

This rule was filed as 19 NMAC 35.3.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 35 CAPTIVE WILDLIFE USES
PART 3 SHOOTING PRESERVES

19.35.3.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[12-/30/95; Recompiled 12/31/01]

19.35.3.2 SCOPE: Landowners or managers who wish to establish, maintain, and operate a regulated shooting preserve on deeded land. License fee is designated in 19 NMAC 30.1[now 19.30.9 NMAC].
[12/30/95; Recompiled 12/31/01]

19.35.3.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, and 17-3-36 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.
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.3.4 DURATION: Permanent.
[12/30/95; Recompiled 12/31/01]

19.35.3.5 EFFECTIVE DATE: December 30, 1995 [unless a later date is cited at the end of a section]
[12/30/95; Recompiled 12/31/01]

19.35.3.6 OBJECTIVE: To govern the establishment, maintenance and operation of regulated shooting preserves.
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.3.7 DEFINITIONS:
A. "Legally propagated game birds" shall mean all pheasants, quail, chukars and mallards within a regulated preserve.
B. [Reserved]
[7/8/92, 12/30/95; Recompiled 12/31/01]

19.35.3.8 MAXIMUM AND MINIMUM SIZE OF REGULATED SHOOTING PRESERVES: A regulated shooting preserve shall contain not less than 30 acres and not more than the number of contiguous deeded acres owned or controlled by the applicant. If the owner, operator, or manager of a preserve desires to increase the area of the preserve, he/she shall submit to the department of game and fish a new plat or map indicating the proposed addition. The addition shall not be made without written approval from the director.
[7/8/92; Recompiled 12/31/01]

19.35.3.9 FENCES AND SIGNS:
A. Posting: The shooting preserve shall be posted by placing signs at every primary entrance to the preserve and along each boundary where the preserve adjoins public land. Signs shall be posted after the state game commission has approved the application and before the permit can be issued. Signs are to be maintained to ensure conformity with this regulation.
B. Signs: The signs posted on a licenses shooting preserve shall state the following:
"Regulated Shooting Preserve"
(Name of shooting preserve, if any)
(Shooting preserve license number)
"Hunting by Permission Only"
(Owner's name and address)
C. Fences: Where possible and reasonable, regulated shooting preserves should be fenced. Fences, if present, may be of any type and need not be constructed to confine birds.
[7/8/92; Recompiled 12/31/01]

19.35.3.10 METHOD OF HUNTING ON REGULATED SHOOTING PRESERVE:

- A. Legally propagated game birds may be taken only with the following methods: shotguns fired from the shoulder; any longbow and arrow; any legally held raptor used for falconry purposes.
 - B. Legally propagated game birds may be taken, hunted, or pursued by the use of dogs, artificial decoys, blinds and manually or mouth-operated bird calls.
 - C. Legally propagated game birds may not be killed, shot at, pursued or unnecessarily harried, driven, or rallied by use of or from a motor-driven vehicle, powerboat or sailboat.
- [7/8/92; Recompiled 12/31/01]

19.35.3.11 OPEN SEASONS ON REGULATED SHOOTING PRESERVES:

- A. The shooting preserve season shall be in the period September 1 through March 31 of the following year. Within this period, the preserve operator may specify dates for taking legally propagated game birds.
 - B. Hunting hours shall be from one-half hour before sunrise to sunset.
 - C. Except for legally propagated game birds, all protected game found on shooting preserves may be harvested only in accordance with the regulations of the state game commission concerning seasons and bag and possession limits.
- [7/8/92; Recompiled 12/31/01]

19.35.3.12 RELEASE, POSSESSION AND USE OF LEGALLY PROPAGATED GAME BIRDS:

- A. Legally propagated game birds may be released on a regulated shooting preserve in any quantity. Birds may be released but not hunted prior to the shooting preserve season.
 - B. Possession of game birds on the shooting preserve will be accompanied by an invoice in accordance with Section 17-3-33 NMSA 1978 or will be tagged in accordance with Section 13 [now 19.35.3.13 NMAC], when appropriate.
- [7/8/92 ,12/30/95; Recompiled 12/31/01]

19.35.3.13 TAGS, RECORDS, REPORTS AND INSPECTION:

- A. Shooting preserve bird tags, issued by the department of game and fish, shall be numbered and issued to shooting preserve owners, operators or managers for a fee of 10 cents per tag. Tags will be affixed to each bird taken on the preserve.
 - B. Records and Reports:
 - (1) The preserve operator will keep a record of all tags used on the preserve and of the total number of birds released.
 - (2) Within 15 days after the close of the shooting preserve season, the preserve operator shall submit to the department a year-end report stating the tag numbers used; the number of birds, by species, released; and copies of invoices for birds purchased or received from licensed propagators.
 - C. Inspection: The shooting preserve, all birds (live and dead) possessed in association with the preserve, and all records associated with the preserve shall be made available to officers of the department of game and fish for administrative inspection at any reasonable time.
- [7/8/92; Recompiled 12/31/01]

HISTORY OF 19.35.3 NMAC:

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

DGF 67-4, Regulation No. 484, Governing the Establishment, Maintenance and Operation of Regulated Shooting Preserves, 5/23/67.

DGF 67-4, Amendment No. 1, Order No. 4-74, Amending Regulation No. 484, 5/22/74.

Regulation No. 644, Governing the Establishment, Maintenance and Operation of Regulated Shooting Preserves, 9/2/86.

Regulation No. 695, Governing the Establishment, Maintenance and Operation of Regulated Shooting Preserves, 7/8/92.

History of Repealed Material: [RESERVED]