



TO: NMPA Members

Nov 14, 2018

RE: New Call to Action: Game & Fish Rule - due 5pm Nov 29

This is another Call to Action. *Thanks to many of you* that previously responded to the proposed NM Game and Fish Manner & Method rule regarding use of aircraft. We made a strong showing at the October Commission meeting, voicing concerns and forcing some revision, but they are still moving ahead.

Commissioners will cast their vote at a public hearing on **November 30, 2018 in Roswell. The Dept. published an Oct 30 update and another call for comments, due 5:00 pm November 29, 2018.** Their notice also says, interested persons may provide data, views or arguments, orally or in writing, at the public rule hearing. We've been advised your letters could make the difference.

**We urge you to submit comments (again) to:** [DGF-FieldOpsComments@state.nm.us](mailto:DGF-FieldOpsComments@state.nm.us) and the Commission elist below. We encourage meeting participation on November 30. Please keep comments succinct and civil. For more info, see the [G&F Commission website](#).

**Game & Fish Proposed Rule as published Oct 30:**

**E. Using aircraft to locate wildlife:**

- (1) *For the purpose of hunting it is unlawful for any individual 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 pertaining to the location of a protected species 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.*

**NMPA's position** is to amend the proposal to retain the current 48 hour rule, at least until language can be developed that does not incriminate innocent pilots. Current language should be incorporated into the Department's new **Manner and Method Rule 19.31.10 NMAC** as suggested in [NMPA's comments](#).

**Key points to consider for your submittal:**

- a. **Keep the current 48 hour rule.** It is widely understood, accepted, and followed.
- b. Extending the period from 48 hours to 6 months represents *excessive overreach without justification*.
- c. The proposed rule makes law-abiding pilot/hunters suspect of illegal spotting of game for 6 months of the year.
- d. The ambiguous proposal could ensnare the general aviation community in legal proceedings for simply sightseeing.
- e. The phrase, *For the purpose of hunting* is not defined and implies that all hunting related flights are illegal (transporting supplies, hunters, etc.).
- f. Aircraft are no more distraction to a hunter than an OHV driving by on a road.

Game Commission members:

Paul Kienzle, Chairman	<a href="mailto:paul@kienzlelaw.com">paul@kienzlelaw.com</a>
Chance Chase	<a href="mailto:chance.chase.119@gmail.com">chance.chase.119@gmail.com</a>
Bill Montoya	<a href="mailto:billmontoya@hotmail.com">billmontoya@hotmail.com</a>
Craig Peterson	<a href="mailto:cpeterson@mrtruckinc.com">cpeterson@mrtruckinc.com</a>
Ralph Ramos	<a href="mailto:ralphramos@comcast.net">ralphramos@comcast.net</a>
Robert Ricklefs	<a href="mailto:bob.ricklefs@gmail.com">bob.ricklefs@gmail.com</a>
Dick Salopek	<a href="mailto:dicksalopek@hotmail.com">dicksalopek@hotmail.com</a>
Michael Sloane, Department Director	<a href="mailto:michael.sloane@state.nm.us">michael.sloane@state.nm.us</a>

Thank you for your engagement in this issue. NMPA continues our desire to partner with NMDGF, as we share common ideals regarding fair access to public lands and recreational opportunities.

Regards,

Joyce Woods, President  
New Mexico Pilots Association  
[nmpa@nmpilots.org](mailto:nmpa@nmpilots.org)