

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 35 CAPTIVE WILDLIFE USES
PART 10 PROTECTION FOR AMPHIBIANS AND REPTILES

[if !supportEmptyParas] [endif]

19.35.10.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.35.10.1 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.2 SCOPE: To prohibit, permit and regulate commercial collecting of free-ranging, native amphibians and reptiles.

[19.35.10.2 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.3 STATUTORY AUTHORITY: 17-1-14, 17-2-4.1, and 17-3-1 NMSA 1978 provide that the New Mexico State Game Commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978.

[19.35.10.3 NMAC - N, 10-31-01]

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19.35.10.4 DURATION: Permanent.

[19.35.10.4 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.5 EFFECTIVE DATE: October 31, 2001.

[19.35.10.5 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.6 OBJECTIVE: Establish procedures and requirements for the take of free-ranging, native amphibians and reptiles for commercial purposes.

[19.35.10.6 NMAC - N, 10-31-01]

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19.35.10.7 DEFINITIONS:

A. “Free Ranging, Native Amphibians and Reptiles” are those species and subspecies of amphibians and reptiles naturally occurring in New Mexico.

B. “Commercial purpose” shall mean for the purpose of sale, barter, or profit. For this regulation, any person in possession of the annual bag limit or more than the annual bag limit of wild-caught amphibians and reptiles shall be deemed to possess these individuals for commercial purposes. In addition, any person in possession of more than 50 individuals with unlimited take, shall be deemed to possess these individuals for commercial purposes.

C. “Take” shall mean the act of seizing, capturing, trapping, killing of free-ranging, native amphibians and reptiles.

D. “Annual bag limit” shall mean the allowed number of individual, wild-caught amphibians and reptiles taken in a license year by a licensed collector.

E. “**Fish Bait**” shall mean the aquatic larval stage of the tiger salamander, *Ambystoma tigrinum*, used for baiting fish.

F. “**Lizard races**” shall mean the organized, competitive racing of any lizard not listed as threatened or endangered.

G. “**Rattlesnake Roundup**” shall mean an organized public event where the purpose is to display, buy, sell, and trade rattlesnakes of the genus *Crotalus*.

H. “**Captive-bred**” shall mean amphibians and reptiles that are hatched or born in captivity as a result of captive breeding.

[19.35.10.7 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.8 TAKE:

A. It is unlawful for any person to take free-ranging, native amphibians and reptiles in New Mexico for commercial purposes without purchasing and having in possession a valid commercial collecting permit. In addition, nonresidents must purchase and also have in their possession a nonresident hunting license listed in Section 17-3-13 NMSA 1978 required by law for the year in which the taking is done.

B. It is unlawful to take all free-ranging, native amphibians and reptiles species that are Federal or State listed as threatened or endangered.

C. Exceptions:

(1) When there is an emergency situation involving an immediate threat to human life or private property, rattlesnakes may be captured, removed, or destroyed without a permit.

(2) No permit is necessary for take of free-ranging, native amphibians and reptiles for the purpose of rattlesnake roundups, fish bait, or lizard races. A commercial collecting permit is required when these species are taken for a commercial purpose.

(3) All other species of snake (other than rattlesnakes) collected and displayed for rattlesnake roundups shall not be bought, sold, or traded unless the person collecting such snakes is in possession of a commercial take permit.

(4) Amphibians and reptiles held in captivity prior to July 1, 2001 and their progeny are not subject to these regulations.

[19.35.10.8 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.9 METHODS OF LEGAL TAKE: Only the following methods shall be used for the legal, commercial take of free-ranging, native amphibians and reptiles.

A. Field collection, including the use of hand-held flashlights or spotlights, provided the collector is not in possession of a firearm or other implement whereby any big game animal or domestic animal could be killed.

B. Collection from road surfaces.

C. Lizard nooses, snake grabbers, and snake hooks.

D. Seines, cast nets, and dip nets.

[19.35.10.9 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.10 ANNUAL BAG LIMITS:

A. A list of native, free-ranging amphibians and reptiles known to occur in the state of New Mexico wherein take is allowed, with the annual bag limit for each, shall be established and maintained by the Director of New Mexico Department of Game and Fish (Director's Amphibian and Reptile List).

B. It shall be unlawful to exceed the annual bag limit of any species of amphibian or reptile listed on the Director's Amphibian and Reptile List for the current license year.

[19.35.10.10 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.11 PERMIT:

A. Commercial Collecting Permit: This permit is herein established and required to be purchased and in the possession of any person prior to their attempt to take any amphibian or reptile for commercial purposes.

B. Availability and expiration: Commercial Collecting Permits will be available for purchase through the New Mexico Department of Game and Fish. Commercial Collecting Permits are valid only during the current license year for which it was purchased. License years runs from April 1 through March 31 of the following calendar year. All commercial Collecting Permits expire on March 31 of each year.

C. Nonresidents are required to purchase and have in their possession a nonresident hunting license listed in Section 17-3-13 NMSA 1978 required by law for the year in which the taking is done, in addition to the Commercial Collecting Permit.

D. FEE: Each person must pay \$50.00 to receive a Commercial Collecting Permit.

[19.35.10.11 NMAC - N, 10-31-01]

[if !supportEmptyParas] [endif]

19.35.10.12 Year-End Reports: Each person who purchases a Commercial Collecting Permit is required to file a year-end report on a standardized form approved by the New Mexico Department of Game and Fish.

[19.35.10.12 NMAC - N, 10-31-01]

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