



Rule Development Information
for hunting, fishing, and other wildlife-related rules
New Mexico Department of Game and Fish

A. Where are current rules located and how can someone determine when changes may be considered?

1. The New Mexico Register is the official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico. In accordance with the State Rules Act, New Mexico state agencies must publish in the *New Mexico Register* all Notices of Rulemaking and all Adopted Rules, including emergency rules, filed with the Commission of Public Records - State Records Center and Archives. Agencies may publish proposed rules and other materials related to administrative law at their discretion.

<http://www.nmcpr.state.nm.us/nmregister>.

2. The official site for the New Mexico Administrative Code maintains current rules for all state agencies:

<http://www.nmcpr.state.nm.us/nmac/index.htm>

3. Rules specific to hunting, fishing, and other wildlife related rules are found under Title 19, Natural Resources and Wildlife:

<http://www.nmcpr.state.nm.us/nmac/title19/title19.htm>

4. New Mexico Department of Game and Fish (Department) maintains information related to meeting schedules, agendas, and minutes of the New Mexico State Game Commission on the public home page: (click on the Commission tab)

<http://wildlife.state.nm.us/commission/index.htm>

B. How are Rules changed?

1. Change to Current Rule: A need for change or amendment is typically identified through discussions with stakeholders, recommendations by staff, or by the regular rule development process (which can occur annually, biennial or longer interval). The Department regularly discusses issues that may require rule change and thus, considerations are on-going. If the Department determines there is sufficient cause, it will propose to open the rule in question during a regularly scheduled State Game Commission (Commission) meeting.
2. New Rule: If the Department determines that current rules do not cover an identified need, a new rule may be proposed to the Commission at a regularly scheduled meeting.

3. Public Notice: It is the policy of the Commission that the public, federal, state, tribal, and local governments (interested parties) have adequate opportunity to review and offer comments regarding rules proposed for adoption by the Commission and have established the following:
 - a) A draft of any proposed rule and alternative proposals, if deemed appropriate, will be posted to the Department website for public comment no less than 60 days prior to the date of possible adoption.
 - b) Interested parties will be given no less than 21 days from the date of posting to the website to offer comments to the Department.
 - c) The Department shall post a final proposed rule and any alternatives the Department determines to reflect a substantive number of public comments to the Department website no less than 30 days prior to the scheduled Commission meeting at which the rule will be considered.
 - d) No changes to the posted final proposed rule shall be made except by action of the Commission on the date of its possible adoption.
 - e) The Director of the Department, with the concurrence of the Chair of the Commission, may authorize an exception to this policy for good cause. If an exception is authorized, the Director will notify all Commissioners within 72 hours of the decision and post notice of such exception to the Department website to provide notice to all interested parties.
4. Duration of Rules: Although rules can be amended or developed at any time within the above framework, typical development of amendments are influenced by the duration of the rule.
 - a) Permanent rules are generally consistent from year to year and are not opened until the Commission determines there is sufficient cause, with some exceptions (e.g. 19.33.6 NMAC, List of Threatened and Endangered Species). Most administrative and some game rules are in this category, see table in Section F below.
 - b) Hunting and fishing rules are on a 1, 2, or 4 year cycle. Although these rules may be opened and amended between cycles, most changes are made during their regular rule development cycles, see table in Section C below.

C. List of Title 19, Natural Resources and Wildlife Rules

NMAC number	NEW MEXICO ADMINISTRATIVE CODE TITLE 19 NATURAL RESOURCES AND WILDLIFE http://www.nmcpr.state.nm.us/nmac/_title19/title19.htm	Rule Type
CHAPTER 30: WILDLIFE ADMINISTRATION		
19.30.2	DEPREDATION ASSISTANCE	Permanent
19.30.3	GAME & FISH OPEN MEETINGS	Permanent
19.30.4	BOUNDARY DESCRIPTIONS FOR WILDLIFE MANAGEMENT AREAS	Permanent
19.30.5	PRIVATE LAND ELK LICENSE ALLOCATION	Permanent
19.30.8	GUIDE & OUTFITTER REGISTRATION	Permanent
19.30.9	GAME & FISH LICENSES/PERMITS	Permanent
19.30.10	NEW MEXICO HUNTER-TRAPPER REPORTING SYSTEM	Permanent
19.30.11	CIVIL LIABILITY	Permanent
19.30.13	ARTIFICIAL LIGHT PERMIT SYSTEM	Permanent
19.30.14	AQUATIC INVASIVE SPECIES	Permanent
CHAPTER 31: HUNTING AND FISHING		
19.31.2	HUNTING AND FISHING LICENSE REVOCATION	Permanent
19.31.3	HUNTING & FISHING LICENSE APPLICATION	Permanent
19.31.4	FISHERIES	4-YR
19.31.5	UPLAND GAME	2-YR
19.31.6	MIGRATORY GAME BIRD	1-YR
19.31.9	COMMERCIAL USE OF FISH	Permanent
19.31.10	HUNTING AND FISHING - MANNER AND METHOD OF TAKING	Permanent
19.31.11	BEAR AND COUGAR	2-YR
19.31.12	BARBARY SHEEP, ORYX, AND PERSIAN IBEX	4-YR
19.31.13	DEER	2-YR
19.31.14	ELK	4-YR
19.31.15	PRONGHORN ANTELOPE AND JAVELINA	4-YR
19.31.16	TURKEY	4-YR
19.31.17	BIGHORN SHEEP	4-YR
19.31.18	BIG GAME ENHANCEMENT AUTHORIZATION PACKAGES	Permanent
19.31.19	GOVERNOR'S SPECIAL EVENTS AUTHORIZATIONS	Permanent
19.31.20	GOULD'S TURKEY ENHANCEMENT PERMITS	Permanent
CHAPTER 32: TRAPPING AND FURBEARERS		
19.32.2	METHOD, SEASON DATES, AND BAG LIMITS	Permanent
CHAPTER 33: ENDANGERED AND PROTECTED SPECIES		
19.33.2	REMOVAL, CAPTURE OR DESTRUCTION OF ENDANGERED SPECIES	Permanent
19.33.3	PROCEDURES FOR ACTIONS ON THE BIENNIAL REVIEW: CONTINUING LISTING, UPGRADING, DOWNGRADING SPECIES	Permanent
19.33.4	CONFIDENTIAL DATA REGARDING ENDANGERED SPECIES	Permanent
19.33.5	ADDING A SPECIES TO THE STATE LIST OF THREATENED AND ENDANGERED SPECIES BY ADOPTING A SPECIES ON THE FEDERAL LIST	Permanent
19.33.6	LIST OF THREATENED AND ENDANGERED SPECIES	Permanent
CHAPTER 34: WILDLIFE HABITAT AND LANDS		
19.34.2	HABITAT PROTECTION	Permanent
19.34.3	USE OF DEPARTMENT OF GAME AND FISH LANDS	Permanent
19.34.4	PROTECTION OF DEPARTMENT OF GAME AND FISH LANDS	Permanent
19.34.5	WILDLIFE MANAGEMENT AREAS	Permanent
19.34.6	PUBLIC LAND USER STAMP (SIKES ACT)	10-YR
19.34.7	OPEN GATE: HUNTING AND FISHING ACCESS PROGRAM	Permanent
CHAPTER 35: CAPTIVE WILDLIFE USES		
19.35.2	CALL PEN AND RETRIEVER TRIALS	Permanent
19.35.3	SHOOTING PRESERVES	Permanent
19.35.5	WILDLIFE REHABILITATION PERMITS	Permanent
19.35.6	EDUCATIONAL USE OF WILDLIFE	Permanent
19.35.7	IMPORTATION OF LIVE NON-DOMESTIC ANIMALS, BIRDS AND FISH	Permanent

19.35.8	FALCONRY	Permanent
19.35.9	CLASS A PARK AND LAKES	Permanent
19.35.10	PROTECTION OF AMPHIBIANS AND REPTILES	Permanent
CHAPTER 36: WILDLIFE EDUCATION AND TRAINING		
19.36.2	TAKING AND POSSESSION OF PROTECTED WILDLIFE FOR SCIENTIFIC AND EDUCATIONAL PURPOSES	Permanent
19.36.3	HUNTER EDUCATION	Permanent