



October 15, 2018

TO: NMDGF Field Operations Rule Development

P.O. Box 25112, Santa Fe, NM 87504

RE: Proposed Changes: Manner & Method Rule, 19.31.10 NMAC, regarding use of aircraft

This letter confirms our continued opposition to the “use of aircraft” language in the 10/10/18 update of the proposed **Manner and Method Rule, 19.31.10.11, Sections E and F**. We appreciate the willingness of Director Sloane to review this update with us, but our concerns remain.

We urge you to delay changes regarding use of aircraft in this round of rulemaking and retain current language. The 48 hour rule is long standing and well understood. It should be carried over to this new Manner & Method rule, rather than restrict aircraft use for an excessive 6 month timeframe which won’t improve enforcement, adds confusion, infringes on the rights of pilots, and threatens the business of currently legal commercial operations.

Separating the “use of aircraft” issue from this rule change will allow more time for NMDGF to engage aviation experts within the Federal Aviation Administration, NMDOT Aviation Division and local aviation groups, as well as hunters.

OUR RECOMMENDATION: Retain current rule language in new Manner & Method Rule, as highlighted, deleting proposed language (red strikeouts) as follows:

19.31.10.7

~~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

~~<reinstate from current rule>~~

E. Hunting after air travel:

It shall be unlawful for anyone to hunt for or take any protected species until after the start of legal hunting hours on the day following any air travel except by regularly scheduled commercial airline flights or legitimate direct flight to the final destination.

~~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 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.~~

<reinstate from current rule>

F. Use of aircraft for spotting game:

It shall be unlawful to use aircraft or drone to spot or locate and relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action.

<reinstate from current rule>

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.

~~*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.*~~

We submit this recommendation in a spirit of cooperation, convinced there is a win-win solution not yet realized. Along with the 12 nonprofit and governmental organizations who partnered to form the New Mexico Airstrip Network, we share common goals with NMDGF supporting fair access to recreational opportunities on public lands and conservation for future generations.

Respectfully submitted,

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The New Mexico Pilots Association (NMPA) is a non-profit organization representing 4294 pilots statewide and an aviation industry accounting for more than \$2.3 Billion in annual economic impact. NMPA members share common goals and ideals with NMDGF regarding enjoying the great outdoors and preserving personal freedoms for access to recreational opportunities.