



NEW MEXICO DEPARTMENT OF GAME AND FISH (NMGF) CONDITIONS AND PROVISIONS FOR THE TAKING OF WILDLIFE FOR SCIENTIFIC AND EDUCATIONAL PURPOSES (TWSEP)

New Mexico law provides for the taking (sacrifice, capture, salvage, and possession) of protected wildlife for scientific and educational purposes under 17-3-29 and other sections of Chapter 17 (NMSA 1978). Such purposes are defined as activities that expand scientific knowledge, educate, or similarly promote the conservation of New Mexico's wildlife. Although these activities are among the highest and best uses that humans make of wildlife, they must meet stringent standards to be authorized and permitted by NMGF. In particular, they must (a) not be harmful to wildlife populations or taxa (e.g., species and subspecies); (b) be properly justified, conducted, and consummated; (c) be appropriately administered; and (d) not abridge the legitimate rights of others that use wildlife in New Mexico. While NMGF efforts emphasize applying these standards to protected wildlife, it also urges their application to TWSEP activities involving other taxa as well. In addition, the following conditions and provisions apply:

1. For the purposes of TWSEP, protected wildlife is defined as any non-domestic species or subspecies of vertebrate or threatened/endangered (t/e) mollusk or crustacean that a non-resident proposes to take. For residents of New Mexico, protected wildlife is all game, furbearing, and t/e mammals, plus the yellow-bellied marmot and pika; all birds, except for the rock dove (domestic pigeon), house (English) sparrow, and European (common) starling; t/e reptiles, plus horned lizards ("toads") that are to be sacrificed or shipped out-of-state; t/e amphibians and bullfrogs; game, bait, and t/e fishes; and t/e mollusks and crustaceans.
2. In order to take protected wildlife for scientific and educational purposes, a person must obtain, fill out, sign, and submit an application, which shall be processed by a NMGF committee. The only persons not requiring formal authorization are those salvaging dead or incapacitated nongame wildlife for authorized recipients, provided that specimens are transferred in a timely and expedient manner. This exemption does not apply to people that salvage nongame wildlife for their own use or that salvage game species, which require specific authorization by NMGF.
3. Except as exempted below, each application must include a \$15.00 fee to cover the scientific/educational-purposes permit--which will be refunded if proposed activities are not authorized. Send the application and fee to the **Department of Game and Fish, ASD (Attn: Cashier), P.O. Box 25112, Santa Fe, N. M. 87504**. Processing of permits may take as long as six weeks, so allow adequate time for this process.
4. The following persons are not required to pay the \$15.00 fee for the authorization of TWESP activities: employees of the federal and New Mexico state and local agencies, provided their activities are part of official duties and approved by NMGF; NMGF contractors, provided their activities are part of contractual obligations; and designated cooperators, provided they have been so designated by NMGF. New Mexico state and local agencies are here considered to include all public schools (elementary to university level), museums, and other organizations that have significant scientific and/or educational programs. Designated cooperators are persons whose activities are being conducted in close cooperation with and that otherwise further goals of NMGF, including through provision of data or other products. Exempted persons should submit applications requesting authorization of their activities directly to the **Permit Section** at the above address. If approved, these activities will be conducted under written authorizations issued by NMGF--with no permits involved. (However, the recipients of such authorizations will still be referred to as "permittees," along with persons that actually hold permits.)
5. Scientific/educational-purposes authorizations and permits (SEPAP's) are issued to individuals, as opposed to agencies or other inclusive bodies. However, permittees may have subpermittees on their permits, which is preferred for students operating under the direct supervision of faculty members and for persons engaged in group activities. To be designated as subpermittees, such persons must be included on and sign the appropriate applications. Once approved, they will be named in SEPAP's--copies of which they must possess (to be supplied by permittees) in order to operate thereunder.

6. SEPAPs will be authorized on a calendar year basis. SEPAPs may be worded to allow permitted activities to continue for up to three years. If your needs for a SEPAP are generally the same each year and information in your application supports your request for an authorization for longer than one year, you may request an authorization that is valid for up to three years. Please do not request an authorization for greater than one year unless you need this. **NOTE: Regardless of the duration of your authorization, an annual report on your activities is due no later than January 31 following the end of each year for which a SEPAP was issued.**

7. Authorizations can be only amended when requested in writing by permittees, including for the addition of subpermittees--whose names and signatures must be appear on an amended application. Faxing of applications, authorizations, and/or permits will only be done in emergency situations, so applicants and permittees should refrain from using this means for such communications. Amended authorizations do not require the purchase of new permits, providing permittees already have these for the year in question.

8. SEPAP's are issued strictly for scientific or educational purposes, and applications must contain sufficient information to decide this issue. Such information includes the purpose, rationale, and methodology for a proposed activity; its benefits and potential detriments; qualifications, expertise, and resource-needs/availability of participants; time-frame for accomplishment; disposition, kinds, and numbers of wildlife to be taken; areas for taking; and other relevant details. If space on the application is insufficient, provide additional information as attachments (e.g., in the cases of detailed proposals and curricula vitae).

9. The taking of wildlife for scientific and educational purposes must be conducted in a manner that avoids deleterious impacts on wildlife populations and taxa, areas, and the legitimate rights of others using these resources. In addition to the administrative process itself, the following guidelines will help in dealing with these issues.

A. SEPAP's for the general taking of wildlife must be well-justified, including in satisfying bona-fide scientific and educational purposes and otherwise meeting appropriate standards--particularly as regards the sacrifice or large-scale capture/release of animals. As a rule, only resident permittees representing federal and New Mexico state/local agencies will be authorized to make general collections of birds and to survey for native fishes, although joint activities with non-residents may be approved. Somewhat more liberal allowances may be made for the general taking of other wildlife, depending on circumstances associated with given requests. Other stipulations that will apply are:

- a. The sacrifice of vagrant birds solely for documenting occurrences is discouraged, and no birds appearing on the New Mexico Rare Bird Alert (call 505-323-9323 or New Mexico Ornithological Society Website at <http://mvar.nmsu.edu/nmos>) shall be collected.
- b. The collecting of taxa that are rare and occupy limited ranges in New Mexico is also discouraged, while no federally or state t/e shall be taken without specific authorization (except for salvage of dead, injured, or otherwise incapacitated specimens, which must be reported within 14 days, or otherwise specified).
- c. The capture/mark/release of gallinaceous gamebirds, eagles, nestling raptors and colonial waterbirds, and all t/e taxa shall be prohibited without specific authorization. Only U.S. Fish and Wildlife Service numbered leg-bands may be utilized for banding birds, unless otherwise authorized.
- d. The taking of other wildlife may also be restricted or prohibited as deemed necessary by NMGF, with information on such populations, taxa, and areas being brought to the attention of applicants and permittees as necessary.

B. In general, preferred methods for taking wildlife are ones that (a) do not harm non-target animals or those to be released; (b) are selective; and © do not inflict excessive or unauthorized mortalities. Where approved methods do not conform to these standards (e.g., snaptraps and gillnets), procedures will be put into place to minimize potential harm to wildlife populations or taxa.

- C. The conducting of TWSEP activities on NMGF lands requires specific authorization, which must be requested as part of the application process. In addition, approval is or may also be required from other jurisdictions to conduct TWSEP activities in New Mexico, including the U.S. Fish and Wildlife Service for the taking of migratory birds and federally listed threatened/endangered taxa. Access to certain other lands is or may also require approval by owners or overseers, including private property, Indian reservations, and local, non-NMGF state, and federal holdings. Obtaining such approval is the responsibility of permittees, who should contact the appropriate sources for this purpose.
10. Each applicant must demonstrate sufficient expertise and ability to conduct TWSEP activities in a competent and otherwise appropriate manner. References and resumes are desirable additions, especially when applying for the first time.
11. SEPAP's must be in possession of permittees and their subpermittees when conducting authorized activities, and these must be shown to any law enforcement officer or other authority on request. Wildlife or data taken under SEPAP's are subject to authorized inspection, which can be requested at any reasonable place or time. Such inspections shall be solely in regard to administration of permits, not for purposes of obtaining data or similar uses.
12. Each permittee shall submit a signed year-end report to NMGF by January 31 following the close of each year for which a SEPAP was issued. Such submissions are mandatory and shall be done regardless of whether permittees conducted authorized activities or not. Failure to submit proper reports by this deadline can lead to suspension or revocation of SEPAP's, prosecution of permittees, or both (see below).
- A. Banders shall provide the same information in their reports as submitted to the Fish and Wildlife Service (these may include photocopies of banding schedules), but these need be submitted only on an annual basis. In addition, all casualties and their disposition must be reported.
- B. Collectors and salvage permittees whose material is accessioned into a New Mexico institution shall provide a summary of the taxa taken (plus numbers and disposition), but more detailed information is not required.
- C. Collectors and salvage permittees whose material is accessioned into non-New Mexico institutions shall provide the following data for each specimen (or lot of specimens): species, number, sex and age (if known), date and locality of collection, and disposition (to include types of specimens and where deposited). Photocopies or other duplicates of catalogues or other documents are acceptable substitutes for separate listings, as long as the above information is provided. In cases in which identifications of taxa have not been confirmed, indicate the most exact name possible (e.g., *Peromyscus* sp.) and provide follow-up identifications within one year of when the report was originally due. All collectors who live-capture and release animals shall report such data as specified above, even if the specimens were not marked for identification purposes.
13. All retained specimens shall be accessioned into approved institutional collections within a reasonable period (exceptions to this provision may be approved in writing by NMGF). Institutions receiving such specimens shall consider them public property and shall maintain accurate accession records, which shall be available for inspection by authorized personnel at reasonable hours. Nothing shall prohibit a collector or other investigator from housing properly-accessioned specimens apart from the main collection, provided a record is made to indicate that such an arrangement exists.
14. Wildlife authorized for retention under SEPAP's may be possessed in perpetuity under that authority (i.e., without additional documentation), and such wildlife may be donated, exchanged, or otherwise processed according to standard scientific and educational practices. The only exception is for the progeny of propagated wildlife, which requires specific authorization from NMGF for its disposition.

15. SEPAP's are subject to suspension or revocation if permittees or subpermittees violate their conditions or provisions, and prosecution (plus confiscation of specimens or data) may also result. In addition, SEPAP's may be suspended or revoked to protect wildlife populations or taxa, although such actions will normally be approached through amendment of authorizations. In addition, if little or no activity occurs under a SEPAP for three consecutive years, the authorization may be subject to non-renewal. Given that SEPAP's are issued at the discretion of NMGF, their amendment, suspension, revocation, and non-renewal can be handled accordingly.

16. In order to help enforce compliance with the stipulations, policies, regulations, and laws governing the issuance and use of SEPAP's, a system has been adopted by NMGF for suspending or revoking the privileges of permittees who are non-compliant. The system is designed to give sufficient warning so that suspensions/revocations can be avoided. It is based on the accumulation of points, which are allotted for technical infractions (see below)—as opposed to more serious violations, which will be dealt with through other means (up to and including the issuance of citations). The technical violations are: (a) late receipt of a year-end report; (b) exceeding stipulated number(s) of specimens by up to 10%; (c) taking authorized species in an unauthorized locality; and (d) taking authorized species in an unauthorized manner. Each of these infractions will be allotted one point, which shall become effective on the date detected and remain in effect for three years from that date. Any permittee who commits the same infraction for three years in a row will have an extra point added to his/her total accumulation.

A permittee's SEPAP privileges shall be recommended to the Game Commission for suspension or revocation when he accumulates a total of three points. These privileges will remain suspended or revoked for one year (beginning the date the third point is allotted), after which time a permittee may submit an application to have his/her privileges reinstated. The suspension or revocation of privileges will not erase or otherwise affect points accumulated, except to reduce by one year the length of time that points remain in effect.

17. SEPAP's represent a privilege granted to few people, and permittees should appreciate this fact and conduct themselves accordingly. Permittees should carry out their operations in such a way as not to damage or destroy habitat or property or abridge the legitimate rights of other wildlife users in New Mexico. Permittees should explain their activities and display their permits to those with whom they come into contact, and they should avoid creating situations that may reflect badly on them, their activities, or NMGF. Discretion should be the watch-word at all times, and permitted activities should always be directed toward achieving the highest scientific, educational, and/or conservation goals.

The conditions and provisions outlined above represent NMGF policies with regard to the taking of wildlife for scientific and educational purposes in New Mexico. Each person who applies for such a SEPAP must signify his acceptance of these conditions/provisions by signing an application, which shall further signify that all other laws, regulations, and policies relevant to TWSEP activities will be observed and obeyed. Any person who wishes to be a subpermittee under another's SEPAP must also indicate acceptance of these conditions/provisions by signing the appropriate application. Questions or comments regarding TWSEP activities should be addressed to the: **New Mexico Department of Game and Fish, Permit Section, P.O. Box 25112, Santa Fe, New Mexico 87504; or telephone 505-476-8101 (note—correspondence containing fees should be sent to ASD (Cashier) at this address).**

THIS SPACE IS FOR OFFICIAL USE ONLY	RECEIPT (Date/Initials)	REVIEW (Date/Initials)	ACTION (Date/Initials)



**New Mexico Department of Game and Fish (NMDGF)
Application for Authorization to Take Protected Wildlife
For Scientific and/or Educational Purposes**

Instructions: This form must be filled out in detail and signed by the applicant and all subpermittees, if any. (It is not sufficient to say "same as last year" in any section of the application.)

If approved, you will be issued an authorization (permit) that stipulates the specific activities that you will be allowed to conduct.

Unless you are specifically exempted (see below), you are also required to purchase a \$15.00 permit to conduct these activities (exempted persons operate solely on the Conditions of Authorization, which are available to all applicants without charge). All applicants, including those who must purchase their permit, are to send their signed/dated application and fees to the New Mexico Department of Game and Fish, Permits Section, P. O. Box 25112, Santa Fe, NM 87504-5112, (505) 476-8111.

Name of Prospective Permittee: _____

Mailing address: _____

Daytime Phone(s): _____

Fax: _____

E-mail address: _____

Have you previously been authorized by NMDGF to take (sacrifice, live-capture/release/retain, salvage or possess) protected wildlife for scientific or educational purposes? If so, please indicate your most recent authorization (permit) number _____ and year of issue _____. (Leave blank if unknown.)

Period of authorization requested: From _____ to _____.
(Refer to Item 6, page 2, in Conditions and Provisions handout.)

Check here if you believe that you are exempt from having to pay the \$15.00 fee to conduct proposed activities. This includes conducting the proposed activities as part of your official duties as a federal employee, employee of a New Mexico state or local agency, as a NMDGF contractor, or as a designated cooperator (if in doubt, contact the Permit Section to ascertain your status, 505-476-8111).

Specific means of proposed taking or temporary retaining of wildlife (e.g. mist nets, seines, pit traps, capture by noose or hand, etc.):

Disposition of wildlife (including voucher specimens, if requested, and any accidental casualties). In what institution and in what form (e.g. dead specimens for museum purposes or live ones for behavioral studies) will retained animals be housed? Where will casualties (intentional and unintentional) be repositied? If no specific preference is listed, disposition will be to the Museum of Southwestern Biology, University of New Mexico, Albuquerque NM):

Requested Conditions of Authorization:

- (a) To this application, please attach an addendum, *Overview of Proposed Activities* (not less than one page), being as specific and detailed as possible. Include qualifications of applicant to conduct the requested activities; purposes, goals and rationale for proposed taking of wildlife; methodology, target populations, taxa and areas of taking; benefits and potential detriments; timeframe of work; resource needs and availability; and related information.
- (b) Include names and phone numbers of two people who can attest to your statements:
