

This is an amendment to 19.31.10 NMAC, Sections 7, 15, 16, 17, 20 and 21. Effective date is 4-1-2005.

19.31.10.7 DEFINITIONS:

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

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

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

D. "Restricted muzzle-loading rifle" shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a single projectile. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots is prohibited.

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

~~[E.]~~ **F.** "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

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

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

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

~~[I.]~~ **J.** "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.

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

~~[K.]~~ **L.** "Protected species" shall mean any of the following animals:

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

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

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

~~[L.]~~ **M.** "Retention" or "retain" shall mean the holding of in captivity.

~~[M.]~~ **N.** "Established road" is defined as follows:

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

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

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

~~[O.]~~ **P.** "Director" shall mean the director of the New Mexico department of game and fish.

~~[P.]~~ **Q.** "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take protected game mammals or game birds.

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

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

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

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

[4-1-95; 1-15-97; 6-25-90; 1-29-99; 19.31.1.7 NMAC - Rn, 19 NMAC 31.1.7, 4-14-2000; 19.31.10.7 NMAC - Rn, 19.31.1.7 NMAC, 9-29-00; A, 4-1-03; A, 6-25-03; A, 4-1-05]

19.31.10.15 HUNTING:

A. Hours: Game species or turkey may be hunted or taken during open seasons only, and only during the period from one-half hour before sunrise to sunset.

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

C. Tagging:

(1) Any license that permits the taking of any big game animal or turkey, dark goose in the middle Rio Grande valley or sandhill cranes in the middle Rio Grande valley, Estancia valley, and southwest; shall be issued with a tag bearing the name of the species.

(2) It shall be unlawful to possess more than one tag per big game species except as permitted by regulation.

(3) It shall be unlawful for any licensee not to properly tag the animal as prescribed below:

(a) IMMEDIATELY after killing any big game species or turkey, dark goose in the middle Rio Grande valley or sandhill crane in the middle Rio Grande valley, Estancia valley, and southwest; the licensee killing the game shall notch the proper day and month of kill from the species tag.

(b) The tag shall be attached to the carcass of big game animals and turkey, dark geese harvested in the middle Rio Grande valley or sandhill cranes harvested in the middle Rio Grande valley, Estancia valley, and southwest; and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

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

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of big game species or turkey that are improperly tagged.

E. RESERVED.

F. Sealing of bighorn sheep horns

(1) A seal shall be affixed to a horn of every bighorn sheep head taken in New Mexico, imported into New Mexico, or found in the field in New Mexico subsequent to August 17, 1973. Bighorn sheep heads found in the field within New Mexico shall remain the property of the state until disposed of by permit from the director. The seal shall authorize possession and transportation of the head within New Mexico.

(2) Such sealing shall be done within ten (10) days after the bighorn sheep head is taken, imported, or found in the field and before the bighorn sheep head is exported from New Mexico. Bighorn sheep heads not so declared shall be seized. Only legally taken and possessed bighorn sheep heads shall be sealed.

(3) Bighorn sheep heads legally sealed in another state are exempted.

G. Proof of sex of game animals and turkey.

(1) It shall be unlawful for any one to transport or possess the carcass of any game animal or turkey without proof of sex until the carcass reaches the place where it will be consumed or placed in cold storage.

(2) The antlers of any deer or elk and the horns of any **pronghorn** antelope, bighorn sheep, Barbary sheep, oryx or ibex taken shall remain attached to the skull. The scalp and both ears of females or immature males of those species shall accompany the carcass in a like manner.

(3) The external genitalia of any bear or cougar taken shall remain attached to the hide and be readily visible until the hide has been inspected and tagged by a department representative.

(4) The beard and a small patch of feathers surrounding the beard shall not be removed from any turkey taken when the bag limit is limited to a bearded turkey.

(5) The head or a leg of each pheasant taken must remain attached to the bird.

(6) One fully feathered wing must remain attached to all migratory game birds.

H. Use of dogs in hunting:

(1) Dogs may be used only to hunt bear and cougar during open seasons for those species.

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

(3) It shall be unlawful to use dogs to hunt any other big game species or turkey.

I. Use of baits or scents:

(1) It shall be lawful to take quail **and turkey** from any place or area where quail feeders occur on private property.

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

J. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any protected species.

K. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any protected species (except furbearers **and cougars**).

L. Killing out-of-season: It shall be unlawful to kill any protected species out-of-season.

M. Roost shooting: It shall be unlawful to shoot wild turkey from a tree or structure used for resting.

[6-25-90; 11-18-92; 9-9-93; 4-1-95; A, 10-14-95; A, 1-29-99; 19.31.1.15 NMAC - Rn & A, 19 NMAC 31.1.15, 4-14-2000; 19.31.10.15 NMAC - Rn, 19.31.1.15 NMAC & A, 9-29-00; A, 4-1-03; A, 8-13-04; A, 4-1-05]

19.31.10.16 LEGAL SPORTING ARMS AND AMMUNITION:

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

B. Crossbow: It shall be unlawful to use a crossbow to take protected species, **except by a licensee that has been approved by the department utilizing the proper department form and is certified by a licensed physician that the licensee has a permanent mobility limitation.**

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

D. The following are legal sporting arms for deer, cougar, **pronghorn** antelope, Barbary sheep, bear, ibex, and javelina:

- (1) any center-fire rifle;
- (2) any center-fire handgun;
- (3) shotguns not smaller than 28 gauge, firing a single slug;
- (4) muzzle-loading rifles; and
- (5) bows and arrows.

E. The following are **legal sporting arms for elk, bighorn sheep, bison, and oryx:**

- (1) any center-fire rifle of .24 caliber or larger;
- (2) any center-fire handgun of .24 caliber or larger;
- (3) shotguns not smaller than 28 gauge, firing a single slug;
- (4) muzzle-loading rifles not smaller than .45 caliber; and
- (5) bows and arrows.

F. The following are **legal sporting arms for turkey, pheasants, quail, and lesser prairie chickens:**

- (1) shotguns firing shot, including muzzle-loading shotguns; and
- (2) bows and arrows;

G. The following are **legal sporting arms for blue grouse, Abert's squirrels, and red squirrels:**

- (1) shotguns firing shot;
- (2) rimfire firearms;
- (3) muzzle-loading firearms; and
- (4) bows and arrows.

H. Shotguns firing shot and bows and arrows are **legal sporting arms for doves, sandhill cranes, waterfowl, and bandtailed pigeons.**

~~**I. Legal weapons for bow, muzzle loader, and modern firearms big game seasons are:**~~

- ~~(1) Bow Seasons — bows and arrows as defined in Subsections D & E of 19.31.1.7 NMAC.~~

~~_____ (2) Muzzle loader Seasons—muzzle loader firearms as defined in Subsection C of 19.31.1.7 NMAC.~~
~~_____ (3) Modern Firearms Seasons—Bows and arrows, muzzle loader firearms, and modern firearms as defined in Section 7].~~

~~[J.]~~ **I. Non-toxic shot** use is required on all state game commission owned lands.

~~[K.]~~ **J. Use of toxic shot:** It shall be unlawful for any person hunting waterfowl in New Mexico to hunt with or be in possession of any shotgun shells loaded with toxic shot.

[6-25-90; 4-1-95; A, 10-14-95; 19.31.1.16 NMAC - Rn, 19 NMAC 31.1.16, 4-14-2000; 19.31.10.16 NMAC - Rn, 19.31.1.16 NMAC, 9-29-00; A, 4-1-05]

19.31.10.17 USE OF VEHICLES AND ROADS IN HUNTING:

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

B. Vehicles, boats, aircraft: It shall be unlawful to shoot at any protected species from within a motor vehicle, power boat, sailboat, or aircraft. EXCEPTION - Migratory birds may be taken from a motor-driven boat (or other craft with attached motor) or sailboat when resting at anchor or fastened within or immediately alongside a fixed hunting blind or is used solely as a means of picking up dead birds.

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

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

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

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

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

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

I. Handicapped license:

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

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

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

[6-25-90; 4-1-95; 19.31.1.17 NMAC - Rn, 19 NMAC 31.1.17, 4-14-2000; 19.31.10.17 NMAC - Rn, 19.31.1.17 NMAC, 9-29-00; A, 12-14-01; A, 09-15-03; A, 4-1-05]

19.31.10.20 AREAS CLOSED TO HUNTING, FISHING AND TRAPPING: The following areas shall remain closed to hunting, fishing, and trapping, except as permitted by regulation.

~~[A.]~~ ~~All State Game Refuges.~~

~~_____ [B.]~~ **A.** Sugarite canyon state park.

~~[C.]~~ **B.** Rio Grande wild and scenic river area.

~~[D.]~~ **C.** All wildlife management areas.

~~[E.]~~ **D.** Valle Vidal area.

~~[F.]~~ ~~Animas Gray Peak Area.~~

~~G.~~ ~~Region M.~~

~~H.]~~ **E.** Sub-Unit 6B (Valles Caldera national preserve)

[4-1-95; 1-29-99; 19.31.1.20 NMAC - Rn, 19 NMAC 31.1.20, 4-14-2000; 19.31.10.20 NMAC - Rn, 19.31.1.20 NMAC, 9-29-00; A, 10-11-02; A, 4-1-05]

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

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

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

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

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

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

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

G. Department of game and fish ~~[Department]~~ personnel or persons authorized by the director of the **department of** game and fish ~~[Department]~~ may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties.

[4-1-95, Rn, 19 NMAC 31.4.17, 7-15-99; 19.31.1.21 NMAC - Rn, 19 NMAC 31.1.21, 4-14-2000; 19.31.10.21 NMAC - Rn, 19.31.1.21 NMAC, 9-29-00; A, 4-1-05]