

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 12 PRONGHORN LICENSE ALLOCATION SYSTEM

19.30.12.1 ISSUING AGENCY: New Mexico Department of Game and Fish
[19.30.12.1 NMAC - N, 4-1-11]

19.30.12.2 SCOPE: Landowners who provide meaningful benefit to pronghorn and accept pronghorn on their properties and all pronghorn hunters who wish to recreate on deeded lands or public lands within New Mexico's exterior boundaries. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 30, 31, 32, and 33 of Title 19.
[19.30.12.2 NMAC - N, 4-1-11]

19.30.12.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide the New Mexico game commission with 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 mammals, birds, and fish. Statute 17-3-14 NMSA 1978 authorizes the director to issue an antelope license free of charge when an agreement is made with the department to hunt antelope on deeded or leased property.
[19.30.12.3 NMAC - N, 4-1-11]

19.30.12.4 DURATION: Permanent
[19.30.12.4 NMAC - N, 4-1-11]

19.30.12.5 EFFECTIVE DATE: April 1, 2011 unless a later date is cited at the end of a section.
[19.30.12.5 NMAC - N, 4-1-11]

19.30.12.6 OBJECTIVE: Establish the antelope private lands use system (A-PLUS) as an equitable and flexible system that recognizes the contributions of private lands and landowners to the management of pronghorn antelope and their habitats, while providing an appropriate, biologically sound, and effective harvest through sport hunting.
[19.30.12.6 NMAC - N, 4-1-11]

19.30.12.7 DEFINITIONS:

A. "Authorized ranch contact" is the person designated by the landowner to be responsible for following procedures including forwarding documents, making changes and updates to the property.

B. "Deeded acres" shall mean privately owned acres that are within the designated pronghorn habitat.

C. "Enrolled acreage" is all the acreage as defined by the department as participating in A-PLUS

D. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

E. "Inactivation" is the New Mexico department of game and fish procedure that immediately stops all issuance of authorizations and eligibility for participation in the program.

F. "Minimum qualifying acreage" is the total number of acres of pronghorn habitat on enrolled private land and all public land in a GMU divided by the number of mature buck licenses available in that GMU.

G. "Pronghorn authorization" shall mean the document or number generated by the department and issued to a private landowner enrolled in A-PLUS that authorizes the holder to purchase a specified license to hunt pronghorn.

H. "Pronghorn habitat" shall mean the portion of land within the boundaries of a GMU that is designated by the department as containing the majority of routine and substantial pronghorn use. This shall be the area that pronghorn management goals and subsequent harvest objectives are based.

I. "Percent private land" shall mean the percentage of the area within a GMU or ranch designated as pronghorn habitat that is private land.

J. "Percent public land" shall mean the percentage of the area within a GMU or ranch designated as pronghorn habitat that is public land.

K. "Public land" shall mean those lands held by state, federal or other public agencies.

L. "Qualifying acres" shall mean acres comprised of pronghorn habitat.

M. “Ranch” shall mean all deeded and leased lands managed by a common landowner or landowners (i.e., combined ranches) within a GMU.

N. “Review” is a period of time during which an applicant, or active ranch, may be suspended from participation until the department review concludes that all participation requirements have been met.
[19.30.12.7 NMAC - N, 4-1-11]

19.30.12.8 PARTICIPATION REQUIREMENTS:

A. Minimum enrollment qualifications:

(1) Private or leased lands that lie within pronghorn habitat.

(2) Private or leased lands that provide meaningful benefits to pronghorn, at least occasionally, as determined by the appropriate district officer or game manager.

(3) Only landowners or lessees who agree in writing to accept pronghorn on their property shall be considered. Any landowner or lessee that files a depredation complaint regarding pronghorn or takes action pursuant to Section 17-2-7.2 NMSA 1978 shall have automatically elected to become ineligible for continued participation in this program. Exceptions to this may be allowed when short-term or unusual circumstances that are typically not associated with the normal presence of pronghorn using land and forage on the property exist. In these instances, if the landowner desires to continue contributing to pronghorn, the department may allow the landowner to continue participating in this system while seeking resolution to the short-term or unusual damage pursuant to the depredation program.

(4) Landowner must agree that participation is voluntary, is based upon annual pronghorn populations, and there is no guarantee of a specific number of authorizations issued each year.

(5) All participating properties shall be subject to annual review per the requirements found in this section.

B. Enrollment process:

(1) Initial application:

(a) Landowners who choose to enroll in the system must submit a completed application form approved by the department. Application must include all documentation requested on the department application form.

(b) Both public and private land within a ranch boundary shall be enrolled.

(c) Application must be submitted to the department, hand delivered or post marked, no later than February 1 of each year. Applications received without all required documentation or hand delivered or post marked after February 1 shall be rejected. Rejected applications may be corrected and resubmitted through March 1 to be included that year if the original application was submitted by the February 1 deadline and the applicant mistakenly omitted necessary documentation or a documented family emergency, sickness or death resulted in the application deadline being missed.

(d) Landowners with properties that do not meet the requirements set forth in Subsection A of 19.30.7.8 NMAC and minimum qualifying acreage shall be advised and given the right to appeal the department’s decision with regard to meeting the minimum requirements for participation.

(2) Participating ranches:

(a) All authorized ranch contacts for participating ranches shall receive an agreement and affidavit of ownership form annually.

(b) The agreement and affidavit of ownership form shall list the name, address, and phone number of the authorized ranch contact, the ranch’s enrolled acreage and the qualifying deeded and leased acres for which allocations of licenses and authorizations will be based upon. It shall provide the opportunity to appeal the listed acreage and allow for the authorized ranch contact to notify the department of appropriate changes. If changes include the addition or reduction of deeded or leased acreage, a new property boundary map must be submitted with the form. The agreement portion of the form shall set out the terms for participation.

(c) The agreement and affidavit of ownership form must be signed and initialed where designated and returned to the department via hand delivery or post marked no later than February 1 each year. Failure to meet these requirements shall result in the ranch being placed on review until the following year. If circumstances beyond the control of the authorized ranch contact or a documented family emergency, sickness or death, resulted in this deadline being missed, the department may accept completed agreement and affidavit of ownership forms through March 1.

(d) If the department determines there has been a breach of the terms set forth in the agreement, false representation of a ranch’s deeded or leased acreage, rightful ownership, or legal representation of a

ranch, the department shall immediately inactivate the ranch, void all unconverted authorizations issued to the ranch, and the owner or authorized ranch contact shall be subject to the processes set forth in 19.31.2 NMAC.

(e) After 2 years of non-receipt of the agreement and affidavit of ownership, the department shall inactivate the respective ranch until a new initial application has been submitted by the following February 1 deadline.

(f) Properties that are sold or transferred to new ownership must re-apply as required for initial enrollment by the February 1 deadline. The previous owner must report any reduction in acreage resulting from sale or transfer on their annual affidavit of ownership and provide an updated property boundary map documenting the acreage reduction. Properties or portions of properties that have been reported by the previous owner as sold or transferred shall be considered inactive until the new owners submit an initial application.

(g) The department may make reasonable accommodations in circumstances where transfer of ownership occurs after the February 1 deadline.

(h) All enrolled ranches that the department determines do not meet minimum qualifying acreage requirements for participation shall be sent written or e-mail notice.

C. The department shall establish properties enrolled as draw only ranches which will consist of 100% leased state land, federal or other public lands that offer reasonable pronghorn antelope hunting opportunity with legal public access to those lands. These properties shall be subject to the minimum qualification requirements as found in 19.30.12.9 NMAC.

D. If a landowner represents or permits the false representation of the property's enrolled private acreage, or breaches or violates the conditions of any A-PLUS hunting agreement with the department, the landowner will be inactivated from further participation in A-PLUS and any other department sponsored private land program for a period of up to 3 years. The landowner shall be notified via certified mail upon the department's determination that a violation or breach has occurred. The landowner may request a hearing that shall be held in accordance with the processes set forth in 19.31.2.13 NMAC (without reference to points) through Subsection A of 19.31.2.22 NMAC.

[19.30.12.8 NMAC - N, 4-1-11]

19.30.12.9 DISTRIBUTION OF PRONGHORN AUTHORIZATIONS AND DRAW LICENSES TO QUALIFYING RANCHES:

A. The department shall determine the acreage of pronghorn habitat within each GMU.

B. The department shall base the number and kind of hunting authorizations and licenses by bag limit and weapon type available in each GMU based upon sustainable harvest as outlined in the department's pronghorn antelope management plan.

C. The number of any legal weapon and muzzleloader pronghorn mature buck hunting authorizations and licenses per ranch shall be set as follows.

(1) A ranch's total acreage of pronghorn habitat divided by the unit's enrolled acreage of pronghorn habitat equals the percent qualifying acreage for that ranch.

(2) The percent qualifying acreage for that ranch multiplied by the total remaining mature buck authorizations and licenses to be issued in the GMU equals the total allocation for that ranch.

(a) The total allocation multiplied by the percentage of qualifying private land acreage of the ranch equals the number of private land authorizations to issue per ranch.

(b) The total allocation multiplied by the percentage of qualifying public land acreage of the ranch equals the number of public draw pronghorn hunting licenses per ranch. These public licenses drawn will be any legal weapon or muzzleloader and the public hunters will be assigned to ranches to hunt.

D. Female/immature male (F-IM) authorizations and licenses will be issued within GMUs with sufficient populations to provide additional hunting opportunity. This allocation will be to appropriate public and private lands based on harvest objectives of the GMU and the percentage of qualifying public and private land acreage.

E. A portion of total annual any legal weapon or muzzleloader authorizations and licenses not to exceed 10% from each GMU may be held by the department for the purpose of addressing special management circumstances or properties as determined by the area chief.

F. All authorizations and licenses issued pursuant to this section shall be ranch-only and valid only within the boundaries of the enrolled ranch.

G. All pronghorn authorizations issued pursuant to this section are valid for any available hunt code with a lesser weapon type within the GMU the authorization was issued.

H. All qualifying ranches who are assigned public draw hunters shall be issued one authorization valid for a free pronghorn license pursuant to 17-3-14 NMSA 1978.
[19.30.12.9 NMAC - N, 4-1-11; A, 4-1-11]

19.30.12.10 LANDS OUTSIDE THE CORE PRONGHORN MANAGEMENT AREA: The department may issue authorizations and licenses to properties that lie outside designated pronghorn habitat or open GMUs where pronghorn antelope exist within sufficient population levels to provide hunting opportunities within sustainable harvest objectives. The area chief shall issue authorizations or licenses at a ratio equal to the private and public land acreage of the ranch.
[19.30.12.10 NMAC - N, 4-1-11]

19.30.12.11 SPECIAL MANAGEMENT PROPERTIES: In all GMUs, the department may treat specifically identified properties as special management properties and allocate authorizations and licenses to these properties based upon unique contributions to department pronghorn management goals. Landowners that elect to participate pursuant to this section shall be required to develop a pronghorn management plan in cooperation with the department that determines hunting opportunity based upon land status and special contributions to pronghorn. Landowners that elect to participate pursuant to this section shall be ineligible for any appeal process.
[19.30.12.11 NMAC - N, 4-1-11]

19.30.12.12 LANDOWNER RIGHT TO APPEAL:

- A.** Landowners shall have the right to appeal only the following:
- (1) The number of qualifying acres of pronghorn habitat.
 - (2) A decision by the department that a property does not meet the minimum requirements to participate.
- B.** Appeals for newly enrolling properties that are based upon failure to meet the minimum requirements to participate shall be submitted to the department in writing and post marked no later than April 1.
- C.** The department may take the necessary amount of time needed to properly consider any appeals.
- D.** In all cases of appeal, the landowner shall be responsible for providing the appropriate documentation required substantiating the claim.
- E.** All appeals shall be made to the respective area chief.
[19.30.12.12 NMAC - N, 4-1-11]

19.30.12.13 DEPARTMENT RIGHT TO REQUEST UPDATED DOCUMENTATION AND CONDUCT AUDITS. The department reserves the right to request the submission of verifiable documentation that substantiates fulfillment of the minimum requirements to participate. Each request shall be written and shall include a reasonable time for compliance. Any failure to comply with the request for documents shall result in the property being inactivated and removed from participating in A-PLUS during the current license year. If the landowner wishes to participate again, they will be required to reapply the following license year pursuant to the enrollment process as outlined under Subsection B of 19.30.12.8 NMAC.
[19.30.12.13 NMAC - N, 4-1-11]

HISTORY OF 19.30.12 NMAC: [RESERVED]