

**NM Dept of Game & Fish (NMDGF) proposes rule restricting use of aircraft for the season, replacing the current “48 Hour rule”.**

From the NMDGF Summary: “Use of aircraft – Make it illegal to scout or locate game from the air Aug 1 – Jan 31 annually. This will not impact any other activity, such as recreational flying, flying for agricultural purposes or flying for real estate purposes.”

Note however, that the language in the second sentence is not included in the official rule. See “[underline strikethrough version](#)” on the NMDGF website.

**Public meetings are scheduled (see below). Written comment period ends October 18.**

If you wish to email public comment, please send to [DFG-FieldOpsComments@state.nm.us](mailto:DFG-FieldOpsComments@state.nm.us)

**NMPA and Recreational Aviation Foundation statements / articles on the issue:**

Sept 2018 [NMPA Comments on Proposed Rule](#) sent to NMDGF Field Operations Rule Development

Sept 2018 [RAF Comments submitted](#) to NMDGF Field Operations Rule Development

Sept 2017 [NMPA Letter to NMDGF Commissioners](#)

July 2017 [NMPA Newsletter](#) - see Editors’ Log (p3) and Advocacy (p11)

**PROPOSED RULE from the [NMDGF Website, Proposals under Consideration](#)**

**Updated 8-29-2018: Proposed changes to the manner and method rule 19.31.10 NMAC**

Seeking comments on **proposed changes to the manner and method rule**. Comments on the proposed changes can be provided by mail: New Mexico Department of Game and Fish, Attn: Field Operations Rule Development, P.O. Box 25112, Santa Fe, NM 87504; by email, [DFG-fieldopscomments@state.nm.us](mailto:DFG-fieldopscomments@state.nm.us) before Oct. 18, or in person at one of the meetings listed below.

To gather public comments, four public meetings will be conducted:

- **Las Cruces:** 6 to 8 p.m. Aug. 30 at the Department of Game and Fish office, 2715 Northrise Drive.
- **Albuquerque:** 6 to 8 p.m. Sept. 4 at the Department of Game and Fish office, 3841 Midway Place, NE.
- **Roswell:** 6 to 8 p.m. Sept. 5 at the Department of Game and Fish office, 1912 W. Second Street.
- **Raton:** 6 to 8 p.m. Sept. 11 at the Department of Game and Fish office, 215 York Canyon Road.

**[Manner and Method Proposed Rule Changes 19.31.10 NMAC Summary](#)**

**[Manner and Method Proposed Rule Changes 19.31.10 NMAC Underline Strikethrough Version](#)**

See next page for NMPA’s identification of proposed changes affecting aircraft pilots. For NMPA’s position, see our [Sept 2018 letter](#).

# Initial NMPA Review: “Manner and Method Proposed Rule Changes 19.31.10”

Prepared by an NMPA Member (Thank you!!)

## The summary document refers to aircraft:

Use of aircraft – Make it illegal to scout or locate game from the air Aug 1 – Jan 31 annually.

**This will not impact** any other activity, such as **recreational flying**, flying for agricultural purposes or flying for real estate purposes.

## The proposed changes to the code relating to aircraft are these:

### 19.31.10.7 DEFINITIONS:

Y. “Locate” shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

### 19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

(Unrelated to aircraft the section text also refers to a foolish splitting of hairs about right-of-way fences and number of lanes, and a subjective positioning of the firearm 'at least halfway across the fence'...it would be far simpler and easier to enforce to require shooting from beyond any right-of-way fence rather than what they are doing in the proposal, but I digress). Regarding aircraft:

C. Shooting from within or upon a vehicle, boats, or aircraft:

(section prohibits shooting from within or upon conveyances, including aircraft...no issue affecting us)

D. Harassing protected species: (section deletes any reference to aircraft)

~~E. Hunting after air travel: (section is deleted in entirety)~~

E. Using aircraft to locate wildlife:

(1) It is unlawful for any individual, for the purpose of hunting, to locate or assist in locating a protected species from or with the aid of an aircraft or drone or to relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action or to use information gained from the aid of an aircraft or drone during the period beginning on August 1 and ending on January 31 of each license year.

(2) This section shall not apply to regularly scheduled commercial airline flights, direct flights or to any individual acting within the scope of their official duties as an employee or authorized agent of the state of New Mexico or the United States federal government.

(both sections are new)

~~F. Use of aircraft for spotting game: (section is deleted in entirety)~~

F. Aircraft, drone and vehicle exemptions to this rule: The Director may exempt a person from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

(new 'F' not affecting us; this replaces the old 'K' which was identical in wording and deleted in entirety)

~~G. Using information gained from air flight:~~

~~(1) 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.~~

~~(2) 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 drone at any time.~~

(all above is deleted in entirety)