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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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The New Mexico Register

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New Mexico Register

Volume XXXIII, Issue 21

November 8, 2022

Table of Contents

Notices of Rulemaking and Proposed Rules

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

FORESTRY DIVISION

Notice of Proposed Rulemaking.....1442

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Notice of PERA Rulemaking.....1444

REGULATION AND LICENSING DEPARTMENT

BARBERS AND COSMETOLOGISTS, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1445

BODY ART PRACTITIONERS, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1447

CHIROPRACTIC BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1448

COUNSELING AND THERAPY PRACTICE BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1449

DENTAL HEALTH CARE, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1450

HOME INSPECTORS BOARD

Notice of Special Meeting and Rule Hearing.....1451

LANDSCAPE ARCHITECTS BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1453

NURSING HOME ADMINISTRATORS, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1455

OCCUPATIONAL THERAPY, BOARD OF EXAMINERS FOR

Notice of Public Rule Hearing and Regular Board Meeting.....1456

PHYSICAL THERAPY BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1457

PODIATRY, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1458

PSYCHOLOGIST EXAMINERS, BOARD OF

Notice of Public Rule Hearing and Regular Board Meeting.....1459

RESPIRATORY CARE ADVISORY BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1461

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING

PRACTICES BOARD

Notice of Public Rule Hearing and Regular Board Meeting.....1462

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

AGRICULTURE, DEPARTMENT OF

21.17.28 NMAC R Pecan Weevil Exterior Quarantine.....1466
21.17.28 NMAC N Pecan Weevil Exterior Quarantine.....1466
21.17.36 NMAC A Pecan Weevil Interior Quarantine.....1468

GAME AND FISH DEPARTMENT

19.31.3 NMAC	R	Licensing and Application.....	1469
19.31.10 NMAC	R	Hunting and Fishing Manner and Method of Taking.....	1469
19.31.3 NMAC	N	Licensing and Application.....	1469
19.31.10 NMAC	N	Hunting and Fishing Manner and Method of Taking.....	1475
19.31.13 NMAC	N	Deer.....	1492
19.31.14 NMAC	N	Elk.....	1505
19.31.16 NMAC	N	Turkey.....	1527

HEALTH, DEPARTMENT OF

7.4.8 NMAC	N	Maternal Mortality and Severe Maternal Morbidity Review.....	1532
------------	---	--	------

Other Material Related to Administrative Law

EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT

Notice of Minor, Nonsubstantive Correction.....	1540
---	------

HUMAN SERVICES DEPARTMENT

INCOME SUPPORT DIVISION

Notice of Public Comment.....	1540
-------------------------------	------

PUBLIC REGULATION COMMISSION

Notice of Minor, Nonsubstantive Correction.....	1540
---	------

Notices of Rulemaking and Proposed Rules

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT FORESTRY DIVISION

NOTICE OF PROPOSED RULEMAKING

The State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division hereby gives notice of a second hearing regarding the following proposed rulemaking. EMNRD proposes to adopt rule, 19.20.5 NMAC, Prescribed Burn Manager Certification Program. EMNRD began this rulemaking in 2021 in response to legislation adopted during the 2021 legislative session. Our first public hearing on the rule was held on December 14, 2021, and EMNRD has completed the review and response to public comments provided during that public hearing session. Even though EMNRD was a position to move forward with rule finalization, it has determined, given the severity of the most recent fire season and the fact it was two United States Department of Agriculture, Forest Service's prescribed burns that caused the Calf Canyon and Hermits Peak Fires, it is necessary and appropriate to hold a second comment period and hearing to provide the public an additional opportunity to participate in EMNRD's proposed rulemaking to create the prescribed burn manager certification program for private landowners and private landowners' agents, contractors, or legally authorized designees who conduct prescribed burns. EMNRD has reviewed the proposed rule and it is not proposing any additional changes to the proposed prescribed burn manager program in the rule, as the proposed rule already addresses the circumstances that contributed to this season's fire activity.

Purpose of Rule. EMNRD proposes the rule to create the prescribed burn manager certification program

for private landowners and private landowners' agents, contractors, or legally authorized designees who conduct prescribed burns as directed by NMSA 1978, Section 68-5-7. The rule establishes two types of prescribed burn manager certifications: certified pile burn managers and certified broadcast burn managers, and the requirements for certification of pile burn managers and broadcast burn managers, including measures that ensure certified burn managers undertake those activities safely. It also establishes the training requirements for both types of certifications, the application process, the requirements for renewal, and a committee to evaluate applications.

Legal Authority. EMNRD proposes this rule under the authority of the Prescribed Burning Act, NMSA 1978, Section 68-5-7 and NMSA 1978, Section 9-1-5(E).

The full text of the proposed rule is available from Rachael Foe at Rachael.Foe@emnrn.dnm.gov or (505) 490-0824 or can be viewed on the EMNRD, Forestry Division's website at <https://www.emnrn.dnm.gov/sfd/public-meetings/> or at the Forestry Division's offices in Santa Fe, Chama, Cimarron, Las Vegas, Rio Rancho, Socorro, Capitan, and Silver City.

Public Hearing and Comment. EMNRD will hold a hybrid in-person and virtual public hearing on the proposed rule at 5:00 p.m. on Wednesday, December 14, 2022.

The public may attend the public hearing at the State Capitol, Room 322, 490 Old Santa Fe Trail, Santa Fe, NM 87501. The East Entrance to the State Capitol will be open.

The public may join the hearing virtually through WebEx using one of the following:

Meeting Link:
<https://nmemnrn.dnm.gov/webex.com/nmemnrn.dnm.gov/j.php?MTID=mbf249e7a9c>

579599f1189edd5c423db6

Meeting Number: 2490 550 9367

Password: mpPZPPTM356

Join by Phone: +1-408-418-9388

Access Code: 2490 550 9367

Those wishing to comment on the proposed rule may make oral comments or submit information at the hearing or may submit written comments by Wednesday, December 14, 2022, by 5:00 p.m. by mail or email. Please mail written comments to Rachael Foe, EMNRD, Forestry Division, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505 or submit comments by email to Rachael.Foe@emnrn.dnm.gov.

Technical Information that served as a basis for the proposed rule includes:

Copies of the technical information can be obtained from Rachael Foe at (505) 490-0824 or rachael.foe@emnrn.dnm.gov or can be viewed on the EMNRD, Forestry Division's website at <https://www.emnrn.dnm.gov/sfd/public-meetings/>.

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National Wildfire Coordinating Group

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Texas Department of Agriculture, Texas Prescribed Burning Board. Training Verification. PBB-602. https://www.texasagriculture.gov/Portals/0/forms/PEST/Burn/pbb_602_burn_board_training_verification.pdf.

Texas Natural Resources Code. Title 6, Chapter 153. <https://statutes.capitol.texas.gov/docs/NR/htm/NR.153.htm>.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Rachael Foe at (505) 490-0824 or through the New Mexico Relay Network at 1-800-659-1779 at least two weeks prior to the hearing. Public documents can be provided in various accessible formats. Please contact Rachael Foe at (505) 490-2954 or Rachael.foe@emnrn.nm.gov if a summary or other type of accessible format is needed.

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

NOTICE OF PERA RULEMAKING

The Public Employees Retirement Association (“PERA”) will consider changes to its rules promulgated under the Public Employees Retirement Act (“PERA Act”). Changes are proposed for the following rule:

1. Rule 2.80.200.40 “Board Meetings”

Rule 200 would be amended to allow for and to describe the requirements for virtual participation by PERA Board members at PERA Board and committee meetings. The rule would be reformatted as necessary.

A formal rulemaking hearing will be held on December 13, 2022, at 1:00 p.m. in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico,

87507. The rulemaking hearing will also be accessible through Zoom. The Zoom access link will be published on PERA's website listed below prior to the hearing. Oral comments will be taken at the public hearing. Final action on the rules will occur at the January 2023 special Board meeting of the PERA Board which will be held in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico at a date and time specified in the Board's Public Meeting Notice. The purpose of the rulemaking hearing is to obtain public input on the proposed amendment to the above-referenced rule. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments on the proposed rule change.

The purpose of the proposed rule change is to allow for and to describe the requirements for virtual participation by PERA Board members at PERA Board and committee meetings.

The authority for the proposed rule changes is NMSA 1978, Section 10-11-130 of the PERA Act and Rule 20.80.200.10 NMAC, which authorize the adoption and promulgation of rules and regulations necessary to carry out the purposes of the PERA Act.

Copies of the draft rules are available in PERA's Office of General Counsel. Written comments, inquiries or requests for copies should be directed to Geraldine Garduno at PERA's Office of General Counsel, 33 Plaza La Prensa, Santa Fe, N.M., 87507, or geraldine.garduno@pera.nm.gov or 505-476-9351 or 1-800-342-3422. Written comments should be submitted by the close of business on December 13, 2022. The full text of the proposed rule changes, as well as the Zoom access link for the public hearing, can be found here: <https://www.nmpera.org/about/rule-proposal/>.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Patricia Winter at 505-795-0712 or patriciaab.winter@pera.nm.gov at least one week prior to the public hearing, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Ms. Winter if a summary or other type of accessible format is needed.

**REGULATION
AND LICENSING
DEPARTMENT
BARBERS AND
COSMETOLOGISTS, BOARD
OF**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Barbers and Cosmetologists will hold a rule hearing on Monday, December 12, 2022, at 9:00 a.m. Following the rule hearing the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, New Mexico, for those desiring to attend in person.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/j.php?MTID=m9ef456b2cdd0a0b1b91dc2c3a9cdaec1>

Meeting (Access) Code: 2490 704 9363

Join by phone: 1-415-655-0002
United States Toll

Access Code: 2490 704 9363

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.34.1 NMAC - General Provisions
- 16.34.2 NMAC - Licensing
- 16.34.5 NMAC - Regular Licenses
- 16.34.6 NMAC - Expedited Licensure
- 16.34.8 NMAC - Schools
- 16.34.11 NMAC - Violations
- 16.34.14 NMAC - Fees
- 16.34.17 NMAC - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-laws-rules-and-policies/> or contact the New Mexico Board of Barbers and Cosmetologists (505) 476-4690 or by e-mail at barber.cosmboard@rld.nm.gov.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Pauline M. Varela, Senior Board Administrator, via electronic mail to barber.cosmboard@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, December 9, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-board-information/bc-board-meetings/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/barbers-and-cosmetologists-overview/bc-board-information/bc-board-meetings/>. Copies of the rules or the agenda

may also be obtained by contacting Pauline M. Varela, Senior Board Administrator at (505) 476-4690.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Pauline M. Varela, Senior Board Administrator (505) 476-4690.

Statutory Authority: Subsection A of Section 61-17A-7 NMSA 1978 of the Barbers and Cosmetologists Act, Sections 61-17A-1 to -25 NMSA 1978, specifically authorizes the Board to “(1) adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Barbers and Cosmetologists Act.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of the Proposed Rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders. In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act and the Barbers and Cosmetologists Act. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.34.1 NMAC - General Provisions
The proposed changes to Part 1 of

the Board’s current rules consist of amending existing language. In addition to minor changes for clarity, the proposed amended Part 1 adds in a definition of “department” which reflects the addition a definition for “department” to the Barbers and Cosmetologists Act at Subsection D of 61-17A-2 NMSA 1978. The proposed amended Part 1 additionally removes the definition of “reciprocity” as the provision for licensure by reciprocity is being proposed to be replaced with provisions for expedited licensure pursuant to statutory amendments under HB 191. The proposed amended Part 1 makes explicit the obligations of the Regulation and Licensing Department in relation to the Board, as reflected in amendments under HB 191 at Subsection D of Section 61-17A-7 NMSA 1978. The proposed amended Part 1 makes explicit the Mission of the Board: to promote, preserve and protect the public health, safety and welfare through regulation of barbering, cosmetology, electrology, esthetics, hairstyling, manicuring, and pedicuring in New Mexico. Finally, the proposed amended Part 1 makes explicit the obligations of licensees to provide and maintain current contact information with the regulation and licensing department.

16.34.2 NMAC - Licensing
The proposed changes to Part 2 of the Board’s current rules consist of amending existing language. In addition to minor changes for clarity, the provisions regarding emergency licensure and emergency licensure termination have been removed for a lack of statutory basis in the Barber’s and Cosmetologists Act.

16.34.5 NMAC - Regular Licenses
The proposed changes to Part 5 of the Board’s current rules consist of amending existing language. The proposed amended Part 5 removed the requirement that barbers, cosmetologists, hairstylists, manicurists, estheticians, manicurist/estheticians, and electrologists must have completed the second year of high school or its equivalent prior

to licensure as reflected in HB 191 amendments to Sections 61-17A-8, 61-17A-9 NMSA 1978. The proposed amended Part 5 removed the requirement that cosmetologist instructors complete an education equivalent to the completion of four years of high-school, leaving barber instructors as the only type of instructor regulated by the Barbers and Cosmetologists Act required to complete four years of high school or its equivalent as reflected in HB 191 amendments to Subsection A of 61-17A-11 NMSA 1978.

16.34.6 NMAC - Expedited Licensure

The proposed changes to Part 6 of the Board’s current rules consist of repealing and replacing existing language. The proposed Part 6 provides for expedited licensure for applicants currently licensed in an eligible jurisdiction and expedited licensure for military service members, their family members, and veterans, pursuant to statutory amendments under HB 191 to Subsection A of 61-17A-11 NMSA 1978. These additions include a listing of disapproved licensing jurisdictions and the reasons therefore, a list of approved foreign jurisdictions, provisions for the requirements of the expedited licensure application for applicants currently licensed in an eligible jurisdiction, and provisions regarding the initial term of an expedited license and its renewal.

16.34.8 NMAC - Schools

The proposed changes to Part 8 of the Board’s current rules consist of amending existing language. The proposed amended Part 8 removed the requirement that applicants for licensure as barbers, cosmetologists, hairstylists, manicurists, estheticians, manicurist/estheticians, and electrologists must have completed the second year of high school or its equivalent prior to licensure as reflected in HB 191 amendments to Subsection A of 61-17A-11 NMSA 1978. The proposed amended Part 8 removed the requirement that

applicants to become cosmetologist instructors complete an education equivalent to the completion of four years of high-school, leaving applicants to become barber instructors as the only type of instructor regulated by the Barbers and Cosmetologists Act required to complete four years of high school or its equivalent as reflected in HB 191 amendments to Subsection A of 61-17A-11 NMSA 1978.

16.34.11 - Violations

The proposed changes to Part 11 of the Board’s current rules consist of amending existing language. The proposed amended Part 8 makes explicit the requirement that cease and desist orders are to be served in accordance with the Uniform Licensing Act, as reflected in the HB 191 amendments to Paragraph (10) of Subsection A of Section 61-17A-11 NMSA 1978.

16.34.14 - Fees

The proposed changes to Part 14 of the Board’s current rules consist of amending existing language. In addition to minor changes for clarification, the proposed amended Part 8 amends the fee for “reciprocity” to a fee for “expedited licensure” in congruity with the proposed appeal and replace of Part 6.

16.34.17 - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

The proposed changes to Part 17 of the Board’s current rules consist of repeal all of Part 17. Part 17 provides for licensure for military service members, spouses, dependent children and veterans, which has been provided for under the proposed Part 6, making this Part superfluous.

**REGULATION
AND LICENSING
DEPARTMENT
BODY ART PRACTITIONERS,
BOARD OF**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Body Art Practitioners will hold a rule hearing on Monday, December 12, 2022, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting consider and adopt the rules and take care of regular business. The meeting will be held in the Hearing Room 1 room at the Regulation and Licensing Department at 2550 Cerrillos Rd, Santa Fe, NM 87507. The meeting will also be available virtually via Cisco Webex Meetings.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e94c782f51414ed941fa67126c5d52ce2>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2497 277 2649

The purpose of the rule hearing is to consider proposed changes to Title 16 Chapter 36 NMAC 1978:

Amendments to the rules below:
16.36.8 NMAC – Expedited Licensure

To obtain and review copies of the proposed changes and public comments, you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-board-information/ba-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Jennie James, Board Administrator, via electronic mail at: NMBody.Art@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Monday, December 12, 2022. Written comments received prior to the rule

hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-rules-and-laws/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/body-art-practitioners-overview/ba-board-information/ba-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Jennie James, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Jennie James, Board Administrator (505) 476-4622.

Statutory Authority: 6.36.8 NMAC is promulgated pursuant to the Body Art Safe Practices Act, Sections 61-17B-1 to -18 NMSA 1978, specifically Sections 61-17B-5(D) NMSA 1978 of the Act, and Sections 61-1-31.1 NMSA 1978 and Sections 61-1-34 NMSA 1978 of the Uniform Licensing Act, Sections 61-1-1 to -37 NMSA 1978.

Purpose of the Proposed Rules:

The purpose of 6.36.8 NMAC is to promote and protect the public health, safety and welfare by regulating and setting professional standards for applicants for expedited licensure, in accordance with House Bill 191, signed and chaptered as Chapter 38, Sections 7, 10, and 80 of New Mexico Laws of 2022, the full text of which may be found at: <https://www.sos.state.nm.us/legislation-and-lobbying/signed-chaptered-bills/2022-legislation/>.

16.36.8 NMAC – Expedited

Licensure

The purpose of this parts Repeal and Replacement is to Identifying Jurisdictions, Including All U.S States and Territories, Eligible for or Excluded from Expedited Licensure under the requirements of House Bill 191 passed during the 2022 legislative session.

**REGULATION
AND LICENSING
DEPARTMENT
CHIROPRACTIC BOARD**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Chiropractic Board will hold a rule hearing on Friday, December 9, 2022, at 10:00 a.m. Following the rule hearing the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, New Mexico, for those desiring to attend in person.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.
<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e20b777fc5fe957eda566e731c178d904>

Meeting (Access) Code: 2498 767 6281
Join by phone: 1-415-655-0002
United States Toll
Access Code: 2498 767 6281

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.4.4 NMAC - License Without Examination
- 16.4.22 NMAC - Fees
- 16.4.23 NMAC - Licensure for Military Veterans, Spouses, and Veterans

To obtain and review copies of the proposed changes you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/chiropractic-board/cb-laws-rules-and-policies/> or contact the New Mexico Chiropractic Board at (505) 476-4617 or by e-mail at Chiropractic.Board@state.nm.us.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Martha Gallegos, Senior Board Administrator, via electronic mail to Chiropractic.Board@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, December 9, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/chiropractic-board/cb-board-information/cb-board-meetings/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/chiropractic-board/cb-board-information/cb-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Martha Gallegos, Senior Board Administrator at (505) 476-4617.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Martha Gallegos, Senior Board Administrator (505) 476-4617.

Statutory Authority:

The Chiropractic Physician Practice Act, Paragraph (F) of Section 61-4-3,

among other provisions, specifically authorizes the Board to “promulgate and file in accordance with the State Rules Act, Chapter 14, Article 4 NMSA 1978, all rules and regulations necessary for the implementation and enforcement of the Chiropractic Physician Practice Act 61-4-1 through 61-4-17 NMSA 1978, including educational requirements for a chiropractic assistant.”

In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of Proposed Rules:

The proposed rules are intended to address recent statutory changes to the Uniform Licensing Act and the Chiropractic Physician Practice Act. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes:

The Board summarizes its proposed changes to its administrative rules as follows:

16.4.4 NMAC - Expedited Licensure; Licensure Without Examination

The proposed amendments to this section comply with the statutory changes to the Chiropractic Physician Practice Act and the Uniform Licensing Act for licensure by examination and expedited licensure which includes adding language regarding disapproved licensing jurisdictions and the requirements for expedited licensure.

16.4.22 NMAC - Fees

The proposed amendments to this section adds a new category of fees for expedited licensure.

16.4.23 NMAC - Licensure for Military Veterans, Spouses, and Veterans

The proposed amendments to this section comply with the statutory changes to the Uniform Licensing Act regarding expedited licensure for military service members, spouses, dependents and veterans.

REGULATION AND LICENSING DEPARTMENT COUNSELING AND THERAPY PRACTICE BOARD

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico Counseling and Therapy Practice Board will hold a rule hearing on Monday, December 19, 2022, at 10:30 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The hearing and subsequent meeting may also be accessed virtually via Cisco Webex.

Meeting Link:
<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e13588cda8ad744f2a6c88a2372774a82>

Webex Meeting (Access) Code: 2489 886 0919
 or

Join by Phone: +1-415-655-0002
 Phone Access Code: 2489 886 0919

The purpose of the rule hearing is to consider proposed amendments to the following board rules:

- 16.27.3 NMAC
- 16.27.4 NMAC
- 16.27.6 NMAC
- 16.27.7 NMAC
- 16.27.9 NMAC
- 16.27.16 NMAC
- 16.27.17 NMAC
- 16.29.19 NMAC
- 16.27.22 NMAC
- 16.27.24 NMAC

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:
www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/counselingandtherapypractice
 Adam Griego, Board Administrator
 (505) 476-4694 – Board Administrator Direct Line
 Counseling.Board@rld.nm.gov

Written comment will be accepted during the public comment period, up until, December 19th, 2022, and may be submitted either by email or by postal mail to the following addresses:
 Counseling.Board@rld.nm.gov
 Attn: NM Counseling and Therapy Practice Board
 P.O. Box 25101
 Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will available no less than 72 hours prior to the meeting, and available on the Board

website linked above or by contacting the Board Administrator.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Counseling and Therapy Practice Act., Sections 61-9A-1, through 61-9A-30 NMSA 1978. which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Sections 61-1-1 through -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board’s statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the

proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board's statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rules include standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rules are very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board's

potential denial of an application for expedited licensure.

The proposed rules also update expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rules are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.

**REGULATION
AND LICENSING
DEPARTMENT
DENTAL HEALTH CARE,
BOARD OF

NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Dental Health Care will hold a rule hearing on Friday, December 9, 2022, at 8:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held via Webex:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e48fe4b43453eec1a66f3fc01799f4d68>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2485 583 4810

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.5.5 - Dentists, Fees
- 16.5.18 - Dental Hygienists, Fees
- 16.5.59 - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-laws-rules-and-policies/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roberta Perea, Board Administrator, via electronic mail at: Dental.Board@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, December 8, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-board-information/dhc-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roberta Perea, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roberta Perea, Board Administrator (505) 476-4622.

Statutory Authority:

The Dental Health Care Act, Paragraph (4) of Subsection B of Section 61-5A-10 and 61-5A-13.1 NMSA 1978 authorizes the Board to

promulgate rules necessary to provide to regulate the practice of dentistry, dental therapy and dental assisting and through the committee, regulate the practice of dental hygiene. Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of the Proposed Rules:

The proposed rules are intended to address recent statutory changes to the Uniform Licensing Act and the Dental Health Care Act. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes:

16.5.5 - Dentists, Fees

The proposed amendments to this section adds a new category of fees for expedited licensure.

16.5.18 - Dental Hygienists, Fees

The proposed amendments to this section adds a new category of fees for expedited licensure.

16.5.59 - Licensure for Military Service Members, Spouses, Dependent Children and Veterans

The proposed amendments to this section comply with the statutory changes to the Dental Health Care Practice Act and the Uniform Licensing Act for licensure by examination and expedited licensure which includes adding language regarding disapproved licensing jurisdictions and the requirements for expedited licensure. Additionally, the proposed amendments to this section comply with the statutory changes to the Uniform Licensing Act regarding expedited licensure for military service members, spouses, dependents and veterans.

REGULATION AND LICENSING DEPARTMENT HOME INSPECTORS BOARD

NOTICE OF SPECIAL MEETING AND RULE HEARING

THURSDAY, DECEMBER 8, 2022, 9:00 A.M.,
NEW MEXICO REGULATION AND LICENSING DEPARTMENT OFFICES
5500 SAN ANTONIO DRIVE NE
Albuquerque, New Mexico 87109

The New Mexico Home Inspectors Board will conduct a Special Meeting and Rule Hearing on Thursday, December 8, 2022 at 9:00 a.m. at the New Mexico Regulation and Licensing Department (RLD) offices at 5500 San Antonio Drive NE, Albuquerque, New Mexico.

Because seating at the RLD offices is limited, brokers and the public participate in the meeting and rule hearing by Zoom. A link to the meeting will be posted on the Board website no later than 72 hours before the meeting.

Synopsis

The Board will be considering the following proposed changes to the Board Rules:

16.66.1 NMAC, General Provisions

16.66.1.7 Definitions:

A. Definitions beginning with the letter “A”:

(2) **“Activate”** means the act of turning on, supplying power, or otherwise enabling systems, equipment, or devices to become active by normal operating controls.
Not used (only reference 16.66.1.7 NMAC GARAGES (C) (2) is pressure-activated auto-reverse)

(3) **“Ancillary services”** means a service or inspection provided by a licensee or other provider but beyond the scope of the Standards of Practice for Home Inspection provided in 16.66.7 including but not limited to Mold

Inspection, Lead Paint Assessment, Commercial Building Inspection, Pool and Spa Inspection, Termite Inspection, and other Ancillary Services and Inspections.

(5)

“Appliance” means a household device powered by electricity or gas, but not including central heating, central cooling, or plumbing components;

Modify (5) “Appliance” means a permanently installed household device powered by electricity or gas, but not including central heating, central cooling, or plumbing components.

“Appliance” used in SOP section 16.66.7.23

B. Definitions beginning with the letter “B”

(1) **“Business relationship”** means a former, current or prospective relationship between a person or a person’s licensed agent, a home inspection company and its clients, a home inspection company and the company providing ancillary services, and between a client and a company providing ancillary services. The business relationship is based upon a financial contract between a person and a consumer which is in force including those relationships in which the individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (e.g., stocks, stock

options or other ownership interest, excluding diversified mutual funds), or other financial benefit. A former relationship if it occurred within a twelve-month time period of the contract, a current or prospective relationship shall be disclosed in writing to the client and the client must acknowledge in writing receipt

and acceptance of the disclosure. The receipt and acceptance of the disclosure may be by electronic signature.

Definitions beginning with the letter “C”:

(1) **“Central air conditioning”** [means a system which uses ducts to distribute either or both cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room. This definition does not include systems or appliances that are plugged into an electrical convenience outlet] **“Central air conditioning”** means:

(a) designed to be permanently installed for central cooling (ducted) or modular (non-ducted) system. Systems may include evaporator coil(s), condenser unit(s), heat pump(s), air handler(s) and furnace(s) or

(2) permanently installed evaporative cooling ducted systems. This definition does not include cooling units or appliances that are designed and intended to be portable, non-permanent and or are designed for installation at windows.

Rationale Note: *Portable units are often installed permanently thru-walls and not per the manufacturer*

16.66.7 NMAC, Standards of Practice

16.66.7.15 NMAC PLUMBING:

A. The licensee shall inspect:

(1) Interior water supply and distribution systems including fixtures and fixture trim components (faucets, valves, drain stops, shower arms and showerheads, flush handles, and functional flow at each fixture group, etc.).

(2) Interior drain, waste, and venting systems, including fixtures and functional drainage at each fixture group.

16.66.3 NMAC, Applications and Licenses

Expedited Licensure for Military Members and Veterans

The Board proposes to amend Part 3 of its rules to conform with the provisions of House Bill 120 passed

by the 2021 legislature that require professional and occupational licensing boards to issue licenses to military members, their spouses and dependent children, and veterans, within 30 days of receiving a completed application and to waive initial licensing fees for a period of three years if applicant holds equivalent license from another state or jurisdiction. Furthermore, the board seeks to add definitions to 16.66.17 NMAC as well as 16.66.3.7 NMAC. These definitions will further specify qualifications for expedited licensure. Additionally, the proposed revisions will provide notice to the public and interested parties of applications and renewal changes for military personnel, their spouses and dependent children as contemplated by House Bill 120 to be codified in 16.66.3.12.

16.66.3.7 DEFINITIONS:

[Refer to Definitions, 16.66.1.7 NMAC:] **“Disqualifying criminal conviction”** has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978.

Disqualifying Convictions

The Board proposes to amend Part 3 of its rules to conform with the provisions of Senate Bill 2 passed by the 2021 legislature that limit a professional and occupational licensing board’s ability to deny, suspend, revoke, or condition a license only for felony convictions that relate to the profession or occupation in which the applicant has applied for licensure.

Pursuant to the provisions of Senate Bill 2, the Board proposes to amend Part 3 to include a list of felony convictions that could potentially disqualify an applicant from being issued a home inspectors license. The proposed rule amendment is shown below in 16.66.3.15 NMAC.

16.66.3.11- Pre-Licensing Examinations

The Board proposes to amend Subsection A of 16.66.3.11 of its rules

to allow passage of either the National Home Inspector Examination (NHIE) or the Proctored Inter-NACHI Examination for applicants applying for licensure under Training and Examination.

16.66.3.15 CRIMINAL CONVICTIONS:

A. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or a licensee from retaining a license issued by the board:

(1) homicide, voluntary or involuntary manslaughter;

(2) trafficking in controlled substances, manufacturing of controlled substances or distribution of controlled substances.

(3) human trafficking, kidnapping, false imprisonment, aggravated assault or aggravated battery;

(4) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;

(5) crimes involving adult abuse, neglect or financial exploitation;

(6) crimes involving child abuse or neglect; or

(7) crimes involving robbery, larceny, extortion, burglary, possession of burglary tools, destruction of property, criminal damage to property, unlawful or dangerous use of explosives, breaking and entering, arson, making a bomb scare, tampering with evidence or receiving stolen property.

(8) financial crimes involving fraud, forgery, embezzlement, or credit card fraud.

(a) This includes a conviction of an offense which, if committed in this state, would be deemed a felony under either state or federal law, without regard to its designation elsewhere.

(b) The term “conviction” shall include a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon or an appeal of the conviction has been sought.

B. The board shall not consider the fact of a criminal conviction as part of an application for licensure or licensure renewal unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

C. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

D. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual’s conduct to the extent that such conduct violated the Home Inspector Licensing Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

E. In connection with an application for licensure or licensure renewal, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of this rule.

F. In the circumstance where the board reserves a decision on an applicant/ licensee based on a

potentially disqualifying conviction, the applicant/licensee will be entitled to notice and a hearing on the issues.

16.66.6 NMAC, Code of Ethics

The board proposes to amend 16.66.6.8 NMAC, Code of Ethics to add a new paragraph C:

16.66.6.8 CODE OF ETHICS: All licensed home inspectors in New Mexico shall abide at all times by the Code of Ethics contained in this Part.

A. This Code of Ethics rests on the fundamental principles of integrity, honesty, and objectivity. All provisions contained herein shall be interpreted at all times in the light of these principles, which govern the New Mexico home inspection industry.

B. All licensees shall comply with this Code of Ethics, shall avoid association with any enterprise whose practices violate this Code of Ethics, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of home inspection.

C. All licensees shall be of good repute and competent to transact the business of a home inspector in a manner that safeguards the interests of the public.

Statutory Authority

These rules are promulgated pursuant to the Home Inspector Licensing Act, Subsection G of Section 61-24D-3 NMSA 1978 (2019).

Public Comment and Participation

Interested persons may submit written comments on the proposed changes to the board rules by email at wayne.ciddio@state.nm.us or may submit written comments to the New Mexico Home Inspectors Board, 5500 San Antonio Drive NE, Albuquerque, New Mexico 87109, Attn. Wayne W. Ciddio, Board Administrator.

Interested persons may make comments and ask questions about the proposed rules via Zoom during the

rule hearing. The board will vote on the final rules at the conclusion of the rule hearing.

Full copies of the texts of the proposed rules can be obtained from the Board office at the email and physical addresses shown above.

Special Accommodations

If you are 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 meeting and hearing, contact Wayne W. Ciddio, Board Administrator, New Mexico Home Inspectors Board at (505) 785-3937 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Mr. Ciddio if a summary or other type of accessible format is needed.

REGULATION AND LICENSING DEPARTMENT LANDSCAPE ARCHITECTS BOARD

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Landscape Architects will hold a rule hearing on, Wednesday December 14th, 2022, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting consider and adopt the rules and take care of regular business. The meeting will be held at the Regulation and Licensing Department at 2550 Cerrillos Rd, Santa Fe, NM 87507.

The meeting will also be available virtually via Cisco Webex Meetings. <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ef89cf5b25949a0d21c4cfdee7eddaef8>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2485 186 2006

The purpose of the rule hearing is to consider proposed amendments to the following rules:

16.44.2 NMAC - Educational and Examination Requirements for Licensure

16.44.3 NMAC - Registration for Licensure

16.44.4 NMAC - License or Certificate Expiration and Renewal

16.44.10 NMAC - Expedited Licensure

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-board-information/la-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4930 or by email at landscape.architectsbd@rld.nm.gov.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Justin Gonzales, Board Administrator, via electronic mail to landscape.architectsbd@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Tuesday December 13th, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-board-information/la-board-meetings/>.

architects/la-board-information/la-board-meetings/. Copies of the agenda may also be obtained by contacting Justin Gonzales, Board Administrator at (505) 476-4930.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Justin Gonzales, Board Administrator (505) 476-4930.

Statutory Authority:

The proposed rule changes are authorized by the Landscape Architects Act, Sections 61-44-1 through 61-44-10 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Section 61-1-1 NMSA 1978 through -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board's statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories

of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board's statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions

governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board's potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.

**REGULATION
AND LICENSING
DEPARTMENT
NURSING HOME
ADMINISTRATORS,
BOARD OF**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Nursing Home Administrators will hold a rule hearing on Wednesday, December 9, 2022, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held virtually, via Cisco Webex Meetings.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e0e08039234c50a5252e6f47075d30fb>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2481 425 1973

The purpose of the rule hearing is to consider proposed amendments to the

following rules:

- 16.13.1 NMAC – General Provisions
- 16.13.2 NMAC – Fees
- 16.13.5 NMAC – Application for Licensure by Reciprocity
- 16.13.6 NMAC – Licensure for Military Service Members, Spouses, Dependent Children and Veterans
- 16.13.7 NMAC – License Issuance

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-board-information/nha-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roxann Ortiz, Board Administrator, via electronic mail at: nursinghome.adminbd@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Friday, December 8, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/nha-board-information/nha-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roxann Ortiz, Board Administrator at (505) 476-4622.

An individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or other

form of auxiliary aid or service to attend or participate in the hearing, please contact Roxann Ortiz, Board Administrator at (505) 476-4622.

Statutory Authority: Subsection A of Section 61-13-6 of the Nursing Home Administrators Act, NMSA 1978, Sections 61-13-1 to -17, specifically authorizes the Board to “promulgate rules in accordance with the State Rules Act”. Also, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, Sections 61-1-1 to -36 NMSA 1978, provides that “[a] board by rule shall determine those states and territories of the United States and the District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the board will accept an applicant for expedited licensure.” Subsection A of Section 61-1-34 NMSA 1978 of the Uniform Licensing Act, requires that “as soon as practicable but no later than thirty days after a military service member or a veteran files an application, and provides a background check if required” the Board must “process the application; and issue a license prima facie to a qualified applicant [...]” Additionally, Laws 2022, ch. 39, § 104 provides that a board that is required by Laws 2022, ch. 39 to change its licensing provisions to allow for new or different expedited licensure shall have rules in place and operational by January 1, 2023.

Purpose of the Proposed Rules:

The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among expedited licensure applicants, and to generally satisfy the Board's statutory obligation “to adopt and enforce standards for licensing nursing home administrators and to carry into effect the provisions of the Nursing Home Administrators Act.” Subsection A of Section 61-13-6 NMSA 1978. In addition, the proposed rule changes are intended to comply with 2022 legislative changes made during the

regular session in HB 191 to the Uniform Licensing Act signed into law by Governor Lujan Grisham on March 3, 2022.

Summary of Proposed Changes:

16.13.1 NMAC – General Provisions

The amendments to this part are to be in compliance with the 2022 legislative requirements under HB 191. The proposed rule change removes generic “reciprocity” language and clarifies the process as “licensure by examination.” The proposed changes also strike surplus terms from the definitions section. These proposed rule changes ensure the language regarding licensure by examination is consistent.

16.13.2 NMAC – Fees

The amendments to this part are intended to be in compliance with the 2022 legislative requirements under HB 191. This proposed rule change updates the “reciprocity” language in the existing rule to reflect the “expedited licensure” language in accordance with HB 191. The changes also clarify the part’s “objective” section’s language and strikes unnecessary administrative fees.

16.13.5 NMAC – Expedited Licensure

The amendments to this part include a repeal and replace due to the 2022 legislative requirements under HB 191 to the Uniform Licensing Act. This proposed rule sets out the requirements to apply for an “expedited license” in New Mexico. It also lists the states and territories that are excluded from the expedited licensure process and the grounds for their exclusion. The proposed rule includes a section defining the expedited licensure process for military service members and veterans. Lastly, the proposed rule defines an expedited license’s duration and the renewal process.

16.13.6 NMAC – Licensure for Military Service Members, Spouses, Dependent Children, and Veterans

The proposed rule change recommends a repeal of 16.13.6 NMAC due to its provisions incorporation into 16.13.5 NMAC. The proposed rule change repeals the Licensure for Military Service Members, Spouses and Veterans rule, which affords an expedited licensure process to members of the military, and consolidates the expedited licensure process into 16.13.5 for both military and non-military applicants.

16.13.7 NMAC - License Issuance

The amendments to this part are intended to be in compliance with the 2022 legislative requirements under HB 191. The language in the “scope” section has been revised so that it is consistent with the expedited licensure provisions. The “Approved Reciprocity Applicant” and “Prorated First Renewal” sections have been struck from the rule.

**REGULATION
AND LICENSING
DEPARTMENT
OCCUPATIONAL THERAPY,
BOARD OF EXAMINERS FOR**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Examiners for Occupational Therapy (“Board”) has scheduled a rule hearing on Thursday, December 15, 2022, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to consider the adoption of the rules and address regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, in the Toney Anaya Building’s Rio Grande Conference Room, 2nd floor, located at 2550 Cerrillos Road, Santa Fe, NM 87505, for those desiring to attend in person and via Cisco WebEx Meetings hosted in Santa Fe, New Mexico for those desiring to attend virtually.

To join the meeting online by Cisco WebEx Meeting, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e2479619539263ddec85d2b85216afc88>

Event number: 2493 541 1001
United States: Toll: 1-415-655-0002
Access code: 2493 541 1001

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules:

- 16.15.2 NMAC – Licensing Requirements
- 16.15.6 NMAC – Fee Schedule
- 16.15.7 NMAC – Expedited Licensing Requirements

To obtain and review copies of the proposed changes you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/occupational-therapy/ot-laws-rules-and-policies/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Bertha Valerio, Board Administrator, via electronic mail (email) at OccupationalTherapy@state.nm.us or by regular mail at Board of Examiners for Occupational Therapy Rules, P.O. Box 25101, Santa Fe, NM 87504, no later than December 08, 2022. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/occupational-therapy/ot-laws-rules-and-policies/>, no more than three business days following receipt to allow for public view.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or

other forms of auxiliary aid or service to attend or participate in the hearing, please contact Bertha Valerio, Board Administrator at (505) 476-4622 or OccupationalTherapy@state.nm.us.

Statutory Authority: Subsection A of Section 61-12A-9 NMSA 1978 of the Occupational Therapy Act, Sections 61-12A-1 to -25 NMSA 1978, specifically authorizes the Board to adopt, file, amend or repeal rules in accordance with the Uniform Licensing Act, Sections 61-1-1 to -37 NMSA 1978, to carry out the provisions of the Occupational Therapy Act. Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -37 NMSA 1978, require the Board to update its expedited licensure provisions.

Purpose of the Proposed Rules:

The proposed amendment/repeal/replacement of the rules is intended to provide greater clarity in existing regulatory and statutory requirements and to generally satisfy the Board’s obligation “to safeguard the public health, safety and welfare” by regulating persons offering occupational therapy services. Section 61-12A-2 NMSA 1978. Several of the proposed rule changes are intended to address recent statutory changes 1to the Uniform Licensing Act. See H.B. 191, 57th Leg., regular session (N.M. 2022) available at <https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of the Proposed Changes:

16.15.2 NMAC – Licensing Requirements

The proposed amendments to this part removes the definition of military service member and to remove the subsection referring to the expedite licensure of military service members to its own subsection. In addition, the annual renewal of licenses removes unnecessary verbiage and details the process for expedited license renewals and fees.

16.15.6 NMAC – Fee Schedule

The proposed amendments to this

part adds prorated renewal fees for licensees who may be issued a license for a period that is less than a full calendar year.

16.15.7 NMAC – Expedited Licensing Requirements

The proposed new section adds subsections to comply with the statutory changes to the Occupational Therapy Act and the Uniform Licensing Act regarding expedited licensure by endorsement, including disapproved licensing jurisdictions and modifications to the expedited licensure for military service members, spouses, dependents, and veterans.

Technical Information: No technical information provided the basis for any of the proposed rules.

REGULATION AND LICENSING DEPARTMENT PHYSICAL THERAPY BOARD

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Physical Therapy Board (“Board”) has scheduled a rule hearing on Friday, December 9, 2022, at 12:00 p.m. Following the rule hearing, the Board will convene a regular board meeting to consider the adoption of the rules and address regular business. The rule hearing and board meeting will be held virtually via Cisco Webex at the Regulation and Licensing Department, located at 2550 Cerrillos Road, Santa Fe, NM 87505.

To join the meeting online by Cisco WebEx Meeting, please use the following link: <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e7e50ac230bf569d76589d5ea4d9bf94b>

Event number: 2498 705 0267
United States: Toll: 1-415-655-0002
Access code: 2498 705 0267

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules:

- 16.20.2 NMAC - Examinations
- 16.20.3 NMAC - Issuance of Licenses
- 16.20.12 NMAC - Licensing of Military Service Members, Spouses, and Veterans (replace title with **Expedited Licensing Requirements**)

To obtain and review copies of the proposed changes you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/pt-laws-rules-and-policies/>, or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Bertha Valerio, Board Administrator, via electronic mail (email) at Physical.Therapy@state.nm.us or by regular mail at Physical Therapy Board Rules, P.O. Box 25101, Santa Fe, NM 87504, no later than December 08, 2022. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/physical-therapy/pt-laws-rules-and-policies/>, no more than three business days following receipt to allow for public view.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other forms of auxiliary aid or service to attend or participate in the hearing, please contact Bertha Valerio, Board Administrator at (505) 476-4622 or Physical.Therapy@state.nm.us.

Statutory Authority: Subsections C of Section 61-12D-5 NMSA 1978 of the Physical Therapy Act, Sections 61-12D-1 to -18 NMSA 1978, specifically authorizes the Board to adopt, file, amend or repeal

rules in accordance with the Uniform Licensing Act, Sections 61-1-1 to -37 NMSA 1978, to carry out the provisions of the Occupational Therapy Act. Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -37 NMSA 1978, require the Board to update how it issues expedited licenses.

Purpose of the Proposed Rules:

The proposed amendment/repeal/ replacement of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees, and to generally satisfy the Board’s obligation “protect the public health, safety and welfare and provide for control, supervision, licensure and regulation of the practice of physical therapy.” Section 61-12D-2 NMSA 1978. Further, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act. See H.B. 191, 57th Leg., regular session (N.M. 2022) available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of the Proposed Changes:

16.20.2 NMAC – Examinations

The proposed amendment/repeal/ replacement to this part is to modify and add subsections to comply with the Uniform Licensing Act, Section 61-1-31.1 that persons receiving expedited licenses, must take and pass the New Mexico jurisprudence examination when they renew their licenses for the first time.

16.20.3 NMAC - Issuance of Licenses

The proposed amendments to this part are to clarify Subsection C of 16.20.3.8 NMAC where words were inadvertently missing and to acknowledge the new expedited licensure process.

16.20.12 NMAC - Licensing of Military Service Members, Spouses, and Veterans, new title Expedited Licensing Requirements

The proposed repeal and replacement of this part is to modify and add subsections to comply with the statutory changes to the Physical Therapy Act and the Uniform Licensing Act. In addition, the title of this section is renamed to accurately reflect the expedited licensure requirements for military service members as well as qualified applicants who hold a license in good standing from another licensing jurisdiction recognized by the Board.

Technical Information: No technical information provided the basis for any of the proposed rules.

**REGULATION AND LICENSING DEPARTMENT
PODIATRY, BOARD OF**

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Podiatry will hold a rule hearing on Friday, December 16, 2022, at 9:00 a.m. Following the rule hearing the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, New Mexico, for those desiring to attend in person.

The meeting will also be held via Cisco Webex Meetings for those desiring to attend virtually.

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e256dda1d7c5e22ef93fe0f136137a5af>

Meeting (Access) Code: 2496 976 7437

Join by phone: 1-415-655-0002
United States Toll

Access Code: 2496 976 7437

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.21.2 NMAC - Fees
- 16.21.4 NMAC - Expedited Licensure by Reciprocity
- 16.21.6 NMAC - Licensure for Military Service Members, Spouse and Veterans
- 16.21.7 NMAC - License Expiration and Renewal

To obtain and review copies of the proposed changes you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/podiatry/pod-laws-rules-and-policies/> or contact the New Mexico Board of Acupuncture and Oriental Medicine at (505) 476-4617 or by e-mail at PodiatryBoard@state.nm.us.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Martha Gallegos, Senior Board Administrator, via electronic mail to PodiatryBoard@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, December 15, 2022.

Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/podiatry/pod-board-information/pod-board-meetings/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/podiatry/pod-board-information/pod-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Martha Gallegos, Senior Board Administrator at (505) 476-4617.

An individual with a disability who is in need of a reader, amplifier,

qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Martha Gallegos, Senior Board Administrator (505) 476-4617.

Statutory Authority: Subsection E, Paragraph 2 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “promulgate, in accordance with the State Rules Act, all rules for the implementation and enforcement of the provisions of the Podiatry Act.” Subsection E, Paragraph 10 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “promulgate rules setting standards of preliminary and professional qualifications for the practice of podiatry.” Subsection E, Paragraph 11 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “promulgate rules and prepare and administer examinations for the licensure and regulation of podiatric assistants as are necessary to protect the public.” Subsection E, Paragraph 12 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “determine by rule all qualifications and requirements for applicants seeking licensure as podiatrists or podiatric assistants.” Subsection E, Paragraph 13 of Section 61-8-6 NMSA 1978 of the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978, specifically authorizes the Board to “promulgate rules and prepare and administer examinations for applicants seeking licensure as foot and ankle radiation technologists.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of Proposed Rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally to promote, preserve and protect the public health, safety and welfare. In addition, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act, Sections 61-1-1 through 37 NMSA 1978 and the Podiatry Act, Sections 61-8-1 to -17 NMSA 1978. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes: The Board summarizes its proposed changes to its administrative rules as follows:

16.21.2 NMAC - Fees
The proposed changes to Part 2 of the Board’s current rules consist of adding language. In addition to minor non-substantive changes, the new Part 2 provides for license fees for the initial license term of licensees receiving their license pursuant to the provisions for expedited licensure for applicants currently licensed in an eligible jurisdiction.

16.21.4 NMAC - Expedited Licensure by Reciprocity
The proposed changes to Part 4 of the Board’s current rules consist of repealing and replacing existing language. The new Part 4 provides for expedited licensure for applicants currently licensed in an eligible jurisdiction and expedited licensure for military service members, their family members, and veterans. These additions include definitions applicable to Part 8, a listing of disapproved licensing jurisdictions and the reasons therefore, a list of approved foreign jurisdictions, provisions for the requirements of the expedited licensure application for applicants currently licensed in an eligible jurisdiction, and provisions

regarding the initial term of an expedited license and its renewal.

16.21.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

The Board proposes to amend 16.21.6 NMAC to reflect the changes required by HB 191 and its amendment of Section 61-1-34 NMSA 1978 of the Uniform Licensing Act and Section 61-8-9 NMSA 1978 of the Podiatry Act. Specifically, the Board proposes to repeal the entirety of this rule as its provisions as amended by HB 191 have been addressed in the Board’s proposed amendments to rule 16.21.4 NMAC.

16.21.7 NMAC - License Expiration and Renewal

The proposed changes to Part 7 of the Board’s current rules are to amend the existing language. In addition to minor non-substantive changes, the proposed amendments to Part 7 allows the initial licensing period for all licensees to extend beyond twelve months but less than twenty-four months in order to providing for syncing individual license renewal to the Board’s annual licensing renewal cycle.

**REGULATION AND LICENSING DEPARTMENT
PSYCHOLOGIST EXAMINERS,
BOARD OF**

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The New Mexico State Board of Psychologist Examiners will hold a rule hearing on Friday, December 9, 2022, at 9:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing.

The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The hearing and subsequent meeting may also be accessed virtually via Cisco Webex.

Meeting Link: https://nmrld.webex.com/nmrld/j.php?MTID=m5e5b703bddc06044ca94905d24496ba7_

Webex Meeting (Access) Code: 2493 768 2476

or

Join by Phone: +1-415-655-0002

Phone Access Code: 2493 768 2476

The purpose of the rule hearing is to consider proposed amendments to the following board rules:

16.22.1 NMAC – General Provisions;

16.22.2 NMAC – Code of Conduct;

16.22.5 NMAC – Psychologists;

Application Requirements;

Procedures;

16.22.14 NMAC – Licensure for Military Service Members, Spouses and Veterans;

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/psychologist-examiners/psychologist-examiners-board-information/psychologist-examiners-board-meetings/>

Nicholas Henderson, Board Administrator

(505) 476-4607 – Board

Administrator Direct Line

Psychologist.examiners@rld.nm.gov

Written comment will be accepted during the public comment period, up until Friday, December 9, 2022, and may be submitted either by email or by postal mail to the following addresses:

Psychologist.examiners@rld.nm.gov

Attn: New Mexico State Board of

Psychologist Examiners

P.O. Box 25101

Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the Board website linked above or by contacting the Board Administrator.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Professional Psychologist Act, Sections 61-9-1 through 61-9-19 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Sections 61-1-1 through 61-1-34 -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default

Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board’s statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board’s statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board's potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.

**REGULATION
AND LICENSING
DEPARTMENT
RESPIRATORY CARE
ADVISORY BOARD**

**NOTICE OF PUBLIC RULE
HEARING AND BOARD
MEETING**

The Advisory Board of Respiratory Care Practitioners will hold a rule hearing on Friday, December 9, 2022, at 2:00 p.m., immediately followed by a meeting of the board to consider any

public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The hearing and subsequent meeting may also be accessed virtually via Cisco Webex.
Meeting Link: <https://nmrld.webex.com/nmrld/j.php?MTID=m8ffc78eeca9187ba9cff854a58a6468>
Webex Meeting (Access) Code: 2495 191 6130
or
Join by Phone: +1-415-655-0002
Phone Access Code: 2495 191 6130

The purpose of the rule hearing is to consider proposed amendments to the following board rules:
16.23.1 NMAC - General Provisions
16.23.2 NMAC - Fees
16.23.3 NMAC - Practitioner License Qualifications, Application, Renewal, and Expiration
16.23.4 NMAC - Part 4 will be repealed.
16.23.5 NMAC - Licensure for Military Service Members, Spouses, Dependent Children, and Veterans

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:
<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/respiratory-care/rc-board-information/rc-board-meetings/>
Nicholas Henderson, Board Administrator
(505) 476-4607 – Board Administrator Direct Line
respiratorycarebd@rld.nm.gov

Written comment will be accepted during the public comment period, up until Friday, December 9, 2022, and may be submitted either by email

or by postal mail to the following addresses:

respiratorycarebd@rld.nm.gov
Attn: Advisory Board of Respiratory Care Practitioners
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the Board website linked above or by contacting the Board Administrator.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Regulation and Licensing Act, Sections 9-16-6 NMSA and the Respiratory Care Act, Section 61-12B-6 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Sections 61-1-1 through -including the specific

conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board’s statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board’s statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create

consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board’s potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board’s other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.

**REGULATION AND LICENSING DEPARTMENT
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES, BOARD**

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board will hold a rule hearing on Monday, December 12, 2022, at 9:00 a.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The hearing and subsequent meeting may also be accessed virtually via Cisco Webex.

Meeting Link: <https://nmrld.webex.com/nmrld/j.php?MTID=mc4a49d16d9c2a2d79e34e5de209de805>

Webex Meeting (Access) Code: 2488 599 0978

or

Join by Phone: +1-415-655-0002

Phone Access Code: 2488 599 0978

The purpose of the rule hearing is to consider proposed amendments to the following board rules:

16.26.1 NMAC – General Provisions;
16.26.2 NMAC – Licensure

Requirements;

16.26.10 NMAC – Emergency Licensure;

16.26.11 NMAC – Licensure for Military Service Members, Spouses, and Veterans

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/speech-language-pathology-audiology-and-hearing-aid-dispensing-practices/board-information/speech-language-pathology-meetings/>

Nicholas Henderson, Board Administrator
(505) 476-4607 – Board Administrator Direct Line
speech.hearing@rld.nm.gov

Written comment will be accepted during the public comment period, up until Friday, December 9, 2022, and may be submitted either by email or by postal mail to the following addresses:

speech.hearing@rld.nm.gov
Attn: Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the Board website linked above or by contacting the Board Administrator.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter,

or other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act, Sections 61-14B-1 through 61-14B-25 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Sections 61-1-1 through -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board’s statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply

with the updates to the Uniform Licensing Act and the Board’s statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board’s potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.

**End of Notices of
Rulemaking and
Proposed Rules**

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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.

AGRICULTURE, DEPARTMENT OF

The Regents of New Mexico State University approved at its October 17, 2022 meeting, to repeal rule 21.17.28 NMAC – Pecan Weevil Exterior Quarantine (filed 7/1/1997) and replace it with 21.17.28 NMAC – Pecan Weevil Exterior Quarantine, adopted on 10/17/2022 and effective 11/8/2022.

AGRICULTURE, DEPARTMENT OF

**TITLE 21 AGRICULTURE
AND RANCHING**
**CHAPTER 17 PEST, DISEASE,
AND WEED CONTROL**
**PART 28 PECAN WEEVIL
EXTERIOR QUARANTINE**

21.17.28.1 ISSUING
AGENCY: New Mexico State University, New Mexico Department of Agriculture
MSC 3189, Box 30005, Las Cruces New Mexico 88003-8005, Telephone No. (575) 646-3007.
[21.17.28.1 NMAC – Rp, 21.17.28.1 NMAC; Rp, 11/08/2022]

21.17.28.2 SCOPE: Part 28 shall apply to all persons transporting regulated articles into or through New Mexico.
[21.17.28.2 NMAC – Rp, 21.17.28.2 NMAC; Rp, 11/08/2022]

21.17.28.3 STATUTORY
AUTHORITY: Granted to the board of regents of New Mexico state university under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9, NMSA 1978 Compilation.
[21.17.28.3 NMAC – Rp, 21.17.28.3 NMAC; Rp, 11/08/2022]

21.17.28.4 DURATION:
Permanent.
[21.17.28.4 NMAC – Rp, 21.17.28.4 NMAC; Rp, 11/08/2022]

21.17.28.5 EFFECTIVE
DATE: November 8, 2022, unless a later date is cited at the end of a section.
[21.17.28.5 NMAC – Rp, 21.17.28.5 NMAC; Rp, 11/08/2022]

21.17.28.6 OBJECTIVE: The objective of Part 28 of Chapter 17 is to establish an exterior quarantine in order to prevent the introduction of the pecan weevil into New Mexico.
[21.17.28.6 NMAC – Rp, 21.17.28.6 NMAC; Rp, 11/08/2022]

21.17.28.7 DEFINITIONS:
A. “Board” means the regents of New Mexico state university or any individual whom authority to act in their stead has been or hereafter may be delegated.

B. “Certificate of origin” means a document issued by the department of agriculture of the state of origin that certifies that exported commodities contained in a shipment are wholly obtained, produced, manufactured or processed in a particular state and county. Certificate shall include name and address of grower and consignee, regulated article and amount, date of shipment and lot number. Lot number must also be placed on each shipping container or bag to correspond with lot numbers on the certificate of origin.

C. “Compliance agreement” means a document issued or authorized by the department that outlines/identifies specific requirements related to the transportation, treatment, handling

or processes related to regulated articles.

D. “Department” means the New Mexico department of agriculture and authorized staff.

E. “Director” means director secretary of New Mexico department of agriculture.

F. “Infested” means reasonable expectation that regulated articles may harbor pecan weevil.

G. “Non-compliant” means regulated articles transported into New Mexico that are in violation of the requirements set forth in 21.17.28 NMAC.

H. “Originating” means produced within or having spent sufficient time in a quarantine area to be believed to be at risk of being infested.

I. “Pecan weevil” means any live developmental stage or synonym of *curculio caryae* (horn) including adult, pupae, larvae, or egg.

J. “Phyto sanitary certificate” means a document issued or authorized by a state department of agriculture with specific declarations to include contact information for pecan owner, shipment amount, treatment method, treatment dates, destination contact information, and other information deemed relevant by the department. Includes equivalent documents issued by a state department of agriculture and addresses completion of treatment requirements.

K. “Regulated article” means pecan weevil, plant tissue, equipment, trailers, or any other item capable of or having a reasonable expectation

of harboring pecan weevil. Including all varieties of pecan and hickory in-shell nuts; sacks used in harvesting, storage, transporting or storing of in-shell pecans or hickory nuts; harvesting equipment; live trees or parts thereof with soil attached; hulls, husks, and fragments of hull. [21.17.28.7 NMAC – N, 11/08/2022]

21.17.28.8 QUARANTINE AREAS: The following are quarantined areas: All states and districts of the United States except Arizona, California, and El Paso, Hudspeth, Culberson, Jeff Davis and Presidio counties in Texas. The director may make changes to the quarantine status of a state or areas within states by issuing an emergency quarantine, amendment of this rule, or the promulgation of a new quarantine rule. [21.17.28.8 NMAC – Rp, 21.17.28.8 NMAC; Rp, 11/08/2022]

21.17.28.9 RESTRICTION ON REGULATED ARTICLES: In order to prevent the introduction of the pecan weevil into New Mexico, the board hereby orders and declares the regulated articles herein defined shall not be allowed to move to or through New Mexico from quarantine areas, except under restrictions herein described.

A. Transportation of in-shell nuts of all pecan and hickory varieties, hulls, husks, shell fragments, containers associated with the harvesting, transportation, or storage of in-shell pecans or hickory nuts originating from a quarantine area to or through New Mexico shall be allowed as follows:

(1) Accompanied by a phytosanitary certificate for each shipment of regulated articles. Acceptable treatments are prescribed under Subsections A through C of 21.17.28.11 NMAC.

(2) Accompanied by a valid compliance agreement issued by the director, regulated articles may be transported directly to a

facility approved by the director that is capable of providing the treatment(s) as defined under Subsections A through C of 21.17.28.11 NMAC.

B. Transportation of regulated articles not identified in Subsection A of 21.17.28.9 NMAC including equipment and supplies, originating in quarantine areas, to or through non-quarantine areas in New Mexico will be allowed following inspection and issuance of a phytosanitary certificate that identifies regulated articles as not being infested.

C. Regulated articles from Arizona, California, and El Paso, Hudspeth, Culberson, Jeff Davis and Presidio counties in Texas will be admitted into the state of New Mexico if accompanied by a certificate of origin. [21.17.28.9 NMAC – Rp, 21.17.28.9 NMAC; Rp, 11/08/2022]

21.17.28.10 DISPOSITION OF VIOLATIONS: Any non-compliant regulated article will be subject to immediate quarantine and expulsion from the state or destruction under parameters set forth by the department, or other method of disposition as directed by the department that serves the best interest of the state. All transportation or disposal of non-compliant regulated articles will be at the expense of the owners, agents or both and performed under the direction of the department. If necessary for the department to incur any cost associated with the disposition of non-compliant regulated articles, the owner, agents or both shall reimburse the department for all costs, including attorney’s fees and cost, incurred by the department. Reimbursement to the department is required within 30 days after notification via issuance of invoice requesting payment. If payment is not received within 30 days of notification, the department shall initiate legal action to collect or recuperate actual cost. [21.17.28.10 NMAC – Rp, 21.17.28.10 NMAC; Rp, 11/08/2022]

21.17.28.11 TREATMENT OF REGULATED ARTICLES: Articles specified in Subsection A of 21.17.28.9 shall be treated using one of the following methods:

A. Storage in an approved cold storage chamber at or below zero degrees fahrenheit for a period of seven consecutive days (168 hours) after the entire lot reaches zero degrees fahrenheit as determined by facility standard operating procedures approved by the department; or

B. Storage in an approved cold storage chamber at 12.2 degrees fahrenheit for a period of 14 consecutive days (336 hours) after the entire lot reaches 12.2 degrees fahrenheit as determined by facility standard operating procedures approved by the department; or

C. Immersion in at least 140 degree fahrenheit water for a period of at least five minutes; or

D. Other treatment methods may be approved under a compliance agreement issued by the director prior to shipment into the state.

[21.17.28.11 NMAC – Rp, 21.17.28.11 NMAC; Rp, 11/08/2022]

21.17.28.12 FEES: Special inspections or other requested services provided by the department will be subject to fees as authorized under Sections 1 through 10 of 21.1.2 NMAC. [21.17.28.12 NMAC – N, 11/08/2022]

21.17.28.13 LIABILITY DISCLAIMER: The board and the department disclaims liability for any costs incident to inspection, expulsion or disposition of non-compliant regulated articles, or compliance with the provisions of this rule. [21.17.28.13 NMAC – Rp, 21.17.28.12 NMAC; Rp, 11/08/2022]

21.17.28.14 ADDITIONAL LAWS AND REGULATIONS: All regulated articles are further subject to the provisions of any other law, regulation, or regulatory order of

the state of New Mexico, the United States or both now in effect or which may hereafter be promulgated. [21.17.28.14 NMAC – N, 11/08/2022]

HISTORY OF 21.17.28 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: NMDA Rule 69-6, Exterior Quarantine No. 3, Pecan Weevil and Pecan Nut Casebearer, filed 10/3/1969. NMDA Rule 69-6 Amendment No. 1, Exterior Quarantine No. 3, Amended, Pecan Nut Casebearer, filed 11/20/1972. NMDA Rule 72-6, Exterior Quarantine No. 4, Pecan Weevil, Hickory Shuckworm, Black Walnut Curculio, and Butternut Curculio, filed 11/20/1972. NMDA Rule 72-8, Exterior Quarantine No. 4, Pecan Weevil, Hickory Shuckworm, Black Walnut Curculio, and Butternut Curculio, filed 11/29/1972. NMDA Rule 74-6, Regulatory Order No. 1, Pecan Weevil, filed 9/18/1974. NMDA Rule 74-7, Exterior Quarantine, Regulatory Order No. 2, Weevil-Curculio, filed 9/18/1974. NMDA Rule 74-7, Amendment No. 1, Regulatory Order No. 2, Pecan Weevil, Hickory Shuckworm, Black Walnut Curculio, and Butternut Curculio, filed 2/28/1983. NMDA Rule 83-3, Pecan Weevil and Hickory Shuckworm Quarantine, filed 4/7/1983.

NMDA Rule 88-15, Pecan Weevil and Hickory Shuckworm Quarantine, filed 12/22/1988. NMDA Rule 90-2, Emergency Pecan Weevil and Hickory Shuckworm Quarantine, filed 3/14/1990. NMDA Rule 90-4, Emergency Pecan Weevil Exterior Quarantine, filed 10/24/1990. NMDA Rule 90-7, Pecan Weevil Exterior Quarantine, filed 12/19/1990.

History of Repealed Material:
21.17.28 NMAC - PECAN WEEVIL EXTERIOR QUARANTINE,

filed 7/1/1997, renumbered and amended 5/29/2009 was repealed and replaced by 21.17.28 NMAC - PECAN WEEVIL EXTERIOR QUARANTINE, effective 11/08/2022.

**AGRICULTURE,
DEPARTMENT OF**

This is an amendment to 21.17.36 NMAC, Sections 1, 4, 7, 8, 9, 10, 11 and 14, effective 11/08/2022.

21.17.36.1 ISSUING

AGENCY: [~~New Mexico state university;~~ New Mexico department of agriculture, MSC, 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007. [21.17.36.1 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.4 DURATION:

[~~March 1, 2023~~] Permanent. [21.17 36.4 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.7 DEFINITIONS:

A. “Board” means the board of regents of New Mexico state university or any [~~officer~~] individual whom authority to act in their stead has been or hereafter may be delegated.

B. “Certificate” means a document issued or authorized by the director with specific declarations related to the treatment, handling, transportation, condition or other processes related to regulated articles.

C. “Compliance agreement” means a document issued or authorized by the director that outlines/identifies specific requirements related to the transportation, treatment, handling or processes related to regulated articles.

D. “Department” means the New Mexico department of agriculture and authorized staff.

E. “Director” means director secretary of New Mexico department of agriculture.

F. “Infested” means reasonable expectation that regulated articles may harbor pecan weevil.

G. “Non-compliant” means regulated articles transported within New Mexico that are in violation of the requirements set forth in 21.17.36 NMAC.

[~~G~~] **H. “Originating”** means produced within or having spent sufficient time in a quarantined area to be believed to be at risk of being infested.

[~~H~~] **I. “Pecan weevil”** means any live developmental stage or synonym of *curculio caryae* (horn) including adult, pupae, larvae, or egg.

[~~I~~] **J. “Regulated article”** means pecan weevil, plant tissue, equipment, trailers, or any other item capable of or having a reasonable expectation of harboring pecan weevil. Including in-shell pecans; sacks used in harvesting, storage, transporting or storing of in-shell pecans; harvesting equipment; live trees or parts thereof with soil attached; hulls, husks, and fragments of hull.

[21.17.36.7 NMAC – N, 11/01/2018; A, 11/08/2022]

21.17.36.8 QUARANTINE

AREAS: The following counties are quarantined areas: Eddy, Lea, Otero, and Chaves counties. The director may make changes to the quarantine status of a county by issuing an emergency quarantine, amendment of this rule, or the promulgation of a new quarantine rule.

[21.17.36.8 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.9 RESTRICTIONS ON REGULATED ARTICLES:

To prevent the spread of pecan weevil in New Mexico, the board hereby orders and declares regulated articles cannot be transported out of quarantined areas, except under the following conditions:

A. Transportation of in-shell pecans, hulls, husks, shell fragments, containers associated with the harvesting, transportation, or storage of in-shell pecans originating in quarantined counties to or through

non-quarantined areas in New Mexico shall be allowed as follows:

(1)

Accompanied by a certificate [~~issued by an authorized representative of the department,~~] for each shipment of regulated articles, certifying treatment under [~~official~~] supervision of the department or in accordance with a compliance agreement prior to transporting out of the quarantined area. Acceptable treatments are prescribed under Subsections A through C of 21.17.36.11 NMAC. The certificate must include contact information for pecan owner, shipment amount, [~~date,~~] treatment method (including treatment dates), destination [address and name] contact information with address, and any other information deemed relevant by the department; or

(2)

Transported in enclosed trailers or other containers approved by the director and transported directly to a [~~facility/ location~~] facility approved by the director, [~~and~~] that is capable of providing the treatment(s) as defined under Subsections A through C of 21.17.36.11 NMAC; or

(3)

Transportation of regulated articles using alternative methods [~~may be~~] as approved under a compliance agreement [~~issued by the director~~].

B. Transportation of

regulated articles not identified in Subsection A of 21.17.36.9 NMAC including equipment and supplies, originating in quarantined area, to or through non-quarantined areas in New Mexico will be allowed following inspection by the department and issuance of a certificate that identifies regulated articles as not being infested.

[21.17.36.9 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.10 DISPOSITION OF VIOLATIONS: Any non-compliant regulated article [~~transported in New Mexico that is in violation of this rule~~] will be subject to immediate quarantine and [~~treatment~~] returned back to place of origin or destruction

under parameters set forth by the department, or [otherwise disposed of as necessary to prevent the spread or establishment of pecan weevil in non-quarantined areas in New Mexico] other method of disposition as directed by the department that serves the best interest of the state. All [~~treatment~~] transportation or disposal of non-compliant articles will be at the expense of the owners, [~~or~~] agents or both and performed under the direction of the department. If necessary for the department to incur any cost associated with the disposition of non-compliant regulated articles, the owner, agents or both shall reimburse the department for all costs, including attorney's fees and cost, incurred by the department. Reimbursement to the department is required within 30 days after notification via issuance of invoice requesting payment. If payment is not received within 30 days of notification, the department shall initiate legal action to collect or recuperate actual cost.

[21.17.36.10 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.11 TREATMENT OF REGULATED ARTICLES:

Individuals or businesses must be approved by the director prior to receiving in-shell pecans or other regulated articles for treatment. Compliance agreements will be issued to those individuals or business demonstrating the capabilities to provide treatment using one of the following methods:

A. Storage in an approved cold storage chamber at or below zero degrees fahrenheit for a period of seven consecutive days (168 hours) after the entire lot reaches zero degrees fahrenheit as determined by facility standard operating procedures approved by the department; or

B. Storage in an approved cold storage chamber at 12.2 degrees fahrenheit for a period of 14 consecutive days (336 hours) after the entire lot reaches 12.2 degrees fahrenheit as determined by facility standard operating procedures approved by the department; or

~~[B.]~~ **C.** Immersion in at least 140 degrees fahrenheit [~~hot~~] water for a period of at least five minutes [~~after-reaching a temperature of 140 degrees fahrenheit~~]; or

~~[C.]~~ **D.** Other treatment methods [~~may be~~] approved under a compliance agreement issued by the director.

[21.17.36.11 NMAC - N, 11/01/2018; A, 11/08/2022]

21.17.36.14 ADDITIONAL LAWS AND REGULATIONS: All regulated articles are further subject to the provisions of any other law, regulation, or regulatory order of the state of New Mexico, [~~or the~~] United States [~~department of agriculture~~] or both now in effect or which may hereafter be promulgated.

[21.17.36.14 NMAC - N, 11/01/2018; A, 11/08/2022]

GAME AND FISH DEPARTMENT

The New Mexico State Game Commission (Department of Game and Fish) approved, at its 10/14/2022 hearing, to repeal its rule 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/15/2020, effective 1/1/2023.

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

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING REGULATIONS
PART 3 HUNTING AND FISHING LICENSES AND APPLICATION**

19.31.3.1 ISSUING
AGENCY: New Mexico department of game and fish.
 [19.31.3.1 NMAC - Rp, 19.31.3.1 NMAC, 1/1/2023]

19.31.3.2 SCOPE:
 Sportspersons interested in fishing, hunting and trapping and management of big game and furbearers in New Mexico. Additional requirements may be found in Chapter 17 NMSA 1978 and other Parts of Title 19, Chapter 31 NMAC.
 [19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 1/1/2023]

19.31.3.3 STATUTORY
AUTHORITY: Sections 17-1-14, 17-1-26, 17-3-2, 17-3-5, 17-3-7, 17-3-13, 17-3-14, and 17-3-14.1 NMSA 1978, which pertain to the types of licenses and permits available and grant the state game commission authority to create regulations setting the license fees and application procedure.
 [19.31.3.3 NMAC - Rp, 19.31.3.3 NMAC, 1/1/2023]

19.31.3.4 DURATION:
 Permanent.
 [19.31.3.4 NMAC - Rp, 19.31.3.4 NMAC, 1/1/2023]

19.31.3.5 EFFECTIVE
DATE: January 1, 2023, unless a later date is cited at the end of a section.
 [19.31.3.5 NMAC - Rp, 19.31.3.5 NMAC, 1/1/2023]

19.31.3.6 OBJECTIVE:
 Basic regulation, rules and procedures governing the issuance of licenses, permits and stamps, as well as special draw permits and licenses issued by the department pertaining to deer, elk, pronghorn, bighorn sheep, Barbary sheep, bear, turkey, oryx, ibex, javelina, furbearers, small game and other species determined by the state game commission.
 [19.31.3.6 NMAC - Rp, 19.31.3.6 NMAC, 1/1/2023]

19.31.3.7 DEFINITIONS:
[RESERVED]

19.31.3.8 PUBLIC DRAW
LICENSES AND PERMITS -
APPLICATION FOR:

A. Application form:
 Application for all public licenses and permits shall be submitted via the department website.

B. Application deadline(s): Applications for all public licenses and permits, including population management hunts, Sandhill crane, pheasant, turkey, pronghorn, elk, Barbary sheep, bighorn sheep, bear, deer, oryx, javelina, and ibex hunts must be received by 5:00 p.m. on dates set by the state game commission. If any licenses or permits are available after the drawing is completed, those licenses or permits may be sold online via secondary sale.

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

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

E. Four applicants per application: No more than four persons may apply under the same application number for Sandhill crane, pheasant, deer, elk, pronghorn, Barbary sheep and javelina.

F. Resident and non-resident application combination: Any mixture or combination of residents and non-residents may make application for special drawing providing the number of applicants does not exceed the restriction of this section (Subsection D or E).

G. Applications rejected: Applications for licenses may be rejected by the department if an applicant did not:

- (1) apply on the proper online form as designated by the director;
- (2) submit the correct or required information;
- (3) submit the correct license or application fee, and any other required fee;

- (4) meet the deadline date; or
- (5) comply with a current statute or rule.

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

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

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

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

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

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

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

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

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

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

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

N. Trapper license restriction: No nonresident who resides in a state that does not permit New Mexico residents to procure nonresident trapper licenses may purchase a New Mexico nonresident trapper license.

O. Director’s authority to adjust licenses and permits: The director may adjust licenses or permit numbers for special drawings, by no more than one per hunt code, to comply with Chapter 17 NMSA 1978 and its corresponding rules. [19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 1/1/2023]

19.31.3.9 PRIVATE LAND - ELK LICENSES:

A. Private land licenses for elk will not be issued through the public draw.

B. The amount due for a private land elk license in the primary and special management zones as defined in 19.31.14 NMAC shall be composed of the “landowner authorization certificate” fee and the

appropriate “certificate of application” fee as defined in 19.30.9 NMAC, and the appropriate license fees as defined in Sections 17-3-13 and 17-3-7 NMSA 1978.

C. Licenses for primary and special management zones will be issued only up to the number of authorizations allotted for each ranch and only to persons who provide a valid authorization and ranch number and pay the appropriate fees.

D. Ranch codes allowing purchase of private-land elk licenses in the secondary management zone, as defined in 19.31.14 NMAC, will be issued to landowners in accordance with 19.30.5 NMAC. [19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 1/1/2023]

19.31.3.10 NEW MEXICO RESIDENT MILITARY AND VETERAN DISCOUNT:

A. A New Mexico resident, as defined in Section 17-3-4 NMSA 1978, who is active duty military or a veteran of the United States military as defined by the New Mexico department of veterans’ services is eligible for a fifty percent discount on all licenses, permits and stamps as defined in 19.30.9 NMAC and in Section 17-3-13 NMSA 1978. Exceptions: No discount shall apply to the resident, disabled veteran game hunting and fishing combination license, or to any administrative fee, including the “landowner authorization certificate” fee, the “certificate of application” fee, and the license vendor fee.

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

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

requested documents are received and verified.

D. Any license, permit or stamp obtained by falsely claiming this discount is unlawful. [19.31.3.10 NMAC - Rp, 19.31.3.10 NMAC, 1/1/2023]

19.31.3.11 RESTRICTIONS/ REQUIREMENTS:

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

B. Improper license and permit: Any person who attempts to capture or shoot, hunts, kills, injures or takes, in any manner any big-game, small game or fur-bearing animal, turkey or game fish other than in accordance with the specified hunt code or dates, legal sporting arm, bag limit allowance or area designated on a license or permit issued by the department to that person is deemed to be hunting, fishing or trapping without a proper license as required by Section 17-3-1 NMSA 1978 unless otherwise exempted by a valid commission rule.

C. Transfer of permits or licenses: The director may grant the transfer of a hunting license or permit once it has been determined that prior to the hunt start date, a licensee or their official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. Transfer requests must be submitted in writing prior to the hunt start date. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit.

D. Refunds: The director may grant the refund of a hunting license once it has been determined that a licensee or their

official representative provides written, verifiable information indicating the licensee has died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting. Refund requests must be submitted in writing prior to the hunt start date.

E. Donation of permits or licenses: Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a youth 17 years of age or younger, a New Mexico resident veteran of the United States military as approved by the New Mexico department of veterans' services, or a "first responder" who is a resident of the state of New Mexico as defined by Subsection B of Section 12-10D-2 NMSA 1978 who has been qualified through an approved nonprofit organization that promotes hunting, fishing and trapping activities. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit organizations prior to their participation in receiving, identifying or submitting recipients for donated licenses or permits. In order to be an approved nonprofit organization, the organization must demonstrate to the state game commission their history and ability to promote hunting, fishing, and trapping activities. A once-in-a-lifetime licensee may be reinstated as eligible to participate in future drawings for the same species and hunt type if the licensee donated his or her license to an individual qualified by an approved nonprofit organization. Donation of a once-in-a-lifetime license will not prohibit the donor from applying for and receiving another license for the same species and restrictions in the future.

F. More than one application: It shall be unlawful to submit more than one application per species for any license or permit issued through a special drawing, unless otherwise permitted by regulation.

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

H. Mobility-impaired (MI) deer, elk, oryx, or pronghorn license qualifications: To hold a mobility impaired deer, elk, oryx, or pronghorn license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a permanent mobility restriction which limits their activity to a walker, wheelchair, or crutches; or one or more permanent disabilities or conditions which substantially limit the individual's ability to walk; and then obtain department approval for MI hunt eligibility. Every person qualified as MI shall have their card/eligibility expire 48 months from the issuance date, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

I. Youth-only hunts: Only applicants who are 17 years of age or younger on the opening day of the hunt are eligible to apply for or participate in any youth-only hunt, including federal youth waterfowl hunt days. Applicants must have a valid hunter education certificate number, or mentor youth number for appropriate species.

J. Required information: An individual making license application shall supply the department on the appropriate form

with all required personal information including, but not limited to name, address, date-of-birth, last four digits of his/her social security number prior to an application form being processed or a license being awarded.

K. Military-only hunts: Applicants must be full time active military and proof of military status must be received by the department prior to applying for any military only hunt.

L. Veteran oryx hunts: Only New Mexico resident veterans who served a minimum of 90 days active duty service in the U.S. Military, or six continuous years in the National Guard or Military Reserve Component, or who were commissioned officers of the U.S. Public Health or National Oceanic and Atmospheric Administration are eligible to apply for Veteran oryx licenses. Applicants must have been honorably discharged from the U.S. military, and must provide a valid DD-214 prior to applying for any Veteran oryx hunt.

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

N. Application fee: Prior to the drawing, all applicants for special hunt drawings for public draw licenses shall pay the applicable species license fees including depredation damage stamp, the required game hunting license fee and the non-refundable draw application fee as defined by 19.30.9.9 NMAC. Disabled American veterans certified as holders of lifetime general hunting and fishing licenses are exempt from paying the application fee when applying for deer hunt drawings.

O. License, permit and stamp requirements: A game hunting or game hunting and fishing license is required to hunt any small game species, and an annual game hunting or game hunting and fishing license is required to apply for or purchase any big-game or turkey license (exception: disabled

veteran card holders). A habitat management and access validation is required in conjunction with any hunting, fishing, or trapping license (exceptions: persons under age 18, free fishing license holders over age 70, and disabled veteran card holders). A habitat stamp is required in conjunction with any hunting, fishing, or trapping license on forest service or bureau of land management (BLM) properties (exceptions: anglers and trappers under age 12, free fishing license holders over age 70, and disabled veteran card holders). Migratory bird hunters must possess a Harvest Information Program (HIP) number. Waterfowl hunters must also possess a federal duck stamp. Nonresidents must have a nongame hunting license or any valid hunting license to hunt unprotected or nongame species. Draw permits must be accompanied by the appropriate hunting license(s) and stamp(s). Additional permits may be required for specific hunting and fishing activities pursuant to 19.31.6.9 NMAC, 19.31.5.8 NMAC and 19.31.4.13 NMAC.

P. Penalty

assessments: When a person is issued a penalty assessment citation for fishing without a license, hunting small game without a license, or failing to possess an applicable habitat management and access validation, habitat stamp or second rod validation; the citation will serve as a license for that specific activity for 15 calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within 30 days of the date of citation issuance.

[19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 1/1/2023]

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

[19.31.3.12 NMAC - Rp, 19.31.3.12 NMAC, 1/1/2023]

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 5/31/1967; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968; Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-

Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971; Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971; 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 6/9/1971; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971; Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972; Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972; 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 6/26/1972; Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972; Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973; Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973; 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 5/31/1973; Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974; Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974; 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 5/29/1974;
 Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/1975;
 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 3/24/1975;
 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 6/25/1975;
 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 2/23/1976;
 Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977;
 Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/1978;
 Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979;
 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 2/22/1980;
 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 2/17/1981;
 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 3/10/1982;
 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 3/9/1983;
 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 4/2/1984;
 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 4/18/1985;
 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 3/25/1986;
 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 2/12/1987;
 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 12/18/1987;
 Regulation No. 658, Establishing A System For Allocating Elk Licenses On Private And Public Lands Within Game Management Units, filed 6/1/1988;
 Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989;
 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 3/20/1989;
 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 11/21/1989;
 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 2/8/1991;
 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 3/4/1992;
 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 3/11/1993.

History of Repealed Material:

19.31.3 NMAC, Hunting and Fishing License Applications, filed 1/17/2001 - Repealed effective 12/30/2004.
 19.31.3 NMAC, Hunting and Fishing License Applications, filed 12/30/2004 - Repealed effective 4/1/2016.
 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 4/1/2016 - Repealed effective 10/31/2017.
 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 10/5/2017 - Repealed effective 1/1/2019.
 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/7/2018 - Repealed effective 1/1/2020.
 19.31.3 NMAC, Hunting and Fishing Licenses and Application, filed 12/15/2020 - Repealed effective 1/1/2023.

GAME AND FISH DEPARTMENT

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

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

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

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

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

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

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting,

fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2023]

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

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

C. "Any sporting arm" shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

D. "Arrow" or "Bolt" shall mean only those arrows or bolts having broadheads with cutting edges except that "judo", "blunt" or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.

E. "Bag limit" shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.

F. "Bait" as used in 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.

G. "Bait" as used in 19.31.10.12 NMAC and 19.31.10.13 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.

H. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in Section 17-2-3 NMSA 1978.

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

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

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

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

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

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

O. "Bow fishing" shall mean taking or attempting to take game fish with arrows/bolts that are

discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

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

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

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

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

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

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

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

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

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

Y. “Established road” is defined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OO. “Restricted muzzle-loading rifle” shall mean

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

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

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

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

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

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

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

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

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

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

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

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

WW. "Trotline" shall be synonymous with "set line" or "throw line" or "jug", "Yo-Yo line" or "limb line", and shall mean a fishing line that is used without rod or reel and

that need not be held in the hand or closely attended.

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

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

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

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

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

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section

17-2-20 NMSA 1978. [19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 4/1/2023]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES:

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

A. License or permit:

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

B. Game taken by another "Possession certificate":

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

(1) the first and last name of the person receiving the protected species or parts;

(2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;

(3) the date and GMU where the game or furbearer was lawfully taken;

(4) the lawful possessor's name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;

(5) the date and place of the donation or transaction;

(6) the reason the lawful possessor transferred the

animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and

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

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

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

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

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

[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2023]

19.31.10.10 PERMITS AND LICENSES ISSUED:

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

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

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

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

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

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

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

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

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

E. Release of wildlife:

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

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

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

A. Shooting from

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

B. Shooting at artificial wildlife from the road:

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

has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft:

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

D. Harassing protected species:

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

E. Hunting after

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

F. Use of aircraft for spotting game:

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

G. Using information gained from air flight:

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

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

H. Aircraft, drone and vehicle exemptions to this rule:

The Director may exempt a person

from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

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

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

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

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

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

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

J. Mobility-Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from

a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

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

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

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

19.31.10.12 BIG GAME AND TURKEY:

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

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

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

a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

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

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

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

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

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

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

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

accompany the carcass in the same manner.

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

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

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

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

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

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

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

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, upon harvesting an animal, shall immediately and completely notch out the appropriate month and day on the carcass tag. Prior to moving any part of the carcass from the kill site, the licensed hunter shall remove the entire backing material from the carcass tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate location on the antler or horn leaving the entire face of the tag visible. All tags shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. The antler/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) **Electronic Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department’s electronic tagging (e-tag) application to receive an e-tag number specific

to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

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

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

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

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

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

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

(ii) The hunter who kills the bear or cougar or the hunter’s designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within

five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.

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

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

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

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

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

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

H. It is unlawful:

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

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

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within

five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of legal bag limit until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a department official, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

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

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

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

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

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

L. Use of dogs in hunting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. Drugs and

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

T. Legal sporting

arm types:

(1) It is

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

(2) It is

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

(3) It is

unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the

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

(1) A

landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of

the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A

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

V. Restricted areas on White Sands missile range:

(1) It is

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

(2) It is

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

(3) It is

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

W. Validity of licenses and unitizations:

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

X. Hunting on public land with a private land only license:

It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed

property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking

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

Z. License purchase:

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

AA. Zones:

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

BB. Valle Vidal:

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

CC. Cougar ID:

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

DD. Use of cellular,

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

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

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game

bird or upland game species with a fully automatic firearm.

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

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

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

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

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

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

- (a) shotguns firing shot;
- (b) rimfire firearms;
- (c) muzzle-loading firearms;
- (d) bows;
- (e) crossbows; and

(f) compressed air guns, .177 caliber or larger.

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

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

(b) bows; and

(c) crossbows.

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

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

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

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

19.31.10.14 FISHING:

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

B. Season and hours: It is unlawful to fish in any

water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

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

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

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

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

(1) It is unlawful for any person to set more than one trotline at a time.

(2) It is unlawful to tie or join together trotlines belonging to two or more persons.

(3) It is unlawful for any trotline to have more than 25 angling hooks.

(4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.

(5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.

(6) It is unlawful for anyone to set, check or

maintain a trotline which is not tagged or marked as follows:

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

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

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

Continued Next Page

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

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

G. Spearfishing and bow fishing:

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

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

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

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

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

K. Bait:

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

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

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

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

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner

Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park	Fathead minnow red shiner, and shad
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

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

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

(3)

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

M. Methods for taking bait fish for personal use:

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

N. Illegal taking of bait fish:

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

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

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

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

P. Limit on angling

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

Q. Eradication of

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

R. Possession and release of live game fish:

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

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

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

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

T. Number of fishing

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

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

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

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

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

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the

river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

Z. Attracting or concentrating fish:

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

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

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

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2023]

19.31.10.15 FURBEARERS:

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

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

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

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

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

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

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

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

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

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

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except

prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

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

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

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

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

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

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a

minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

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

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

(b) a designated and signed roadside rest area, public picnic area or trailhead. "Trailhead" as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

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

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

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

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

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

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

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

C. Trespass on state game commission owned lands: It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department. [19.31.10.16 NMAC - Rp, 19.31.10.16 NMAC, 4/1/2023]

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

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

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

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

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

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties. [19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2023]

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

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

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

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

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

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

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

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

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

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

D. Trotline violations, contrary to 19.31.10 NMAC;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S. Hunting hours violations, contrary to 19.31.10 NMAC;

T. Possession of game animal parts found in field, contrary to 19.31.10 NMAC;

U. Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;

V. Harassing protected species, contrary to 19.31.10 NMAC;

W. Driving off road or on a closed road, contrary to 19.31.10 NMAC;

X. Violation of posted signs, contrary to 19.31.10 NMAC;

Y. Unlawful use of dogs, contrary to 19.31.10 NMAC;

Z. Unlawful use of

cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;

AA. Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC; or

BB. Any violation of section 15 of 19.31.10 NMAC. [19.31.10.19 NMAC - Rp, 19.31.10.19 NMAC, 4/1/2023]

19.31.10.20 SEIZURE: Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule. [19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2023]

19.31.10.21 DIRECTOR'S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director's sole discretion, necessitates such accommodation. This includes allowing the use of a scope of not greater than 1X magnification on muzzle-loading firearms by a person with a visual disability which substantially limits a major life activity and cannot be corrected by glasses or contact lenses. In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other state game commission rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping. [19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2023]

HISTORY OF 19.31.10 NMAC:

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

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

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

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

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

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

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

NMAC History:

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

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

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

History of Repealed Material:

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4-1-2007.

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

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

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2023.

GAME AND FISH DEPARTMENT

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

19.31.13.1 ISSUING

AGENCY: New Mexico department of game and fish.

[19.31.13.1 NMAC - Rp, 19.31.13.1 NMAC, 4/1/2023]

19.31.13.2 SCOPE:

Sportspersons interested in deer management and deer hunting. Additional requirements may be found in Chapter 17 NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.

[19.31.13.2 NMAC - Rp, 19.31.13.2 NMAC, 4/1/2023]

19.31.13.3 STATUTORY

AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of

Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds and fish.

[19.31.13.3 NMAC - Rp, 19.31.13.3 NMAC, 4/1/2023]

19.31.13.4 DURATION: April 1, 2023 through March 31, 2027.

[19.31.13.4 NMAC - Rp, 19.31.13.4 NMAC, 4/1/2023]

19.31.13.5 EFFECTIVE

DATE: April 1, 2023, unless a later date is cited at the end of an individual section.

[19.31.13.5 NMAC - Rp, 19.31.13.5 NMAC, 4/1/2023]

19.31.13.6 OBJECTIVE:

Establishing open hunting seasons and regulations, rules and procedures governing the distribution and issuance of deer licenses by the department.

[19.31.13.6 NMAC - Rp, 19.31.13.6 NMAC, 4/1/2023]

19.31.13.7 DEFINITIONS:

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

B. "Deer" as used herein, shall mean any wild cervid of the genus *Odocoileus*.

C. "Deer enhancement program" as used herein, shall mean the department activity that allows the issuance of not more than two authorizations for the taking of one fork-antlered deer per license, with the purpose of raising funds for programs and projects to benefit deer.

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

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

F. "Either sex" or "ES" shall mean any one deer.

G. "Either sex white-tailed deer" or "ESWTD" shall mean any one white-tailed deer (*Odocoileus virginianus*).

H. "Fork-antlered deer" or "FAD" 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.

I. "Fork-antlered mule deer" or "FAMD" shall mean a mule deer (*Odocoileus hemionus*) 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.

J. "Fork-antlered white-tailed deer" or "FAWTD" shall mean a white-tailed deer (*Odocoileus virginianus*) 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.

K. "Game management unit", "GMU", "hunt area" or "management area" shall mean those areas as described in 19.30.4 NMAC Boundary Descriptions for Game Management Units.

L. "High demand hunt" shall mean a special draw hunt where the total number of non-resident applicants for a deer hunt exceeds twenty-two percent of the total applicants based on data for the two immediately preceding years.

M. "Quality hunt" shall mean a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: an enhanced experience based on timing and length of hunt season; lower hunter density; or an increased opportunity for success.

N. "Wildlife management areas" or "WMAs" shall mean those areas as described in 19.34.5 NMAC Wildlife Management Areas.

[19.31.13.7 NMAC - Rp, 19.31.13.7 NMAC, 4/1/2023]

19.31.13.8 ADJUSTMENT

OF LICENSES: The director, with the verbal concurrence of the chairperson of the New Mexico state game commission or their designee, may adjust the number of licenses for deer up or down by no more than twenty percent of the

total licenses available in the GMU to address significant changes in population levels or to address critical department management needs. This adjustment may be applied to any or all of the specific hunt codes for deer. The director may change or cancel all hunts on military lands to accommodate closures on those lands; if changed, the season length and bag limit shall remain the same as assigned on the original hunt code. [19.31.13.8 NMAC - Rp, 19.31.13.8 NMAC, 4/1/2023]

19.31.13.9 GMUs 2A, 2B, 2C, 4 AND 5A PRIVATE-LAND ONLY HUNTS:

A. Persons applying for private-land only deer licenses in GMUs 2A, 2B, 2C, 4 and 5A must obtain an authorization number from participating landowners in these GMUs.

B. Participating landowners in GMUs 2A, 2B, 2C, 4 and 5A are required to provide proof of land ownership to obtain authorization numbers from the department. [19.31.13.9 NMAC - Rp, 19.31.13.9 NMAC, 4/1/2023]

19.31.13.10 CHRONIC WASTING DISEASE (CWD):

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

- A.** meat that is cut and wrapped (either commercially or privately);
- B.** quarters or other portions of meat with no part of the spinal column or head attached;
- C.** meat that has been boned out;
- D.** hides with no heads attached;
- E.** clean skull plates with antlers attached; clean is defined as having been immersed in a bath of

at least one part chlorine bleach and two parts water with no meat or tissue attached;

F. antlers with no meat or tissue attached;

G. finished taxidermied heads; or

H. by prior arrangement to a department office.

[19.31.13.10 NMAC - Rp, 19.31.13.10 NMAC, 4/1/2023]

19.31.13.11 QUALITY DEER HUNTS: Quality hunts for deer are as follows:

A. Hunt codes DER-1-115, DER-1-116, DER-2-121, DER-2-122, DER-2-123, DER-2-420

B. All hunts in GMUs 2C, 5B, 8, 17, 23-Burro mountains hunt area, 27, 33, 41, the Valle Vidal, all private land deer incentive program hunts and all hunts on the Humphries/Rio Chama/Sargent WMAs.

[19.31.13.11 NMAC - Rp, 19.31.13.11 NMAC, 4/1/2023]

19.31.13.12 SPECIAL DEER HUNTING OPPORTUNITIES:

A. Deer enhancement program:

(1) Program description: The director shall collect all proceeds generated through the auction and lottery of special deer authorizations, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit deer and for direct costs 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 conservation, restoration, utilization and management of deer.

(2) Requirements for issuance of special deer authorizations:

(a) The state game commission shall authorize the director to issue not more than two special deer authorizations in any one license year to take one fork-antlered deer

per license. The director shall allow the sale of one authorization through auction to the highest bidder and one authorization to a person selected through a random drawing of a lottery ticket by the department or an incorporated, nonprofit organization dedicated to the conservation of deer.

(b) Unless their hunting privileges have been revoked pursuant to law, any person is eligible to submit a bid for the special deer auction authorization or purchase lottery tickets in an attempt to be selected for the special deer lottery authorization.

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

(3) Enhancement hunts: Deer enhancement licenses shall be valid from September 1 through January 31 for any big-game sporting arms. These licenses shall be valid statewide where hunting is allowed. The bag limit shall be one fork-antlered deer. The authorization to obtain a deer enhancement license may be used either by the applicant or any individual.

B. Deer incentive programs:

(1) CWD reporting incentive: The director may annually allow up to two deer authorizations to be issued through a random drawing for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorizations awarded pursuant to this rule may be transferred through sale, barter or gift. Deer incentive hunts shall be valid only for the dates, big-game sporting arms, bag limit and area specified by the director.

(2) Private-land deer incentive program: Private landowners who are conducting and maintaining substantial habitat improvements or land management practices on their deeded lands that directly and significantly benefit deer may be considered for special recognition.

Only those projects as determined by the department to be relevant and beneficial to deer will be considered. Landowners must develop a deer conservation and management plan and submit an application including a map delineating the legal property boundary to the department. Upon completion of approved habitat improvement projects the landowner may be granted authorizations for alternative season dates as approved by the department. Licenses obtained using the authorizations will be valid only on deeded property for the ranch to which they were awarded. Landowners receiving incentive authorizations are required to continue habitat improvement projects and submit an update as directed by the department to be considered for continued participation.

C. Premium hunt opportunity: One premium deer draw hunt will be issued each license year through the draw. The hunt area will be statewide on any public land open to hunting, including WMAs, and private land with written permission.

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
statewide	9/1/2023-1/31/2024	9/1/2024-1/31/2025	9/1/2025-1/31/2026	9/1/2026-1/31/2027	DER-1-700	1	FAD

[19.31.13.12 NMAC - Rp, 19.31.13.12 NMAC 4/1/2023]

19.31.13.13 POPULATION MANAGEMENT HUNTS:

A. The director or their designee may authorize population management hunts for deer when justified in writing by department personnel.

B. The director or their designee shall designate the big-game sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses to be issued.

C. In the event that an applicant is not able to hunt on the dates specified, the applicant’s name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

D. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunters’ names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

[19.31.13.13 NMAC - Rp, 19.31.13.13 NMAC, 4/1/2023]

19.31.13.14 DEER HUNTS:

A. Public draw (and 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 codes, big-game sporting arms, number of licenses and bag limit shall be as indicated below. The state game commission owned Double E WMA, Navajo WMA, Pine River WMA, prairie-chicken areas, River Ranch WMA and Water Canyon WMA shall be open to licensed public draw deer hunters during established seasons. Hunters holding a valid bow deer license for GMUs 23 or 24 who do not harvest a deer during their hunt will be allowed to obtain permission from the department to hunt antlerless deer from January 16 through February 5 within the Silver City deer management area as delineated by the department.

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
2A: youth only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-100	25	FAD
2A	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-101	150	FAD
2A: private land only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-102	40	FAD
2A: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-103	15	FAD
2A	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-104	40	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	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-106	80	FAD
2A: private land only	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-107	15	FAD
2A	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-108	50	FAD
2A: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-109	10	FAD
2B	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-110	275	FAD
2B: youth only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-111	125	FAD
2B: private land only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-112	25	FAD
2B	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-113	350	FAD

1495 New Mexico Register / Volume XXXIII, Issue 21/ November 8, 2022

2B: private land only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-114	25	FAD
2B	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-115	400	FAD
2B: private land only	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-116	75	FAD
2B: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-117	25	FAD
2B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-118	130	FAD
2B: youth only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-119	20	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	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-121	180	FAD
2B: youth only	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-122	50	FAD
2B: private land only	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-123	30	FAD
2B	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-124	175	FAD
2B: youth only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-125	20	FAD
2B: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-126	10	FAD
2C	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-127	30	FAD
2C: private land only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-128	8	FAD
2C	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-129	50	FAD
2C: private land only	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-130	15	FAD
2C	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-131	20	FAD
2C: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-132	9	FAD
4: Humphries/Rio Chama/Sargent WMAs only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-133	20	FAD
4: Humphries/Rio Chama/Sargent WMAs only, youth only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-134	10	FAD
4: private land only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-135	175	FAD
4: Humphries/Rio Chama/Sargent WMAs only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-136	20	FAD
4: private land only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-137	175	FAD
4: Humphries/Rio Chama/Sargent WMAs only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-138	10	FAD
4: private land only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-139	10	FAD
4: Humphries/Rio Chama/Sargent WMAs only, youth only	11/22-11/26	11/27-12/1	11/26-11/30	11/25-11/29	DER-1-140	5	FAD
4: Humphries/Rio Chama/Sargent WMAs only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-141	10	FAD
4: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-142	150	FAD
4: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-143	100	FAD
5A: public land only	11/7-11/13	11/5-11/11	11/11-11/17	11/10-11/16	DER-1-144	40	FAD
5A: private land only	11/7-11/13	11/5-11/11	11/11-11/17	11/10-11/16	DER-1-145	220	FAD
5A: public land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-146	30	FAD
5A: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-147	220	FAD
5A: public land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-148	10	FAD
5A: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-149	50	FAD
5B	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-150	30	FAD

5B: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-151	10	FAD
5B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-152	10	FAD
5B	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-153	10	FAD
6A and 6C: mobility impaired	10/14-10/18	10/12-10/16	10/11-10/15	10/10-10/14	DER-1-154	20	FAD
6A and 6C	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-155	110	FAD
6A and 6C	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-156	100	FAD
6A and 6C	9/30-10/4	9/28-10/2	10/4-10/8	10/3-10/7	DER-3-157	115	FAD
7	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-158	30	FAD
7	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-159	10	FAD
7	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-160	15	FAD
7	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-161	25	FAD
8: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-2-162	65	FAD
8	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-163	65	FAD
9	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-164	15	FAD
9: Marquez/LBar WMAs only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-165	10	FAD
9: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-166	10	FAD
9	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-167	10	FAD
9	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-168	15	FAD
9: restricted muzzleloader only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-169	10	FAD
10: mobility impaired	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-170	20	FAD
10	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-171	70	FAD
10	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-172	65	FAD
10	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-173	90	FAD
10: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-174	25	FAD
10	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-175	100	FAD
10	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-176	90	FAD
12	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-177	85	FAD
12	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-178	20	FAD
12	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-179	40	FAD
13	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-180	150	FAD
13	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-181	150	FAD
13: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-182	50	FAD
13	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-183	125	FAD
13	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-184	75	FAD
13	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-185	200	FAD
14	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-186	55	FAD
14	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-187	35	FAD
14	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-188	25	FAD
14	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-189	55	FAD
15	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-190	75	FAD
15	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-191	25	FAD
15	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-192	165	FAD
15: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-3-193	100	FAD
16	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-194	300	FAD

1497 New Mexico Register / Volume XXXIII, Issue 21/ November 8, 2022

16: mobility impaired	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-195	25	FAD
16	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-196	300	FAD
16: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-197	100	FAD
16	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-198	230	FAD
16	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-199	175	FAD
16	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-200	300	FAD
17	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-201	80	FAD
17	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-202	80	FAD
17: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-203	80	FAD
17	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-204	75	FAD
17	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-205	75	FAD
17	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-206	80	FAD
18	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-207	70	FAD
18	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-208	70	FAD
18	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-209	50	FAD
18	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-210	40	FAD
18	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-211	75	FAD
19: White Sands missile range only, mandatory check-in/check-out	12/1-12/3	11/29-12/1	11/28-11/30	11/27-11/29	DER-1-212	5	FAD
19: White Sands missile range only, mandatory check-in/check-out	1/12-1/14	1/10-1/12	1/9-1/11	1/8-1/10	DER-1-213	5	FAD
19: except the White Sands missile range portion	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-214	10	FAD
19: except the White Sands missile range portion	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	DER-3-215	10	FAD
20	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-216	90	FAD
20	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-217	90	FAD
20	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-218	45	FAD
20	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-219	25	FAD
20	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-220	85	FAD
21	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-221	425	FAD
21	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-222	425	FAD
21: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-223	100	FAD
21	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-224	300	FAD
21	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-225	200	FAD
21	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-226	350	FAD
21	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-227	25	FAWTD
22	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-228	70	FAD
22	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-229	70	FAD
22: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-230	20	FAD
22	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-231	30	FAD
22	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-232	25	FAD
22	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-233	65	FAD

23: except the Burro mountains hunt area	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-234	450	FAMD
23: except the Burro mountains hunt area	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-235	450	FAMD
23: except the Burro mountains hunt area	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	DER-1-236	100	FAWTD
23: except the Burro mountains hunt area	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-237	55	FAWTD
23: except the Burro mountains hunt area, youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-238	75	FAD
23: except the Burro mountains hunt area	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-239	205	FAMD
23: except the Burro mountains hunt area	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-240	50	FAMD
23: except the Burro mountains hunt area	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-241	100	FAWTD
23: except the Burro mountains hunt area	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	DER-2-242	50	FAWTD
23: except the Burro mountains hunt area	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-243	225	FAMD
23: except the Burro mountains hunt area	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-244	75	FAWTD
23: Burro mountains hunt area only	11/4-11/12	11/2-11/10	11/8-11/16	11/7-11/15	DER-1-245	35	FAMD
23: Burro mountains hunt area only	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-246	40	FAWTD
23: Burro mountains hunt area only, youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-247	25	FAD
23: Burro mountains hunt area only	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-248	40	FAMD
23: Burro mountains hunt area only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-249	20	FAWTD
23: Burro mountains hunt area only	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	DER-2-250	50	FAWTD
23: Burro mountains hunt area only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-251	40	FAMD
23: Burro mountains hunt area only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-252	40	FAWTD
24: including Fort Bayard management area, youth only	9/30-10/8	9/28-10/6	9/27-10/5	9/26-10/4	DER-1-253	50	FAD
24: excluding Fort Bayard management area	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-254	400	FAMD
24: excluding Fort Bayard management area	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-255	400	FAMD
24: excluding Fort Bayard management area	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	DER-1-256	100	FAWTD

1499 New Mexico Register / Volume XXXIII, Issue 21/ November 8, 2022

24: including Fort Bayard management area, youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-257	50	FAD
24: excluding Fort Bayard management area	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-258	50	FAWTD
24: excluding Fort Bayard management area	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-259	135	FAMD
24: excluding Fort Bayard management area	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-260	85	FAMD
24: excluding Fort Bayard management area	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-261	60	FAWTD
24: excluding Fort Bayard management area	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	DER-2-262	40	FAWTD
24: excluding Fort Bayard management area	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-263	280	FAMD
24: excluding Fort Bayard management area	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-264	75	FAWTD
25	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-265	100	FAD
25	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-266	100	FAD
25	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-267	45	FAD
25	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-268	30	FAD
25	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-269	45	FAD
26	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-270	100	FAD
26	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-271	100	FAD
26	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-272	25	FAD
26	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-273	15	FAD
26	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-274	60	FAD
26	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-275	25	FAWTD
27	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-276	50	FAMD
27	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-277	50	FAMD
27	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	DER-1-278	40	FAWTD
27: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-279	25	FAD
27	12/2-12/10	12/7-12/15	12/6-12/14	12/5-12/13	DER-1-280	25	FAWTD
27	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-281	30	FAMD
27	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-282	15	FAWTD
27	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-283	30	FAMD
27	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	DER-2-284	40	FAWTD
27	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-285	40	FAMD
27	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-3-286	50	FAWTD
28: McGregor range only	12/16-12/17	12/21-12/22	12/20-12/21	12/19-12/20	DER-1-287	25	FAD
28: McGregor range only, military only	12/16-12/17	12/21-12/22	12/20-12/21	12/19-12/20	DER-1-288	25	FAD

29	10/28-11/1	10/26-10/30	10/25-10/29	10/31-11/4	DER-1-289	150	FAD
29	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-290	150	FAD
29	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-291	100	FAD
29	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-292	50	FAD
29	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-3-293	70	FAD
30	10/28-11/1	10/26-10/30	10/25-10/29	10/31-11/4	DER-1-294	720	FAD
30	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-295	720	FAD
30: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-296	250	FAD
30	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-297	200	FAD
30	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-298	100	FAD
30	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-3-299	325	FAD
31	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-300	440	FAD
31	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-301	435	FAD
31	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-302	175	FAD
31	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-303	100	FAD
31	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-3-304	175	FAD
32	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-305	565	FAD
32	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	DER-1-306	560	FAD
32: Roswell and Ft. Sumner hunt areas only, youth only	12/16-12/31	12/16-12/31	12/16-12/31	12/16-12/31	DER-1-307	15	A
32: Roswell and Ft. Sumner hunt areas only	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	DER-1-308	15	A
32	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-309	150	FAD
32	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-310	100	FAD
32	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-3-311	175	FAD
33	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-312	150	FAD
33	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-313	150	FAD
33	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-314	60	FAD
33	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-315	50	FAD
33: restricted muzzleloader only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-316	140	FAD
33: Huey WMA only, youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-3-317	5	ES
33: Huey WMA only, youth only	12/26/2023-1/1/2024	12/26/2024-1/1/2025	12/26/2025-1/1/2026	12/26/2026-1/1/2027	DER-3-318	5	A
34: mobility impaired	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-319	50	FAD
34: youth only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-320	45	FAD
34	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-321	650	FAD
34	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	DER-1-322	650	FAD
34	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-323	450	FAD
34	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-324	350	FAD
34	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-3-325	340	FAD
36	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-326	300	FAD
36	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	DER-1-327	300	FAD
36: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-328	25	FAD

1501 New Mexico Register / Volume XXXIII, Issue 21/ November 8, 2022

36	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-329	225	FAD
36	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-330	125	FAD
36	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-331	115	FAD
36: youth only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-332	25	FAD
37	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-333	365	FAD
37	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-334	360	FAD
37	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-335	100	FAD
37	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-336	80	FAD
37	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-337	125	FAD
38	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-338	160	FAD
38	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-339	155	FAD
38	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-340	65	FAD
38	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-341	40	FAD
38	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-342	100	FAD
39	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-343	35	FAD
39	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-344	35	FAD
39	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-345	25	FAD
39	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-346	15	FAD
39	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-347	40	FAD
40	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	DER-1-348	50	FAD
40	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	DER-1-349	50	FAD
40	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-350	20	FAD
40	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-351	15	FAD
40	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-352	30	FAD
41	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-353	40	FAD
41	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-354	40	FAD
41: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-355	5	FAD
41: youth only	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	DER-1-356	15	ESWTD
41	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	DER-1-357	10	ESWTD
41	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-358	10	FAD
41	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-359	10	FAD
41	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-360	25	FAD
42	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-361	40	FAD
42	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-362	40	FAD
42	11/22-11/26	11/27-12/1	11/26-11/30	11/25-11/29	DER-1-363	10	ESWTD
42	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-364	15	FAD
42	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-365	15	FAD
43	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-366	35	FAD
43	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-367	10	FAD
43	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-3-368	15	FAD
45	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-369	250	FAD
45: mobility impaired	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-370	25	FAD
45	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-371	250	FAD
45: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-372	25	FAD
45	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-373	165	FAD
45	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-374	160	FAD

47	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-375	25	FAD
47	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-376	20	FAD
47	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-377	10	FAD
47	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-378	20	FAD
48	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-379	50	FAD
48	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-380	50	FAD
48	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-381	45	FAD
48	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-382	30	FAD
49	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-383	100	FAD
49	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-384	100	FAD
49	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-385	105	FAD
50	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-386	50	FAD
50	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-387	50	FAD
50	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-388	5	FAD
51A	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-389	145	FAD
51A	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-390	65	FAD
51B	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-391	20	FAD
51B	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-392	15	FAD
51B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-393	15	FAD
52	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-394	90	FAD
52	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-395	90	FAD
52	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-396	80	FAD
52: restricted muzzleloader only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-397	25	FAD
53	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-398	85	FAD
53	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	DER-1-399	85	FAD
53	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-400	100	FAD
54/55: Colin Neblett WMA only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-401	10	FAD
54/55: Colin Neblett WMA only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-402	10	FAD
54/55: Colin Neblett WMA only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-403	10	FAD
55: ES Barker WMA only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-404	5	FAD
55: ES Barker WMA only, youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-405	5	FAD
55: Urraca WMA only	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-406	5	FAD
55: Urraca WMA only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-407	5	FAD
55: Valle Vidal only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-408	10	FAD
56	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-409	15	FAD
56	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-410	15	FAD
56: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-411	10	FAD
56: youth only	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	DER-1-412	10	ESWTD
56	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-413	10	FAD
56	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-414	15	FAD
57	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-415	25	FAD

57	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-416	25	FAD
57: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-417	10	FAD
57	11/22-11/26	11/27-12/1	11/26-11/30	11/25-11/29	DER-1-418	10	ESWTD
57	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-419	20	FAD
57: Sugarite canyon state park only	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	DER-2-420	20	FAD
57	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-421	15	FAD
58	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-422	40	FAD
58	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-423	35	FAD
58: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-424	10	FAD
58: youth only	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	DER-1-425	15	ESWTD
58	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	DER-1-426	15	ESWTD
58	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-427	10	FAD
58	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-428	25	FAD
59	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	DER-1-429	40	FAD
59	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	DER-1-430	40	FAD
59: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-431	5	FAD
59: youth only	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	DER-1-432	15	ESWTD
59	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	DER-1-433	15	ESWTD
59	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-434	10	FAD
59	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-435	25	FAD

B. Private-land only deer hunts: Private-land only deer licenses shall only be valid on deeded private land and are restricted to the hunt dates, eligibility requirements, big-game sporting arms and bag limit that corresponds to the draw hunt code listed in Subsection A of 19.31.13.14 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. Private-land only hunts in GMUs 8, 46, 54 and 55 shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
8	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	DER-1-500	unlimited	FAD
8	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-501	unlimited	FAD
8	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	DER-2-502	unlimited	FAD
8	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-503	unlimited	FAD
46	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-1-504	unlimited	FAD
46	10/28-11/1	10/26-10/30	10/25-10/29	10/31-11/4	DER-1-505	unlimited	FAD
46	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-506	unlimited	FAD
46	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-507	unlimited	FAD
54	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-1-508	unlimited	FAD
54	10/28-11/1	10/26-10/30	10/25-10/29	10/31-11/4	DER-1-509	unlimited	FAD
54	11/22-11/26	11/27-12/1	11/26-11/30	11/25-11/29	DER-1-510	unlimited	ESWTD
54: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-511	unlimited	FAD
54	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-512	unlimited	FAD
54	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-513	unlimited	FAD
55	10/21-10/25	10/19-10/23	10/18-10/22	10/24-10/28	DER-1-514	unlimited	FAD
55	10/28-11/1	10/26-10/30	10/25-10/29	10/31-11/4	DER-1-515	unlimited	FAD
55: youth only	11/18-11/26	11/23-12/1	11/22-11/30	11/21-11/29	DER-1-516	unlimited	FAD
55	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-517	unlimited	FAD
55	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-518	unlimited	FAD
55	11/22-11/26	11/27-12/1	11/26-11/30	11/25-11/29	DER-1-519	unlimited	ESWTD

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

HISTORY OF 19.31.13 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 5/31/1967; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968; Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-

Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971; Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971; 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 6/9/1971; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971; Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972; Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972; 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 6/26/1972; Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972; Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973; Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973; 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 5/31/1973; Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974; Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974; 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 5/29/1974; Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/1975; 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 3/24/1975; 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 6/25/1975; 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 2/23/1976; Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977; Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/1978; Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979; 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 2/22/1980; 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 3/17/1981; 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 3/10/1982;
 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 3/9/1983;
 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 4/2/1984;
 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 4/18/1985;
 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 3/25/1986;
 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 2/12/1987;
 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 12/18/1987;
 Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989;
 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 3/20/1989;
 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 11/21/1989;
 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 2/8/1991;
 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 3/4/1992;
 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 3/11/1993.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3/1/2001 - duration expired 3/31/2003.
 19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3/31/2005.
 19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3/31/2007.
 19.31.13 NMAC, Deer, filed 12/1/2006 - duration expired 3/31/2009.
 19.31.13 NMAC, Deer, filed 3/13/2009 - duration expired 3/31/2011.
 19.31.13 NMAC, Deer, filed 2/22/2011 - Repealed effective 3/29/2013. Replaced by 19.31.13 NMAC, Deer, effective 3-29-2013.
 19.31.13 NMAC, Deer, filed 3/29/2013- Repealed effective 2/27/2015. Replaced by 19.31.13 NMAC, Deer, effective 4/1/2015.
 19.31.13 NMAC, Deer, filed 2/17/2015- duration expired 3/31/2019.
 19.31.13 NMAC, Deer, filed 12/7/2018- duration expired 3/31/2023.

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
 CHAPTER 31 HUNTING AND FISHING
 PART 14 ELK**

19.31.14.1 ISSUING

AGENCY: New Mexico department of game and fish.
 [19.31.14.1 NMAC - Rp, 19.31.14.1 NMAC, 4/1/2023]

19.31.14.2 SCOPE:

Sportspersons interested in elk management and hunting. Additional requirements may be found in Chapter 17 NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.
 [19.31.14.2 NMAC - Rp, 19.31.14.2 NMAC, 4/1/2023]

19.31.14.3 STATUTORY

AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds and fish.
 [19.31.14.3 NMAC - Rp, 19.31.14.3 NMAC, 4/1/2023]

19.31.14.4 DURATION:

April 1, 2023 through March 31, 2027.
 [19.31.14.4 NMAC - Rp, 19.31.14.4 NMAC, 4/1/2023]

19.31.14.5 EFFECTIVE

DATE: April 1, 2023, unless a later date is cited at the end of a section.
 [19.31.14.5 NMAC - Rp, 19.31.14.5 NMAC, 4/1/2023]

19.31.14.6 OBJECTIVE:

Establishing open hunting seasons and regulations, rules and procedures governing the issuance of elk licenses by the department.
 [19.31.14.6 NMAC - Rp, 19.31.14.6 NMAC, 4/1/2023]

19.31.14.7 DEFINITIONS:

A. “Antlerless elk” or “A” shall mean any one elk without antlers.

B. “Antler point restricted elk” or “APRE/6” shall mean any bull elk with a minimum of six antler points on one side. A brow tine or eye guard constitutes a point; a burr at the base does not.

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

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

E. “Elk” shall mean any wild cervid of the genus *Cervus*.

F. “Elk enhancement program” shall mean the department activity that allows the issuance of not more than two authorizations for the taking of one bull elk per license, with the purpose of raising funds for programs and projects to benefit elk.

G. “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.

H. “Either sex” or “ES” shall mean any one elk.

I. “Game management unit”, “GMU”, “hunt area”, “Cerro portion” or “management area” shall mean those areas as described in 19.30.4 NMAC Boundary Descriptions for Game Management Units.

J. “High-demand hunt” shall mean 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.

K. “Mature bull” or “MB” 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.

L. “Primary management zone” shall mean designated areas of the state upon which elk management goals and

subsequent harvest objectives are based.

M. “Private land authorization” 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.

N. “Quality hunt” shall mean a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: an enhanced experience based on timing and length of hunt season; lower hunter density; or an increased opportunity for success.

O. “Secondary management zone” shall mean areas of the state that are not part of the primary management zone or special management zone.

P. “Special management zone” shall mean areas of the state not within the primary management zone or secondary management zone and where private land authorization issuance includes eligibility requirements or restrictions.

Q. “Wildlife management area” or “WMA” shall mean those areas as described in 19.34.5 NMAC Wildlife Management Areas.
[19.31.14.7 NMAC - Rp, 19.31.14.7 NMAC, 4/1/2023]

19.31.14.8 ADJUSTMENT OF LICENSES AND AUTHORIZATIONS: The director, with the verbal concurrence of the chairperson of the New Mexico state game commission or their designee, may adjust the number of licenses or authorizations up or down by no more than twenty percent to address significant changes in population levels or to address critical department management needs. GMU 34 elk licenses and authorizations may be adjusted beyond this amount as necessary to meet management objectives. These adjustments may be applied to any or all authorizations or licenses for elk in a specific GMU or designated area.
[19.31.14.8 NMAC - Rp, 19.31.14.8 NMAC, 4/1/2023]

19.31.14.9 ELK LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. Validity of license:
In the primary management zones, except GMUs 4 and 5A, private-land ranch-only (as defined in 19.30.5 NMAC) elk licenses shall not be valid on any other private lands. In GMUs 4, 5A, and secondary and special management zones, private-land licenses are valid on any other private lands within the GMU and the same zone designation only if accompanied by written permission; unless otherwise restricted in a department issued agreement.

B. Valle Vidal elk once-in-a-lifetime hunts: No person shall apply for a license to hunt bull elk on the Valle Vidal if he or she has held a license since 1983 allowing them to take a bull elk on the Valle Vidal. Persons that have held a youth-only license may apply for non-youth-only licenses as long as they are eligible. No person shall apply for a license to hunt antlerless elk on the Valle Vidal if he or she has held a license since 1983 allowing them to take an antlerless elk on the Valle Vidal. Persons that have held a youth-only antlerless license may apply for non-youth-only antlerless licenses as long as they are eligible. Either sex or mature bull/antlerless shall be considered as a “bull elk” license, and shall not be considered as an “antlerless” license for this restriction. Persons who have held a Valle Vidal elk license through any incentive program are exempt from this restriction.
[19.31.14.9 NMAC - Rp, 19.31.14.9 NMAC, 4/1/2023]

19.31.14.10 CHRONIC WASTING DISEASE (CWD): The director has the authority to designate possession criteria to any elk hunter where CWD is a concern. It is unlawful to transport dead elk, or their parts, taken from any GMU or area identified by the director in which the presence of, or possibility of, exposure to CWD has been identified, to any location outside that GMU, except for the following:

- A. meat that is cut and wrapped (either commercially or privately);
 - B. quarters or other portions of meat with no part of the spinal column or head attached;
 - C. meat that has been boned out;
 - D. hides with no heads attached;
 - E. clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least one part chlorine bleach and two parts water with no meat or tissue attached;
 - F. antlers with no meat or tissue attached;
 - G. upper canine teeth, also known as “ivories”;
 - H. finished taxidermied heads; or
 - I. by prior arrangement to a department office.
- [19.31.14.10 NMAC - Rp, 19.31.14.10 NMAC, 4/1/2023]

19.31.14.11 QUALITY ELK HUNTS: Quality hunts for elk are as follows:

- A. all Valle Vidal hunts;
- B. the first three mature bull hunts and both bow hunts on the Sargent WMA as follows: ELK-1-165, ELK-1-166, ELK-1-167, ELK-2-163 and ELK-2-164;
- C. elk hunts in GMUs 13, 15, 16A, 16B/22, 16C, 16D, 16E and 17 as follows: ELK-2-257, ELK-3-259, ELK-2-265, ELK-3-267, ELK-2-273, ELK-1-274, ELK-1-275, ELK-2-280, ELK-1-281, ELK-1-282, ELK-2-285, ELK-1-287, ELK-2-292, ELK-1-293, ELK-1-294, ELK-2-299, ELK-3-301, ELK-2-306, and ELK-3-308;
- D. all GMU 6B hunts that allow the hunter to take a bull;
- E. quality hunt fees for licenses listed in Subsection C above shall also apply to the conversion of any mature bull or either-sex private-land authorization (excluding youth-only) for private lands that lie within the primary management zone. This includes any hunt dates from

September 15 through October 15, [19.31.14.11 NMAC - Rp, 19.31.14.11 NMAC, 4/1/2023]

19.31.14.12 SPECIAL ELK HUNTING OPPORTUNITIES:
A. Elk enhancement program:

(1) Program description: The director shall collect all proceeds generated through the auction and lottery of special bull elk authorizations, 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 conservation, restoration, utilization, and management of elk.

(2) Requirements for issuance of special elk authorizations:

- (a)** The state game commission shall authorize the director to issue not more than two special elk **authorizations** in any one license year to take one mature bull elk per **license**. The director shall allow the sale of one **authorization** through auction to the highest bidder and one authorization to a person selected through a random drawing of a lottery ticket by the department or an incorporated, non-profit organization dedicated to the conservation of elk.
- (b)** Unless their hunting privileges have been revoked pursuant to law, any person is eligible to submit a bid for the special elk auction authorization or purchase lottery tickets in an attempt to be selected for the special elk lottery authorization.
- (c)** The special elk authorizations issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals only to other individuals qualified to hunt.
- (d)** Special elk licenses granted through

auction or lottery, as described above, shall not be considered ‘once-in-a-lifetime’.

(3) Enhancement hunts: Elk enhancement licenses shall be valid from September 1 through January 31 for any big-game sporting arms. These licenses shall be valid statewide where hunting is allowed; bag limit shall be one mature bull elk. The elk enhancement authorizations may be used by the recipient or transferred through sale, barter or gift by the successful individuals to other individuals qualified to hunt.

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. Authorizations to purchase an incentive license may be used either by the applicant or transferred through sale, barter or gift by the successful individuals to any individual qualified to hunt. Elk incentive hunts shall be valid only for the dates, big-game sporting arms, bag limit and area specified by the director.

C. Encouragement hunts:

- (1)** Only resident youth hunters as defined by 19.31.3 NMAC who have submitted a valid application for a draw hunt for deer, elk, pronghorn, ibex, oryx, Barbary sheep or bighorn sheep in the current license year and were unsuccessful in drawing any license will be eligible to purchase a license for these hunts for the first 14 days of availability on the department website. Licenses remaining after 14 days shall be available to any youth hunter eligible to purchase an elk license.
- (2)** The director, with concurrence of the chairperson of the state game commission, may adjust the number of licenses available in all encouragement hunts listed below based on management objectives.
- (3)** These hunts will be administered by the

department through a web sale. The open GMUs, hunt dates, hunt codes, big-game sporting arms, number of licenses and bag limits shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
5B	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-100	20	A
6A	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-101	50	A
6A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-102	50	A
6C	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-103	50	A
6C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-104	50	A
10	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-105	35	A
13	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-106	60	A
13	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-107	60	A
15	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-108	75	A
15	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-109	75	A
16A	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-110	75	A
16A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-111	75	A
16C	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-112	75	A
16C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-113	75	A
16D	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-114	75	A
16D	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-115	75	A
16E	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-116	75	A
16E	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-117	75	A
17	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-118	60	A
17	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-119	60	A
34	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-120	125	A
36	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-121	80	A
36	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-122	80	A
49	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-123	50	A
51	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-124	105	A
51	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-125	105	A
52	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-126	50	A
53	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-127	60	A
53	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-128	60	A

D. 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	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
statewide	9/1/2023-1/31/2024	9/1/2024-1/31/2025	9/1/2025-1/31/2026	9/1/2026-1/31/2027	ELK-1-700	1	MB

[19.31.14.12 NMAC - Rp, 19.31.14.12 NMAC, 4/1/2023]

19.31.14.13 POPULATION MANAGEMENT HUNTS:

A. The director or their designee may authorize population management hunts for elk when justified in writing by department personnel.

B. The director or their designee shall designate the big-game sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses to be issued.

C. In the event that an applicant is not able to hunt on the dates specified, the applicant’s name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

D. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunters’ names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department. [19.31.14.13 NMAC - Rp, 19.31.14.13 NMAC, 4/1/2023]

19.31.14.14 ELK HUNTS IN PRIMARY MANAGEMENT ZONES: This section lists elk management information and subsequent hunting opportunities for GMUs in elk regions where a primary management zone 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, big-game sporting arms, number of licenses available in the public draw and the number and type of authorizations available for private lands within the primary management zone of each GMU.

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 opportunity.

(c) At least one-third of all hunters are “satisfied” with the experience.

B. Northwest region: primary management zones in GMUs 2, 5A, 9 and 10.

(1) Optimal opportunity management within primary management zones in GMUs 2, 5A, 9 and 10.

(2) Foundational resource information for the northwest region is indicated below:

northwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
San Juan (GMU 2)	2300-2900	35:100:32	140-200	180-220
Lindrith (GMU 5A)	2200-2500	35:100:32	140-180	170-200
Mt. Taylor (GMU 9)	1000-2100	26:100:28	40-100	0
Zuni (GMU 10)	1500-1800	35:100:32	110-150	140-160

GMU	management goals	total licenses by bag limit			
		MB, ES-1, ES-3	A	ES-2	total licenses
2	OOM	259	323	282	864
5A	OOM	250	250	65	565
9	OOM	228	0	281	509
10	OOM	206	324	368	898
Total		943	897	996	2836

(3) Public draw elk hunts listing the eligibility requirements or restrictions, GMUs or areas, hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below. The state game commissioned owned Water Canyon WMA shall be open to licensed public draw elk hunters during established seasons.

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
2	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-129	120	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-130	120	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-131	135	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-132	85	MB
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-133	125	A
2 youth only	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-134	75	A
2C	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-135	75	A
5A public land only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-136	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-137	5	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-138	10	MB
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-139	10	A
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-140	10	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-141	10	A
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-142	10	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-143	10	A
	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-144	10	MB
10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-145	10	A	
9 Marquez/ LBar WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-146	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-147	15	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-148	15	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-149	15	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-3-150	15	MB
9	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-151	82	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-152	82	ES
9 mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-153	21	MB
9	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-154	35	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-3-155	35	MB
	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-3-156	21	MB
10	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-157	125	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-158	125	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-159	70	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-160	70	MB
10 youth only	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-161	120	A
10	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-162	100	A

(4) Private land elk authorizations for qualifying ranches listing the number of authorizations, bag limits, and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27 hunt seasons			
	MB, ES-1, ES-3	A	ES -2	Total
2	39	48	42	129
5A	210	210	55	475
9	71	0	87	158

10	66	104	118	288
Total	386	362	302	1050

(5) Private land elk hunts for ranches designated as “ranch-only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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” or “youth-only” hunt periods.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	2, 5A, 9, 10	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	2, 10	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
	9, mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
	9	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31
any big-game sporting arms	2, 10	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31
any big-game sporting arms	5A	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/11-12/31	any 5 consecutive days, 10/10-12/31

C. North central region: primary management zones in GMUs 4, 5B, 50, 51 and 52.

(1) Optimal opportunity management within primary management zones in GMUs 4, 5B, 50, 51 and 52.

(2) Foundational resource information for the north central region shall be as indicated below:

north central region population information			sustainable harvest pursuant to goals	
herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
Chama-San Antonio (GMUs 4, 5B, 50, 51 and 52)	25300-29000	38:100:35	1690-2200	2070-2370

GMU	management goals	total licenses by bag limit			
		MB, ES-1, ES-3, MB/A	A	ES-2	total licenses
4	OOM	1060	665	475	2200
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	2285	1725	7423

(3) Public draw elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
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4:Sargent WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-163	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-164	10	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-165	10	MB/A
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-166	10	MB/A
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-167	10	MB/A
	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-168	10	MB/A
	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-169	10	A
4:Sargent WMA only, youth only	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-170	10	A
4:Humphries/ Rio Chama WMAs only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-171	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-172	10	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-173	15	MB/A
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-174	15	MB/A
	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-175	10	A
4:Humphries/ Rio Chama WMAs only, youth only	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-176	15	A
4: Rio Chama WMA only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	ELK-1-177	20	A
5B	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-178	76	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-179	75	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-180	86	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-181	59	A
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-182	86	MB
	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-183	59	A
	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-184	87	MB
	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	ELK-1-185	59	A
12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-1-186	87	MB	
50	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-187	60	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-188	55	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-189	120	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-190	125	MB
	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-191	42	A
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-192	45	A
51	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-193	180	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-194	180	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-195	220	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-196	220	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-197	220	MB
	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-198	251	A
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-199	251	A
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-200	252	A
12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-3-201	145	ES	

52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-202	230	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-203	230	ES
52 mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-204	50	MB
52	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-205	120	MB
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-206	50	A
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-207	230	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-208	230	MB
52 youth only	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-209	80	A
52 mobility impaired	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-210	56	A
52	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	ELK-1-211	73	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-212	115	A

(4) Private land elk authorizations for qualifying ranches listing the number of authorizations, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27 hunt seasons			
	MB, ES-1, ES-3, MB/A	A	ES-2	Total
4	990	600	435	2025
5B	21	11	9	41
50	86	30	41	157
51	165	155	74	394
52	55	32	40	127
Total	1317	828	599	2744

(5) Private land elk hunts for ranches designated as “ranch-only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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” or “youth-only” hunt periods.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	4, 5B, 50, 51, 52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	52	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
Big-game sporting arms	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
	5B, 50, 51	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/11-12/31	any 5 consecutive days, 10/10-12/31
	52	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31

D. **Jemez region:** primary management zones in GMUs 6A, 6B, 6C and 7.

- (1) Quality hunt management goals for primary management zones in GMUs 6A and 6B.
- (2) Optimal opportunity management within primary management zones in GMUs 6C and 7.
- (3) Foundational resource information for the Jemez region shall be as indicated below:

Jemez region population information	sustainable harvest pursuant to goals
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Jemez herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
GMUs 6A, 6B, 6C, and 7	6100-7100	48:100:27	360-475	440-510

GMU	management goal	total licenses by bag limit			
		MB, ES-1, ES-3	A	ES-2	total licenses
6A	QHM	361	117	297	775
6B	QHM	50	250	50	350
6C	OOM	429	259	300	988
7	OOM	68	62	36	166
Total		908	688	683	2279

(4) Public draw elk hunts listing the eligibility requirements or restrictions, GMUs or areas, hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
6A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-213	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-214	102	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-215	104	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-216	100	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-217	103	MB
	10/28-11/1	10/26-10/30	11/8-11/12	10/31-11/4	ELK-1-218	99	A
6B:	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-219	25	ES
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-220	10	A
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-221	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-222	10	A
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-223	15	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-224	20	A
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-225	15	ES
	10/14-10/18	10-12-10/16	10/18-10/22	10/17-10/21	ELK-1-226	20	A
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-227	20	ES
10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-228	15	A	
6B youth only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-229	35	A
6B	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-230	35	A
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-231	35	A
6B youth only	11/25-11/29	11/23-11/27	11/29-12/3	11/28-12/2	ELK-1-232	35	A
6B	12/2-12/6	11/30-12/4	12/6-12/10	12/5-12/9	ELK-1-233	35	A
6C	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-234	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-235	105	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-236	155	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-237	105	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-238	105	MB
	10/28-11/1	10/26-10/30	11/8-11/12	10/31-11/4	ELK-1-239	110	A
	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	ELK-1-240	110	A

7	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-241	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-242	14	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-243	24	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-244	30	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-245	50	A

(5) Private land elk authorizations for qualifying ranches listing the number of authorizations, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27 hunt seasons			
	MB, ES-1	A	ES-2	Total
6A	54	18	45	117
6C	64	39	45	148
7	14	12	7	33
Total	132	69	97	298

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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” or “youth-only” hunt periods.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	6A, 6C, 7	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles & bows	6A, 6C, 7	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
any big-game sporting arms	6A, 6C, 7	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31

E. Southwest region:

- (1) Quality hunt management for primary management zones in GMUs 12, 13, 15, 16A, 16B/22, 16C, 16D, 16E and 17.
- (2) Optimal opportunity management for primary management zones in GMUs 21A, 21B, 23 and 24.
- (3) Foundational resource information for the southwest region shall be as indicated below:

southwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
Fence Lake (GMU 12)	4000-5900	41:100:46	320-550	400-590
Datil (GMU 13)	3000-3900	40:100:37	210-310	250-330
Greater Gila (GMUs 15, 16A, 16B/22, 16C-E)	21200-23300	33:100:27	1100-1400	1300-1400
Lesser Gila (GMUs 21A, 21B, 23, 24)	1300-4400	33:100:27	80-280	70-280
San Mateo (GMU 17)	1600-2400	51:100:38	110-180	130-200

GMU	management goals	total licenses by bag limit			total licenses
		MB, ES-1, ES-3	A	ES-2, MB-2, APRE/6	

12	QHM	593	428	224	1245
13	QHM	583	370	556	1509
15	QHM	923	641	769	2333
16A	QHM	206	155	412	773
16B/22	QHM	222	0	394	616
16C	QHM	149	118	294	561
16D	QHM	148	114	171	433
16E	QHM	187	217	217	621
Greater Gila Totals (15, 16A, 16B/22, 16C-E)		1835	1245	2257	5337
17	QHM	301	271	241	813
21A	OOM	107	31	117	255
21B	OOM	127	167	166	460
23	OOM	195	42	207	444
24	OOM	39	5	28	72
Lesser Gila Totals (21A, 21B, 23, 24)		468	245	518	1231
southwest region total		3780	2559	3796	10135

(4) Public draw elk hunts listing the eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
12	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-246	36	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-247	35	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-248	35	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-249	60	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-250	80	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-251	80	MB
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-252	60	A
	11/25-11/29	11/23-11/27	11/29-12/3	11/28-12/2	ELK-1-253	60	A
	12/2-12/6	11/30-12/4	12/6-12/10	12/5-12/9	ELK-1-254	64	A
	12/9-12/13	12/7-12/11	12/13-12/17	12/12-12/16	ELK-2-255	25	APRE/6
13	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-256	202	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-257	148	ES
13 youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-258	30	ES
13	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-259	86	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-3-260	126	MB
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-3-261	126	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-3-262	117	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-3-263	116	A
15	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-264	350	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-265	250	ES
15 youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-266	25	ES

15	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-267	200	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-3-268	245	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-3-269	250	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-3-270	250	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-3-271	250	A
16A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-272	250	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-273	150	ES
16A mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-274	25	MB
16A	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-275	75	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-276	100	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-277	75	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-278	75	A
16B/22	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-279	225	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-280	165	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-281	25	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-282	80	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-283	120	MB
16C	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-284	144	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-285	100	ES
16C youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-286	25	ES
16C	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-287	35	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-288	65	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-289	50	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-290	48	A
16D	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-291	90	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-292	60	ES
16D mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-293	25	MB
16D	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-294	55	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-295	50	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-296	50	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-297	50	A
16E	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-298	90	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-299	60	ES
16E youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-300	25	ES
16E	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-301	70	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-302	53	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-303	75	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-304	75	A

17	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-305	125	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-306	75	ES
17 youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-307	25	ES
17	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-308	100	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-3-309	100	MB
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-3-310	25	MB
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-3-311	25	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-3-312	100	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-3-313	100	A
21A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-314	50	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-315	50	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-316	15	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-317	35	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-318	55	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-319	30	A
	12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-2-320	15	MB
21B	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-321	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-322	25	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-323	10	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-324	15	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-325	25	MB
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-326	15	A
	11/25-11/29	11/23-11/27	11/29-12/3	11/28-12/2	ELK-1-327	15	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-328	15	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-329	20	A
23	12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-2-330	15	MB
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-331	125	ES
23	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-332	75	ES
	23 youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-333	25
23	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-334	75	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-335	75	MB
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-336	20	A
	12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-2-337	15	MB
23: south of NM 78	12/16-12/24	12/21-12/29	12/20-12/28	12/19-12/27	ELK-1-338	20	A
24: excluding Ft. Bayard management area	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-339	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-340	10	ES
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-341	15	MB
	12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-1-342	15	MB

24: including Ft. Bayard management area, youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-343	5	ES
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-344	5	A

(5) Private-land elk authorizations for qualifying ranches listing the number of authorizations, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27 hunt seasons			
	MB, ES-1, ES-3	A	ES-2, MB-2, APRE/6	total
12	338	244	128	710
13	215	137	206	558
15	203	141	169	513
16A	6	5	12	23
16B/22	2	0	4	6
16C	24	20	50	94
16D	18	14	21	53
16E	65	67	67	199
17	51	46	41	138
21A	2	1	2	5
21B	77	102	101	280
23	5	2	7	14
24	4	0	3	7
Total	1010	779	811	2600

(6) Private-land elk hunts for ranches designated as “ranch-only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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” or “youth-only” hunt periods.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	12, 13, 15, 16A, 16B/22, 16C, 16D, 16E, 17, 21A, 21B, 23, 24	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	16E, 23, 24	10/14-10/18	10/12-10/16	10/11-10/15	10/10-10/14
	youth only: 13, 15, 17	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
	13, 15, 17	any 5 consecutive days 10/14-12/31	any 5 consecutive days 10/12-12/31	any 5 consecutive days 10/18-12/31	any 5 consecutive days 10/17-12/31
muzzle loading rifles only with approval of director or designee and state game commission chairperson	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

Big-game sporting arms	12, 16B/22, 21A	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/11-12/31	any 5 consecutive days, 10/10-12/31
	21B	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
	16E, 23, 24	any 5 consecutive days, 10/21-12/31	any 5 consecutive days, 10/19-12/31	any 5 consecutive days, 10/25-12/31	any 5 consecutive days, 10/24-12/31
	16A, 16C, 16D	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31
	youth only: 16C, 16E, 23, 24	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
	mobility impaired: 16A, 16D	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14

F. Southeast region: GMUs 34 and 36.

- (1) Quality hunt management for primary management zones in GMU 36.
- (2) Optimal opportunity management goals for primary management zones in GMU 34.
- (3) Foundational resource information for the southeast region shall be as indicated below:

southeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
Sacramento (GMU 34)	7400-8600	52:100:39	500-660	610-710
Ruidoso (GMU 36)	5400-8500	66:100:43	370-640	450-690

GMU	management goal	total licenses by bag limit			
		MB, ES-1, ES-3	A	ES-2, APRE/6/A	total licenses
34	OOM	633	1892	723	3248
36	QHM	583	417	389	1389
Total		1216	2309	1112	4637

(4) Public-draw elk hunts listing the hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
34	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-345	200	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-346	200	ES
34 youth only	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-347	75	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-348	120	A
34 mobility impaired	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-349	50	ES

34	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-3-350	250	ES
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-351	150	ES
	11/25-11/29	11/23-11/27	11/29-12/3	11/28-12/2	ELK-1-352	350	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-353	350	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-354	350	A
	12/16-12/20	12/21-12/25	12/20-12/24	12/19-12/23	ELK-2-355	200	APRE/6/A
	1/27-1/31	1/25-1/29	1/24-1/28	1/23-1/27	ELK-1-356	200	A
	2/3-2/7	2/1-2/5	2/7-2/11	2/6-2/10	ELK-1-357	200	A
36	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-358	140	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-359	140	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-360	140	ES
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-361	140	ES
	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-362	140	ES
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-363	100	A
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-364	100	A
	1/27-1/31	1/25-1/29	1/24-1/28	1/23-1/27	ELK-1-365	100	A

(5) Private-land elk authorizations for qualifying ranches listing the number of authorizations, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27_hunt seasons			
	MB, ES-1, ES-3	A	ES-2, APRE/6/A	total
34	108	322	123	553
36	163	117	109	389
Total	271	439	232	942

(6) Private-land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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” or “youth-only” hunt periods.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	34, 36	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
any big-game sporting arms	youth only & mobility impaired: 34	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
muzzle loading rifles and bows	34	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21
	36	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
any big game sporting arms	34	any 5 consecutive days, 10/21-12/31	any 5 consecutive days, 10/19-12/31	any 5 consecutive days, 10/25-12/31	any 5 consecutive days, 10/24-12/31
	36	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31
any big-game sporting arms	34: antlerless elk only	any 5 consecutive days 10/21/2023-2/7/2024	any 5 consecutive days 10/19/2024-2/5/2025	any 5 consecutive days 10/25/2025-2/11/2026	any 5 consecutive days 10/24/2026-2/10/2027

any big-game sporting arms	36: antlerless elk only	any 5 consecutive days 10/14/2023-1/31/2024	any 5 consecutive days 10/12/2024-1/31/2025	any 5 consecutive days 10/18/2025-1/31/2026	any 5 consecutive days 10/17/2026-1/31/2027
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G. Northeast region:

- (1) Quality hunt management for primary management zones in GMU 45.
- (2) Optimal opportunity management goals for primary management zones in GMUs 48, 49 and 53.
- (3) Foundational resource information for the northeast region shall be as indicated below:

northeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate (rounded to nearest 100)	bull:cow:calf ratio	bulls	cows
Pecos (GMU 45)	1100-2100	35:100:32	80-150	90-160
Whites peak (GMU 48)	1200-2000	35:100:32	70-140	90-150
Penasco (GMU 49)	1100-2400	35:100:32	70-200	40-100
Ute-Midnight-San Cristobal (GMU 53)	1400-2900	34:100:24	70-160	90-180

GMU	management goal	total licenses by bag limit			
		MB, ES-1, ES-3	A	ES-2	total licenses
45	QHM	457	54	163	674
48	OOM	286	170	304	760
49	OOM	161	162	125	448
53	OOM	362	261	174	797
Total		1266	647	766	2679

- (4) Public-draw elk hunts listing the hunt dates, hunt codes, number of licenses, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
45	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-366	75	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-367	73	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-368	136	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-369	140	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-370	140	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-3-371	49	A
48	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-372	80	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-373	80	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-374	60	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-375	75	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-376	64	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-377	50	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-1-378	54	A

49	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-379	60	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-380	59	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-381	77	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-382	76	MB
	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-383	77	A
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-384	77	A
53	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-385	65	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-386	60	ES
53: excluding Cerro portion	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-387	50	ES
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-388	80	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-389	131	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-390	94	A
	11/18-11/22	11/16-11/20	11/22-11/26	11/21-11/25	ELK-1-391	94	A

(5) Private-land elk authorizations for qualifying ranches listing the number of authorizations, bag limits and big-game sporting arms shall be as indicated below:

open GMUs or areas	2023-24, 2024-25, 2025-26, 2026-27 hunt seasons			
	MB, ES-1, ES-3	A	ES-2	Total
45	41	5	15	61
48	112	66	119	297
49	8	8	6	22
53	101	73	49	223
Total	262	152	189	603

(6) Private-land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and big-game 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.

Big-game sporting arms	open GMUs or area	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
bows only	45, 48, 49, 53	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	45, 48, 53	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14
big-game sporting arms	45, 48, 53	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31
	49	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/11-12/31	any 5 consecutive days, 10/10-12/31
big-game sporting arms. Must have approval of director or designee and state game commission chairperson.	48: 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

[19.31.14.14 NMAC - Rp, 19.31.14.14 NMAC, 4/1/2023]

19.31.14.15 ELK HUNTS IN SECONDARY MANAGEMENT ZONES: This section includes eligibility requirements or restrictions, GMUs or areas open for hunting, season dates, hunt codes, big-game sporting arms, number of available licenses and bag limits.

A. Public draw elk hunts in GMUs where no primary or special management zones are established:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
14	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-392	10	ES
18	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-393	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-394	25	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-395	10	ES
28: McGregor range only, military only	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-396	10	ES
28: McGregor range only	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-397	10	ES
29, 30	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-398	20	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-399	20	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-400	20	ES
	10/14-10/18	10/12-10/16	10/11-10/15	10/10-10/14	ELK-1-401	30	ES
37	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-402	40	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-403	30	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-404	30	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-405	30	MB
	11/25-11/29	11/23-11/27	11/22-11/26	11/28-12/2	ELK-1-406	45	A
	12/2-12/6	12/7-12/11	12/6-12/10	12/5-12/9	ELK-2-407	50	APRE/6
38	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-408	10	ES
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-409	10	ES
39, 43	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-410	30	ES
42, 47, 59	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-411	13	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-412	13	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-413	13	ES
56	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-414	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-415	5	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-416	10	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-417	10	A
57: Sugarite canyon state park only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-418	3	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-419	2	ES
57, 58	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-420	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-421	5	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-422	5	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-423	10	MB
	12/9-12/13	12/14-12/18	12/13-12/17	12/12-12/16	ELK-1-424	10	A

B. Private-land only elk hunting: For private lands within secondary management zones, unlimited private-land licenses are available over-the-counter. Bow-only either-sex hunts will be limited to 9/1 – 9/24 each year. Any big-game sporting arms hunts that are antlerless or either-sex will be limited to five consecutive days from 10/1 – 12/31 each year, except as allowed by 19.30.5 NMAC.

[19.31.14.15 NMAC - Rp, 19.31.14.15 NMAC, 4/1/2023]

19.31.14.16 ELK HUNTS IN SPECIAL MANAGEMENT ZONES: This section includes eligibility requirements or restrictions, GMUs or areas open for hunting, season dates, hunt codes, big-game sporting arms, number of available licenses and bag limits.

A. Public draw elk hunts:

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	licenses	bag limit
54: Colin Neblett WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-425	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-426	10	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-427	20	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-428	20	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-429	20	MB
	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-430	20	A
55A: ES Barker WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-431	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-432	5	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-1-433	10	MB
55A: Urraca WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-434	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-435	5	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-436	10	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-437	10	MB
	11/4-11/8	11/2-11/6	11/8-11/12	11/7-11/11	ELK-1-438	10	MB
	11/11-11/15	11/9-11/13	11/15-11/19	11/14-11/18	ELK-1-439	15	A
	11/25-11/29	11/23-11/27	11/22-11/26	11/28-12/2	ELK-1-440	15	A
55A: Valle Vidal only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-441	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-442	25	ES
	10/7-10/11	10/5-10/9	10/11-10/15	10/10-10/14	ELK-3-443	20	MB
	10/14-10/18	10/12-10/16	10/18-10/22	10/17-10/21	ELK-1-444	35	MB
	10/21-10/25	10/19-10/23	10/25-10/29	10/24-10/28	ELK-1-445	30	MB
55A: Valle Vidal only, youth only	10/28-11/1	10/26-10/30	11/1-11/5	10/31-11/4	ELK-1-446	20	MB
55A: Valle Vidal only, youth only	11/4-11/8	11/2-11/6	11/1-11/5	11/7-11/11	ELK-1-447	30	A
55A: Valle Vidal only	11/11-11/15	11/9-11/13	11/8-11/12	11/14-11/18	ELK-1-448	30	A
	11/18-11/22	11/16-11/20	11/15-11/19	11/21-11/25	ELK-1-449	30	A

B. Private-land only elk hunting: For private lands that lie within GMUs designated as special management zones (GMUs 54 west of NM 199 and 55A), the department may work with landowners to develop bag limits, big-game sporting arms, season dates and authorization numbers for private-land hunting on participating ranches. Bow-only either-sex hunts will be limited to 9/1 – 9/24 each year. Any big-game sporting arms hunts that are antlerless, mature bull, or either-sex will be limited to five consecutive days from 10/1 – 12/31 each year, except as allowed by 19.30.5 NMAC.

[19.31.14.16 NMAC - Rp, 19.31.14.16 NMAC, 4/1/2023]

HISTORY OF 19.31.14 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 5/31/1967;

Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967;

Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968;
 Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968;
 Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968;
 Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968;
 Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968;
 Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969;
 Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969;
 Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969;
 Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969;
 Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970;
 Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970;
 Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970;
 Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971;
 Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971;
 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 6/9/1971;

Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971;
 Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972;
 Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972;
 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 6/26/1972;
 Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972;
 Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973;
 Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973;
 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 5/31/1973;
 Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974;
 Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974;
 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 5/29/1974;
 Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/1975;
 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 3/24/1975;
 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 6/25/1975;
 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 2/23/1976;
 Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977;
 Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/1978;
 Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979;
 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 2/22/1980;
 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 3/17/1981;
 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 3/10/1982;
 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 3/9/1983;
 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 4/2/1984;
 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 4/18/1985;
 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 3/25/1986;
 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 2/12/1987;
 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 12/18/1987;
 Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989;
 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 3/20/1989;
 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 11/21/1989;
 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 2/8/1991;
 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 3/4/1992;
 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 3/11/1993.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3/1/2001 - duration expired 3/31/2003.
 19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3/31/2005.
 19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3/31/2007.
 19.31.14 NMAC, Elk, filed 12/1/2006 - duration expired 3/3/2009.
 19.31.14 NMAC, Elk, filed 3/13/2009 - duration expired 3/31/2011.
 19.31.14 NMAC, Elk, filed 9/15/2010 - Repealed 3/29/2013.
 19.31.14 NMAC, Elk, filed 3/29/2013 - Repealed 2/27/2015.
 19.31.14 NMAC, Elk, filed 2/16/2015 - Repealed 3/31/2016.
 19.31.14 NMAC, Elk, filed 2/29/2016 - duration expired 3/31/2019.
 19.31.14 NMAC, Elk, filed 12/7/2018 - duration expired 3/31/2023.

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
 CHAPTER 31 HUNTING AND FISHING
 PART 16 TURKEY**

19.31.16.1 ISSUING AGENCY: New Mexico department of game and fish.
 [19.31.16.1 NMAC - Rp, 19.31.16.1 NMAC, 4/1/2023]

19.31.16.2 SCOPE: Sportspersons interested in turkey management and hunting. Additional requirements may be found in Chapter 17 NMSA 1978, and Title 19 NMAC.

[19.31.16.2 NMAC - Rp, 19.31.16.2 NMAC, 4/1/2023]

19.31.16.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-3-16.4 and 17-3-16.5 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds and fish.

[19.31.16.3 NMAC - Rp, 19.31.16.3 NMAC, 4/1/2023]

19.31.16.4 DURATION: April 1, 2023 through March 31, 2027.
 [19.31.16.4 NMAC - Rp, 19.31.16.4 NMAC, 4/1/2023]

19.31.16.5 EFFECTIVE DATE: April 1, 2023, unless a later date is cited at the end of a section.
 [19.31.16.5 NMAC - Rp, 19.31.16.5 NMAC, 4/1/2023]

19.31.16.6 OBJECTIVE: Establishing open hunting seasons, rules and procedures governing the distribution and issuance of turkey permits and licenses by the department.
 [19.31.16.6 NMAC - Rp, 19.31.16.6 NMAC, 4/1/2023]

19.31.16.7 DEFINITIONS:
A. "Bearded turkey" shall mean a turkey with a visible beard.

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

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

D. "Entry permit" shall entitle the holder of a valid turkey license to hunt areas otherwise closed to turkey hunting.

E. "Game management unit" or "GMU" shall mean those areas described 19.30.4 NMAC Boundary Descriptions for Game Management Units.

F. “Wildlife management areas” or “WMAs” shall mean those areas described in 19.34.5 NMAC Wildlife Management Areas.
 [19.31.16.7 NMAC - Rp, 19.31.16.7 NMAC, 4/1/2023]

19.31.16.8 ADJUSTMENT OF LICENSES, PERMITS AND AUTHORIZATIONS: The director, with the verbal concurrence of the chairperson or their designee, may adjust the number of licenses, permits or authorizations for turkey up or down by no more than twenty percent to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all entry hunt codes for turkey.
 [19.31.16.8 NMAC - Rp, 19.31.16.8 NMAC, 4/1/2023]

19.31.16.9 TURKEY ONCE-IN-A-LIFETIME-HUNTS: It shall be unlawful for anyone to apply for or hold a once-in-a-lifetime turkey entry permit if he or she has held a once-in-a-lifetime entry permit to hunt turkey.
 [19.31.16.9 NMAC - Rp, 19.31.16.9 NMAC, 4/1/2023]

19.31.16.10 TURKEY HUNTING SEASONS: The 2023-24 through 2026-27 hunting seasons shall be as indicated below, listing the GMUs or areas open, eligibility requirements or restrictions, hunt dates, hunt codes, legal sporting arms, number of permits and bag limits. All WMAs, except as listed in Subsection A of 19.31.16.10 NMAC, are open to over-the-counter turkey hunting if the GMU where they are located is open to turkey hunting or are restricted to entry permit holders as listed in Subsection B of 19.31.16.10 NMAC.

A. Over-the-counter hunts: All over-the-counter turkey licenses shall be valid for any legal sporting arms, except turkey hunting in the Sandia ranger district portion of GMU 14 and Sugarite canyon state park in GMU 57 are restricted to bow and crossbow only. The number of licenses for these hunts shall be unlimited.

(1) Spring seasons:

Open GMUs or areas	hunt dates	bag limit
Statewide except the following GMUs or areas are closed to over-the-counter turkey hunting: GMU: 2A areas east of US 550 and north of NM 173, 2B areas in the Carson national forest, 2C areas in the Carson national forest, 6B, 8, 19, 25, 26, 27, 28, 30, 31 Bernardo WMA, Jackson lake WMA, La Joya WMA, Marquez/LBar WMA, Prairie Chicken WMAs, Red Rock WMA, Valle Vidal, W.S. Huey WMA	4/15-5/15	2 turkeys with visible beards
Statewide except as listed above, youth only	4/7-9/2023 4/12-14/2024 4/11-13/2025 4/10-12/2026	2 turkeys with visible beards

(2) Fall seasons:

Open GMUs or areas	hunt dates	bag limit
Statewide except the following GMUs or areas are closed to over the counter turkey hunting: GMU: 2A areas east of US 550 and north of NM 173, 2B areas in the Carson national forest, 2C areas in the Carson national forest, 6B, 8, 14, 18, 19, 25, 26, 27, 28, 30, 31, 33, 38, 49, 50, 53 Bernardo WMA, Bill Evans WMA, Edward Sargent WMA, Jackson lake WMA, La Joya WMA, Lake Roberts WMA, Marquez/LBar WMA, Prairie Chicken WMAs, Red Rock WMA, Rio Chama WMA, Sugarite canyon state park, Valle Vidal, W.S. Huey WMA	bow only: 9/1-30	any 1 turkey

B. Entry permit hunts: All entry permits shall be valid for any legal sporting arms except turkey hunting in the Sandia ranger district portion of GMU 8. An entry permit authorizes the holder to hunt in the area, for the bag limit, and for the season dates listed on the permit. In addition, holders of a turkey entry permit may hunt in any open over-the-counter area during the spring season for a second turkey (if applicable) or if unsuccessful in their entry hunt area. In no circumstance may any turkey hunter take or attempt to take more than two bearded turkeys during the spring season. Holders of an entry hunt permit must also purchase a turkey hunting license prior to hunting.

Open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates	hunt code	permits	bag limit
2B (Carson national forest) 2C (Carson national forest)	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-100	115	1 turkey with visible beard
2B (Carson national forest) 2C (Carson national forest), youth only	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-101	50	1 turkey with visible beard
2A (areas east of US 550 and north of NM 173), youth only	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-102	5	1 turkey with visible beard
6B Valles Caldera national preserve	4/15-4/30	4/15-4/30	4/15-4/30	4/15-4/30	TUR-1-103	20	1 turkey with visible beard
8 (bow and crossbow only in Sandia ranger district)	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-104	15	2 turkeys with visible beard
9 Marquez/LBar WMA	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-105	15	1 turkey with visible beard
26 and 27 once-in-a-lifetime	5/1-5/30	5/1-5/30	5/1-5/30	5/1-5/30	TUR-1-106	up to 5	1 turkey with visible beard
30 Washington ranch (private land) and Black river management area (BLM), youth only	4/28-4/30	4/26-4/28	4/25-4/27	4/24-4/26	TUR-1-107	up to 4	1 turkey with visible beard
30 Washington ranch (private land) and Black river management area (BLM), youth only	5/5-5/7	5/3-5/5	5/2-5/4	5/1-5/3	TUR-1-108	up to 4	1 turkey with visible beard
55 Valle Vidal (only the east side is open from 5/1-15)	4/15-5/15	4/15-5/15	4/15-5/15	4/15-5/15	TUR-1-109	20	1 turkey with visible beard

[19.31.16.10 NMAC - Rp, 19.31.16.9 NMAC, 4/1/2023]

19.31.16.11 TURKEY POPULATION MANAGEMENT HUNTS:

A. The director or their designee may authorize population management hunts for turkey when justified in writing by department personnel.

B. The director or their designee shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions and number of licenses to be issued.

C. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

D. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunters' names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner-identified hunters. The balance of prospective hunters shall be identified by the department. [19.31.16.11 NMAC - Rp, 19.31.16.10 NMAC, 4/1/2023]

19.31.16.12 GOULD'S TURKEY ENHANCEMENT PROGRAM:

A. The director shall collect all proceeds generated through the auction or lottery or both, of not more than two special Gould's turkey enhancement entry permits annually, and such monies shall be deposited into the game protection fund. These monies shall be available for expenditure by the department to be used exclusively for activities, projects and programs aimed at benefitting Gould's turkeys and Gould's turkey habitat, and for costs incurred in carrying out these programs.

B. Requirements for issuance, sale and use of Gould's turkey enhancement permits:

(1) Issuance:

The director may issue up to two Gould's turkey enhancement entry permits annually.

(2) Sale:

The auction or lottery or both shall be conducted by an incorporated non-profit organization dedicated to the conservation of wildlife, in cooperation with and overseen by the department.

**(3) Use:
(a)**

The successful recipient(s) shall be allotted an authorization for a

Gould's turkey enhancement entry permit, which may be transferred through sale, barter, donation or gift to other individuals qualified to obtain a license and hunt. Once an authorization is converted to a permit, the permit will be non-transferable.

(b)

Individuals hunting pursuant to a Gould's turkey enhancement entry permit must obtain and have in their possession a valid turkey hunting license and any other stamps, tags or permits required by rule.

(c)

Unless their hunting privileges have been revoked pursuant to law, any person is eligible to bid on and purchase a Gould's turkey enhancement entry permit.

(d)

Individuals holding a Gould's turkey enhancement entry permit shall not be prohibited from hunting other subspecies of turkeys in New Mexico as allowed in 19.31.16 NMAC.

(e)

The entry permit shall be valid for any legal sporting arms, and the bag limit shall be one bearded Gould's turkey.

(f)

The season dates for each entry permit shall be no more than 30 consecutive days between April 1 and May 31 as specified by the entry permit each license year.

(g)

The harvest of one bearded Gould's turkey shall count against the license holder's spring turkey bag limit.

(h)

The hunt area for each entry permit shall be any legally accessible public lands in GMUs 26 and 27 where hunting is allowed, and private land with written permission.

(i)

Gould's turkey enhancement entry permits granted through auction or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits.

[19.31.16.12 NMAC -Rp , 19.31.16.11 NMAC, 4/1/2023]

HISTORY OF 19.31.16 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 5/31/1967; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968; Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/1969; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971;

Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971; 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 6/9/1971; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971; Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972; Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972; 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 6/26/1972; Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972; Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973; Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973; 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 5/31/1973; Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974; Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974; 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 5/29/1974; 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 3/24/1975; 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 6/25/1975; 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 2/23/1976; Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977; Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/1978; Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979; 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 2/22/1980; 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 3/17/1981; 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 3/10/1982; 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 3/9/1983; 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 4/2/1984; 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 4/18/1985; 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 3/25/1986; 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 2/12/1987; 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 12/18/1987; Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989; 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 3/20/1989; 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 11/21/1989;

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 2/8/1991;
 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 3/4/1992;
 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 3/11/1993.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3/1/2001 - duration expired 3/31/2003.
 19.31.8 NMAC, Big Game and Turkey, filed 3/3/2003 - duration expired 3/31/2005.
 19.31.8 NMAC, Big Game and Turkey, filed 12/15/2004 - duration expired 3/31/2007.
 19.31.16 NMAC, Turkey, filed 12/1/2006 - duration expired 3/31/2009.
 19.31.16 NMAC, Turkey, filed 2/26/2009 - duration expired 3/31/2011.
 19.31.16 NMAC, Turkey, filed 9/15/2010 - duration expired 3/31/2015.
 19.31.16 NMAC, Turkey, filed 3/17/2015, repealed 3/31/2016.
 19.31.16 NMAC, Turkey, filed 2/29/2016, duration expired 3/31/2019.
 19.31.16 NMAC, Turkey, filed 7/2/2018, duration expired 3/31/2023.

**HEALTH,
 DEPARTMENT OF**

**TITLE 7 HEALTH
 CHAPTER 4 DISEASE
 CONTROL (EPIDEMIOLOGY)**

**PART 8 MATERNAL
 MORTALITY AND SEVERE
 MATERNAL MORBIDITY
 REVIEW**

7.4.8.1 ISSUING AGENCY: Department of Health, Public Health Division, Family Health Bureau.
 [7.4.8.1 - N, NMAC, 11/08/2022]

7.4.8.2 SCOPE: These regulations shall apply to the New Mexico maternal mortality review committee; any department staff or contractors engaged in supporting committee activities; and any public or private entity from whom information may be requested to conduct maternal mortality and morbidity reviews. These regulations supersede any other regulations previously promulgated by the department related to the operations of the New Mexico maternal mortality review committee.
 [7.4.8.2 - N, NMAC, 11/08/2022]

7.4.8.3 STATUTORY AUTHORITY: The regulations set forth herein are promulgated by the secretary of the department of health by the authority of Subsection F of Section 9-7-6 NMSA 1978 and implement the Public Health Act, Section 24-1-3 NMSA 1978, as amended, and the Maternal Mortality and Morbidly Prevention Act Section 24-32-1 to 24-32-5, NMSA 1978.
 [7.4.8.3 - N, NMAC, 11/08/2022]

7.4.8.4 DURATION: Permanent.
 [7.4.8.4 - N, NMAC, 11/08/2022]

7.4.8.5 EFFECTIVE DATE: November 8, 2022, unless a later date is cited at the end of a section.
 [7.4.8.5- N, NMAC, 11/08/2022]

7.4.8.6 OBJECTIVE: These regulations are promulgated pursuant to statute to define and support the maternal mortality review committee, the purpose of which is to comprehensively review and analyze deaths that occur during

pregnancy, childbirth and the year postpartum; to identify remediable problems contributing to maternal mortality; to develop recommended interventions to prevent these deaths; and disseminate findings. The committee shall also review aggregate data related to severe maternal morbidity to look for opportunities for improvement in care that could lead to improved maternal outcomes and fewer deaths. Given the persistent and significant disparities in maternal morbidity and mortality experienced by people of color in New Mexico and the United States overall, the committee will apply lenses of racial justice, diverse representation and health equity across its functions including staffing, committee membership and leadership, case review and analysis.
 [7.4.8.6 - N, NMAC, 11/08/2022]

7.4.8.7 DEFINITIONS: As used in these regulations:

A. Definitions beginning with “A”:
(1)

“Abstractor” means an individual who is trained to comprehensively gather pertinent information from a variety of available sources in order to accurately capture the events of a person’s life leading up to and including their death in the form of a case summary for committee review. All abstractors will possess a professional background in maternal health and the requisite training, provided or endorsed by the department, to approach cases with a health equity lens. Given the critical role of the abstractor in identifying the defining details leading to a death, including factors such as racism, bias and discrimination, the department shall undertake deliberate, demonstrable efforts to engage abstractors who possess lived experience as members of communities of color disproportionately impacted by maternal mortality who are able to apply an anti-racist lens to the abstracting process.

(2) “Act” means the Maternal Mortality and Morbidity Prevention Act.

(3)

“**Administrative co-chair**” means the chief medical officer, or another representative of the department and who is appointed by the secretary to serve as co-chair of the committee for administrative matters. The administrative co-chair shall be equipped with the measurable skills, training or lived experience to incorporate the racial, ethnic and linguistic diversity of New Mexico into this leadership role.

(4)

“**Aggregate data**” means health care data that exclude any individually identifiable health information, including patient and health care provider identification.

B. Definitions

beginning with “B”: “**BVRHS**” means the department of health bureau of vital records and health statistics.

C. Definitions

beginning with “C”:

(1) “**Case-related material**”

means any de-identified information that relates to or summarizes an incident of maternal mortality or severe maternal morbidity.

(2) “**Case summary**”

means a de-identified summary of an incident of maternal mortality.

(3) “**CDC**”

means the U.S. centers for disease control and prevention.

(4) “**Chief medical officer**”

means the chief medical officer of the department.

(5) “**Clinical co-chair**”

means a committee member with maternal child health clinical or paraprofessional training nominated and approved by a two-thirds vote of the committee and approved by the department to serve in this position for a term that aligns with the overall duration of their membership on the committee unless the member chooses to step down from the co-chair role prior to the end of their membership term. The clinical co-chair shall be equipped with the measurable skills, training or lived experience to incorporate the racial,

ethnic and linguistic diversity of New Mexico into this leadership role.

(6)

“**Committee**” means the maternal mortality review committee.

(7)

“**Committee member**” means a person who has been appointed to sit as a member of the committee and who participates in committee business and votes on committee matters.

(8)

“**Community co-chair**” means a committee member nominated and approved by a two-thirds vote of the committee to a term that aligns with the overall duration of their membership on the committee unless the member chooses to step down from the co-chair role prior to the end of their membership term. The community co-chair shall possess lived experience as a community member able to represent the regional, racial, linguistic, and ethnic diversity of New Mexico’s communities disproportionately impacted by maternal mortality in this leadership role.

(9)

“**Contributing factors**” are the circumstances, events, exposures, procedures, or products identified by the committee as having contributed to an incident or group of incidents resulting in maternal mortality or severe maternal morbidity which may include systemic racism or inequities.

(10)

“**Coordinator**” means the operational staff member designated by the department to manage the day-to-day operations of the committee.

(11) “**Critical income**”

means income lost as a result of uncompensated work time used to attend a committee meeting.

D. Definitions

beginning with “D”:

(1) “**Data set**”

means a collection of de-identified information collected or created by or under the direction of DOH epidemiologists.

(2) “**De-identified data**”

means information that has been purged of all personally

identifying information including, but not limited to, names; any geographic subdivision smaller than a state including street address, city, county, precinct, zip code, and their equivalent geocodes; all elements of dates except the year of an incident, including birth date, admission dates, discharge dates, and dates of death; telephone numbers, fax numbers electronic mail addresses; social security numbers; health plan beneficiary numbers; certificate and license numbers; vehicle identifiers and serial numbers, including license plate numbers; device identifiers and serial numbers; web universal resource locators (URLs); internet protocol address numbers; biometric identifiers, including finger and voice prints; full face photographic images and any comparable images; and any other unique identifying number characteristic, or code.

(3)

“**Department**” or “**DOH**” means the New Mexico department of health.

(4)

“**DOH epidemiologist**” means the operational staff responsible for creating, interpreting, and analyzing data sets and for supporting committee efforts to develop and disseminate data-driven recommendations.

E. Definitions

beginning with “E”:

(1)

“**Executive committee**” means a subcommittee of the committee consisting of the co-chairs and additional committee members that provides leadership and guidance to the committee and operational staff to effectuate the objective of the committee.

(2)

“**Expertise**” means special skill, knowledge, or judgement that results from training, practice or lived experience.

F. Definitions

beginning with “F”: [RESERVED]

G. Definitions

beginning with “G”: [RESERVED]

H. Definitions

beginning with “H”:

(1) **“Health care provider”** means an individual licensed, certified or otherwise authorized to provide health care services in the ordinary course of business in the state; or a health facility that the department licenses.

(2) **“Health equity”** means the attainment of the highest level of health for all people through focused and ongoing efforts to address avoidable inequalities, historic and contemporary injustices, and the elimination of health and healthcare disparities.

(3) **“HIDD database”** means the hospital inpatient discharge database or state inpatient database.

I. Definitions beginning with “I”:

(1) **“IAD”** means: Indian affairs department of the state.

(2) **“Identifiable information”** means any information that may be used to determine the identity of an individual directly or indirectly involved in an incident of maternal mortality or severe maternal morbidity.

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”:

(1) **“Law enforcement agency”** means a law enforcement agency of the state, an Indian nation, tribe or pueblo or a political subdivision of the state.

(2) **“Lead abstractor”** means the clinical co-chair or operational staff member designated to coordinate the activities of any operational staff engaged as abstractors. This person also prepares case summaries for committee review and enters committee decisions into the MMRIA database.

M. Definitions beginning with “M”:

(1) **“Maternal mortality”** means the death of a pregnant person or a birthing person within one year postpartum.

(2) **“Maternal mortality review”** or **“MMR”** means the review of all reported deaths of individuals who die of any cause during pregnancy or within one year of the end of pregnancy.

(3) **“Medical record”** means the written or graphic documentation, sound recording or electronic record relating to medical, behavioral health and health care services that a patient receives from a health care provider or under the direction of a physician or another licensed health care provider. “Medical record” includes diagnostic documentation, including an x-ray, electrocardiogram, and electroencephalogram; other test results; data entered into a prescription drug monitoring program; and an autopsy report.

(4) **“MMRIA”** means the CDC maternal mortality review information application or any successor application.

N. Definitions beginning with “N”: [RESERVED]

O. Definitions beginning with “O”:
(1) **“OAAA”** means the office of African American affairs of the state.

(2) **“OMI”** means the office of the medical investigator.

(3) **“Operational staff”** means staff or contractors of the department assigned or contracted to support the work of the committee or its executive committee.

P. Definitions beginning with “P”:

(1) **“PHD”** means the public health division of the department.

(2) **“Pregnancy-associated death”** means a death during or within one year of pregnancy, regardless of the cause. If the definition is updated by the CDC, that definition shall be the applicable definition for these rules.

(3) **“Pregnancy-related death”**

means a death during or within one year of pregnancy, from a pregnancy complication, a chain of events initiated by pregnancy, or the aggravation of an unrelated condition by the physiologic effects of pregnancy. If the definition is updated by the CDC, that definition shall be the applicable definition for these rules.

Q. Definitions beginning with “Q”: **“Qualified invited guest”** means a person approved by the co-chairs and invited by the committee to attend a committee meeting to provide technical expertise to the committee, to enhance training in maternal health, to provide insight on maternal mortality or severe maternal morbidity review in other jurisdictions or to provide operational support to the committee.

R. Definitions beginning with “R”: [RESERVED]

S. Definitions beginning with “S”:

(1) **“Secretary”** means the secretary of the department of health or designee.

(2) **“Severe maternal morbidity”** means unexpected outcomes of labor and delivery that result in significant short- or long-term consequences to a person’s health as identified by hospitalizations using administrative hospital discharge data and the world health organization’s international classification of diseases diagnosis and procedure codes.

T. Definitions beginning with “T”: **“Trauma”** means individual and communal trauma, defined as the experiences inflicted upon people and communities impacting their physical, mental and emotional well-being. This unresolved impact leads to a perceived and experienced lack of safety and a recurring experience of stress that impacts the physical and mental bodies of the victim and at times their families and communities intergenerationally. Trauma is linked to acts of violence, including micro-aggressions, systemic inequity and the feeling that oneself, one’s family

or community are not fully safe or capable of being safe as a result of the traumatic incident(s).

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]
[7.4.8.7 - N, NMAC, 11/08/2022]

7.4.8.8 PROGRAM

ADMINISTRATION: The committee’s activities shall be administered by the department using a health equity framework across all functions including staffing, committee membership and leadership, and case review and analysis in order to assure that the values of cultural awareness, racial justice, and equity are infused throughout these functions. The department shall designate a committee coordinator in an employed or contracted position and hire contractors and employ operational staff to support the work of the committee. The co-chairs may designate an executive committee to conduct business as outlined herein.
[7.4.8.8 - N, NMAC, 11/08/2022]

7.4.8.9 EXECUTIVE

COMMITTEE: If called, the executive committee must include and reflect the ethnic, geographic, and disciplinary make-up of the committee, state and the communities disproportionately impacted by maternal mortality and morbidity.

A. The formation of an executive committee must be endorsed by a vote of a two-thirds majority of the current membership.

B. An executive committee shall consist of co-chairs of the committee and up to three additional committee members nominated and approved by a two-thirds majority of the current

membership to effectuate the objectives of the committee. No less than one appointee from either IAD or OAAA will be offered the opportunity to serve on the executive committee. Appointment to the executive committee will be for the duration of the term of membership, or until the member elects to step down from the executive committee, whichever is sooner.

C. Operational staff and qualified invited guests may participate in executive committee deliberations in an advisory capacity as directed by the executive committee, but they are not part of the committee membership.

D. If called, the executive committee shall:

(1) meet at the call of the co-chairs;

(2) monitor and support the activities of the full committee;

(3) establish policy and procedure and provide guidance to operational staff on implementation; and

(4) make final decisions regarding data analysis, data dissemination and evaluation based on findings and recommendations from the full committee.

[7.4.8.9 - N, NMAC, 11/08/2022]

7.4.8.10 MEMBERSHIP:

A. Members will be formally appointed by the administrative co-chair. The administrative co-chair may consult with the clinical and community co-chairs, and if called, the executive committee to confirm appointments.

B. The committee shall be composed of no more than 30 members, not including the co-chairs, provided that at least, four of those members shall include:

(1) two members nominated by the secretary of Indian affairs; and

(2) two members nominated by the director of the office of African American affairs.

C. Additional members will be recruited through an open call:

(1)

Operational staff will post a call for members along with an application form on the department’s website and advertise the call broadly in collaboration with OAAA, IAD, and community-based organizations whose work focuses on health equity within the communities most impacted by maternal mortality and morbidity.

(2)

Operational staff will receive applications and conduct an initial analysis using a scoring matrix to evaluate applications that prioritizes applicants who are working in and representing communities that are most impacted per the state maternal mortality ratio so that the composition of the committee reflects:

(a)

the racial, ethnic, and linguistic diversity of the state;

(b)

the differing geographic regions within the state, including rural and urban areas;

(c)

tribal areas and communities; and

(d)

communities that are most impacted by pregnancy-related deaths, severe maternal morbidity, or a lack of access to relevant perinatal and intrapartum care services.

(3)

Consideration will also be given to assure that core disciplines and organizations representing needed expertise in maternal health and safety, as identified by the committee, are represented.

D. Upon closure of an open call, operational staff will present a completed scoring matrix for all applicants to the co-chairs for consideration.

E. Membership is voluntary.

F. Members may be reimbursed for expenses related to meeting attendance.

(1) Members

who must forsake critical income to attend meetings may, with the approval of the department, be reimbursed for loss of that income

in an amount not to exceed three hundred dollars (\$300.00) per meeting, whether virtual or in person.

(2) Members required to travel in excess of 50 miles for an in-person meeting may, with the approval of the department, receive per diem and mileage for attending that meeting pursuant to the Per Diem and Mileage Act.

(3) Operational staff will advise all members of the opportunity to receive these types of reimbursement, provide forms needed to complete enrollment according to departmental policy, and provide any assistance members need to complete and submit forms.

(4) Members may not initiate a request for critical income or travel reimbursement for meetings that occurred in a previous fiscal year.

G. Members are appointed for a three-year term, with no consecutive terms. Terms served by committee members may be staggered to assure continuity of effort.

H. Each member shall receive training on trauma and the impacts of trauma, including secondary trauma, trauma of racism and trauma of maternal mortality and morbidity presented by a trainer who is a member of communities that are most impacted by pregnancy-related deaths, severe maternal morbidity, or a lack of access to unbiased, affordable and culturally congruent perinatal and intrapartum care services.

[7.4.8.10 - N, NMAC, 11/08/2022]

7.4.8.11 CASE IDENTIFICATION: “Maternal mortality”: The coordinator and operational staff shall work with BVRHS to identify any death constituting an incident of maternal mortality within one year from the date of death. Criteria for case identification shall be consistent with standard reporting requirements.

[7.4.8.11 - N, NMAC, 11/08/2022]

7.4.8.12 DATA COLLECTION:

A. Duty to report:

A health care provider, the office of the state medical investigator, and BVRHS shall notify the operational staff of any incident of maternal mortality within three months of the incident. A report made to BVRHS made within these timelines will be sufficient to satisfy this requirement.

B. Authority to collect information: Except as otherwise restricted or prohibited by state or federal statute or regulation, designated operational staff may access medical records and other information relating to an incident of maternal mortality at any time within five years of the date of the incident.

C. Information gathering: Regarding any incident of maternal mortality involving a New Mexico resident, information including reports, records and data files shall be provided upon request to the designated operational staff from health care providers, law enforcement agencies, BVRHS, and the office of the state medical investigator. The designated operational staff may also request information from other entities with relevant information to a maternal mortality case review. Any committee member engaged in case review may request that designated operational staff initiate such a request for information from other entities.

D. Information collection process: Information and records requests will be conducted in a confidential manner.

E. Collection of information by interview: Individuals who are operational staff of the department, may, with appropriate training, conduct interviews with a deceased person’s family, care providers, and other relevant persons. These interviews shall be conducted according to an established protocol with the consent of the interviewee.

F. Case abstraction process: Information and records obtained through a formal request initiated by operational staff will be provided to an abstractor who is assigned to develop a case summary.

An abstractor enters information directly into the MMRIA database. It is the responsibility of the abstractor to employ training, experience, and abstracting tools endorsed or provided by the department or CDC in order to create a comprehensive, accurate summary of the events of a person’s life leading up to and including their death. This process must include tools that have been developed to facilitate the identification of racism, discrimination, and interpersonal and structural bias in health care or life course events that may have been contributing factors to the death. An abstractor may consult the co-chairs or other operational staff as needed to confirm interpretations of data and the relevance of details for inclusion in a case summary.

G. Identification of race and ethnicity of the deceased: Race and ethnicity of the deceased, as identified in available records, are noted in otherwise de-identified case summaries in order to allow the committee to consider factors such as the role of systemic racism and inequities related to pregnancy-associated deaths.
[7.4.8.12 - N, NMAC, 11/08/2022]

7.4.8.13 COMMITTEE RESPONSIBILITIES:

A. The committee shall meet at the call of the co-chairs.

B. A majority of appointed committee members shall constitute a quorum.

C. The affirmative vote of at least a majority of a quorum present and approval by the co-chairs shall be necessary for any decisions pertaining directly to case review to be taken by the committee. A quorum shall not be achieved without at least one AID appointee and OAAA appointee in attendance. Administrative decisions not pertaining to case review may be voted on electronically outside of the course of a committee meeting to allow all members ample opportunity to cast a vote.

D. Operational staff and qualified guests may participate in committee deliberations in an

advisory capacity as directed by the co-chairs of the committee.

E. Operational staff and qualified invited guest presence at a committee meeting shall not convey committee membership.

F. The committee shall be responsible for the following:

- (1) review each incident of maternal mortality using a de-identified case summary prepared by operational staff;
- (2) review aggregate data related to severe maternal morbidity;
- (3) outline trends and patterns and provide recommendations related to maternal mortality and severe maternal morbidity in the state;
- (4) serve as a link with maternal mortality and morbidity review teams nationwide and participate in national maternal mortality and morbidity review team activities; and
- (5) perform any other functions as resources allow to enhance efforts to reduce and prevent maternal mortality and severe maternal morbidity in the state. [7.4.8.13 - N, NMAC, 11/08/2022]

7.4.8.14 CASE REVIEW PROCESS:

A. The committee reviews prepared case summaries based on the information obtained from reports, records, and data files related to an incident of maternal mortality and entered into the MMRIA database by an abstractor. The committee is responsible for reviewing the summary, identifying contributing factors, making a determination on preventability and pregnancy-relatedness, and articulating recommendations. The lead abstractor shall be responsible for documenting committee decisions regarding case summaries in MMRIA within 30 days of committee review.

B. Any committee member who is concerned that any essential information is being missed by the decisions the abstractor makes in creating summaries may initiate a request to the clinical co-chair or

operational staff with the authority to collect information that:

(1) an abstractor’s work be reviewed by the clinical co-chair and designated operational staff; or

(2) an alternative abstractor be assigned. [7.4.8.14 - N, NMAC, 11/08/2022]

7.4.8.15 CONFIDENTIALITY OF RECORDS, PROCEEDINGS, AND FINDINGS:

A. Any material obtained pursuant to these rules, any committee proceedings, and findings, including any materials created to facilitate committee proceedings shall be maintained and disposed of in a confidential manner and in any manner as required by law.

B. The following shall be confidential and shall not be subject to the open meetings act or the inspection of public records act or subject to any subpoena, discovery request or introduction into evidence in a civil or criminal proceeding:

(1) any meeting, part of a meeting or activity of the committee or executive committee where data or other information is to be discussed and that may result in disclosure to the public of information protected by law; and

(2) except as may be necessary in furtherance of the duties of the committee or in response to an alleged violation of a confidentiality agreement entered, any information, record, report, notes, memoranda, or other data that the department or committee obtains pursuant to the Maternal Mortality and Morbidity Prevention Act.

C. Only the clinical co-chair and operational staff will have access to medical records, law enforcement reports and vital records data to support the work of the full committee.

(1) The coordinator or DOH epidemiologist may share de-identified, aggregate datasets with the CDC and with state, regional, or tribal entities engaged in reducing incidents of

maternal mortality or severe maternal morbidity.

(2) Identifiable information entered into MMRIA shall only be accessible to the clinical co-chair, coordinator, DOH epidemiologists and abstractors.

D. Before participating in their first committee meeting, each member, operational staff, and any qualified invited guest shall be required to review and sign a confidentiality agreement covering the duration of their membership or service to the committee. Signed confidentiality agreements will be collected and retained by the coordinator.

E. A brief reminder of the confidentiality clause and any other relevant process directives will be presented at the beginning of each case review session.

F. For in-person meetings, case-related materials may not be removed from meetings by any member. At the conclusion of any meeting at which case-related material has been distributed, the coordinator shall collect that material and destroy it.

G. For virtual meetings, case summaries and decision forms shall be distributed electronically via a secure encrypted program, and members shall be instructed to delete the summaries from their inbox, hard-drive or cloud-based storage at the conclusion of the meeting. [7.4.8.15 - N, NMAC, 11/08/2022]

7.4.8.16 DISSEMINATION OF INFORMATION; DEVELOPMENT OF RECOMMENDATIONS; ADVANCEMENT OF RECOMMENDATIONS:

A. Data dissemination: The committee shall compile reports using aggregate data and de-identified information on an annual basis in an effort to further study the causes and problems associated with maternal mortality and severe maternal morbidity. These reports shall be distributed to:

- (1) the New Mexico legislature;
- (2) the Indian affairs department;
- (3) office on African American affairs;
- (4) health care providers;
- (5) community-based organizations working in the interest of maternal and child health;
- (6) other government agencies as necessary; and
- (7) other entities as necessary to reduce maternal mortality rate in the state.

B. Committee members and operational staff may also deliver presentations using aggregated, de-identified information to support and promote the study of causes and problems associated with maternal mortality and severe maternal morbidity.

[7.4.8.16 - N, NMAC, 11/08/2022]

**HISTORY OF 7.4.8 NMAC:
[RESERVED]**

End of Adopted Rules

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Other Material Related to Administrative Law

**EARLY CHILDHOOD
EDUCATION AND CARE
DEPARTMENT**

**NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The Early Childhood Education and Care Department gives Notice of a Minor, Nonsubstantive Correction to 8.9.4 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule:

Section 12: Within Subsection C, the reference term "Part A" was changed to "Subsection A" to align with the correct citation term.

A copy of this Notification will be filed with the official version of each of the above rules.

**HUMAN SERVICES
DEPARTMENT
INCOME SUPPORT DIVISION**

NOTICE OF PUBLIC COMMENT

The United States Department of Health and Human Services requires the New Mexico Human Services Department to meet certain Temporary Assistance for Needy Families (TANF) work participation requirements. To assist in meeting these requirements, federal regulations (45 CFR 261.40) allow New Mexico to decrease its work participation rate percentage by the number of percentage points that the FY 2022 caseload fell in comparison to the FY 2005 caseload. This is termed the TANF Caseload Reduction Credit. The total Federal expenditures and Maintenance of Effort (MOE)

expenditures that are included in this report are subject to change due to fluctuations during year end budget close out and increases in MOE funding.

The estimated changes and corresponding methodologies are reported in the proposed TANF Caseload Reduction Credit Report which is available on the Human Services Department website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>. If you do not have Internet access, a copy of the proposed report may be requested by contacting Stephanie Roybal with the Income Support Division's Work and Family Support Bureau (WFSB) at stephaniea.roybal@state.nm.us or (505) 709-5208.

If you are a person with a disability and you require this information in an alternative format, please contact the American Disabilities Act Coordinator at (505) 827-7701 or through the New Mexico Relay system at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats.

The proposed comment period will begin at 8:00 a.m. on November 8, 2022, and end at 4:00 p.m. on December 8, 2022. Individuals wishing to comment on the TANF Caseload Reduction Credit Report should contact Stephanie Roybal with the Human Services Department, Income Support Division, Work and Family Support Bureau by email stephaniea.roybal@state.nm.us. Written comments will be posted to the agency's website within 3 days of receipt.

Interested persons may address written or recorded comments to: Human Services Department
Income Support Division
Work and Family Support Bureau
Attn: Stephanie Roybal

P.O. Box 2348
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to: HSD-isdrules@state.nm.us.

**PUBLIC REGULATION
COMMISSION**

**NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The Public Regulation Commission, gives Notice of a Minor, Nonsubstantive Correction to 17.7.3 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule:

Section 7: In Subparagraph (b), Paragraph (3) of Subsection E, the item numbers were incorrectly listed as (a) through (d). Those item numbers were changed to (i) through (iv) to conform to correct legislative style.

A copy of this Notification will be filed with the official version of each of the above rules.

**End of Other Material
Related to Administrative
Law**

2022 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXIII, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 11
Issue 2	January 13	January 25
Issue 3	January 27	February 8
Issue 4	February 10	February 22
Issue 5	February 24	March 8
Issue 6	March 10	March 22
Issue 7	March 24	April 5
Issue 8	April 7	April 19
Issue 9	April 21	May 3
Issue 10	May 5	May 24
Issue 11	May 26	June 7
Issue 12	June 9	June 21
Issue 13	July 1	July 12
Issue 14	July 14	July 26
Issue 15	July 28	August 9
Issue 16	August 11	August 23
Issue 17	August 25	September 13
Issue 18	September 15	September 27
Issue 19	September 29	October 11
Issue 20	October 13	October 25
Issue 21	October 27	November 8
Issue 22	November 17	November 29
Issue 23	December 1	December 13
Issue 24	December 15	December 27

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: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941.

2023 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXIV, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 5	January 18
Issue 2	January 19	January 31
Issue 3	February 2	February 14
Issue 4	February 16	February 28
Issue 5	March 2	March 14
Issue 6	March 16	March 28
Issue 7	March 30	April 11
Issue 8	April 13	April 25
Issue 9	May 4	May 16
Issue 10	May 18	May 31
Issue 11	June 1	June 13
Issue 12	June 15	June 27
Issue 13	July 7	July 18
Issue 14	July 20	July 31
Issue 15	August 3	August 15
Issue 16	August 17	August 29
Issue 17	August 31	September 12
Issue 18	September 14	September 26
Issue 19	September 28	October 10
Issue 20	October 12	October 24
Issue 21	October 26	November 7
Issue 22	November 9	November 21
Issue 23	November 22	December 5
Issue 24	December 7	December 19

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