



New Mexico Game & Fish Retains “48 Hour Rule”

Summary

On November 30, 2018, the New Mexico State Game and Fish Commission decided to retain the existing 48-hour rule for use of aircraft, amending the proposed change to the Manner and Method Rule, 19.31.10 NMAC. After 18 months of Commission discussion resulting in the proposal, Commissioners listened, complimenting the aviation community for the professionalism and credibility of comments submitted, and voted unanimously to keep current language.

Proposed Rule

The proposed rule would have made it a misdemeanor to use an aircraft to locate game for hunting purposes from August 1 to January 31. This extended timeframe for locating game made it particularly difficult for a hunter/pilot to be able to fly near hunting areas for half the year. Recreational pilots expressed concern of being questioned and inappropriately cited for flights over areas that may be used for hunting.

Working Together

The New Mexico Pilots Association offers the expertise of our aviation network to address conflicts between aviators and hunters. We hope the NM Department of Game and Fish will join the New Mexico Airstrip Network (NMAN), a partnership intended as a forum to proactively address such issues. NMAN partners share a common goal in support of recreational aviation in New Mexico.

Hunters and pilots alike value their backcountry experience and access to public lands. Unfortunately, sometimes the pilot/hunter interaction results in conflict that can distract from the public lands experience. No hunter wants his hunt disrupted by a low-flying aircraft spooking his bull elk. Pilots don't want to lose the freedom to land on a backcountry airstrip to camp, fish, or hunt.

Identifying a need for education of both pilots and hunters on shared usage of public lands, NMPA proposes developing a video to explore conflict scenarios and provide recommendations to alleviate such conflicts and create mutual respect. This approach has been successful through a similar nationwide partnership aimed at eliminating invasive species on seaplanes.



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Current Rule - Retained

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.

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.

Proposed Change - Not Approved

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.

Prepared by the New Mexico Pilots Association

For more info, see: www.nmpilots.org

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