review in favor of the appellant, the notice shall state that the informal resolution shall be a final resolution of the request unless the appellant requests further review within 15 days of the date of this notice.

(4)

No determination of error or determination of error does not fully resolve appeal: If the department determines that no error has been made, or a determination of error does not fully resolve the appeal, the department must provide the appellant with information concerning the administrative review process. If any dispute remains between the department and the appellant at this point, the appellant must be advised that the dispute will be resolved by the administrative hearing officer.

H. Submission of hearing request to administrative hearing officer: When the appellant has specified an allowable ground for administrative review and the department makes a determination of no error, or a determination of error does not fully resolve the appeal and a dispute remains, the department shall transmit the appellant's hearing request to the administrative hearing officer together with such information as may be requested by the hearing officer.

[5.7.33.10 NMAC, N, 10/31/2017]

5.7.33.11

ADMINISTRATIVE HEARINGS:

A. Purpose: The purpose of an administrative hearing is to provide the appellant with a fair and equal opportunity to be heard so that the administrative hearing officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules. The burden of proof shall be on the appellant to prove by a preponderance of the evidence that the appellant is entitled to all or a portion of the tax refund.

B. Preliminary conference: Upon receipt of a request for an administrative hearing, the administrative hearing officer may schedule a preliminary conference, which may be conducted by telephone, at which the parties may: (1) identify all

of the issues;

(2) secure stipulation on those matters not in dispute;

(3) identify
 witnesses to be called and the general
 subject matter of their testimony;
 (4) agree

on procedures for exchange of information; and set a date

for the hearing.

Procedure: С.

(5)

Conduct of (1) hearings: The administrative hearing officer may conduct the hearing by telephone or may require the parties to appear at the department's business office. If a hearing is to be conducted by telephone, the administrative hearing officer will inform the parties of the required manner of identification and submission of exhibits. If the appellant or the appellant's authorized representative, without sufficient cause, fails to appear at a hearing, such failure may be treated as a withdrawal of the request for review and the administrative hearing officer may dismiss the request for review. If the department representative, without sufficient cause, fails to appear at the hearing, such failure may be treated as a default to the appellant. The administrative hearing officer in either case may adjourn the hearing to a future date or take such action as may be just and proper. All hearings will be conducted in as informal a manner as possible, provided that good order is maintained. The technical rules of evidence shall not apply. The administrative hearing officer may clear the room of witnesses not under examination and of any person who is disruptive. The administrative hearing officer shall consider all evidence, including affidavits, having reasonable probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.

(2)

Consolidation: When two or more requests for hearing are received involving a common question of law or fact arising out of the same or similar circumstances, the administrative hearing officer may consolidate them into one hearing.

Waiver: (3) In all cases the appellant's request for hearing must be postmarked or received within 30 days of the date of the notice informing the debtor or spouse of the right to hearing. Failure of the debtor or spouse to request a hearing within the time required shall constitute a waiver of the right of hearing.

(4) Hearing date: Hearings should be held within 60 days of the date the administrative hearing officer receives the request for hearing unless the administrative hearing officer determines there is good cause for a delay. The administrative hearing officer shall be responsible for providing timely notice of the hearing to the appellant and the department.

Notice of (5) time for decision: At the conclusion of the hearing, the administrative hearing officer must inform the parties that a decision will be made in thirty days.

Decision: The D. administrative hearing officer's determination of the validity and the amount of the offset asserted on the department's application for offset to a refund to which a debtor or spouse asserts entitlement in whole or in part shall be final. The administrative hearing officer should send or deliver a written decision to the parties within thirty days of the hearing date. [5.7.33.11 NMAC, N, 10/31/2017]

5.7.33.12 FINAL **DETERMINATION AND NOTICE OF OFFSET:**

Final determination: A. A final determination occurs:

(1) when the administrative hearing officer makes his decision; or

if no (2) request for hearing has been properly and timely submitted, thirty days following the date of the notice provided in accordance with 5.7.33.9 NMAC; or

(3) upon informal resolution of any dispute as provided in Subsection G of 5.7.33.10 NMAC.

B. Refunds: Upon final determination of the entitlement of an appellant to any or all of that portion of a refund which has been transferred to the department, the department shall remit to the appellant

from the suspense fund the amount determined to be due together with all such interest as is required by law to be paid and an appropriate accounting. A copy of the accounting shall be sent to TRD.

С. Remittances to the department: Upon final determination the department shall remit to itself from the suspense account that amount determined to be due the department, as applicable and shall credit that amount against the debt. Upon such remittance the department shall notify the debtor in writing of the final determination of the offset. A copy of the notice shall be sent to TRD. The notice shall include:

(1) a final accounting of the refund against which the debt was offset, including the amount of the refund to which the debtor was entitled prior to offset;

(2) the final determination of the amount of the debt that has been satisfied and the amount of the debt, if any, still due and owing; and

(3) the amount of the refund in excess of the debt finally determined to be due and owing and the amount of any interest due.

[5.7.33.12 NMAC, N, 10/31/2017]

5.7.33.13

CONFIDENTIALITY: The information obtained by the department from the TRD under the Tax Refund Intercept Program Act shall be confidential and shall be used by the department only in pursuit of the collection of a judgment debt on an educational loan under the act. [5.7.33.13 NMAC, N, 10/31/2017]

5.7.33.14 **EXHIBIT A:**

Because there is an outstanding educational loan judgment balance which has not been paid, your name has been referred to the New Mexico Taxation and Revenue Department for the collection of this obligation. Any tax refund to which you may be entitled may be retained in full or partial satisfaction of this obligation. This action involving the Taxation and Revenue Department is authorized

by the Tax Refund Intercept Program Act, Sections 7-2C-1 through 7-2C-13 NMSA 1978.

Our records shows \$ ______total unpaid judgment balance, including principal, accrued interest, costs and attorney's fees as of ______, 20___.

Case Number:

Judgment Creditor:

Social Security No:

Date of the Notice Refund Amount: Applied to Judgment Balance:

HEARING REQUEST

If you disagree with this notice, you have the right to a hearing. In order for you to request a hearing, you must return this portion of the notice within 30 days from the date indicated on the notice, and you must indicate to the office below that you are requesting a hearing based on one or more of the following grounds: (1) [---] no judgment has been filed against me for an educational loan in the referenced case; (2) [---] the judgment filed against me in the referenced case has paid in full; (3) [---] the amount of the intercepted refund exceeds the unpaid balance of the judgment filed against me in the referenced case; (4) [---] the judgment creditor has agreed to accept other arrangements for payment of the judgment and I am not in default thereon. FAILURE TO APPLY FOR A HEARING WITHIN **30 DAYS OF THIS NOTICE SHALL** BE DEEMED A WAIVER OF ANY CLAIM WITH RESPECT TO THE REFUND.

Telephone Number:

Best Time to Call

Send request for hearing to:

New Mexico Higher Education Department

[Address]

[5.7.33.14 NMAC, N, 10/31/2017]

5.7.33.15 **EXHIBIT B:** Because a judgment for an educational loan debt has been filed against your spouse, your name has been referred to the New Mexico state taxation and revenue department for collection of this obligation. Any tax refund to which you may be entitled may be retained in full or partial satisfaction of this obligation. This action applies because you filed jointly for an income tax refund with a spouse who owes the obligation. No debt is claimed against you, however, and you may be entitled to receive all or part of the refund regardless of the claimed judgment balance against your spouse. This action involving the taxation and revenue department is authorized by the Tax Refund Intercept Program Act, Sections 7-2C-1 through 7-2C-13 NMSA 1978.

Our records show

total unpaid judgment balance, including principal, accrued interest, costs and attorney's fees as of , 20.

Case Number: Judgment Creditor: Social Security No.

\$

Refund Amount:

Date of this Notice Amount of refund to be applied to Judgment Balance:

HEARING REQUEST

If you disagree with this notice, you have a right to request a hearing. In order for you to request a hearing, you must return this portion of the notice within 30 days from the date indicated on the notice to the office below, and you must indicate that you are requesting a hearing based on the ground that:

[---] I am entitled to receive all or part of the refund regardless of the claimed judgment debt against my spouse based upon New Mexico Community Property Laws.

FAILURE TO APPLY FOR A HEARING WITHIN 30 DAYS SHALL BE DEEMED A WAIVER OF ANY CLAIM WITH RESPECT TO THE REFUND.

Social Security No: Telephone Number: Best Time to Call:

Send request for hearing to: New Mexico Higher Education Department

[Address] [5.7.33.15 NMAC, N, 10/31/2017]

HISTORY OF 5.7.33 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives: NMEAF Rule No. 5, Tax Refund Intercept Program Regulations, 10/20/1987. NMEAF Rule No. 5, Tax Refund Intercept Program Regulations, 7/7/1988.

History of Repealed Material: [RESERVED]

HIGHER EDUCATION DEPARTMENT

This is an amendment to 5.7.20 NMAC, Sections 3, 7, 8, 9, 10 and 11, effective 10/31/2017.

5.7.20.3 STATUTORY AUTHORITY: [Sections 6-24-23, NMSA 1978:] Sections 6-24-1 et seq. NMSA 1978 and Sections 21-21N-1 et seq. NMSA 1978. [5.7.20.3 NMAC - Rp, 5.7.20.3 NMAC, 08/15/2014; A, 10/31/2017]

5.7.20.7 DEFINITIONS:

A. "Academic year" means any consecutive period of two semesters (or three semesters for accelerated programs), three quarters or other comparable units commencing with the fall term each year.

B. "Accelerated program" means one in which a summer semester is a program requirement and not a student choice; a cohort that requires sequence of courses taken in summer semester.

C. "Community college" means a branch community college of a four-year state educational institution, a two-year state educational institution or a community college or technical and vocational institute established pursuant to Chapter 21, Article 13 or 16 NMSA 1978, respectively.

D. "Comprehensive institution" means eastern New Mexico university, New Mexico Highlands university, northern New Mexico college or western New Mexico university.

E. "Consortium" means a written agreement between a home institution and one or more host institutions for consideration of combined enrollment for eligibility:

(1) home institution is the institution where the student is enrolled in a degree or certificate seeking program and is receiving lottery scholarship funds;

(2) host institution is the secondary institution where the student is taking part of their program requirements.

F. "Department" means the New Mexico higher education department (NMHED).

G. "Full-time" means 15 or more credit hours <u>completed</u> each program semester of the regular academic year at a research institution or comprehensive institution; or 12 or more credit hours <u>completed</u> for each program semester at community colleges; or through a consortium agreement between the home and host institutions [, or for legacy students in any program semester]. For students enrolled through a consortium agreement the minimum credit hour eligibility requirement shall be based on the student's home institution. **H. "GPA"** means grade point average.

[I: "Immediately upon graduation" means enrollment anytime within the first academicsemester following high school completion.]

[J: "Legacy student" means a full time resident student who has received three or moreprogram awards by the end of fisealyear 2014.

K:] **I. "Legislative lottery scholarship**" means a scholarship awarded from proceeds of the New Mexico lottery tuition fund, to defray all or part of the cost of tuition.

[H.] J. "Non-enrollment" means a student is not enrolled in a public post-secondary educational institution.

[M.] K. "Probation" means a period of time that a student fails to meet continuing eligibility for exceptional mitigating circumstances as determined by the lead financial aid officer at the institution; as described in Subsection C of 5.7.20.8 NMAC.

[N.] L. "Program semesters" means those semesters for which a [legacy or] qualified student may receive a tuition scholarship and excludes the first semester of attendance at a public post-secondary educational institution.

[O:] M. "Public postsecondary educational institution" means a research or comprehensive institution, as defined in Article XII, Section 11 of the New Mexico constitution, and branch community colleges or community college or technical and vocational institute as defined by Section 21-13, 14 and 16 NMSA 1978.

[P:] <u>N.</u> "Research institution" means New Mexico institute of mining and technology, New Mexico state university and the university of New Mexico.

[Q-] O. "Qualified student" means a full-time student who completed high school <u>at a</u> <u>public or accredited private New</u> <u>Mexico high school</u>, graduated from a public or accredited private New Mexico high school or who received a high school equivalency credential while maintaining residency in New Mexico and who either:

(1)

[immediately upon completion of high school, graduation or receipt of a credential was accepted for entrance to and attended a public postsecondary educational institution; or] within 16 months of graduation or receipt of a high school equivalency credential, was accepted for entrance to and attended a public postsecondary educational institution without having previously enrolled at a non-qualifying postsecondary institution; or

(2) [within 120 days of completion of a high schoolcurriculum or receipt of a high schoolequivalency credential began servicein the United States armed forces and within one year of completionof honorable service or medical discharge from the service, attended a public post-secondary educational institution; and] within four months of graduation or receipt of a high school equivalency credential, began service in the United States armed forces and within 16 months of completion of honorable service or medical discharge from the service, attended a public post-secondary educational institution without having previously enrolled at a non-qualifying postsecondary institution; and

(3)

successfully completed the first semester at a public post-secondary educational institution with a grade point average of 2.5 or higher on a 4.0 scale during the first semester of full time enrollment.

R. "Summer semester" means a semester equal to fall and spring semester in duration and intensity that is required as part of an accelerated program.

S. "Tuition scholarship" means the scholarship that provides tuition assistance per semester for qualified students. [5.7.20.7 NMAC - Rp, 5.7.20.7 NMAC, 08/15/2014; A/E, 8/15/14; A, 11/15/16; A, 10/31/2017]

5.7.20.8 STUDENT **ELIGIBILITY:**

A. A scholarship may be awarded to a student in their second semester who has met first semester eligibility requirements as follows:

(1) has established and maintained New Mexico residency as defined in 5.7.18.9 NMAC or is eligible for a nondiscrimination waiver as defined in Subsection K of 5.7.18.10 NMAC. All residency requirements must be met upon completion of high school, graduation, or receipt of a high school equivalency credential.

has been (2) determined to be a qualified student pursuant to Subsection $[\Theta] \underline{O}$ of 5.7.20.7 NMAC;

has met (3) the requirements in Subsection G of 5.7.20.7 NMAC;

(4) has met requirements in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC or students with exceptional mitigating circumstances as determined by the institution's lead financial aid officer; students who are incapable of meeting the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC due to a documented exceptional mitigating circumstance do not forfeit eligibility for the legislative lottery scholarship; however, the following requirements shall apply:

(a)

the student shall provide documents certifying the nature of the students exceptional mitigating circumstance to the institution's lead financial aid officer at the post-secondary educational institution at which the student is enrolling or will enroll; the institution's lead financial aid officer shall exercise professional judgment to determine whether the exceptional mitigating circumstance is beyond the student's control and precludes the student from meeting the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC;

if, in the professional judgment of the institution's lead financial aid officer, the student's exceptional mitigating circumstance is recognized as a valid reason for the student's inability to meet the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC the student's initial eligibility for the legislative lottery scholarship shall be suspended or deferred unless and until such time that the student is capable of meeting the requirements of Paragraph (4) of Subsection A of 5.7.20.8 NMAC;

has

(5) not been awarded a New Mexico scholars' scholarship or other state scholarships which are designated for one hundred percent tuition; and (6) students

with disabilities shall obtain a referral from the student services division of the post-secondary educational institution where the student is enrolled that oversees students with special needs' requests to reduce the credit hours to be considered full-time for scholarship eligibility; referrals and any sufficient documentation shall be received within 30 days of the start of the student's first semester;

students (7) are encouraged, but are not required, to complete a free application for student aid (FAFSA) for lottery scholarship eligibility.

B. Continuing eligibility. Upon satisfaction of the qualifying semester eligibility requirements, the scholarship will be awarded to the student beginning with their second semester of enrollment. A student's continuing eligibility shall be determined on a semester basis.

А

(1) legislative lottery scholarship award may be re-awarded to a student who: (a)

maintains a minimum of a 2.5 cumulative GPA; a student has the right to request use of the student's cumulative GPA earned at all New Mexico institutions; and

(b)

maintains full time enrollment as provided in Subsection G of 5.7.20.7 NMAC; when a qualified student

transfers after completion of the first semester from a two year institution to a four year institution for enrollment during the second or subsequent program semester, a student will have met eligibility requirements, but said student must enroll in 15 credit hours upon transfer to maintain eligibility;

(i)

receipt of a transfer transcript for sufficient documentation for eligibility;

(ii)

student transfers shall defer to the receiving institution to determine eligibility.

Students (2) with disabilities may be re-awarded the legislative scholarship under the following conditions:

(a) а

referral is obtained for each semester in which a reduction in credit hours is requested;

(b)

(c)

maintains a minimum of a 2.5 cumulative GPA: and

in

no case shall eligibility extend beyond 14 consecutive semesters at a four year institution and seven consecutive semesters at a two year institution.

(3) An eligible student that transfers shall continue to be eligible at the receiving institution after receipt of the student's transfer transcript containing eligibility confirmation.

Probation.

Students who have been determined eligible and subsequently have exceptional mitigating circumstances as determined by the institution's lead financial aid officer may be placed on a probationary status under the following conditions:

С.

the student (1) shall provide documents certifying the nature of their exceptional mitigating circumstance to the lead financial aid officer at the post-secondary institution at which the student is enrolling or will enroll;

(2) the lead financial aid officer shall exercise professional judgment to determine whether the exceptional mitigating circumstance is beyond the student's

control and precludes the student from meeting the requirements specified in Paragraph (4) of Subsection A of 5.7.20.8 NMAC;

(3) the student shall maintain enrollment at the public post-secondary educational institution where eligibility was lost, if applicable;

(4) under no circumstances shall the student receive program awards in excess of those prescribed in Subsections A and B of 5.7.20.9 NMAC less the regular semester(s) of probation. [5.7.20.8 NMAC -Rp, 5.7.20.8 NMAC, 08/15/2014; A/E, 8/15/2014; A, 9/30/2014; A, 11/15/16; A, 10/31/2017]

5.7.20.9 **DURATION OF SCHOLARSHIP:**

Upon qualification, A. the student's initial scholarship shall begin with the second semester of enrollment at a post-secondary educational institution. Thereafter, each scholarship is for a period of one semester subject to revocation for failure to maintain eligibility. The scholarship may be renewed on a semester basis until the award recipient has received three program semesters of awards at a community college or seven semesters at a research and comprehensive institution of scholarship awards, or until the student graduates with a bachelor's degree from an eligible institution, whichever is sooner.

B. An award recipient may use the award at an eligible two-year post-secondary educational institution until the student receives three program semesters of scholarship awards or an associate's degree and can continue to use the award at an eligible New Mexico four-year post-secondary educational institution if the student transfers to a four-year post-secondary educational institution without a break in attendance or the semester following receipt of the associate's degree. In no case shall a student receive more than seven program semesters of the award with the exception of [legacystudents or] students with disabilities.

C. A student may transfer from a four-year postsecondary educational institution to a two-year post-secondary educational institution, but in no case shall a student receive more than three program semesters of awards at the two-year institution (including those awarded at the prior post-secondary educational institution) or until the student graduates with an associate's degree, whichever is sooner.

D. A student who has been previously eligible may request a leave of absence for cooperative education, military obligations, participation in a study abroad program through the home institution, or other exceptional mitigating circumstances.

The student's E. institutional lead financial aid officer may approve a leave of absence for a period of up to one year if in the lead financial aid officer's professional judgment the student has provided sufficient documentation to justify the leave of absence. Subsequent requests for an additional leave of absence by a student may be considered by the institution's lead financial aid officer in increments not to exceed one year.

F. The lead financial aid officer shall, in turn, ensure that the student does not receive program awards in excess of those prescribed in Subsections A and B of 5.7.20.9 NMAC and shall exclude the semesters of "non-enrollment" from the determination of eligible award semesters.

G. A student completing a department approved public service program may reduce their course load for the semester of their service or training and maintain eligibility for the scholarship. These students will not be eligible for scholarship benefits for the semester in which they are enrolled part time and will need to maintain all other eligibility criteria in subsequent semesters. The part-time semester will not count against their total number of semesters in which the student may receive the scholarship. H.

If a student

becomes ineligible for a different state scholarship that is designated for one hundred percent tuition, but satisfies the first semester eligibility requirements and thereafter is eligible for the legislative lottery scholarship, the student may begin receiving the legislative lottery scholarship for the remaining number of semesters of enrollment, not to exceed those prescribed in Subsections A and B of 5.7.20.9 NMAC.

[5.7.20.9 NMAC - Rp, 5.7.20.9 NMAC, 08/15/2014; A/E, 8/15/14; A, 11/15/16; A, 10/31/2017]

5.7.20.10 AMOUNT OF **SCHOLARSHIP:**

A. To the extent that funds are made available from the fund, the board of regents or governing bodies of public postsecondary educational institutions shall award tuition scholarship in department approved amounts to qualified students [and legacystudents].

The method the **B**. department will use for calculating the tuition scholarship is as follows:

estimate (1) the total amount available in the lottery tuition fund, based on past lottery fund transfers, current year balances, and additional funds made available through legislation;

estimate (2) the number of lottery scholarship recipients for each institution, based on department endorsed institutional projections;

(3) calculate the un-weighted average tuition for each sector (research, comprehensive, and community college) in accordance with 2016 Bill Text NM S.B. 280;

(4) calculate the total amount needed to pay full average tuition to all estimated recipients;

(5) compute the uniform percentage of the sector average tuition rates that can be paid that keeps the fund solvent and ensures that the fund will not be overspent;

(6) determine the maximum award per recipient for each institution (uniform percentage times average sector tuition for the sector of each institution);

(7)

notify

institutions.

C. In no case shall a student receive scholarship awards exceeding the total amount of tuition charged.

[5.7.20.10 NMAC - Rp, 5.7.20.10 NMAC, 08/15/2014; A, 11/15/16; A, 10/31/2017]

5.7.20.11 ADMINISTRATION OF THE LEGISLATIVE LOTTERY SCHOLARSHIP:

A. Eligible postsecondary educational institutions shall:

(1) notify students of their possible eligibility, during their first regular semester of enrollment including transfer students who had the legislative lottery scholarship at previous institutions;

(2) designate their institution's lead financial aid officer to be responsible for determining initial and continuing student eligibility for the legislative lottery scholarship under the terms of these rules and regulations;

(3) maintain a listing of each participating student to include, but not be limited to:

(a) social security number as appropriate; (b)

cumulative GPA and completed enrollment hours in prior semesters;

(c) proof of initial and continuing enrollment;

(d)

award semester; and

(e) other data fields deemed important by the department;

(4) drawdown files should be submitted to the department for eligible students as defined in 5.7.20.10 NMAC per semester; all fiscal year draw-downs shall be for eligible students enrolled during the same fiscal year;

(5) for students that satisfied the first

semester eligibility requirements and seek continuing eligibility consideration, use professional judgment to determine that exceptional mitigating circumstances beyond the students control, for which documentation exists in the student's file; the institutions shall defer to their institutional satisfactory academic progress policy when considering circumstances which include, but are not limited to, consideration for falling below the cumulative GPA requirement or successfully maintain full time enrollment as defined in Subsection E of 5.7.20.7 NMAC:

(6) provide to the department by April 15 each year the projected enrollment and tuition rates for the following academic year for their appropriate institution as follows: comprehensive, research institution in their second through eighth program semester including qualified students in their fifth through eighth program semesters who transferred from a community college; projected enrollment at each community college at each community college in their second through fourth program semesters; publish (7)

the probation policy as defined in Subsection C of 5.7.20.8 NMAC;

(8) encourage consortium agreements, as defined in the code of federal regulations, 34 CFR 6685, in order to facilitate the enrollment of students and to facilitate the student's participation in this program;

(9) ensure that all available state scholarships including merit based three percent scholarship and New Mexico scholars are awarded before granting legislative lottery scholarships; the intent of this provision is that tuition costs shall be paid first for those students eligible for merit-based aid packages funded by three percent scholarships; in those instances when tuition is not fully covered by the merit-based aid package, said student is eligible for the tuition cost differential to be funded by the legislative lottery scholarship program; nothing in this section

requires a public postsecondary educational institution to award a scholarship inconsistent with the criteria established or such scholarship; refer to Subsection G of 5.7.20.9 NMAC for additional provisions;

B. The department shall:

(1) determine a uniform percentage of the average of in-state tuition costs by sector by which to calculate tuition scholarships; all eligible institutions will be notified prior to June 1 annually;

(2) conduct audits to ascertain compliance with rules and regulations, if, during the audit process, evidence indicates that a student should not have received a legislative lottery scholarship, the department will provide guidance to the institutions for appropriate action; (3) make

available to the legislative finance committee and department of finance and administration, by November 1, the following information:

(a)

the status of the fund;

(b)

tuition scholarship program participation data aggregated for each public postsecondary education institution to show:

(i)

the number of qualified students [andlegacy students] who received tuition scholarships and in the prior 12 month period;

(ii)

the total number of <u>qualified</u> students[,including qualified studentsand legacy students,] enrolled in the prior 12-month period;

(iii)

the amount of tuition scholarships funded by semester and the amount of tuition costs that were not offset by the tuition scholarship by semester; and

(iv)

the number of qualified students [andlegacy students] who graduated with a degree and, for each qualified student, the number of consecutive semesters and nonconsecutive semesters

attended prior to graduation. revoked within the previous five years training as outlined in department [5.7.20.11 NMAC - Rp, 5.7.20.11 for any serious traffic offense; guidance. The pre-service training NMAC, 08/15/2014; A/E, 8/15/14; A, shall be provided only by a school (e) been convicted of more than three bus driver instructor that has activity 11/15/16; A, 10/31/2017] serious traffic offenses within the vehicle certification or an activity previous three years; vehicle instructor that has been certified by the department; **(f)** PUBLIC EDUCATION been convicted of any felony within (8) not allow DEPARTMENT the previous 10 years; the driver to use alcoholic beverages, illegal substances, or legal substances (g) This is an emergency amendment to a conviction for any violation of prior to or during duty hours; 6.41.4 NMAC, adding new Section Sections 30-31-1 to 30-31-28, 30-31-(9) be required 14, effective 9/29/2017. 30 to 30-31-40 NMSA 1978, of the to insure both the vehicle and driver Controlled Substances Act; through the public school insurance 6.41.4.14 USING authority; (h) SPORT UTILITY VEHICLES been convicted of child abuse (10) require the (SUVS) FOR TO-AND-FROM pursuant to Section 30-6-1 NMSA driver to conduct a daily, thorough **TRANSPORTATION** pre-trip operational check of the <u>1978;</u> A. General vehicle and equipment; the pre-trip (i) requirements: A school district been convicted of any other criminal shall be documented and shall cover electing to transport public school at a minimum: offense in which a child was a victim students in an SUV on a to-and-from as required by the offense; **(a)** route shall: require wheels, tires, lug bolts, and nuts for (6) (1) be limited that the driver meet all federal, state, serviceability; to transport up to six students who are and department qualifications and **(b)** all enrolled in the school district; licensing requirements. Driver shall: exterior lights for serviceability and (2) only (a) operation; transport students whose residence is allow the district to obtain the driver's (c) within the boundaries of the school driving record through the New all glass, mirrors, windshields (clean, district: Mexico motor vehicle division, or the unbroken and mirrors adjusted for the (3) only national driver register or other states' driver); transport students who live five or motor vehicle divisions: (d) more miles from the student's or exhaust system for leaks and **(b)** students' school; satisfactorily complete a physical looseness of connections; (4) require examination using the current (e) that the driver be a school district department of transportation form: fluid leaks under and in the front (oil, employee certified as an activity water, power steering, transmission, (i) vehicle driver; physical shall be renewed every brakes) and in the rear (brakes and (5) not allow 24 months from the date of the last differential); an employee to operate an SUV for examination or before as specified by **(f)** to-and-from transportation if the a licensed medical professional; engine compartment for serviceability person has: (battery, belts, wiring, hoses, fan); <u>(ii)</u> **(a)** additional physical examinations shall (g) been convicted for driving a be required at any other time at the engine compartment for fluid vehicle while under the influence of request of the local school district levels (oil, engine coolant, power intoxicating liquor or drugs (DWI) or the department's transportation steering, brake, windshield washer, within the previous three years; transmission); bureau; **(b)** (iii) (h) been convicted for DWI beyond three all physical examinations shall be fuel filler cap; vears unless a written verification conducted by a licensed medical (i) all from a licensed counselor or professional; gauges, seats, and interior lights; physician has been provided that the (c) (i) person has successfully completed an meet the requirements of the horn and windshield wipers; alcohol or drug abuse program; Controlled Substances and Alcohol (k) (c) Use and Testing in accordance with emergency equipment; been convicted two or more times for 49 CFR Part 382: **(l)** DWI: cleanliness of vehicle; require (7) (d) that the driver complete pre-service (m) had their driver's license suspended or

electronic locks;	(2) On forms	vans or mini-vans;
<u>(n)</u>	provided by the department, the local superintendent of the district shall	<u>(5)</u> meet applicable United States department
heaters and defrosters; (11) not allow	submit the following information to	of transportation federal motor
the driver to operate the vehicle if it	the secretary of education or designee	vehicle safety standards;
does not meet the pre-trip inspection	and to the department's transportation	(6) comply
requirements;	director or designee for approval	with all applicable state statutes
(12) establish	before using an SUV to transport	and comply with child restraint
written procedures for immediate	students on a to-and-from route:	recommendations from the national
substitute vehicles should a vehicle	(a)	highway traffic safety administration;
fail to meet pre-trip inspection	<u>a description of the need to transport</u>	(7) have
requirements; the substitute vehicle	students in an SUV;	operable seat belts which all
shall meet all pre-trip requirements;	(b) a	occupants are required to wear while
(13) require	list of students to be transported in an	the vehicle is in motion;
the driver to report in writing on	SUV;	(8) bear the
the appropriate form(s) signed by	<u></u> (c)	words "SCHOOL VEHICLE" in
the driver all faulty or improperly	the location of the school and location	black letters at least eight inches high
functioning equipment to the	of the students' residence as shown	on both sides and rear of the vehicle;
school district administrator or their	and highlighted on a U.S. geological	(9) bear the
designee;	survey map or the equivalent thereof;	name of the school district in black
(14) require	and	letters at least eight inches high on
the driver to ensure that no student	<u>and</u> (d)	both sides and rear of the vehicle;
remains in the vehicle at the	the local school board president	(10) be marked
conclusion of the route;	must sign the form submitted to the	with reflective material that is national
(15) be required	department.	school bus yellow and is at least one
to have the vehicle inspected bi-	(3) A revised	and three-fourths inches in width,
annually by an authorized dealer. An	request must be submitted to the	placed horizontal and centerline of the
inspection shall not occur within six	department for approval if there are	vehicle extending the length of both
months from the prior inspection.	any changes to the initial request.	sides and rear of the vehicle;
All inspections shall occur during	(4) Written	(11) be
the school year. Any defects found	notification shall be given to the	equipped with colored LED wig wag
by the dealer shall be repaired	department's transportation director or	flashers on the front and back of the
prior to the vehicle being used to	designee when the district is no longer	vehicle that shall be used during
transport students. The vehicle	providing transportation in an SUV to	loading and unloading;
shall be considered out of service	the student or students who had been	(12) be
until all defects are repaired by the	previously approved.	equipped with electronic locks and
dealer. The bi-annual inspections	(5) Local	child safety locks on all doors; all
shall be submitted to the department's	school districts shall not count the	locks shall be engaged when the
transportation bureau along with the	students for transportation funding	vehicle is in motion;
documentation of all repaired defects;	who receive transportation services	(13) be
(16) require all	through the use of an SUV.	equipped with a maximum speed
passengers to enter and exit on the	(6) Students	limiter and shall be set at 75 miles per
passenger side of the vehicle; and	in foster care may be transported as	hour; and
(17) require the	otherwise prescribed and required by	<u>(14)</u> be
driver transporting students on to-and-	law or department rule.	equipped with a back-up camera.
from routes to obtain eight hours of	<u>C.</u> Construction	D. Safety equipment:
in-service training per semester.	standards: To provide for the safety	All SUVs used to transport students
B. Procedures and	of students, all SUVs used to transport	on to-and-from routes shall have:
criteria to establish routes: The	students on to-and-from routes shall:	(1) a first aid
local superintendent shall demonstrate	(1) be district	kit with contents pursuant to 6.40.2
a need before providing to-and-from	owned;	NMAC, New Mexico School Bus
transportation in an SUV.	(<u>2</u>) be a	Construction Standards;
<u>(1)</u> Those	minimum six-passenger, full-size,	(2) a seat belt
students receiving to-and-from	extended-length, sports utility vehicle;	cutter within the driver's reach while
transportation through the use of an	<u>(3)</u> not	belted;
SUV must be approved by the local	accommodate more than nine people	(3) operable
board of education. The local school	including the driver;	seat belts available to all passengers;
board must approve annually.	(4) not include	<u>(4)</u> a two-way

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radio communication system;	or designee.	the keys shall be removed from the
(5) an operable	<u>(5)</u> The driver	ignition switch.
recording video camera;	shall ensure all doors are closed and	(8) When all
<u>(6)</u> the fire	locked before putting the vehicle in	students have been completely and
extinguisher mounted inside the	motion.	safely loaded or unloaded, the wig
vehicle;	(6) The driver	wag lights shall be turned off.
<u>(7)</u> a minimum	shall keep the vehicle clean, well	(9) The driver
of three triangular warning reflectors,	ventilated, and properly heated when	shall check mirrors and make a
and the driver shall be knowledgeable	necessary.	thorough live sight inspection of all
as to their operation and proper	<u>(7)</u> The driver	traffic before resuming travel.
placement. The reflectors shall be	shall obey all traffic laws, ordinances,	G. Loading and
used in the event of prolonged stops	and rules of the road.	unloading at schools: All to-and-
on the roadway as follows:	(8) The driver	from transportation shall adhere
<u>(a)</u>	shall report all hazards, whether	to requirements when loading and
one at a distance of approximately	potential or existing, on the route	unloading at schools.
100 feet in front and one	and all causes for failure to operate	(1) The driver
approximately 100 feet in back of the	on schedule to the school district	shall load and unload public school
disabled vehicle in the center of the	administrator or designee.	students in the same location that
traffic lane occupied by the disabled	<u> </u>	loading and unloading of school buses
vehicle;	unloading on route: All to-and-from	occur. The vehicle shall be parked in
(b)	transportation shall adhere to loading	place for loading prior to dismissal
one at the traffic side of the disabled	and unloading requirements.	of school. If loading or unloading
vehicle, not less than 10 feet from the	(1) The driver	on the street, the vehicle shall be
front or rear;	shall use mirrors to check traffic when	stopped parallel to the curb. Wig wag
(c)	approaching the stop.	lights shall not be activated unless
if the vehicle is disabled within 500	(2) The driver	the vehicle is stopped on the traveled
feet of a curve, crest of a hill, or	shall reduce the vehicle's speed.	portion of the roadway.
other obstruction to view, the driver	(3) The driver	<u>(2)</u> The
shall place the warning device in that	shall activate the wig wag lights not	vehicle shall be brought to a complete
direction to afford ample warning.	less than 100 feet nor more than 300	stop, the transmission put in park, the
The warning device must in no case	feet in urban areas and not less than	emergency brake activated and keys
be less than 100 feet or more than 500	<u>300 feet nor more than 1,000 feet in</u>	removed from the ignition switch
feet from the disabled vehicle;	rural areas to warn motorists that the	before loading or unloading students.
(8) a reflective	vehicle is about to stop.	<u>(3)</u> The
safety vest that must be worn by the	<u>(4)</u> On	driver shall not back up the vehicle
driver when exiting the vehicle; and	morning routes, a complete stop shall	on school grounds unless absolutely
(9) a cargo net	be made at all established route stops	necessary.
to secure all items not under students'	whether students are present or not,	<u>H.</u> Operating on
<u>control.</u>	<u>unless a parent or guardian or school</u>	interstate highways: All to-and-
<u>E. Route</u>	district administrator has notified the	from transportation shall adhere to
requirements: All to and from	driver that the student will be absent.	operating requirements on interstate
transportation shall adhere to route	The driver shall not wait for students unless they are observed making an	highways.
requirements. (1) Loading	effort to reach the route stop or unless	(1) SUVs shall not make any stop except in an
and unloading shall occur, whenever	otherwise specified in the student's	emergency nor shall any pupil load
possible, off of the roadway.		or unload while the vehicle is on the
(2) Students	<u>IEP.</u> (5) When	interstate. All loading or unloading
shall not cross the roadway for	loading students, the vehicle shall	shall be done at points off the
loading or unloading purposes.	be brought to a complete stop, the	interstate.
(3) The driver	transmission put in park and the	(2) The
shall load and unload at established	emergency brake activated.	driver shall not drive the vehicle
route stops only unless an emergency	(6) When	onto an opposite roadway or make
dictates otherwise.	<u>unloading students, the vehicle shall</u>	any other similar maneuver except
(4) The	be brought to a complete stop, the	at interchanges and then only in a
student shall load or unload only at	transmission put in park and the	manner consistent with the proper
the student's designated route stop	emergency brake activated.	procedures at any given interchange.
unless the driver has written approval	(7) When	<u>I. Railroad crossings:</u>
from the school district administrator	the driver leaves the driver's seat,	The driver shall use extreme caution
	· · · · · · · · · · · · · · · ·	

when approaching and crossing	[1	
highway-grade railroad crossings.		
J. Driver files:	A	
Districts shall maintain driver files	A	
that include the following:	A	
<u>(1)</u> annual	A	
driver's license record check;	A	
<u>(2)</u> copy of	A	
current medical examiner's certificate	A	
from the physical;	A	
<u>(3)</u> copy of	A	
current and valid driver's license;	A	
(4) pre-service	A	
training record;	A	
(5)	A	
documentation of required in-service	A	
training;	A	
(6) proof that	0	
the driver is enrolled in a random drug		
and alcohol testing program.		
[6.41.4.14 NMAC, A/E, 9/29/2017]		

RACING COMMISSION

Explanatory Paragraph: This is an amendment to 15.2.6 NMAC, Section 9, effective 10/31/2017. In 15.2.6.9 NMAC, Subsections A through N were not published as there were no changes.

15.2.6.9 MEDICATIONS AND PROHIBITED

SUBSTANCES: The classification guidelines contained within the "uniform classification guidelines for foreign substances and recommended penalties and model rule", [December-9, 2016, version 13.01] April 20, 2017, version 13.02 and "association of racing commissioners international inc. controlled therapeutic medication schedule for horses", [version 3.2, revised December 9, 2016] version 4.0, revised April 20, 2017 by the association of racing commissioners international, are incorporated by reference. Any threshold herein incorporated by reference by inclusion in one of the documents above shall not supersede any threshold or restriction adopted by the commission as specified by this section.

15.2.6.9 NMAC - Rp, 15 NMAC .6.9, 04/13/2001; A, 08/30/2001; A, 07/15/2002; A, 08/15/2002; A, 09/29/2006; A, 10/31/2006; A, 08/30/2007; A, 01/31/2008; A, 03/01/2009; A, 06/15/2009; A, 06/30/2009; A, 09/15/2009; A, 12/15/2009; A, 03/16/2010; A, 07/05/2010; A, 09/01/2010; A, 12/01/2010; A, 11/01/2011; A, 02/15/2012; A, 04/30/2012; A, 07/31/2012; A, 12/14/2012; A, 05/01/2013; A/E, 05/02/2013; A, 09/30/2013; A, 04/01/2014; A, 05/16/2014; A, 08/15/2014; A, 09/15/2014; A, 03/16/2015; A, 09/16/15; A, 03/15/2016; A, 06/15/2016; A/E, 06/28/2016; A, 9/15/2016; A, 12/16/2016; A, 07/01/2017; A, 10/31/2017]

REGULATION AND LICENSING DEPARTMENT, MANUFACTURED HOUSING DIVISION

This is an amendment to 14.12.10 NMAC, Section 8, effective 11/15/2017.

14.12.10.8 FEES:

A. Fees shall not be refunded, except that upon written request, the director shall have the discretion to refund any fees.

B. Examination fee is fifty dollars (\$50).

C. Annual license fees. (1)

Manufacturer I: five hundred dollars (\$500).

(2)

Manufacturer II-re-furbisher: four hundred dollars (\$400). (3) Dealer: two hundred dollars (\$200). (4) Installer and repairman: two hundred dollars (\$200). (5) Salesperson: fifty dollars (\$50). (6) Broker: two hundred dollars (\$200). (7) Associate broker: fifty dollars (\$50).

D. [Inspection or re]

<u>Re-inspection</u> fee(s): sixty five dollars (\$65).

E. <u>Inspection</u> Permits: sixty five dollars (\$65). The permit will be for the installation, permanent foundation and utility connections.

F. Transfer of salesperson's license: twenty-five dollars (\$25).

G. Re-issuance of qualifying party certificate from one business to another: twenty-five dollars (\$25).

H. Manufacturer IIre-furbisher inspection permit: one hundred and twenty dollars (\$120).

I. Contractors and journeyman licensed by the construction industries division performing work on manufactured homes shall be registered with the manufactured housing division (MHD) and pay an annual registration fee of one hundred dollars (\$100) per licensee and post with MHD an installer's or repairman's consumer protection bond, pursuant to 14.12.4.13 NMAC.

J. Addition of a qualifying party to an existing license: twenty-five dollars (\$25).

K. Bad or returned checks:

reason.

(1) An additional charge of twenty (\$20) shall be made for any check, which fails to clear or is returned for any

(2) Such returned checks shall cause any license issued, renewed or test scheduled as the result of such payment to be immediately suspended until proper payment in full is received.

L. Consumer complaint inspections: sixty five dollars (\$65) for each inspection. Inspections shall be paid by the installer/repairman, dealer, manufacturer or broker, as appropriate.

M. Pre-owned label: forty dollars (\$40).

N.Change of alicensee's name, address or licensestatus: twenty-five dollars (\$25).O.Inspection fee

for removal of a "Prohibited Sales Notice" by the division: sixty dollars (\$60).

P. Requested inspection: sixty five dollars (\$65).

Q. Manufacturer's supervision or compliance monitoring, pursuant to an amount approved by HUD.

R. Alteration, modification, or repair fee: fifteen dollars (\$15).

S. Conversion fee: fifteen dollars (\$15). [14.12.10.8 NMAC - Rp, 14.12.2.25 NMAC, 12/01/2010; A, 11/15/2017]

STATE LAND OFFICE

TITLE 19 NATURAL RESOURCES & WILDLIFE CHAPTER 2 STATE TRUST LANDS PART 23 STATE TRUST LANDS RESTORATION AND REMEDIATION FUND

19.2.23.1 ISSUING AGENCY: Commissioner of Public Lands - New Mexico State Land Office - 310 Old Santa Fe Trail - P. O. Box 1148 - Santa Fe, New Mexico 87501.

[19.2.23.1 NMAC - N, 10/31/2017]

19.2.23.2 SCOPE: This part pertains to the expenditure of funds from the state trust lands restoration and remediation fund created under Section 19-1-11 NMSA 1978. [19.2.23.2 NMAC - N, 10/31/2017]

19.2.23.3 **STATUTORY AUTHORITY:** The state land office's authority to administer the state trust lands restoration and remediation fund is found in Section 19-1-11 NMSA 1978. Under Section 19-1-1 NMSA 1978, the commissioner is the executive officer of the state land office. The commissioner's authority to manage the state trust lands is found in N.M. Const., art. XIII, Section 2, and in Section 19-1-1 NMSA 1978. The authority to promulgate this rule is found in Section 19-1-2 NMSA 1978. [19.2.23.3 NMAC - N, 10/31/2017]

19.2.23.4 DURATION: Permanent. [19.2.23.4 NMAC - N, 10/31/2017]

19.2.23.5 EFFECTIVE DATE: October 31, 2017, unless a later date is cited at the end of a section. [19.2.23.5 NMAC - N, 10/31/2017]

19.2.23.6 OBJECTIVE: The objective of this part is to provide for the orderly, lawful, and appropriate expenditure of funds from the state trust lands restoration and remediation fund to administer contractual surface damage and watershed restoration and remediation projects on state trust lands, which are under the care, custody and control of the commissioner.

[19.2.23.6 NMAC - N, 10/31/2017]

19.2.23.7 DEFINITIONS: As used in 19.2.23 NMAC, the following terms have the meaning set forth in this section unless otherwise indicated in the text of this rule:

A. "clearance and compliance requirements" means biological and archeological surveys, or site delineation surveys, or any other state or federal regulatory requirement that may be needed to proceed with a restoration or remediation project.

B. "commissioner" means the New Mexico commissioner of public lands, and his appointees under Section 19-1-7 NMSA 1978 acting within the scope of their authority. The commissioner may delegate to state land office staff the performance of functions required of the commissioner under this part.

C. "contaminant" means solid waste, hazardous materials, or any other state- or federally-regulated substance that threatens, or could threaten, public health or the environment.

D. "contractual surface damage and watershed restoration and remediation projects" means projects performed by vendors or service providers through contracts with the state land office to repair surface damage on, restore or remediate state trust lands.

E. "in-kind contribution" means a contribution of labor, materials, or other nonmonetary resources by an individual or entity other than the state land office.

F. "matching contribution" means a monetary contribution by an individual or entity other than the state land office.

G. "reclamation" means returning land that has been rendered unusable by human activities or natural processes to a usable state.

H. "remediation" means actions necessary to investigate, prevent, minimize, remove, or mitigate threats to the public health or to the environment that may otherwise result from a release or threat of release of contaminants.

I. "restoration" means repairing or treating a site to return it to a desired previously existing condition or to achieve native plant cover and diversity levels equal to or exceeding the natural potential levels in undisturbed soils adjacent to the project area.

J. "restoration and remediation fund" means the state trust lands restoration and remediation fund.

K. "state land office" means the New Mexico state land office established under Section 19-1-1 NMSA 1978, the executive officer of which is the commissioner.

L. "surface damage" means the removal of, mechanical disturbance to, or introduction of hazardous materials to, the ground surface, vegetation, or soils in a given location.

M. "trust lands" means those lands, their natural products and all assets derived from them, which are under the care, custody and control of the commissioner. [19.2.23.7 NMAC - N, 10/31/2017]

19.2.23.8 PERMISSIBLE FUND EXPENDITURES:

the

Α. Expenditures made from the state trust lands restoration and remediation fund shall be used to implement the following categories of projects:

surface (1) damage remediation and restoration; watershed, (2) forest, or grassland restoration; (3) illegal dump site remediation and restoration; and

(4)

contaminated site remediation. В. The restoration

and remediation fund shall not be expended for:

(1) any project or portion thereof that is not located on state trust lands;

(2) any internal state land office operation cost, administration expense, overhead, or salary; or

any other (3) land office expense that is not related to trust land restoration or remediation or is not part of a commissionerapproved project proposal.

C. The restoration and remediation fund shall not be used to make improvements to trust lands, unless such improvements are necessary to protect the land or ensure the success of the restoration or remediation project.

D. The restoration and remediation fund shall not be used for project clearance and compliance requirements, as defined in this rule. Other funding sources, including in-kind contributions, matching contributions, or other state land office funds, may be used to pay for clearance and compliance requirements.

E. The commissioner's prior written approval of a project proposal is required for all expenditures from the restoration and remediation fund. [19.2.23.8 NMAC - N, 10/31/2017]

19.2.23.9 PROJECT **PROPOSALS:**

Land restoration or Δ remediation project proposals may be initiated by the commissioner or

by outside individuals or entities, as follows:

(1)

commissioner may direct state land office staff to prepare proposals for state trust land restoration or remediation projects; or

(2)

individuals or entities that wish to partner with the state land office on a restoration or remediation project involving state trust lands may submit a written request to the commissioner using guidelines provided by the land office. If, in the commissioner's judgment, the requested project should be considered for funding from the land restoration and remediation fund, the commissioner shall direct land office staff to prepare a project proposal in consultation with the requestor.

B. Project proposals shall provide information necessary for the selection and prioritization of projects and shall include:

(1)a statement of need, including how the project addresses land office priorities in 19.2.23.10 NMAC;

the (2) project category (see Subsection A of 19.2.23.8 NMAC);

(3) a detailed estimated total project cost, including a description of project clearance and compliance requirements, an estimate of the cost and time needed for clearance and compliance, an explanation of how clearance and compliance requirements will be funded, and, if applicable, a list of partners or collaborators and their anticipated contributions to the total project cost;

a location (4) description by section, township and range;

a map

outlining the treatment area; (6) an estimate

(5)

of the acres to be treated or restored; (7)

a description of the current site conditions, including terrain, existing plant communities, and native plant communities adapted to the project location;

(8) description of the treatment type and specifications, to include project objectives and desired outcomes, a detailed description of the materials to be used, the machinery and labor requirements, and project timing; a list of (9)

current land office lessees within the treatment area, with contact information;

> (10)а

а

description of potential impacts to biological and cultural resources; and а

(11) description of the procurement requirements for the project, such as contracting or bidding requirements. [19.2.23.9 NMAC - N, 10/31/2017]

SELECTION OF 19.2.23.10 **PROJECTS:** In considering which projects to fund, the commissioner will give consideration to the following priorities:

A. emergency treatments requiring a timely response to any situation that presents an imminent and substantial danger to life, public health, property, or the environment;

B. projects that: (1) protect communities by reducing the risk of wildfire or the risk of harm to water quality and quantity;

(2) restore or remediate threats to forests, grasslands, or watersheds that have been identified by the commissioner as priority resources;

involve (3) in-kind or matching contributions for twenty percent or more of the total project cost;

provide (4) an equitable, statewide geographic distribution of funds;

(5) build on previous expenditures or leverage resources

projects that have С. a high probability of successful implementation, including the following considerations:

ability to (1) meet procurement requirements; (2) time

required for and availability of other sources of funding to complete clearance and compliance requirements; and (3) total project cost, including matching and in-kind contributions. [19.2.23.10 NMAC - N, 10/31/2017]

19.2.23.11 COST RECOVERY:

A. For any expenditure made from the restoration and remediation fund, the commissioner shall attempt to recover the project costs from any person or entity that may bear liability for that project under any lease, easement, or other agreement with the state land office, or by statute, including the Voluntary Remediation Act (Chapter 74, Article 4G NMSA 1978), the New Mexico Mining Act (Chapter 69 Article 36 NMSA 1978), the Surface Mining Act (Chapter 69, Article 25A NMSA 1978), the Oil and Gas Act, (Chapter 70, Article 2 NMSA 1978), the Water Quality Act (Chapter 74, Article 6 NMSA 1978), the Solid Waste Act (Chapter 74, Article 9, Sections 1-42, 72-73 NMSA 1978), or the Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978).

B. Prior to making an expenditure from the restoration and remediation fund for which the commissioner will seek to recover project costs, the commissioner shall send written notice notifying the person or entity, if known, that the commissioner may initiate an action to recover project costs. Notwithstanding the foregoing, lack of written notice does not waive the commissioner's right to recover project costs from any person or entity that may bear liability for the project.

[19.2.23.11 NMAC - N, 10/31/2017]

HISTORY of 19.2.23 NMAC: [RESERVED]

End Of Adopted Rules

Other Material Related To Administrative Law

HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE

NOTICE OF MINOR, NONSUBSTANTIVE CORRECTION

The New Mexico Human Services Department, Medical Assistance Division gives Notice of Minor, Nonsubstantive Correction.

The following corrections have been identified and amended regarding:

8.308.14 NMAC, Co-Payments, filed on September 14, 2017, published on September 26, 2017.

Pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA, please note that the following minor, nonsubstantive corrections to spelling, grammar and format have been made to all published and electronic copies of the above rules:

1) Removed Subsection A of 8.304.14.7 NMAC, for lack of Subsection B.

A copy of this Notification was filed with the official version of the above rule.

Copies of the referenced rule may be accessed through the New Mexico Human Services Department's website under the <u>http://www.hsd.</u> <u>state.nm.us/LookingForInformation/</u> <u>registers.aspx</u> or at <u>http://www.hsd.</u> <u>state.nm.us/public-notices-proposed-</u> <u>rule-and-waiver-changes-and-</u> <u>opportunities-to-comment.aspx</u>. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD in Santa Fe at 505-827-6252.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF MINOR, NONSUBSTANTIVE CORRECTION

The New Mexico Public Education Department (PED) gives Notice of Minor, Nonsubstantive Correction.

The following corrections have been identified and amended regarding:

6.61.2 NMAC, Licensure in Elementary Education, Grade K-8; 6.61.3 NMAC, Licensure in Middle Level Education, Grade 5-9; 6.61.4 NMAC, Licensure in Secondary Education, Grade 7-12; 6.61.5 NMAC, Licensure for Grades, Grade Pre K-12; 6.61.6 NMAC, Licensure in Special Education, Grade Pre K-12; 6.61.7 NMAC, Licensure in Secondary Vocational-Technical Education; and 6.61.10 NMAC, Teachers of Students with Blindness/Visual Impairment B-12, filed on September 14, 2017, published on September 26, 2017

6.63.15 NMAC, Licensure for Health Assistants, Grades Pre K-12; and 6.63.16 NMAC, Licensure for School Licensed Practical Nurses, Grades Pre K-12, filed on September 7, 2017, published on September 26, 2017

Pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA, please note that the following minor, nonsubstantive corrections to spelling, grammar and format have been made to all published and electronic copies of the above rules:

1) Added Paragraph 2, with two TABS, to any Subsections in any rule where there appeared a Paragraph 1, with no Paragraph 2; 2) Changed citations for NMAC rules in any rules to conform to correct style and form, according to the 2015 Legislative Drafting Manual.

A copy of this Notification was filed with the official version of the above rule.

Copies of the referenced rule may be accessed through the New Mexico Public Education Department's website under the "Public Notices" link at <u>http://ped.state.nm.us/ped/</u> <u>PublicNotices.html</u>, or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

SECRETARY OF STATE

NOTIFICATION OF MINOR, NON-SUBSTANTIVE CORRECTION 1.10.13 NMAC, Campaign Finance, filed on September 12, 2017, published on September 26, 2017. Pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA 1978, please note that the following minor, nonsubstantive corrections to spelling, grammar and format have been made

to all published and electronic copies of the above rule, Sections 10, 11, 13, 14 and 26: 1) Changed citations to NMAC rules and NMSA statutes to conform to correct style and form.

conform to correct style and form, according to the 2015 Legislative Drafting Manual.

A copy of this *Notification* will be filed with the official version of the above rule.

End Of Other Material Related To Administrative Law

2017 New Mexico Register

Submittal Deadlines and Publication Dates Volume XXVII, Issues 1-24

Issue 1January 5January 17Issue 2January 19January 31Issue 3February 2February 14Issue 4February 16February 28Issue 5March 2March 14Issue 6March 16March 28Issue 7March 30April 11Issue 8April 13April 25Issue 9April 27May 16Issue 10May 18May 30Issue 12June 1June 13Issue 13June 29July 11Issue 14July 27August 15Issue 15July 27August 29Issue 17August 31September 12Issue 18September 14September 26Issue 20October 19October 31Issue 21November 2November 28Issue 23November 30December 26Issue 24December 14December 26	Issue	Submittal Deadline	Publication Date
Issue 3February 2February 14Issue 4February 16February 28Issue 5March 2March 14Issue 6March 16March 28Issue 7March 30April 11Issue 8April 13April 25Issue 9April 27May 16Issue 10May 18May 30Issue 11June 1June 13Issue 12June 15June 27Issue 13June 29July 11Issue 14July 13July 25Issue 15July 27August 15Issue 17August 31September 12Issue 18September 14September 26Issue 20October 19October 31Issue 21November 2November 28Issue 22November 30December 12	Issue 1	January 5	January 17
Issue 4February 16February 28Issue 5March 2March 14Issue 6March 16March 28Issue 7March 30April 11Issue 8April 13April 25Issue 9April 27May 16Issue 10May 18May 30Issue 11June 1June 13Issue 12June 15June 27Issue 13June 29July 11Issue 14July 13July 25Issue 15July 27August 15Issue 16August 17August 29Issue 17August 31September 12Issue 18September 14September 26Issue 20October 19October 31Issue 21November 2November 28Issue 23November 30December 12	Issue 2	January 19	January 31
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Issue 16August 17August 29Issue 17August 31September 12Issue 18September 14September 26Issue 19September 28October 17Issue 20October 19October 31Issue 21November 2November 14Issue 22November 16November 28Issue 23November 30December 12	Issue 14	July 13	July 25
Issue 17August 31September 12Issue 18September 14September 26Issue 19September 28October 17Issue 20October 19October 31Issue 21November 2November 14Issue 22November 16November 28Issue 23November 30December 12	Issue 15	July 27	August 15
Issue 18September 14September 26Issue 19September 28October 17Issue 20October 19October 31Issue 21November 2November 14Issue 22November 16November 28Issue 23November 30December 12	Issue 16	August 17	August 29
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Issue 21November 2November 14Issue 22November 16November 28Issue 23November 30December 12	Issue 19	September 28	October 17
Issue 22November 16November 28Issue 23November 30December 12	Issue 20	October 19	October 31
Issue 23 November 30 December 12	Issue 21	November 2	November 14
	Issue 22	November 16	November 28
Issue 24 December 14 December 26	Issue 23	November 30	December 12
	Issue 24	December 14	December 26

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

The New Mexico Register is available free online at: <u>http://www.nmcpr.state.nm.us/nmregister</u>. For further information, call 505-476-7942.