

This is an amendment to 19.31.3 NMAC, Sections 2, 8, 9 and 11, effective 3-16-2009.

19.31.3.2 SCOPE: [~~Hunters~~] Sportspersons interested in hunting and management of big game in New Mexico. Additional requirements may be found in Chapter 17 NMSA and other Parts of Title 19, Chapter 31. [19.31.3.2 NMAC - Rp, 19.31.3.2 NMAC, 12-30-04; A, 3-16-09]

19.31.3.8 PUBLIC LICENSES AND PERMITS - APPLICATION FOR:

A. Application form: Application for all public licenses and permits shall be made on the standard application form provided by the department of game and fish.

B. Application deadline(s): Applications for all population reduction hunts, turkey, pronghorn antelope, elk, bighorn sheep, bear entry, deer entry, oryx, javelina, and ibex hunts must be received, in the Santa Fe office only, by 5:00 p.m. on dates set by the state game commission.

C. Mailed application deadline: Mailed applications postmarked, but not delivered by the deadline date, will be accepted by the Santa Fe office up to five (5) working days after that deadline.

D. One applicant per application: No more than one (1) person may apply under each application number for bighorn sheep, bear entry, ibex, population reduction hunts [~~and~~], game management sub-unit 6B (Valles Caldera national preserve), and GMU 5A private land deer.

E. Two applicants per application: No more than two (2) persons may apply under the same application number for turkey and oryx.

F. Four applicants per application: No more than four (4) persons may apply under the same application number for deer entry, elk, pronghorn antelope, and javelina.

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

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

- (1) apply on the proper form as designated by the director;
- (2) submit the correct or required information;
- (3) submit the correct license or application fee, and any other required fee;
- (4) meet the deadline date;
- (5) comply with a current statute or rule, or did not submit valid written landowner permission when specified by rule.

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

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

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

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

M. Resident and non-resident applications:

(1) A non-resident applicant must have a valid outfitter registration number on his or her application to be placed in the separate pool designed for guided hunts.

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

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

N. New Mexico department game and fish customer identification number: All persons making application to the department for hunt drawings for public licenses and permits and private landowner authorizations shall submit on the application 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.

O. Quality/high demand elk application restriction: Any person making application for an elk hunt designated as “quality” or “high demand” in 19.31.14 NMAC shall not have received a public draw license for an elk hunt designated as “quality” or “high demand” in the license year prior to the application. Any hunt choices for a public draw elk hunt designated as “quality” or “high demand” on applications submitted by persons holding a public draw “quality” or “high demand” elk license in the prior year will not be honored.

P. Quality/high demand deer application restriction: Any person making application for a deer hunt designated as “quality” or “high demand” in 19.31.13 NMAC shall not have received a public draw license or permit for a deer hunt designated as “quality” or “high demand” in the license year prior to the application. Any hunt choices for a public draw deer hunt designated as “quality” or “high demand” on applications submitted by persons holding a public draw “quality” or “high demand” deer license or permit in the prior year will not be honored.

Q. Pronghorn antelope application restriction: Any person making application for a public draw pronghorn antelope hunt shall not have received a public draw license for a pronghorn antelope in the license year prior to the application. Applications submitted by persons holding a public draw pronghorn antelope license in the prior year will be rejected.

[19.31.3.8 NMAC - Rp, 19.31.3.8 NMAC, 12-30-04; A, 4-1-07; A, 3-16-09]

19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:

A. No application deadline: Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

B. Issuance of licenses: Licenses will be issued, in person or by mail, out of the Santa Fe, Albuquerque, Las Cruces, Roswell, and Raton offices. The amount due for a private land hunting license shall be composed of “landowner authorization certificate” fee, the appropriate “certificate of application” fee as defined in 19.30.9 NMAC and the appropriate license fee as defined in Section 17-3-13 NMSA 1978.

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

D. No authorizations issued: Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lays outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

E. Pronghorn antelope private lands use system (A-PLUS):

(1) The deadline for new landowners to apply and any changes (i.e. change in ownership, acreage, ranch contact person, etc.) reported for existing ranches is February 1, annually.

(2) Landowners must enroll the entire ranch into the system which includes all deeded acres as well as any leased public acreage (BLM, USFS, and state trust).

(3) Participation requirements: New landowners applying for private land pronghorn antelope authorization certificates must submit the current A-PLUS application along with all required documentation listed on the application. Existing ranches are subject to random requests for updated ownership documentation. If a landowner fails to submit ownership documents when requested, the ranch will be inactivated from the system. The ranch will be considered for re-activation for the following license year upon receipt of requested documentation.

(4) All signed pronghorn antelope hunt agreements must be received in the Santa Fe office by the deadline date indicated on the annual hunting agreement. The annual deadline date is subject to change pursuant to the big game public draw date. If a landowner fails to submit the hunt agreements by the deadline date, the ranch will not be eligible to receive pronghorn antelope authorization certificates during the current license year.

F. Private land elk license allocation: The private land elk license allocation system may be found in 19.30.5 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 12-30-04; A, 6-15-06; A, 4-1-07; A, 3-16-09]

19.31.3.11 RESTRICTIONS:

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

B. ~~[Valid dates]~~ Validity of license or permit: All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area. Except that a permit or license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU or AMU, that is open to hunting for that species, when the license holder is in possession of current, valid written permission from the appropriate landowner. This exception shall only apply when the adjacent unit has the same restrictions as to weapon type, bag limit, season dates and license availability.

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

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

E. Refunds: The director may grant the refund of a hunting license once it has been determined that a licensee or their official representative provides written, verifiable information indicating the licensee has; died, sustained an injury or life-threatening illness, or has been subject to deployment by the United States military that prohibits the licensee from hunting.

F. Donation of permits or licenses: Upon written request from a licensee or their official representative, the director may grant the donation of a hunting license for transfer to a person who has been qualified through a nonprofit wish-granting organization. The donor of the license shall not be eligible for a refund of license or application fees. When a transfer of a license results in a higher license fee due to differences between the original licensee and the new licensee (age, residency, etc.), the difference shall be paid prior to issuance of a license or permit. The state game commission must approve any nonprofit wish-granting organizations that identify and submit recipients for donated licenses or permits. However, 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 wish granting organization. Donation on 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.

G. More than one application: It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation. Exception: An individual may apply for both a population reduction hunt on public or private land and a special drawing hunt. However, an applicant shall follow the application procedures outlined in 19.31.3.8 NMAC.

H. Handicapped fishing or handicapped general hunting license qualifications: To hold a handicapped fishing or handicapped general hunting license, the individual must be a resident of New Mexico and must show proof of a severe disability by reason of one or more physical disabilities resulting from amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or who has a combination of permanent disabilities which cause comparable substantial functional limitation. Reasonable accommodation will be made, relating to these licenses, upon request.

I. Mobility impaired (MI) deer, elk, oryx, or antelope license qualifications: To hold a mobility impaired deer, elk, oryx, or antelope license, a person must submit verifiable documentation on the proper department form that is attested to by a certified medical physician that the individual has a mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation and then obtain department approval for MI hunt eligibility.

(1) Every person qualified as MI shall have their card/eligibility expire 48 months from the department's approval date or issuance date, whichever is later, and must resubmit their application and obtain department approval as required above prior to being eligible to apply for any MI hunt.

(2) All current MI card holders shall have their card expire on March 15, 2007 and must resubmit on the proper department form and obtain department approval prior to being eligible to apply for MI designated hunt codes.

J. Youth hunts: Only applicants who have not reached their 18th birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt. Applicant for firearm hunts must provide hunter education certificate number on application.

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

L. Military only hunts: Applicants must be full time active military and proof of military status must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

M. Penalty assessments: When a person is issued a penalty assessment citation for fishing without a license or hunting small game without a license, the citation will serve as a special permit for that specific activity for fifteen (15) calendar days. The person must remit the prescribed penalty amount indicated on the face of the citation within thirty (30) days of the date of citation issuance.

N. Iraq/Afghanistan veteran oryx hunts: Only New Mexico residents who served on active duty military during the Iraq or Afghanistan conflict are eligible to apply for Iraq/Afghanistan veteran oryx licenses. Proof of active duty military assignment in Iraq or Afghanistan must accompany application or, if applying online, must be forwarded to the department by the application deadline date.

O. Mentor/youth only hunts: Applications for mentor/youth only hunts are limited to one adult (18 years and older) and up to 3 youth applicants (under 18 years as of opening day of the hunt). Youth applicants for any mentor/youth only firearm hunts must provide hunter education certificate number on application.

P. Youth encouragement hunts: Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits will be eligible to register for these hunts.

Q. 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.

R. Application fee (2009-2010): All applicants for special hunt drawings for pronghorn antelope, barbary sheep, bighorn sheep, javelina or ibex public draw licenses shall pay the non-refundable application fee and applicable license fees prior to the drawing as defined by 19.30.9.9 NMAC. Online applicants for permits, oryx licenses, or elk license will submit the non-refundable application fee upon application and will pay the license fee upon successful drawing. 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.

S. Application fee (2010-2011 and subsequent license years): All applicants for special hunt drawings for all public draw licenses shall pay the non-refundable application fee and applicable license fees prior to the drawing 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. [19.31.3.11 NMAC - Rp, 19.31.3.11 NMAC, 12-30-04; A, 6-30-05; A, 9-30-05; A, 10-31-05; A, 3-31-06; A, 6-15-06; A, 4-1-07; A, 8-15-07; A, 3-16-09]