

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Thursday, November 16, 2017, beginning at 9:00 a.m., at Elephant Butte Inn Banquet Facility, 401 NM-195, Elephant Butte, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changed to Manner and Method and Fisheries rules;

Notice of Rule Making

Amend

19.31.10 NMAC Hunting and Fishing-Manner and Method of Taking

Expires (March 31, 2018)

19.31.4 NMAC Fisheries

Proposed new rule (Effective April 1, 2018)

19.31.4 NMAC Fisheries

Synopsis:

The proposal is to adopt a new Fisheries rule that will become effective April 1, 2018 and amend the Manner and Method rule with some modifications as described below. The current Fisheries rule is set to expire March 31, 2018.

The proposed new rule (19.31.4 NMAC) will include some general formatting to clarify rule language, adding and removing waters to the trout and winter trout water designation, reducing the Special Trout Water types, adding and removing waters to the Special Trout Water designation, allowing unlimited harvest of non-native trout on certain waters designated for native trout emphasis, removing the catch-and-release only rule on Brantley Reservoir, removing age and disabilities restrictions on Grants Riverwalk Pond, and reducing daily bag and possession limit on Clayton Lake, Lake Roberts, and Bill Evans Lake.

The proposed changes of 19.31.10 include some general formatting to clarify rule language, adding and removing waters to the tackle restrictions for Special Trout Waters, restricting bow and spear fishing for largemouth bass on Clayton Lake, Lake Roberts, and Bill Evans Lake, removing waters no longer open to the public or that no longer exist, and adding some language to clarify unlawful acts.

Interested persons may submit comments on the proposed changes to the Fisheries and Manner and Method rules at DGF-FisheriesRule@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 9:00 a.m. on November 16, 2017 when the final rule amendments will be voted on by the Commission during a public meeting on November 16, 2017. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on November 16, 2017. Full copies of text of the proposed rule changes and proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, P.O. Box 25112, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505)476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

Technical Information

Per Paragraph (2) of Subsection B of Section 14-4-5.4 NMSA 1978; Agency record in rulemaking proceeding.

“(2) a copy of any technical information that was relied upon in formulating the final rule;”

Technical Information relied upon in formulating the final rule is the “New Mexico Department of Game and Fish - 2016 Statewide Fisheries Management Plan.”

It is a 239 page document and can be found on the New Mexico Department of Game and Fish Office at 1 Wildlife Way Santa Fe, NM 87507 or can be accessed through the Department’s Web page at: <http://www.wildlife.state.nm.us/fishing/>

**MEETING MINUTES
NEW MEXICO STATE GAME COMMISSION
November 16, 2017
Elephant Butte Inn
401 NM 195
Elephant Butte, NM 87935
9:00 a.m. –5:00 p.m.**

A P P E A R A N C E S

Game Commissioner Thomas Salopek

Chairman Paul Kienzle

Vice Chairman Bill Montoya

Game Commissioner Robert Espinoza

Game Commissioner Ralph Ramos

Game Commissioner Bob Ricklefs

Game Commissioner Elizabeth Ryan

A B S E N T None

CHAIRMAN KIENZLE: Roll call.

DIRECTOR SANDOVAL: Commissioner Espinoza.

COMMISSIONER ESPINOZA: Present.

DIRECTOR SANDOVAL: Commissioner Ramos.

COMMISSIONER RAMOS: Thanks for having me here today. I am present. Here.

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DIRECTOR SANDOVAL: Commissioner Ryan.

COMMISSIONER RYAN: I'm present.

DIRECTOR SANDOVAL: Commissioner Ricklefs.

COMMISSIONER RICKLEFS: Here.

DIRECTOR SANDOVAL: Commissioner Salopek.

COMMISSIONER SALOPEK: Present.

DIRECTOR SANDOVAL: Vice Chairman Montoya.

VICE CHAIRMAN MONTOYA: I think I'm here.

DIRECTOR SANDOVAL: Chairman Kienzle.

CHAIRMAN KIENZLE: Present.

DIRECTOR SANDOVAL: Chairman Kienzle, I believe we have a quorum.

CHAIRMAN KIENZLE: Okay. We have the series of Rule Hearings coming up and so let me, let me read a statement here. Bear with me. This is for the record. This hearing will please come to order. My name is Commissioner Paul Kienzle. I'll be serving as the Hearing Officer and be advised by the Commission's Council from the office of the Attorney General, Marylou Poli. The purpose of these hearings, one for the Commission to receive public comment and proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part 9 and Title 19, Chapter 31, Parts 10, 12, 13, 14, 15, 16, 17, 21 of the New Mexico Administrative Code regarding rules on Game and Fish Licenses/Permits and Hunting and Fishing Manner and Method of take for carcass tagging. The Commission welcomes those who provided written

comment and everyone here today and two, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 30, Part 9. Is everyone awake? Okay--of the New Mexico Administrative Code regarding the Guide and Outfitting Registration. The Commission welcomes those who provided written comment and everyone here today. Three, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Part 2 of the New Mexico Administrative Code regarding the Hunting and Fishing Licensed Revocation. The Commission welcomes those who provided written comment and everyone here today. Number Four, for the Commission to receive public comment on proposed amendments to the Commission's current rules in Title 19, Chapter 31, Parts 4 and 10 of the New Mexico Administrative Code regarding Fisheries and Hunting and Fishing Manner and Method. The Commission welcomes those who provided written comment and everyone here today and Number five, the Commission has terminated the current Rulemaking Process and will postpone until a later date the commission's Rule title 19, Chapter 31, Part 10 of the New Mexico Administrative Code regarding Trespass Certification. This hearing is being conducted in accordance with the provisions of the Game and Fish Act and the State Rules Act. The hearing is being audio taped, recorded and it may also be video recorded if I recall correctly. Anyone interested in a copy of the audio tape should contact Sandra with the Game and Fish Department to get a copy. Public matters of this hearing was advertised in the New Mexico Register, The Albuquerque Journal and the T or C Herald, The New Mexico Sunshine Portal and on the department's website. Copies of the proposed changes have been available on the department's website and at the department office. Those here today should sign in with comment cards and also there should be a sheet somewhere to sign-in as well and then those sheets and I believe

these comments cards, I know the sheets will but probably the comment cards as well will be entered into the record as an exhibit for these particular hearings. Okay. Let's see. Do you need me to do the Hearing Procedures now or do you want to--

MARYLOU POLI: Mr. Chair, yes. Please proceed with the Hearing Procedures.

CHAIRMAN KIENZLE: Got it. This Rule hearing will be conducted in the following manner. Staff will present pre-filed exhibits. Exhibits admitted into evidence are available for review by the public. The exhibits may not be removed from this room. After all exhibits are entered we'll proceed to the department and staff presentation of the proposed rule. Afterwards, testimony will be taken from the audience. It's not strictly testimony. We typically call it public comment and if you're going to speak again, you need to fill out that sheet that the Director is holding up and then also a comment card. In order to ensure the hearing is accurately recorded, only one person at a time shall be allowed to speak. Any person recognized to speak is asked to identify yourself by name and you are affiliated with for the record. Generally, if you're coming up time and time again, you need to identify yourself every time. Speak loud and clearly so the record is clear. After a person has offered comment, you may very well be asked questions. The department though the presenter, is not asked questions by the public. The Commission can ask questions of the department but it's not typically a situation where the public asks questions of the department presenter. This hearing is not subject to judicial rules of evidence, power of the interest of efficiency; I reserve the right to limit any testimony being irrelevant, redundant or unduly repetitious. The Commission will discuss the proposed rules during a subsequent Commission meeting which typically means we take, we will be discussing it at this meeting and also as an action item on the agenda. Final Commission action, including any adoption of the rules will not take place as part of the Rulemaking Hearing. So as I mentioned, we split this kind of into two

parts. One part is informational. Getting the record together of the second part is the actual action item when we take a vote on the proposal that's under discussion. I'm getting there. Bear with me.

CHAIRMAN KIENZLE: The ayes have it. Agenda item number 16 has been postponed or terminated. Number 17 [crosstalk/background sounds]. Mr. Sloane, I will now proceed with the hearing on proposed amendments to the Commissions current rules in Title 19, Chapter 31, Part 4 and Title 19, Chapter 31, Part 10 of the New Mexico Administrative Code regarding the fisheries and hunting and fishing manner and method of taking rules. Mr. Sloane, are there any exhibits for proposed amended rules to 19.31.4 and 19.31.10 to be entered into the record?

MIKE SLOANE: Mr. Chairman, due to an in error, we left two waters out of the proposed regulation and I believe we are going to have to request that rule be tabled come back next month.

DIRECTOR SANDOVAL: Mr. Chairman, I believe what we can do is, you can vote on the current rule as is and we will have to come back, advertise the two additional waters and add those in at a later date.

CHAIRMAN KIENZLE: Well, I guess you gotta dance with the person who brung you, right? [Laughter] So let's go with what we've got and then we'll just do a quickie amendment the next .

..

SPEAKER: January?

CHAIRMAN KIENZLE: . . . next meeting. We'll take this one up we got today. What two waters are they, just out of curiosity?

MIKE SLOANE: The Rio Grande from the Colorado border to the Taos Junction Bridge and 2-1/2 miles on the Los Pinos.

CHAIRMAN KIENZLE: Okay. Got it.

COMMISSIONER: Which will still be for next year's fishing, right? Will we be able to get in for next year's fishing? Next year, we get it?

CHAIRMAN KIENZLE: On exhibits, you've got some exhibits for the Director.

MIKE SLOANE: I do.

CHAIRMAN KIENZLE: Okay. You can, somebody can hand them up to her.

DIRECTOR SANDOVAL: So Mr. Chairman, I have: Exhibit 1 would be the presentation; Exhibit 2 is the proposed rule; and Exhibit 3 would be the—is this public comment or is just the rule itself?

MIKE SLOANE: It is the rules and the technical information that was relied upon, public comments, agency response to public comments and a copy of the draft rules again.

DIRECTOR SANDOVAL: Mr. Chairman, I don't believe that needs to be entered as an exhibit necessarily. It's just for the record. We can keep it.

CHAIRMAN KIENZLE: Do we have any public comment cards by any chance?

SPEAKER: Thank you.

CHAIRMAN KIENZLE: So I will admit, what did you say, 1, 2 and 3?

DIRECTOR SANDOVAL: 1 and 2, [crosstalk] Mr. Chairman.

CHAIRMAN KIENZLE: And you may proceed.

MIKE SLOAN: Thank you, Mr. Chairman. As we discussed in the past, the fisheries rule expires on April 1st, March 31st of 2018 so a new rule needs to be in place. We have initiated that process and in the process of doing that we based our recommendations on the statewide fisheries management plan, also trying to clarify language in the rules and add rules for new fishing waters. The biggest change is the creation, the changes to special trout waters creating three categories of water, Red Chile, Green Chili and Christmas. We're adding 13 new special trout waters with unlimited harvesting of non-native species. Remove 7 special trout waters that no longer meet the trout water standards. And then, obviously, we reduced the types of special trout waters. We are creating 3 trophy bass waters, reducing the limit down to 2 on those waters and banning spear or bow fishing in those waters to (indiscernible) bass. Those waters, Lake Roberts, Bill Evans Lake and Clayton Lake. Brantley Reservoir has had a long-standing catch-and-release requirement. We are proposing to rescind that due to additional information collected by the Environment Department, reviewed [phonetic] by the Department of Health allows for consumption of fish from the lake and still will be a consumption advisory but some level of consumption is now allowable so we are proposing rescinding that catch-and-release rule.

CHAIRMAN KIENZLE: How did DDT get in there?

MIKE SLOANE: There are any number of . . .

CHAIRMAN KIENZLE: Same as any other water, body of water.

MIKE SLOANE: The run off from somewhere or somebody had an accident with a barrel of it somewhere upstream. There's any number of possibilities there.

CHAIRMAN KIENZLE: All right.

MIKE SLOANE: We're going to change some trout water designations, remove Caballo Lake and Dry Cimarron as trout waters because they really no longer support trout fishing. Add Aztec Pond and then we have some new winter trout waters that we're managing as winter trout waters that we'll propose to add to that category and then remove the youth designation from the Grants Riverwalk Pond. We have some new big catfish waters one of which is a state park and the other two are open gate properties that we're proposing to add. And then we had 8 public meeting, as you can see, from across the state and they were moderately well attended for (indiscernible).

CHAIRMAN KIENZLE: Is that the number of fish that were there? [Laughter]

MIKE SLOANE: Fortunately, that's the number of public. We had a web posting. We also sent out an email blast to over 90 thousand individuals. We've received 35 public comments largely in support of the rule, some wanting more restrictive rules in certain waters. But we feel like we've struck a balance with what we're proposing. With that I'll stand for any questions.

CHAIRMAN KIENZLE: Okay. Let's get some public comment first and then we'll pick up from there. Mitchell, Trout Unlimited.

TONER MITCHELL: Toner.

CHAIRMAN KIENZLE: Toner? Sorry about that.

TONER MITCHELL: Mr. Chairman, members of the Commission, I wanted to commend Mike and his staff for really working hard on this and developing rules that are practical and well thought out especially with regard to native trout. I do have one comment, however. I've been working for the past 4 years as a member of the Questa, their economic development leadership team. The town has dedicated itself to improving fishing and hunting around the area to try and make itself a destination, sportsman's paradise, in the wake of the closing of the moly mine up

there. Particularly they are interested in developing a diverse high-quality and varied experience for their anglers. And regarding the lower Red River below the fish hatchery, that is proposed for a reduction of bag limit from 3 to 2 according to the new special trout rules. The village would like an addition of a prohibition on bait in there simply because anglers hit their limit and they have to stop fishing and that section of the river is a very steep and rigorous hike and they're concerned that it would limit the opportunity there.

CHAIRMAN KIENZLE: Okay.

TONER MITCHELL: And Questa, the Village of Questa, Trout Unlimited and Questa's Economic Development Fund Board have submitted letters to this effect.

CHAIRMAN KIENZLE: Thank you. Earl Conway.

EARL CONWAY: I'm Earl Conway, Chairman, Mr. Chairman. I'm the president of the New Mexico B.A.S.S. Nation and also the conservation director. And again, I'd like to commend Mike Sloane for the efforts they put into these proposed rule changes. We're extremely excited to see him following the statewide fisheries management plan. Those strategies and goals are well founded and one of the reasons you didn't see a lot of people at the Albuquerque meeting was they did any excellent job communicating with us up front and getting input very early in the process. Probably did Mike a disfavor this morning by submitting my comments about 3 o'clock this morning. But anyway, I do appreciate their efforts. We're especially appreciative of relieving the catch release rules. I think the lake was ready for harvest. It will help both the hatchery, both the fishery and the community over there. So appreciate that effort. Also, just like to comment on the support of fisheries biologists. They're doing a lot of hard work right outside

the (indiscernible) supporting our efforts with the habitat project. So, anyway, I'm just very appreciative. Thank you.

CHAIRMAN KIENZLE: Thank you. Any further comment from the public? Any exhibits from the public? All right. I'll close the record at this point in time. Any questions or comments from Commissioners?

[Crosstalk] Yes?

DIRECTOR SANDOVAL: So, Mr. Chairman, I have Exhibit 3 as the sign in sheet and 4 and 5 as speaker cards.

CHAIRMAN KIENZLE: I will enter the exhibits. I think we're ready for a motion on this one.

COMMISSIONER SALOPEK: Let me see if I can find the motion. I move to adopt the new Fisheries Rule 19.31.4 NMAC to be effective April 1st, 2018 as presented including the addition of the 2.5 mile portion of the Rio de los Pinos—

SPEAKER: No.

CHAIRMAN KIENZLE: No. We're going to re-publish on that one.

SPEAKER: Just number 3.

COMMISSIONER SALOPEK: Okay, just number 3?

CHAIRMAN KIENZLE: Yes. So why don't you start from the beginning again.

COMMISSIONER SALOPEK: I move to adopt the new Fisheries Rule 19.31.4 NMAC to be effective April 1st, 2018 as presented including to allow the Department to minor corrections to comply with filing this rule with the state records and archives.

VICE CHAIRMAN BILL MONTOYA: Second.

COMMISSIONER: Is that the (indiscernible) we wanted?

[Crosstalk]

CHAIRMAN KIENZLE: We actually have two parts to this, right? We've got dot 4 and dot 10. So I think we'll take the two up independent of each other. So there's a motion on the table, can I get a second.

VICE CHAIRMAN BILL MONTOYA: I did.

CHAIRMAN KIENZLE: So we've got a second. Okay. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. All right. And then I need the second motion on the dot 10 portion.

COMMISSIONER SALOPEK: I move to amend the manner and method rule of 19.31.10 NMAC as presented and allow the Department to make minor corrections to comply with filing this bill with the state records and archives.

COMMISSIONER ESPINOZA: Second.

CHAIRMAN KIENZLE: All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it. Okay.

MARYLOU POLI: Mr. Chairman, members of the Commission, regarding the two waters that need to be added, in order to get the rule making process completed more quickly, if the board,

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excuse me, the Commission so chooses, you can vote now to have the two waters go through rule making process which will allow your staff to go ahead and publish right away. In other words, I'm recommending that the Commission vote to add the two waters that are missing to go through the rule making process.

COMMISSIONER SALOPEK: I make that a motion. Do we need to restate it?

CHAIRMAN KIENZLE: Not if it gets on the record. Can I get a second?

COMMISSIONER RAMOS: Second.

CHAIRMAN KIENZLE: And my understanding is, that speeds up the process?

MARYLOU POLI: That is correct, Mr. Chairman.

CHAIRMAN KIENZLE: Okay. All in favor?

COMMISSIONERS: Aye.

CHAIRMAN KIENZLE: The Ayes have it.

NEW MEXICO STATE GAME COMMISSION

**November 16, 2017
Elephant Butte Inn
401 NM 195
Elephant Butte, NM 87935
9:00 a.m. –5:00 p.m.**

CERTIFICATE

I, Rose Leonard and I, Cheryl Melgarejo
DO HEREBY CERTIFY that the
above captioned transcription was prepared by me;
that the RECORDING was reduced to typewritten

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transcript by me; that I listened to the entire RECORDING; that the foregoing transcript is a complete record of all material included thereon, and that the foregoing pages are a true and correct transcription of the recorded proceedings, to the best of my knowledge and hearing ability. The recording was good.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this matter, and that I have no interest whatsoever in the final disposition of this matter.

Rose Leonard Cheryl Melgarejo
(Name of Transcriptionists)

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Proposed Changes to Fisheries and Manner and Method Rules

2018-2022

Fisheries Division



Exhibit 1 Agenda 17 Nov 16, 2017

Purpose of Proposed Changes

- Initiate management actions identified in the Statewide Fisheries Management Plan
- Clarify language and rules
- Add rules for new fishing waters



<http://www.wildlife.state.nm.us/fishing/fisheries-management/>

Fisheries Division

Special Trout Waters

- New types include:
 - Red Chile=catch-and-release, restricted tackle
 - Green Chile=2 fish bag limit, restricted tackle
 - X-mas=2 fish bag limit, no tackle restrictions
- Add 13 new STWs that allow unlimited harvest on non-native trout with C&R on native trout
- Remove 7 waters that no longer meet STW purpose
- Reduces STW types from 11 to 3



Trophy Bass Waters

- Lake Roberts, Bill Evans Lake, Clayton Lake
- Reduced daily bag limit to 2 largemouth bass
- Prohibit spear and bow fishing for largemouth bass
- Size limit remains 14"



Fisheries Division

Brantley Lake

- Rescind catch-and-release rule
- Regulation enacted due to high DDT levels
- Recent tests show reduced contaminant levels

Southeast Consumption Advisory⁽²⁾ (How to Use the Chart, page 34)

WATER SPECIES	SFE Index ⁽¹⁾					CONTAMINANT
	<10	11-14	14-19	19-22	22-30	
Avulsion Lake (Data on Avulsion Lake unavailable. However, DDT, PCB presence up- and down-stream suggests the likelihood of substantial contamination)						
Brantley Lake (Catch and release only of all species by order of New Mexico State Game Commission)						DDT
Carlsbad						PCBs
Municipal Lakes						DDT, PCBs
Ulsan						DDT, PCBs
Spotted bass						PCBs
Batum Lake						
Pecos River						DDT, PCBs
North boundary of Brantley WMA in US 70						DDT, PCBs
Pecos River (Catch and release only of all species by order of New Mexico State Game Commission)						DDT
Pecos River (Texas border to Carlsbad catch)						PCBs
Carlsbad Municipal Lakes						PCBs
Santa Rosa Lake						DDT
Bliver⁽¹⁾						Mercury
Charred catch						Mercury
Sawtooth bass						Mercury
Walleye						Mercury
Summer Lake						Mercury
Carp						Mercury
Charred catch						Mercury
Fathead catch						Mercury
Walleye						Mercury
White bass						Mercury

NA = No Mercury
 (2) Warmwater bag and possession limits are listed on page 18.



Help Stop the Spread of Fish Diseases!
 10 For-10 is a simple and easy rule to follow. Use a 10% bleach solution for 10 minutes to disinfect your waders and fishing gear!



Trout Water Designation Changes

- Remove Caballo Lake and Dry Cimarron as trout waters
- Add Aztec Pond as a regular trout water
- New Winter Trout Waters:
 - Alumni Pond
 - Corona Pond
 - Estancia Pond
 - Perch Lake
 - Rancho Grande Ponds
 - Roswell Kids Ponds
 - Rio Grande below Elephant Butte
- Remove youth designation for Grants Riverwalk pond



Fisheries División

New Big Catfish Waters

- Reduced daily bag limit of 2 catfish
- Rancho Grande Ponds
- Pecos River within Villanueva State Park
- Timberon Ponds



Fisheries Division

Public Involvement

- Eight public meetings
 - Albuquerque (1)
 - Farmington (5)
 - Las Cruces (3)
 - Navajo Dam (9)
 - Roswell (7)
 - Santa Fe (4)
 - Silver City (6)
 - Taos (1)
- Web Posting
- News Release



Fisheries División

Questions?

<http://www.wildlife.state.nm.us>

DGF-FisheriesRule@state.nm.us

Proposed Motion

- Move to adopt a new Fisheries Rule 19.31.4 NMAC to be effective April 1, 2018 as presented including:
 - 1) the addition of a 2.5 mile portion of the Rio de Los Pinos from the USFS Boundary 24 at the junction of Forest Road 284 and 87A upstream to the private property boundary as a Green Chile water,
 - 2) a portion of the Rio Grande from the New Mexico/Colorado border to the Taos Junction Bridge as a Christmas water, and
 - 3) to allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.



Proposed Motion

- Move to amend the Manner and Method Rule 19.31.10 NMAC as presented and to allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.



Fisheries Division

COMMISSION MEETING AGENDA BRIEFING

Meeting Date: September 28, 2017

Agenda Number: 17a

Presenter: Mike Sloane

Corroborator:

Agenda Title: Final Rule Amendments to Fisheries – 19.31.4 and 19.31.10 NMAC for the 2018-2021 Seasons

1. Summary of Agenda Item

Fisheries Rule 19.31.4 NMAC will expire on March 31, 2018. A new rule must be in place starting April 1, 2018, and will be valid for a four year period. Concurrent changes will also be required in the Manner and Method Rule, 19.31.10 NMAC. The Department is proposing changes that include:

- Changes to special trout waters that focus on consolidating waters into three regulation types (Red Chile – catch and release with tackle restrictions, Green Chile – two fish limit with tackle restrictions, and Christmas – two fish limit and regular tackle restrictions) and expanding special trout waters by 52 miles.
- Creation of trophy bass waters - Bill Evans, Lake Roberts, and Clayton Lakes will be proposed as trophy bass lakes with a reduced bag limit and spearfishing prohibited.
- Removal of catch and release regulations at Brantley Lake. Recent data from Brantley Lake indicates a fish consumption advisory is more appropriate than prohibiting all harvest. Statewide bag limits at Brantley Lake will be proposed to replace current catch and release regulations.
- Other changes focus on adding and clarifying language in the rules to make the provisions more enforceable.

2. Background Information

The Fisheries Rule 19.31.4 NMAC is a four year rule. A new rule will need to be adopted before March 31, 2018. The recently approved Statewide Fisheries Management Plan identified special trout waters and trophy bass fisheries as areas of interest to anglers. Based on angler input to the plan, the Department is developed the proposed rule change recommendations.

3. Strategic Plan References and Possible Impacts of Agenda Item

The new rules support Objective 4, Strategy 4.4 which directs: "continue to promulgate rules that protect fish stocks from over exploitation and equitably distribute fishing opportunity."

Exhibit 2 Agenda 17

Nov 16, 2017

4. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no duplications or conflicts with this item.

5. Description and Summary of Public Involvement Process and Results

The Department has held eight public meetings around the State, posted the rule on the Department's website, and issued a press release requesting public comment.

6. Suggested Motion

Proposed motions:

- Move to adopt a new Fisheries Rule 19.31.4 NMAC to be effective April 1, 2018 as presented including:
 - 1) the addition of a 2.5 mile portion of the Rio de Los Pinos from the USFS Boundary 24 at the junction of Forest Road 284 and 87A upstream to the private property boundary as a Green Chile water,
 - 2) a portion of the Rio Grande from the New Mexico/Colorado border to the Taos Junction Bridge as a Christmas water, and
 - 3) to allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.
- Move to amend the Manner and Method Rule 19.31.10 NMAC as presented and to allow the Department to make minor corrections to comply with filing this rule with State Records and Archives.



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 17-A

PLEASE PRINT

Name: Earl Conway

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: [REDACTED]
(Organization(s))

Your Title: President
New Mexico Bass Nation

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

New Mexico Bass Nation fully supports the proposed changes. We are encouraged to see actions that implement the strategies and goals of the state Fisheries Management Plan. We especially appreciate the work to lift the catch-and-release rule on Brantley where harvesting will be beneficial to the fishery and community. We look forward to supporting the warm water biologist in their efforts.

Exhibit 5 Agenda 17 Nov 16, 2017



SPEAKER'S CARD

New Mexico State Game Commission Meeting

(Please Place Form in Appropriate Agenda Slot)

HEARING 17A

PLEASE PRINT

Name: Tanner Wittke II

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officially Representing: Trout Unlimited
(Organization(s))

Your Title: NM Water + Habitat Coordinator

Do you wish to be heard? Yes No

WRITTEN COMMENT (Below or Attached)

Red River Special Trout Water

Exhibit 4
Agenda 17
Nov 16, 2017



MEETING SIGN-IN SHEET HEARING 4 17A - Fisheries Rule

New Mexico State Game Commission

(Sign-in to be in the official record as having attended this meeting. Mark the box if you wish to be added to the meeting notifications mailing list.)

PLEASE PRINT

NAME	ADDRESS CITY, STATE, ZIP	E-MAIL ADDRESS	PHONE	ADD TO MAILING LIST
Toner Mitchell	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/>
John	[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/>
Earl Conway	[REDACTED]	[REDACTED]	[REDACTED]	<input type="checkbox"/>
	-----	@	() -	<input type="checkbox"/>
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Exhibit 3

Patten, Kirk, DGF

From: mike rearick <[REDACTED]>
Sent: Tuesday, March 07, 2017 4:26 PM
To: Dalessandro, Laurence, DGF
Subject: Board meeting 6pm Old Pecos trail Inn

Just a friendly reminder,

Mike Rearick



[Website: http://truchas-tu.squarespace.com/](http://truchas-tu.squarespace.com/)

Patten, Kirk, DGF

From: Toner Mitchell [REDACTED]
Sent: Thursday, October 26, 2017 11:53 AM
To: DGF-FisheriesRule
Subject: Comment on Special Trout Waters Fisheries Rule
Attachments: Questa STW letter.docx

To Whom it May Concern,
Please consider the attached comment on STW rule changes on the lower Red River.

Thank you,
Toner Mitchell



Toner Mitchell, NM Water and Habitat Program Coordinator
[REDACTED]

[REDACTED]
<http://www.tu.org>

Patten, Kirk, DGF

From: Ronald Loehman [REDACTED]
Sent: Wednesday, November 01, 2017 2:40 PM
To: DGF-FisheriesRule
Subject: comments on proposed fisheries rule changes
Attachments: response to NM G&F fisheries plan revision.pdf; ATT00001.htm

The official comments from New Mexico Trout are attached.

Ron Loehman
Conservation Chairman
New Mexico Trout
www.newmexicotrout.org

Patten, Kirk, DGF

From: Jeff Arterburn [REDACTED]
Sent: Monday, June 05, 2017 3:14 PM
To: DGF-FisheriesRule
Cc: Dalessandro, Laurence, DGF
Subject: Comments on Special Trout Water proposal

Dear Laurence,

Thank you for the opportunity to comment on the angling regulation changes as described in Special Trout Water proposal during Fisheries Rule review. My comments will be focused on the waters in southern New Mexico, and I am writing to express both my individual perspective based on more than 25 years fishing here and also as the President of the Gila/Rio Grande Chapter of Trout Unlimited based in Las Cruces with 148 members. I appreciate the style in which special regulation waters are categorized with "New Mexico flavor".

Considering the southern NM "Red Chili Waters" (catch & release, artificial fly or lure): the only stream represented is Black Canyon above the fish barrier which is a designated Gila Trout angling stream. I would like to recommend that you also consider reclassification of Willow Creek in Catron County above the fish barrier as a "Red Chili" water. Both Black Canyon and Willow Creek are accessible by road, and both have barriers constructed to prevent non-native introgression into restored populations of Gila Trout so it makes sense to classify them in the same category rather than the current proposal listing Willow Creek as a "X-mas" water. Looking ahead to the future with hope that the reintroduction of Rio Grande Cutthroat Trout into Las Animas Creek and the South Fork of Bonito Creek will be successful, I would recommend that these streams also be classified as a Red Chili waters when fishable populations are established.

I am in support of the plan to allow unlimited take on brown trout in the cutthroat and Gila waters that are included as proposed "X-mas Waters" (two trout any length, any legal bait or tackle), and have some specific suggestions for the following streams in southern NM. I recommend the addition of two other southern NM streams as Xmas waters: Sapillo Creek downstream of NM-15 road crossing, and the section of Black Canyon below the fish barrier to the East Fork of the Gila. Both of these streams now have a 5-trout limit, yet they are receiving recreational stocking of Gila Trout and are developing into productive fisheries that should be considered for special designation. This would be consistent with the already proposed inclusion of Gilita Creek in this X-mas category, which is located downstream of the Willow Creek barrier and receives recreational stocking of Gila Trout. This would also be consistent with the other proposed streams with this designation including Mineral Creek and Whitewater creek.

Considering the proposed "Green Chili Waters" (two trout any length, artificial fly or lure): there are no southern NM streams in this category, and this would category be a secondary option for streams recommended above where you are not able to consider as catch & release (Red Chili), or it would be a preferable option for those in the X-mas designation where artificial fly/lure angling only would be allowed.

Thank you for the opportunity to comment on these proposed designations, and please let me know if you have any questions.

Sincerely,

Jeff

Jeff Arterburn
President, Gila/Rio Grande Chapter (780) of Trout Unlimited

[REDACTED]
<https://www.facebook.com/wildnativetrout>

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Friday, August 25, 2017 8:46 AM
To: Dalessandro, Laurence, DGF
Cc: Hansen, Richard, DGF
Subject: Fishing regulation comment table

Follow Up Flag: Follow up
Flag Status: Flagged

Laurence,

Seems like we are getting several comments related to our proposed fishing regulation changes. How's the table coming along? Can you please have the comments compiled by the end of next week. Looks like you have Truchas scheduled Tues-Thurs. Please spend some time on Monday or Friday compiling the table. Since we are getting several comments, I would like to keep ahead so we are compliant with HB58.

Please let me know if you need any help on starting the table. Thanks.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish



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Patten, Kirk, DGF

From: Denny, Shawn R., DGF
Sent: Thursday, September 07, 2017 9:51 AM
To: Frey, Eric, DGF; Dalessandro, Laurence, DGF
Cc: Gardner, Kevin, DGF
Subject: Fishing Rule Public Meeting
Attachments: Roswell Public Meeting sign-up sheet.pdf

I had seven people attend the meeting. The sign-up sheet is attached.

The only real recommendation was from Mr. Stites. He would like to see seniors (catch and release only) added to The Spring River Park pond. He has had contact with the City of Roswell and is trying to work out their concerns and support. He agreed that just opening it to Seniors was not reasonable but he would like to make it easier for adults/ seniors to help teach kids without the risk of getting a citation for fishing in the kids pond (he received a citation back in May, long story that I heard several times). Some type of addition for this may be warranted. I am not sure how it should be structured but some allowances for these types of situations may be warranted around the state. It might help with the mentoring/ reactivating goals in I and E.

There were a few questions about Brantley. Most seemed to support the change to allow fish to be kept. One individual had concerns over allowing harvest on largemouth bass. I explained my concerns about the food base and fish condition and he seemed content with my explanation.

There were several other issues brought up as complaints/ questions:

- Timberon ponds- When will it be stocked, with what, etc.
- Lack of stocking in SE NM.
- Bonito Lake- When will it be open etc.
- Bob Crosby Open Gate-trash, driving in rivers, etc.

No one wanted to enter a written comment. I informed them they could still leave comments on web site.

Let me know if you need this in a different format or more information.

Shawn Denny
Warm Water Fisheries Biologist
New Mexico Department of Game and Fish



Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 9:33 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Change to Permit Purchase System..

Laurence,
Please add this comment to your table. Thanks.

From: Williams, Dan J., DGF
Sent: Wednesday, August 23, 2017 8:11 AM
To: Frey, Eric, DGF
Subject: FW: Change to Permit Purchase System..

another fishing comment. My email is on the news release.

Dan Williams
Assistant Chief, Information
New Mexico Department of Game and Fish
Information & Education Division

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From: Rick Gonzales [REDACTED]
Date: Wednesday, August 23, 2017 at 7:44 AM
To: dan williams <[REDACTED]>
Subject: Change to Permit Purchase System..

Can you add to the topics of your scheduled meetings my suggestion that fishing permits be effective for one year; from the date of purchase. Annual camping permits are done in this manner and I think fishing permits can be done in this manner also. Thanks,

-
Rick Gonzales



Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Thursday, September 07, 2017 1:41 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Brantley fish

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: Clint Newman [REDACTED]
Sent: Thursday, September 07, 2017 9:56 AM
To: DGF-FisheriesRule
Subject: Brantley fish

I think the lifting of the Brantley fish catch and release would be great, I would really like to see this happen soon.

[Sent from Yahoo Mail on Android](#)

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:19 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Change in fishing regulations

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish
[REDACTED]

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From: [REDACTED]
Sent: Tuesday, August 22, 2017 5:44 PM
To: DGF-FisheriesRule
Subject: Change in fishing regulations

ref: 19.31.4.14

G. Red River city middle kids' pond: Only individuals with disabilities and those 12 years of age and **under younger** may fish in Red River city middle kids' pond.

Why isn't the age restriction - "Red River city middle kids' pond: Only individuals with disabilities and those **12 11** years of age and **under younger** may fish in Red River city middle kids' pond." This would be consistent with other proposed changes.

Thanks for taking my input.

James Varney
[REDACTED]

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 9:40 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Change to Permit Purchase System..

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 8:28 AM
To: [REDACTED]
Subject: FW: Change to Permit Purchase System..

Dear Mr. Gonzales,

Thank you for sharing your thoughts on fishing licenses. I agree it sounds like a great idea. Unfortunately the fishing license effective dates and prices are in state statute so changes would take legislative action. The manner and method of taking game fish, bag limits, size limits, tackle, etc. are regulations/rules which are determined by the State Game Commission. The schedule meetings are to present proposed changes to the regulations/rules that the Department of Game and Fish will be presenting to the Commission.

I will save your comments as we do receive similar comments on occasion from anglers. Thanks again for sharing your comments and please let me know if you have any questions.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish

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From: Rick Gonzales [REDACTED]
Date: Wednesday, August 23, 2017 at 7:44 AM
To: dan williams [REDACTED]
Subject: Change to Permit Purchase System..

Can you add to the topics of your scheduled meetings my suggestion that fishing permits be effective for one year; from the date of purchase. Annual camping permits are done in this manner and I think fishing permits can be done in this manner also. Thanks,
Rick Gonzales

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 3:48 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Clarification?

Follow Up Flag: Follow up
Flag Status: Flagged

Make sure this is part of the record as well. Thanks.

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: Sloane, Michael B., DGF
Sent: Wednesday, August 23, 2017 1:00 PM
To: Frey, Eric, DGF; Patten, Kirk, DGF
Subject: FW: Clarification?

Please see response below. Thanks. Mike

Michael B. Sloane
Chief of Fisheries
New Mexico Department of Game and Fish

Conserving New Mexico's Wildlife for Future Generations.

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From: Tom Hines
Sent: Wednesday, August 23, 2017 12:59 PM

To: Sloane, Michael B., DGF
Subject: Re: Clarification?

Sorry, Mike

I may have confused Black Canyon with Bear Canyon. I do that all the time! Thanks for the clarifications. Tom

On Wed, Aug 23, 2017 at 12:50 PM, Sloane, Michael B., DGF [REDACTED] wrote:

Tom – I am a bit confused by your question.

We are not proposing any changes to Bear Canyon Reservoir. The rule does shuffle some things around and add the county name but the regulations remain the same (designated as a winter trout water and as a regular trout water with statewide limits for all species applying). If you are referencing a creek in another Bear Canyon, again we are not proposing any changes.

Perhaps you are referencing Black Canyon? There are no changes to current regulation proposed here either (catch and release for Gila Trout, unlimited take for other trout, open July 1 to October 31, and requires a Gila Trout Permit)

Please point me to the language you are referencing so I can be sure we are not putting out confusing or inaccurate information.

Thanks. Mike

Michael B. Sloane

Chief of Fisheries
New Mexico Department of Game and Fish

Conserving New Mexico's Wildlife for Future Generations.

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Act. If you are not the intended recipient, please contact the sender at once and destroy all copies of this message.

From: Tom Hines [REDACTED]
Sent: Tuesday, August 22, 2017 4:57 PM
To: Sloane, Michael B., DGF
Subject: Clarification?

Hi, Mike

I just read your new reg proposals. Could you clarify my question below. Thanks. Tom

Greetings,

I just reviewed the material that you have provided on proposed changes to regulations and special trout waters. You indicate in one place that there are no proposed changes to Bear Canyon. However, in another place, you indicate that Bear Canyon is to become "winter trout waters" with limited months for fishing. Can you please clarify. I understand that, presently, Bear Canyon is "catch and release" native trout and unlimited take on "non-natives." I hope that summer fishing can continue in this area; it's remote enough that few people fish there anyhow! Thanks. Tom

--

Tom & Robin Hines
[REDACTED]

--

Tom & Robin Hines
[REDACTED]

Patten, Kirk, DGF

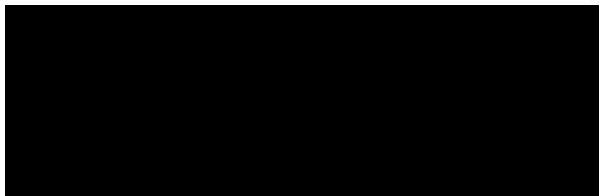
From: Frey, Eric, DGF
Sent: Tuesday, August 22, 2017 5:33 PM
To: Dalessandro, Laurence, DGF
Cc: Gardner, Kevin, DGF
Subject: FW: Clayton Lake

Laurence,
Please add this comment to the table reference supporting bass bag limit support. Thanks

From: Williams, Dan J., DGF
Sent: Tuesday, August 22, 2017 4:35 PM
To: Frey, Eric, DGF
Subject: FW: Clayton Lake

A satisfied customer:

Dan Williams
Assistant Chief, Information
New Mexico Department of Game and Fish
Information & Education Division



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From: Korey Beckner [REDACTED]
Date: Tuesday, August 22, 2017 at 4:33 PM
To: dan williams [REDACTED] >
Subject: Clayton Lake



VZM.IMG_20150926_135123.jpg



VZM.IMG_20160626_115143.jpg

Hello my name is Korey Beckner

I would like to say that Clayton Lake has some of the biggest bass around. Here are a few I have caught and released alive recently. Thanks to the states efforts by stocking trout for them to eat. I like the idea of a two fish limit or no limit at all until numbers increase. I believe the state should stock more bass and more species like spotted and small mouth bass if possible. Clayton Lake has a strong crawdad population as well as trout and bluegill. I appreciate what you guys are doing for conservation and trophy bass waters.

Thanks again
Korey Beckner


Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 3:41 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Comment on Proposed STW Changes

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish


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From: Chavez, StephenX M 
Sent: Wednesday, August 23, 2017 1:19 PM
To: DGF-FisheriesRule
Subject: Comment on Proposed STW Changes

To whom it may concern, let me start by expressing my sincerest gratitude to the NMDGF for their hard work and dedication to the State of New Mexico and to all outdoorsman.

I am an avid fly fisherman and practice careful catch and release in all waters I fish. Being a lifelong resident of NM I have seen the decline of our fishing waters, fewer fish, smaller fish, less water, more users. Unfortunately, there are many out there who abuse the resources and just don't seem to care.

Conversely, I do run across many who do care and respect our waters. But even one abusive person can inflict much damage by destructive habits such as littering, over-harvesting, graffiti or other behaviors. It would be a huge improvement to stop such idiocy and prosecute these boneheads...

I have reviewed the STW proposed changes maps and am in agreement with the changes. I vote we move forward with them all.

The idea of going with a New Mexico theme is an ok idea. I personally don't care for the red, green and X-mas designators. These names may not have significance to the non-resident visitors who use our waters. I feel that a more straightforward approach may be in line with our traffic light scheme of red, yellow and green. This scheme is common to us all and we see it everywhere we go.. Red – Stop (No keepers, no bait allowed), Yellow – Caution (STW rules apply), Green – go (keep two fish, any legal means of taking). The correlation is easily understood and remembered.

That's my input. I will be unavailable to attend any of the meetings

Thanks for the opportunity to express my opinion.

Long live NM Fishing!

Milo Chavez
Design Coordinator
FST Technical Services




Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Thursday, August 24, 2017 12:02 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Fisheries Rule Changes


Follow Up Flag: Follow up
Flag Status: Flagged

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish



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From: Scott Pirtle 
Sent: Wednesday, August 23, 2017 5:36 PM
To: DGF-FisheriesRule
Subject: Fisheries Rule Changes

I would like to comment on two of your proposed rule changes, both with regards to catch and release/quality fishing opportunities in NM, particularly for bass.

I live in Las Cruces, but I have been driving all the way to Carlsbad to fish at Brantley Lake the past several years for one reason – the catch and release restrictions have provided the best bass fishing opportunity in the state of New Mexico! It is not unusual to catch 20-50 bass per day at certain times of the year. Granted, there may be an issue with stunting of fish and I think the application of some very specific and biologically sound slot limits or other restrictions might be a good idea. However, to simply remove all catch and release restrictions is likely to cause a significant detrimental impact on the fishing at this lake within 1-2 years in my opinion. I have no knowledge of what studies NMDGF has done on the bass and white bass populations/densities/forage base, etc... but I would ask the Department to please consider lifting C&R restrictions in a measured and scientifically sound way. I understand the ban was based on chemicals in the water system but the by product created a far too unique fishing opportunity for our state and I would hate to see it lost. One only needs to look back through the fishing reports over the past 3 years and you will see ONE lake as the obvious leader for EXCELLENT or GOOD fishing week in and week out – BRANTLEY. The reason is obvious. Please do everything in your power to preserve this as much as possible.

Second, regarding trophy bass fishing opportunities at Bill Evans and Lake Roberts. Obviously both of these lakes already have some very large bass in them. These lakes are small and cannot support large populations of bass, but the opportunity to grow very large fish in the double digit range is unique due to the diet rich in trout – similar to many small lakes in California. Again, very strict restrictions on allowance of any bass to be kept should be considered based on population studies and management in these lakes. Slot limits in conjunction with very limited numbers of fish allowed to be kept (or none at all) could allow these lakes to produce some incredible fish over the next few years, maybe even a new state record. Obviously Bill Evans has proven itself capable. We have so few truly special trophy

fishing opportunities in New Mexico. I for one would love to have the chance to catch a double digit bass from one of these small lakes and would gladly take some pictures and let it swim away to be caught again and again over the years. Thank you for considering my opinion on these issues.

Scott Pirtle



Sent from [Mail](#) for Windows 10

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Friday, August 25, 2017 7:59 AM
To: Dalessandro, Laurence, DGF
Cc: Patten, Kirk, DGF
Subject: FW: Fishing Changes from Ichthyologist

For the comment table...

-----Original Message-----

From: Williams, Dan J., DGF
Sent: Thursday, August 24, 2017 4:18 PM
To: Frey, Eric, DGF
Subject: Fw: Fishing Changes from Ichthyologist

From: [REDACTED]
Sent: Thursday, August 24, 2017 4:15 PM
To: Williams, Dan J., DGF
Subject: Fishing Changes from Ichthyologist

Dan;

I am happy to see that there will be limits set on bass. I fish twice a week at Bill Evans or Lake Roberts and Quemado taking disabled vets with me. We are all catch and release unless it is a catfish. Those are my rules!

I almost got a tournament for Bill Evans but when some guy came out there who was retired from the Coast Guard for Bass Pro shops he found not enough fish in the lake. He had a neat sonar device with him that scanned the whole lake. He was at Quemado on Sunday 8/20/17 and told me there were none in there also, just a few muskie. We lost a lot of fishermen who went to Arizona to fish after they did not even get a bite at Quemado.

Quemado is also a large concern and I wish I knew more.

I am positive that we must treat Bill Evans different than the others, just too much pressure as a result of positive history.

Last week I went to Lake Roberts after the NMSU police got skunked. I still got 12 bass and I am catch and release. You have to learn the lake and you can get all you want, however I still agree that we must have at least a limit of three.

Four deputies from Grant and Hidalgo counties; Bart, Bill, Marty and Antonio all informed me that they saw people leaving Bill Evans with at least 40 trout last year each on different days. I have seen people leave Bill Evans with 8" bass myself and it was disgusting.

As far as Bill Evans and Quemado are concerned we need a limit of five trout also. This is not necessary at Lake Roberts because people do not know how to fish the lake and I feel professionally it can handle it. Bear Canyon is now known as a catfish, crappie lake and does not need any limits unless NMG&F stock it with Bass and Trout.

If people learn how to fish the Rio Grande there are also plenty of nice catfish and some white bass that are keepers.

I spoke to the water biologists at the White Mountain Apache Game & Fish and they feel that we need one hatchery that is not triploid. I know this would be difficult but I was informed that those trout could never get out of those lakes. We could put them in Bill Evans, Brantley, Quemado and the Pecos River South of Loving. Red Buff Lake thrives on our fish anyway. I saw how many trout they had at their four lakes because they did not go triploid and it was encouraging. Also when fishermen see them surface they stick around longer to spend more money in our State.

The NMSU Police department caught both Gila and Apache trout in the tributaries that feed the West Fork of the Gila, so we are not getting true Gila there also. If the environmentalists want them to be pure they should tell us how do we get the Apache Trout to stop at the State Line.

Sincerely;

Len L. Lo Presto

[REDACTED]

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Wednesday, May 24, 2017 4:55 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Fishing regs

FYI for the STW file

-----Original Message-----

From: Nick Streit [REDACTED]
Sent: Wednesday, May 24, 2017 11:34 AM
To: Frey, Eric, DGF
Subject: Fishing regs

Can you please fwd this to Lawrence as well ?

First of all, I wanted to say thank you for reaching out to me and to the various TU chapters, etc. for feedback.

Here are my thoughts... (I have gotten input from my guides and other outfitters on these comments)

I like the idea of Red, Green and Xmas, however I think it's still a bit confusing. Mainly because there is no label for "regular" waters. As I was saying at our meeting I really think that the Christmas waters pose a major problem. The idea that people can use bait but only keep two fish worries me as mortality rates are so high when people fish for trout with bait. I would think that Red= c and r, green ="regular water" and Christmas is 2 fish artificial only. It's my opinion that if we care enough about the waters to limit it to a 2 fish take we should be considering the high impact of bait fishing on those waters.

I talked with Daniel, the manager at Cimmaron State Park, and he agreed that from both a management and enforcement standpoint making the catch and release water extend through Tolby campground would be a great idea. I also think that this would really give trout in that reach the stronghold they need to start gaining some size. That little creek can grow some pretty big fish and of course it's biggest challenge is low winter flows. But over the years it always pains me when I see big browns (20+ inches) spawning in Tolby campground knowing their days are numbered there! There are a lot of other good camp sites and maverick campground for anybody looking to keep fish.

I would really like to see the lower red river become catch and release. But I think we need to get the local community in agreement on this topic as much as possible. If it was two fish, artificial only, that would be a good start. Especially if we extended those regs to include water in front of hatchery. I'm afraid we did too good of a job with the habitat project there... The fishing pressure at the hatchery is not sustainable in the long run without some kind of regulation change in that area. 10 or 15 years ago, we would catch eight Browns for every two stocked fish in front of the hatchery. Now I rarely see any wild trout caught till we get down in canyon. As a put and take fishery, this works OK but the problem is that if the river is not stocked very consistently the fishing suffers. I think lots of people would like to see the Fishing augmented by stocking, but not necessarily be completely dependent on it.

Nick Streit

Taos Fly Shop
The Reel Life

Sent from my iPhone

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Monday, August 28, 2017 8:09 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Kokanee Salmon Fisheries Questions

Follow Up Flag: Follow up
Flag Status: Flagged

Please add this comment to your table. Thanks.

From: R.S. Royer [REDACTED]
Sent: Friday, August 25, 2017 12:35 PM
To: Frey, Eric, DGF
Subject: Re: Kokanee Salmon Fisheries Questions

Thank you very much for your prompt and thoughtful responses. I understand your and the states standpoint. However, I do think that it could be beneficial to move the season begin to the 15th of September. Just a thought, and thank you again!

Cheers,

Ryan Seamus Royer

On Fri, Aug 25, 2017 at 11:32 AM, Frey, Eric, DGF [REDACTED] wrote:

Dear Mr. Royer,

Thank you for expressing your thoughts and questions about kokanee regulations. We always welcome comments and questions about our fishing regulations and management. Here are my responses to your questions in order asked:

1.) The State Game Commission established a snagging season to reduce impacts to all game fish resources. Since snagging is not a typical legal means to capture game fish and can be damaging to the fish, establishing a season allows for some control over the method. If there was no snagging season folks would be snagging other game fish year round and causing damage to the resource. We have set a couple of snagging closure areas (Heron Lake and "no wake" areas at Navajo) during the normal season to allow the Department to collect eggs. All other areas are open October 1-December 31. I agree that some of the kokanee get soft by mid-October, but during my 17 years collecting kokanee eggs I've seen a lot of fish in great condition through late November.

The State Game Commission adopts the regulations including seasons. To comply with State regulation development rules the regulation approval process takes time (months). This process prohibits the Department from establishing different seasons on short notice. Also, changing the season, based upon the fish and year, creates confusion and inconvenience for anglers that plan for annual snagging trips.

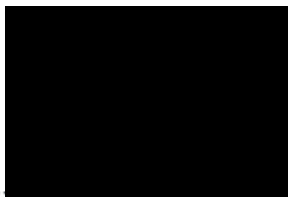
2.) We implement limits to even distribute fish and opportunity between all anglers. Without limits, even for a fish year class that will die, a few anglers will harvest most of the fish eliminating fairness and opportunity for other anglers.

Again, thank you for sharing your thoughts and questions. Please let me know if you have any other questions.

Eric Frey


Sportfish Program Manager

New Mexico Department of Game and Fish



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From: R.S. Royer [mailto:
Sent: Friday, August 25, 2017 11:09 AM
To: Frey, Eric, DGF
Subject: Kokanee Salmon Fisheries Questions

Hello Eric,

I had a few questions pertaining to salmon snagging. I have been snagging for around 15-20 years now, and throughout the time spent by the water a number of questions have come up in conversations between other anglers and myself.

1.) Why is there a specific start to the snagging season? Old timers have told me that they use to start in September and that was the best time. Last year the fish @ Navajo were already getting soft around October 14. I also have seen large schools of salmon before the official start on October 1. If the state is worried about

being able to milk and harvest salmon, I would suggest that certain areas are simply listed as "off limits" much like the marina @ Navajo. I think that it makes more sense to let the fish dictate the season and not the state.

2.) If all the fish are going to die anyway, why implement a limit? I understand that there is an idea of fairness amongst anglers and that all should have an opportunity, but for those who are trying to can and preserve the fish, it only really makes sense in large numbers which means that a) the individual will have more than 24 fish in possession anyway if one were to check the shelves at home, or b) the fish are not being harvested and will simply die with no benefit to the citizens.

I think these are the most popular questions that have come up on slow days...

Additionally, are there any places where the fish are breeding naturally?

Thank you for your time.

Regards,

Ryan Seamus Royer

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:19 AM
To: Dalessandro, Laurence, DGF
Subject: FW: proposed changes

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: John Mantis [REDACTED]
Sent: Tuesday, August 22, 2017 5:06 PM
To: DGF-FisheriesRule
Subject: proposed changes

i'm in agreement with proposed changes except that the Red River below should become C&R ONLY
Thanks for your consideration...

--
john h mantis

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Thursday, August 24, 2017 12:04 PM
To: Dalessandro, Laurence, DGF; Frey, Eric, DGF
Subject: FW: Proposed renaming of Special Trout Waters

An interesting perspective on what designation we make regarding chile designation.

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: BRIAN SCHUCH [REDACTED]
Sent: Wednesday, August 23, 2017 9:12 PM
To: DGF-FisheriesRule
Subject: Proposed renaming of Special Trout Waters

Hello NM Game & Fish,

RE: your proposal to introduce a new Special Trout Water naming system

You are proposing the use of "**Red Chile**, **Green Chile**, and **X-mas**" to indicate three types of Special Trout Waters. As a native New Mexican, I think it's a great idea. Since my childhood, I've loved traditional New Mexico food. I can recite our State Question. The use of colors is a great idea, too. Colors are very symbolic to people, and people universally associate certain colors with certain qualities. I have traveled and studied, and I've noticed that **red** and **green** in particular are associated with the same qualities across multiple cultures. Your proposed use of "**Red Chile**" makes perfect sense to me, but I respectfully contend that the other two color schemes be switched around.

Here is my logic:

I do like your designation of the color **red** for catch & release waters. To a lot of people, **red** represents "**no**," "**stop**," "**restricted**," and "**prohibited**." So, it makes perfect sense to use **red** to identify waters that are assigned two restrictions:

- (1) **no** harvesting of fish (a **no**)
- (2) **restricted** tackle (a **no**)

However, the way you associate the other two types of Special Waters with "green" and "X-mas" comes

across to me as arbitrary and confusing.
I have a simple remedy, which I hope you will consider.

I think that you would agree that some very common associations with the color green are "yes," "go," and "permitted." So, I am bewildered that you would suggest "green chile" to indicate Special Trout Waters with one "yes" and one "no":

- harvest two fish (a **yes**)
- restricted tackle (a **no**)

To me, waters with one permission and one restriction would be better represented by "X-mas" (green / red).

Predictably, I suggest that the color green designate the only Special Trout Waters with two "go's". In those waters, anglers would be allowed two things:

- (1) harvest two fish (**yes**)
- (2) use any legal tackle (**yes**)

I imagine that most people would more easily associate "Green Chile" with "yes / yes" waters, and "X-mas" with "yes / no" waters.

Thank you for your consideration,
Brian Schuch



Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 9:39 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Public meetings will address changes to fishing rules

Another comment for the table. I'll also forward you my responses.

From: Williams, Dan J., DGF
Sent: Wednesday, August 23, 2017 8:11 AM
To: Frey, Eric, DGF
Subject: FW: Public meetings will address changes to fishing rules

and another:

Dan Williams
Assistant Chief, Information
New Mexico Department of Game and Fish
Information & Education Division

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From: ken boddy [REDACTED]
Date: Wednesday, August 23, 2017 at 7:37 AM
To: dan williams [REDACTED]
Subject: Public meetings will address changes to fishing rules

Why is there not a meeting in Elephant Butte sense it has the largest lake in New Mexico.

Regards

Ken

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 9:39 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Public meetings will address changes to fishing rules

From: Frey, Eric, DGF
Sent: Wednesday, August 23, 2017 9:39 AM
To: [REDACTED]
Cc: Gardner, Kevin, DGF
Subject: FW: Public meetings will address changes to fishing rules

Ken,
Thanks for expressing your concerns about our scheduled public meetings. We've tried to schedule meetings in several locations around the state to make it convenient for anglers to attend. You do not have to attend the meeting to submit comments. We are welcoming comments from all anglers even if you don't attend one of our meetings. If you have any questions about the proposed changes we would be happy to visit with you at any time. Please feel free to contact us.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish

[REDACTED]

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From: ken boddy [REDACTED] >
Date: Wednesday, August 23, 2017 at 7:37 AM
To: dan williams [REDACTED] >
Subject: Public meetings will address changes to fishing rules

Why is there not a meeting in Elephant Butte sense it has the largest lake in New Mexico.

Regards

Ken

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:19 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Request for Clarification

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: Tom Hines [REDACTED]
Sent: Tuesday, August 22, 2017 4:55 PM
To: DGF-FisheriesRule
Subject: Request for Clarification

Greetings,

I just reviewed the material that you have provided on proposed changes to regulations and special trout waters. You indicate in one place that there are no proposed changes to Bear Canyon. However, in another place, you indicate that Bear Canyon is to become "winter trout waters" with limited months for fishing. Can you please clarify. I understand that, presently, Bear Canyon is "catch and release" native trout and unlimited take on "non-natives." I hope that summer fishing can continue in this area; it's remote enough that few people fish there anyhow! Thanks. Tom

--
Tom & Robin Hines
[REDACTED]

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Friday, June 10, 2016 2:27 PM
To: Hansen, Richard, DGF; Dalessandro, Laurence, DGF
Cc: Patten, Kirk, DGF
Subject: FW: Rio Grande Monument Plan comments
Attachments: Draft_MonumentPlanAlternativesMatrix_2016-05-18.pdf

Richard and Laurence,

Can you guys please review the fisheries portions of the attached document. Looks like they changed some of their language but still not jiving completely with our management plan. Thanks.

From: Davidson, Jacob, DGF
Sent: Friday, June 10, 2016 1:42 PM
To: Frey, Eric, DGF
Subject: Rio Grande Monument Plan comments

Here are the comments that I have received thus far from EEP.
See attached PDF for the draft.

Throughout document where they discuss coordination for raptor management, replace "coordinate with State agencies" to "coordinate with NMDGF".

P. 8 should note that NMDGF also has authority over some migratory birds, including raptors, and state-listed species through the NM Wildlife Conservation Act.

P. 14 should include the NM Wildlife Conservation Act.

P. 16 WF-1:Alt A should reference the State's Fisheries Management Plan. Alt D states "...no restrictions would be placed on fishing native fish spawning areas". I don't think they have the authority to implement that., nor is it clear why they would want to.

P.17 WF-5. Fisheries goals should defer to NMDGF's statewide fisheries plan, since we have jurisdiction over fish.

P.17 WF-7. Fisheries goals should defer to NMDGF's statewide fisheries plan, since we have jurisdiction over fish.

P.17 WF-8 . Fisheries goals should defer to NMDGF's statewide fisheries plan, since we have jurisdiction over fish.

P. 19 should note that NMDGF also has authority over some migratory birds, including raptors, and state-listed species through the NM Wildlife Conservation Act.

P. 23 WW-5 should state "lambing range/habitat", not "calving range/habitat".

P. 24 Not clear why Alt B Minimal Resource Mngmnt would have species specific raptor and Mtn Plover nest site timing limitations, but Alt C Best Combination defaults to generic March 1 to July 31 timing limitations. Protective measures such as these developed using best available science should be maintained throughout the alternatives to avoid Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act violations.

P. 39 Alt D only implements seasonal and spatial stipulations to protect active raptor nests for long-term projects. Seasonal and spatial stipulations should also be implemented for short-term projects if a potential for disturbance or take exists to avoid Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act violations.

Jacob Davidson

Habitat Manager - Wildlife Management Division
New Mexico Dept. of Game and Fish



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Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:19 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Rules

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish


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From: 
Sent: Tuesday, August 22, 2017 5:05 PM
To: DGF-FisheriesRule
Subject: Rules

This isn't about upcoming rule changes but is in regard to fishing policiesi have been out numerous times this yearpecos,holy ghost,cow creek, Santa Cruz, and cochiti.....i have not had any luck this year and I do realize it is fishing and its not a guarantee but I find it ridiculous that its been so hard for me this year ...i mean years past I haven't done great but I'd say good ...and this year is jus crapits usually me and girlfriend so our odds are increased we have 2 rod per person stamp/deal but yet nothingi guess my only complaint is the way crazy abundance of other people which is fine but it is the apparent feeling of these places "fished out"or the same people day after dayat the same spots that I've seen pulling out more then bag limit of fishmaybe of instead stocking on tues and Friday which other people know and take gross advantage ofrandomize the daysdont tell peoplestock on different days ...send the stock report on Fridays or Saturday rather then tuesday....im probably jus being a baby but its frustrating to spend time and money and effortbeing in the outdoors is great but its always nice to have a few fish to go home and fry up and so far in like 15 or so trips out we've managed to pull in about 5 trout and 1 catfish and many many days going home with nothing ...anyways jus wanted to share my 2 cents ...thank you
Gabriel

Sent from Alto

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Tuesday, September 05, 2017 10:36 AM
To: Dalessandro, Laurence, DGF
Subject: FW: San Juan River Concerns

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish
[REDACTED]

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-----Original Message-----

From: Jeremiah [REDACTED]
Sent: Saturday, September 02, 2017 11:01 AM
To: DGF-FisheriesRule
Subject: San Juan River Concerns

Hello my name is Jeremiah Spradling and I am a fishing guide here on the San Juan River in northern Nm. I would like to express my concerns regarding the health of the river.

I would hope the the NM Game and Fish will put some clarification on the bead issue! My thought is that If you are fishing a plastic bead, it should be attached to the hook, other wise it should be considered a snagging rig! The wording in the proclamation even states that. The San Juan is a special place, its a very confined section of water and I believe that we need to conserve this special river. Please consider two flies only, no other attractors!

I would also like to comment on the new special trout water regulations. Please add the San Juan's Crusher Hole to the Hammond take out on your new xmas bag limit regulations. It would greatly benefit the river! Thank you for your consideration! Regards, Jeremiah

High Plains Anglers
Jeremiah Spradling
[REDACTED]

High Plains Anglers
Jeremiah Spradling
[REDACTED]

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, September 13, 2017 9:11 AM
To: Dalessandro, Laurence, DGF; Frey, Eric, DGF
Subject: FW: San Juan River Concerns

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish
[REDACTED]

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From: GREG SPRADLING [REDACTED]
Sent: Tuesday, September 12, 2017 11:10 AM
To: DGF-FisheriesRule
Subject: San Juan River Concerns

To Whom it may Concern:

As an avid fly fisherman, former guide and supporter of monitoring and maintenance of quality fisheries in New Mexico, especially the San Juan Rive, the enforcement of the law/regulations and their intent I want to express my concerns over the use of "bead fishing" on the San Juan River. This method of fishing currently being used on the San Juan Quality Waters is hurting the fishery through the "snagging" of fish. Using a bead to attract the fish then setting the hook located below the bead by snagging the fish is resulting in the eventual death of a large number of fish. I want to ask and encourage the New Mexico Department of Game and Fish to outlaw this method of fishing. It is impacting the quality of fishing on this superb fishery and will eventually result in it's demise.

I would also like to comment on the new special trout water regulations. I'd request that the San Juan's "Crusher Hole to the Hammond "take out be placed on your new Xmas bag limit regulations. It would greatly benefit the river! Thank you for your consideration!

Please feel free to contact me if you further wish to discuss these requests.

Greg Spradling
[REDACTED]
[REDACTED]

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Tuesday, June 20, 2017 2:13 PM
To: Dalessandro, Laurence, DGF
Subject: FW: Special trout waters

FYI

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: Joel Gay [REDACTED]
Sent: Tuesday, June 20, 2017 7:11 AM
To: DGF-FisheriesRule
Subject: Special trout waters

I support the proposed changes in STW as outlined on the NMDGF website. I appreciate the simplicity of the proposed system. There are too many variations in bag limits and tackle restrictions now, so putting these special waters into the Red/Green/Christmas categories will help. I also appreciate the idea of reducing the bag limit from 3 to 2 on streams like the lower Red River, where too many fish are being removed now.

One change I would suggest is to classify all the streams in San Pedro Parks Wilderness in the same category as the Rio de Las Vacas – catch and release for RGCT, unlimited for non-natives. That would make it easy for anglers to know the rules in that entire area.

Thanks

Joel Gay
[REDACTED]

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:18 AM
To: Dalessandro, Laurence, DGF
Subject: FW: SpThisocial Trout Water Proposal

They are starting to roll in. Several will follow.

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish


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From: Jeff & Patti Young 
Sent: Tuesday, August 22, 2017 7:24 PM
To: DGF-FisheriesRule
Subject: SpThisocial Trout Water Proposal

hey there

As an avid fly fisherman for over 25 years in our great state, and a resident and fisherman for 45. This is one of the most innovative and significant changes I have seen proposed by Game and Fish.

I am totally for what you are trying to do here. I think it will enhance user friendliness for those who are often confused by the various types of STW. I am also thrilled to see you adding additional trout waters to protect the RGC.

you have my upmost respect and support in these changes.

Great job and Thank you

Jeff Young
Sandia Park

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Tuesday, September 05, 2017 10:35 AM
To: Dalessandro, Laurence, DGF
Subject: FW: State of New Mexico: Profanity Violation

Should add to the record that this email was filtered due to profanity. Don't know what it says.

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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-----Original Message-----

From: [REDACTED]
Sent: Saturday, August 26, 2017 8:20 PM
Subject: State of New Mexico: Profanity Violation

The Email Security service has detected content matching a policy violation in the following email that was sent by:

The message "RE: STW Fishing Regulations" was not delivered.

For security reasons and to help reduce SPAM, the Sender has not been notified.

Message Information:

Sender: [REDACTED]
Recipient:
DGF-FisheriesRule@state.nm.us

Date: Sat, 26 Aug 2017 20:19:46 -0600
Subject: RE: STW Fishing Regulations
Triggered Rule: Profanity Inbound

Reason: mail is inbound, sender domain gmail.com, recipient dgf-fisheriesrule@state.nm.us not in group, lexical match: fuck:fuck;body;2;88

Please contact your Agency Helpdesk or System Administrator for further assistance.


Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Wednesday, August 23, 2017 8:19 AM
To: Dalessandro, Laurence, DGF
Subject: FW: Timberon Ponds

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish


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From: Deanna McCall 
Sent: Tuesday, August 22, 2017 4:45 PM
To: DGF-FisheriesRule; Timberon Water & Sanitation District; RONNIE WYATT
Subject: Timberon Ponds

I noticed you had Timberon Ponds under Summer Catfish Waters. I was instrumental in working to get these ponds into the State's program, and am assuming you will also stock trout and other species, as was discussed? Also, is there a target date to plant the fish? We have not stocked the pond due to the belief the State would be taking that over.

Thanks,
Deanna

Deanna Dickinson McCall

Western Author


www.deannadickinsonmccall.com

[REDACTED]

Hello all,

My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with your club or special interest group about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and reduce the our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish

[REDACTED]

[REDACTED]

CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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--
Art Vollmer

Patten, Kirk, DGF

From: Gardner, Kevin, DGF
Sent: Friday, September 08, 2017 8:44 AM
To: Frey, Eric, DGF; Dalessandro, Laurence, DGF
Subject: Las Cruces Fishing Rule public meeting
Attachments: Public meeting comments and attendance list09082017.pdf

Eric and Laurence,

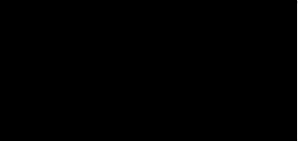
Here is a brief synopsis of the meeting we held last night. We had 3 attendees. The major discussion was over the spearfishing regulation change. The concerned party is an avid diver and speargun enthusiast. He would like us to reconsider removing spearguns as a legal manner and method. His point was valid in that the 2 fish limit for anglers should be no different than for spear fishermen. Another suggestion was to increase the length limit at the trophy waters to 21 inches instead of 14. The other 2 comments that we received were not pertinent to the purpose of the meeting but are submitted as well. They had to do with changing the bass management of Conchas lake to trophy status and encouraging increased law enforcement on the Rio Grande below Caballo when the water is shut off.

All of the comments and signup sheet are attached as well the originals being in this morning's mail.

Please let me know if you have any questions or need additional information.

Kevin

Kevin T. Gardner
Warmwater Sportfish Supervisor
New Mexico Game and Fish



CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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Patten, Kirk, DGF

From: Art Vollmer <[REDACTED]>
Sent: Wednesday, June 14, 2017 1:08 PM
To: Dalessandro, Laurence, DGF; DGF-FisheriesRule
Subject: Proposed STW Regulations
Attachments: STW Regs Comments 6-14-17-signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept these comments on the proposed Special Trout Water Regulations.

--
Art Vollmer

Chairman

Trout Unlimited New Mexico Council



October 26, 2017

NM State Game Commission
New Mexico Dept. of Game and Fish

dgf-fieldopscomments@state.nm.us

Re: Proposed Change for Red River-Below Hatchery STW

Dear Commissioners:

Trout Unlimited (TU) is a national organization with a mission to protect, restore, reconnect, and sustain coldwater fisheries. Driven by our membership of over 150,000 organized into volunteer chapters nationwide, TU engages in community-based projects designed to enhance angling opportunity, watershed health, public land management, among other conservation objectives. In support of larger conservation initiatives, TU also employs staff such as myself.

The major portion of my work involves the advancement of the Upper Rio Grande Community Initiative, a TU program seeking to achieve conservation outcomes while orienting these outcomes towards sustaining and creating economic development in our state's rural communities. More specifically, I have worked for over 4 years with the Village of Questa to improve fishing on the Red River and this fishery's economic contribution to the village in the wake of the 2014 closing of the Chevron molybdenum mine, the foundation of Questa's economy for nearly 100 years.

To date, TU has collaborated with the village's governing body, the Questa Economic Development Fund Board, DGF, the Forest Service, and other partners on a 2013 project that restored stream function and trout habitat on approximately 2 miles of the Red. This approximately \$900 thousand dollar project has been leveraged into further restoration, an NMED River Stewards project and a multi-agency Natural Resource Damage Assessment grant, that will be implemented in 2018. Under Questa's leadership, I hope to further leverage Red River restoration by helping the village brand itself as a diverse, high quality fishing destination where vacationers from around the world will want to

visit and spend money on retail goods, hospitality services, and, of course, fishing licenses.

To protect and improve recreational fishing in the Questa area, I believe it is important to reduce trout mortality on a 4-mile stretch of the Red from the state fish hatchery to its confluence with the Rio Grande. Therefore, I endorse DGF's proposed bag reduction from 3 trout to 2, with the caveat that gear be restricted to artificial lures and flies only. Bait should not be allowed, due to the all but certain fish mortality it causes in released fish.

My commitment to the Upper Rio Grande Community Initiative compels me to urge the Commission's adoption this vision for the lower Red River. I believe this approach shows a wise dedication to fishing quality, and perhaps most important, to Questa's continued economic empowerment. In addition, I believe this modest proposal will enable many villagers' long standing tradition of harvesting trout for the table. Finally, it bears mentioning that harvesting opportunities have increased with the recent restoration project and will continue to do so as future projects are implemented.

As you may be aware, the passion of TU's members leads many, if not most, of us to practice catch and release fishing almost exclusively. I am one such angler. Nevertheless, The Upper Rio Grande Community Initiative encompasses many conservation objectives - stream restoration and sustainable ranching and agriculture, for example - that not only have long term implications on fishing and Questa's economy, but demand close partnership between the village and TU.

It is through my hope for the continued strength of this partnership that I urge you again to reduce mortality while maintaining reasonable harvest on the lower Red River.

Sincerely,



Toner Mitchell
Trout Unlimited
New Mexico Water and Habitat Program Manager



Patten, Kirk, DGF

From: Robert Rhoades [REDACTED]
Sent: Thursday, October 26, 2017 7:48 PM
To: DGF-FisheriesRule
Subject: RE: Rule change 19.31.4.11 C4

From: Robert Rhoades [REDACTED]
Sent: Thursday, October 26, 2017 7:33 PM
To: 'DGF-FisheriesRule@state.nm.'
Subject: FW: Rule change 19.31.4.11 C4

Or maybe a reduced bag limit for certain species

From: Robert Rhoades [REDACTED]
Sent: Thursday, October 19, 2017 8:03 PM
To: 'DGF-FisheriesRule@state.nm.us'
Subject: Rule change 19.31.4.11 C4

My name is Robert Rhoades. I'm a lifelong resident of Carlsbad, NM and past President of the Carlsbad Sportsman's Club. I could not make the Commission meetings on this rule change and I know there is pressure to remove this restriction. I will state I have trouble agreeing with this decision unless the public is presented evidence that the original hazard that the rule was instated for has been alleviated and samples show that current samples meet safety standards that the original samples did not. I have not been opposed to the restriction. I think we should not remove it from the rule without the data being provided to the public to support the removal of this restriction. To remove the rule because of pressure and not sound data would not be appropriate. If that data was presented at the Commission meeting I'm sorry I missed it but with that being said it should be released to the public at least in Eddy County. I appreciate your consideration in this matter and look forward to your response.

Robert Rhoades
[REDACTED]



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Patten, Kirk, DGF

From: William Zenger <[REDACTED]>
Sent: Thursday, June 22, 2017 9:33 AM
To: Dalessandro, Laurence, DGF
Subject: Re: checking in

Hi Laurence,

I canvassed the fly shops right after your meeting with us and all three said you had good ideas but they said it's nothing unless you enforce the regulations. It's the enforcement that's the big thing with them and others that I've mentioned it to. I'm sure you've heard it all ready. Our group all ready sent you the findings and I read through it. I like what they come up with. I wasn't in on the comments part mainly I don't know where half the areas are. I see them on the maps but never been there or don't know.

If you can between you and me let me know what's happening.

I'm going tomorrow up to work on the water line project by Cuba until Sunday.

Thanks for everything and stay cool.

Bill

Sent from my iPad

> On Jun 20, 2017, at 8:30 AM, Dalessandro, Laurence, DGF <Laurence.Dalessandro@state.nm.us> wrote:

>

> Hey Bill, this is my correct email but I did not receive any comments from you about any fly shops. Please resend in a response to this email if you get a chance. I'll be in the office tomorrow, give me a call if you want to chat.

>

> Thanks,

>

> LD

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>

> Laurence D'Alessandro

> Coldwater Fisheries Biologist

> New Mexico Department of Game and Fish <[REDACTED]>

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> Conserving New Mexico's Wildlife for Future Generations

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> -----Original Message-----

> From: Wild Bill [REDACTED]

> Sent: Monday, June 19, 2017 11:04 AM

> To: Dalessandro, Laurence, DGF

> Subject: checking in

>

> Hi Laurence,

> Just checking to if I have your email address correct and to see if you got my comment from the fly shops about the special waters. I've been having trouble with my main computer. My pad seems ok.

> Let me know if goes through.

> Catch you later

> Bill

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Thursday, September 07, 2017 9:54 AM
To: Denny, Shawn R., DGF; Dalessandro, Laurence, DGF
Cc: Gardner, Kevin, DGF
Subject: RE: Fishing Rule Public Meeting

Shawn,

Thanks for the synopsis. I think you're right, we will need the City of Roswell pushing the regulation to gain traction. I was hoping to streamline the kids/senior ponds into one type but we had too many other things we were proposing this time. Maybe we can develop a plan for kids ponds statewide for the next reg review?

From: Denny, Shawn R., DGF
Sent: Thursday, September 07, 2017 9:51 AM
To: Frey, Eric, DGF; Dalessandro, Laurence, DGF
Cc: Gardner, Kevin, DGF
Subject: Fishing Rule Public Meeting

I had seven people attend the meeting. The sign-up sheet is attached.

The only real recommendation was from Mr. Stites. He would like to see seniors (catch and release only) added to The Spring River Park pond. He has had contact with the City of Roswell and is trying to work out their concerns and support. He agreed that just opening it to Seniors was not reasonable but he would like to make it easier for adults/seniors to help teach kids without the risk of getting a citation for fishing in the kids pond (he received a citation back in May, long story that I heard several times). Some type of addition for this may be warranted. I am not sure how it should be structured but some allowances for these types of situations may be warranted around the state. It might help with the mentoring/ reactivating goals in I and E.

There were a few questions about Brantley. Most seemed to support the change to allow fish to be kept. One individual had concerns over allowing harvest on largemouth bass. I explained my concerns about the food base and fish condition and he seemed content with my explanation.

There were several other issues brought up as complaints/ questions:

- Timberon ponds- When will it be stocked, with what, etc.
- Lack of stocking in SE NM.
- Bonito Lake- When will it be open etc.
- Bob Crosby Open Gate-trash, driving in rivers, etc.

No one wanted to enter a written comment. I informed them they could still leave comments on web site.

Let me know if you need this in a different format or more information.

Shawn Denny
Warm Water Fisheries Biologist
New Mexico Department of Game and Fish



Patten, Kirk, DGF

From: Jeff Arterburn [REDACTED]
Sent: Wednesday, May 24, 2017 11:15 AM
To: Dalessandro, Laurence, DGF
Cc: [REDACTED]
Subject: Re: Link to STW regulation changes documents and Comment

OK thanks Laurence,
We'll watch for that and give some feedback.
Best Regards
Jeff

[REDACTED]

Jeff Arterburn
President, Gila/Rio Grande Chapter (780) of Trout Unlimited

[REDACTED]

<https://www.facebook.com/wildnativetrout>

-----Original Message-----

From: Dalessandro, Laurence, DGF, DGF <[REDACTED]>
To: Jeff Arterburn <[REDACTED]>
Sent: Wed, May 24, 2017 9:41 am
Subject: RE: Link to STW regulation changes documents and Comment

Hi Jeff,
I apologize, it's not up yet! I'll be working on getting it on the website by the end of this week and up and running by next week. If you don't want to wait until then, please send me any comment you have directly and I'll put them in my STW comments folder. Thanks Jeff!!

LD

From: Jeff Arterburn [REDACTED]
Sent: Tuesday, May 23, 2017 12:36 PM
To: Dalessandro, Laurence, DGF
Subject: Link to STW regulation changes documents and Comment

Hi Laurence,
I hope you're doing well!
I was wondering if you could send me the Link to the STW regulation changes draft documents and Comment site (if it's opened now)?
I'll try to round up some comments.
Thanks!
Jeff

Jeff Arterburn
President, Gila/Rio Grande Chapter (780) of Trout Unlimited

[REDACTED]

<https://www.facebook.com/wildnativetrout>

-----Original Message-----

From: Dalessandro, Laurence, DGF, DGF <[REDACTED]>
To: Jeff Arterburn <[REDACTED]>
Sent: Fri, Mar 31, 2017 7:56 am
Subject: RE: April 10th ? Best RegardsJeffLas Cruces Re: Special Trout Waters

Hi Jeff,

Thanks for the follow up. Just a reminder, this is not so much a presentation as it is just a quick, informal chat with you and your members on what the department is proposing for STW reg changes. I have a list of categorized waters and maps that I'd like to discuss with you all and get ideas on. The formal process will begin sometime this summer with a public comment period and presentations before the State Game Commission. I'd like to take ideas you all may have, and leave you with information to discuss among yourselves and potentially give me ideas on later down the road. I'll bring handouts and my own laptop, and have no need for a projector. Thanks for your time, and I look forward to meeting you and discussing our proposed changes for next year's rule book. As for my information, I'm a 2012 graduate of NMSU in Fisheries Science and have worked for both the US Forest Service and the New Mexico Department of Game and Fish during my career. I'm currently a Coldwater Fisheries Biologist assigned to the eastern half of the state mostly, and was born and raised in Santa Fe New Mexico. I'm an avid outdoorsman and grew up hunting and fishing in the areas I now get to work. If you need any more info on any of this, please call me at 505 603 9245.

Thanks Jeff,
See you soon.

Laurence

From: Jeff Arterburn <[REDACTED]>
Sent: Thursday, March 30, 2017 4:00 PM
To: Dalessandro, Laurence, DGF
Subject: Re: April 10th ? Best RegardsJeffLas Cruces Re: Special Trout Waters

Hi Laurence,

I just wanted to follow up in preparation for seeing you here in Las Cruces on April 10th. Would you have a specific title and brief description of your presentation on Special Trout Waters that we could put in our newsletter and other notices? Maybe a brief Bio that could accompany? If you could send me that by end of day tomorrow (friday) that would let me get it into our newsletter.

We open the doors at the NMDGF Conference Room by 6:30, and start the meetings at 7pm with some introductions and brief reports, then we'll introduce you. We usually plan for about 45 minutes with time for questions and I'm sure your presentation will generate lots of interest and discussion so we are really looking forward to your visit! There is a projector in the room, you may need an adapter for your laptop if you want to bring one, or let me know if you would prefer to use one of our laptops. Let me know if you would like to meet with some of the club members for dinner before the meeting, maybe around 5pm at the Uno's that is close by?

Looking forward to seeing you in a couple of weeks!

Sincerely,
Jeff

Jeff Arterburn
President, Gila/Bio Grande Chapter (780) of Trout Unlimited
[REDACTED]

<https://www.facebook.com/wildnativetrout>

-----Original Message-----

From: Dalessandro, Laurence, DGF, DGF <[REDACTED]>
To: Jeff Arterburn <[REDACTED]>
Sent: Wed, Feb 8, 2017 8:42 am
Subject: RE: April 10th ? Best RegardsJeffLas Cruces Re: Special Trout Waters

Yeah Jeff, April 10th would be fine. I have it on my calendar and I'll confirm with you when it gets a little closer. Thanks!
Laurence

From: Jeff Arterburn <[REDACTED]>
Sent: Tuesday, February 07, 2017 2:12 PM
To: Dalessandro, Laurence, DGF
Subject: April 10th ? Best RegardsJeffLas Cruces Re: Special Trout Waters

Hi Laurence,
Thank you very much, that is great!
Would you be able to come on Monday April 10th?
Best Regards
Jeff

Jeff Arterburn
President, Gila/Rio Grande Chapter (780) of Trout Unlimited

<https://www.facebook.com/wildnativetrout>

-----Original Message-----

From: Dalessandro, Laurence, DGF, DGF <[REDACTED]>
To: Jeff Arterburn <[REDACTED]>
Sent: Tue, Feb 7, 2017 2:07 pm
Subject: RE: Special Trout Waters

Hi Jeff, thanks for the response. Id definitely be able to come to Las Cruces. When are you thinking? This spring will work great and I have a pretty flexible schedule so please shoot me some dates and we xcan get it figured out. Thank you!
Laurence

From: Jeff Arterburn <[REDACTED]>
Sent: Thursday, January 05, 2017 10:42 AM
To: Dalessandro, Laurence, DGF
Cc: [REDACTED]
Subject: Fwd: Special Trout Waters

Hi Laurence,
Our Gila/Rio Grande Chapter of Trout Unlimited and Mesilla Valley Fly Fishers groups in Las Cruces would be very interested in meeting you and hearing your presentation! We meet at the NMDGF Lase Cruces office on the 2nd monday of the month starting at 6:30 pm with ~45 minutes-1hr time allotted for presentations starting at 7pm, and we typically have an audience of 40 in attendance. We have some openings in our schedule this spring and may be able to juggle other speakers if there is a particular date that works best for you? Please let me know if you may be able to come to Las Cruces and I will work with our schedules to find an optimal date.
Best Regards
Jeff
[REDACTED]

Jeff Arterburn
President, Gila/Rio Grande Chapter (780) of Trout Unlimited
Board Member, Mesilla Valley FlyFishers

<https://www.facebook.com/wildnativetrout>

-----Original Message-----

From: Art Vollmer <[REDACTED]>
To: Andy Seiller, Bosque TU <[REDACTED]>; Arnold Atkins <[REDACTED]>; Art Vollmer <[REDACTED]>; Bill Adkison, ECTU <[REDACTED]>; Bill Schudlich <[REDACTED]>; Brad Shuster, G-RG TU <[REDACTED]>; Jeff Arterburn, G-RG TU <[REDACTED]>; John Lopez <[REDACTED]>; Marc Harrell, ECTU <[REDACTED]>; Michelle Briscoe, Bosque TU <[REDACTED]>; Seth Nodelman, Bosque TU <[REDACTED]>; Thom Cole <[REDACTED]>; Tom Harper, ECTU <[REDACTED]>; Toner Mitchell <[REDACTED]>; Jason Amaro <[REDACTED]>; Ron Loehman, NMT <[REDACTED]>
Sent: Thu, Jan 5, 2017 10:11 am
Subject: Fwd: Special Trout Waters

FYI.

----- Forwarded message -----

From: **Dalessandro, Laurence, DGF** <[REDACTED]>
Date: Thu, Jan 5, 2017 at 8:37 AM
Subject: Special Trout Waters



Hello all,

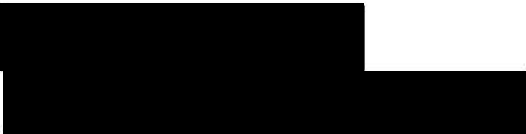
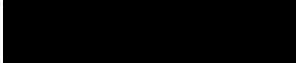
My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with your club or special interest group about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and reduce the our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish



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--
Art Vollmer

Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Friday, August 25, 2017 8:27 AM
To: Patten, Kirk, DGF; Dalessandro, Laurence, DGF
Subject: RE: Proposed renaming of Special Trout Waters

Laurence,
Please add these last two comments from Kirk to the table. Thanks.

From: Patten, Kirk, DGF
Sent: Thursday, August 24, 2017 12:04 PM
To: Dalessandro, Laurence, DGF; Frey, Eric, DGF
Subject: FW: Proposed renaming of Special Trout Waters

An interesting perspective on what designation we make regarding chile designation.

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish

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From: BRIAN SCHUCH [REDACTED]
Sent: Wednesday, August 23, 2017 9:12 PM
To: DGF-FisheriesRule
Subject: Proposed renaming of Special Trout Waters

Hello NM Game & Fish,

RE: your proposal to introduce a new Special Trout Water naming system

You are proposing the use of "Red Chile, Green Chile, and X-mas" to indicate three types of Special Trout Waters. As a native New Mexican, I think it's a great idea. Since my childhood, I've loved traditional New Mexico food. I can recite our State Question. The use of colors is a great idea, too. Colors are very symbolic to people, and people universally associate certain colors with certain qualities. I have traveled and studied, and I've noticed that red and green in particular are associated with the same qualities across multiple cultures. Your proposed use of "Red Chile" makes perfect sense to me, but I respectfully contend that the other two color schemes be switched around.

Here is my logic:

I do like your designation of the color red for catch & release waters. To a lot of people, red represents "no," "stop," "restricted," and "prohibited." So, it makes perfect sense to use red to identify waters that are assigned two restrictions:

- (1) no harvesting of fish (a no)
- (2) restricted tackle (a no)

However, the way you associate the other two types of Special Waters with "green" and "X-mas" comes across to me as arbitrary and confusing.

I have a simple remedy, which I hope you will consider.

I think that you would agree that some very common associations with the color green are "yes," "go," and "permitted." So, I am bewildered

that you would suggest "green chile" to indicate Special Trout Waters with one "yes" and one "no":

- harvest two fish (a yes)
- restricted tackle (a no)

To me, waters with one permission and one restriction would be better represented by "X-mas" (green / red).

Predictably, I suggest that the color green designate the only Special Trout Waters with two "go's". In those waters, anglers would be allowed two things:

- (1) harvest two fish (yes)
- (2) use any legal tackle (yes)

I imagine that most people would more easily associate "Green Chile" with "yes / yes" waters, and "X-mas" with "yes / no" waters.

Thank you for your consideration,

Brian Schuch

Albuquerque

Patten, Kirk, DGF

From: Art Vollmer [REDACTED]
Sent: Wednesday, June 14, 2017 2:47 PM
To: Dalessandro, Laurence, DGF; DGF-FisheriesRule
Subject: Re: Proposed STW Regulations
Attachments: STW Regs Comments 6-14-17-signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please noted a minor correction to TUNM comments:

In the 2nd to last bullet item, references to "Gila trout" have should read "native trout" since the Las Animas will be be receiving Rio Grande cutthroats, not Gila trout. A revised document is attached.

On Wed, Jun 14, 2017 at 1:07 PM, Art Vollmer [REDACTED] wrote:
Please accept these comments on the proposed Special Trout Water Regulations.

--
Art Vollmer

Chairman

Trout Unlimited New Mexico Council

--
Art Vollmer

Patten, Kirk, DGF

From: Patten, Kirk, DGF
Sent: Tuesday, June 21, 2016 12:30 PM
To: Hansen, Richard, DGF; Frey, Eric, DGF; Dalessandro, Laurence, DGF
Subject: RE: Rio Grande Monument Plan comments

It seems like this is a recurring issue and they keep disregarding out comments. Am I correct? Should we point out that these comments have been repeatedly submitted to them during this process and typically ignored?

Kirk Patten
Assistant Chief of Fisheries
NM Dept. of Game and Fish



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From: Hansen, Richard, DGF
Sent: Friday, June 17, 2016 12:09 PM
To: Frey, Eric, DGF; Dalessandro, Laurence, DGF
Cc: Patten, Kirk, DGF
Subject: RE: Rio Grande Monument Plan comments

My first take is attached. I did not take the time to review other sections that may impact fisheries (e.g. Grazing Allotments).

Richard

From: Frey, Eric, DGF
Sent: Friday, June 10, 2016 2:27 PM
To: Hansen, Richard, DGF; Dalessandro, Laurence, DGF
Cc: Patten, Kirk, DGF
Subject: FW: Rio Grande Monument Plan comments

Richard and Laurence,
Can you guys please review the fisheries portions of the attached document. Looks like they changed some of their language but still not jiving completely with our management plan. Thanks.

From: Davidson, Jacob, DGF
Sent: Friday, June 10, 2016 1:42 PM
To: Frey, Eric, DGF
Subject: Rio Grande Monument Plan comments

Here are the comments that I have received thus far from EEP.
See attached PDF for the draft.

Throughout document where they discuss coordination for raptor management, replace “coordinate with State agencies” to “coordinate with NMDGF”.

P. 8 should note that NMDGF also has authority over some migratory birds, including raptors, and state-listed species through the NM Wildlife Conservation Act.

P. 14 should include the NM Wildlife Conservation Act.

P. 16 WF-1:Alt A should reference the State’s Fisheries Management Plan. Alt D states “...no restrictions would be placed on fishing native fish spawning areas”. I don’t think they have the authority to implement that., nor is it clear why they would want to.

P.17 WF-5. Fisheries goals should defer to NMDGF’s statewide fisheries plan, since we have jurisdiction over fish.

P.17 WF-7. Fisheries goals should defer to NMDGF’s statewide fisheries plan, since we have jurisdiction over fish.

P.17 WF-8 . Fisheries goals should defer to NMDGF’s statewide fisheries plan, since we have jurisdiction over fish.

P. 19 should note that NMDGF also has authority over some migratory birds, including raptors, and state-listed species through the NM Wildlife Conservation Act.

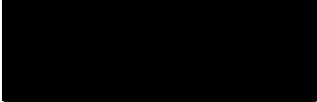
P. 23 WW-5 should state “lambing range/habitat”, not “calving range/habitat”.

P. 24 Not clear why Alt B Minimal Resource Mngmnt would have species specific raptor and Mtn Plover nest site timing limitations, but Alt C Best Combination defaults to generic March 1 to July 31 timing limitations. Protective measures such as these developed using best available science should be maintained throughout the alternatives to avoid Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act violations.

P. 39 Alt D only implements seasonal and spatial stipulations to protect active raptor nests for long-term projects. Seasonal and spatial stipulations should also be implemented for short-term projects if a potential for disturbance or take exists to avoid Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act violations.

Jacob Davidson

Habitat Manager - Wildlife Management Division
New Mexico Dept. of Game and Fish



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Patten, Kirk, DGF

From: mike rearick <[REDACTED]>
Sent: Thursday, January 19, 2017 1:08 PM
To: Dalessandro, Laurence, DGF
Cc: Art Vollmer
Subject: Re: Special Trout Waters

Laurence

The board suggested the March board meeting. March 8th I think is the second Wednesday of the month. The February meeting is being dedicated to annual fundraiser agenda items. That work Ok for you?

Mike Rearick

[REDACTED]
[Website:http://truchas-tu.squarespace.com/](http://truchas-tu.squarespace.com/)

On Thursday, January 5, 2017 1:36 PM, "Dalessandro, Laurence, DGF" [REDACTED] wrote:

Hey Mike!

Thanks for the response man. I'm still getting things tightened up around the office on this, but maybe your board meeting for the month of February could work? I'll keep you in the loop on what I hear from Thom. So the archery range contact is a guy named Randy at [REDACTED]. Otherwise, they start having 3-d shoots every Wednesday at 5pm in April and you can just show up to one of those and buy a key. That's what I did. Good hearing from you.

LD

From: mike rearick [REDACTED]
Sent: Thursday, January 05, 2017 10:42 AM
To: Dalessandro, Laurence, DGF
Subject: Re: Special Trout Waters

Laurence

Truchas chapter has monthly board meeting. Actually one next week. The board meeting could be a great forum for this discussion. I'm certain Thom Cole, our president, will contact you. Hey, do you know the contact for the SF archery range ? We chatted at the Bakevich's house about it. Like to join for 2017. Thanks

Mike Rearick

[REDACTED]
[Website:http://truchas-tu.squarespace.com/](http://truchas-tu.squarespace.com/)

On Thursday, January 5, 2017 8:37 AM, "Dalessandro, Laurence, DGF" [REDACTED] > wrote:

Hello all,

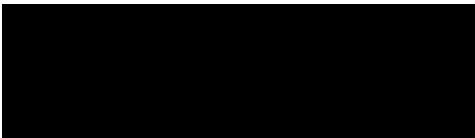
My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with your club or special interest group about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and reduce the our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish



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Patten, Kirk, DGF

From: Bill Adkison [REDACTED]
Sent: Friday, January 06, 2017 3:03 PM
To: Dalessandro, Laurence, DGF
Cc: Bill Adkison
Subject: Re: Special Trout Waters

Laurence,

The Enchanted Circle Chapter would love to have you come speak. I will forward this to our new Chapter President for his thoughts on how we could maximize the attendance at your talk. This dovetails nicely with our ongoing efforts to get the lower 4 miles of the Red River declared single barbless hook-catch and release "special trout water".

Bill

■ H William Adkison
www.nmopenprimaries.org

On Jan 5, 2017, at 8:37 AM, Dalessandro, Laurence, DGF [REDACTED] wrote:

Hello all,

My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with your club or special interest group about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and reduce the our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence

<image001.jpg>

Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish
[REDACTED]



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Patten, Kirk, DGF

From: mike rearick [REDACTED]
Sent: Thursday, January 05, 2017 10:42 AM
To: Dalessandro, Laurence, DGF
Subject: Re: Special Trout Waters

Laurence

Truchas chapter has monthly board meeting. Actually one next week. The board meeting could be a great forum for this discussion. I'm certain Thom Cole, our president, will contact you. Hey, do you know the contact for the SF archery range ? We chatted at the Bakevich's house about it. Like to join for 2017. Thanks

Mike Rearick

[REDACTED]
[Website: http://truchas-tu.squarespace.com/](http://truchas-tu.squarespace.com/)

On Thursday, January 5, 2017 8:37 AM, "Dalessandro, Laurence, DGF" [REDACTED] wrote:

Hello all,

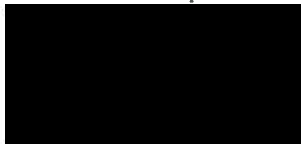
My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with your club or special interest group about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and reduce the our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish




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Patten, Kirk, DGF

From: Seth Nodelman <[REDACTED]>
Sent: Tuesday, March 07, 2017 2:31 PM
To: Dalessandro, Laurence, DGF
Cc: 'Michelle Briscoe, Bosque TU'; 'Jeremy Vesbach, Bosque TU'; 'Art Vollmer'; 'David Propst'; 'Thayer, John'; 'Wirecowboyz'
Subject: RE: Special Trout Waters

Hi Laurence,

We'd be happy to help you in any way we can with your analysis of Special Trout Water regulations and provide our input. You're more than welcome to attend our next board meeting which is scheduled for Monday, March 27th, 6:30 pm, at Ponderosa Brewing, 1761 Bellamah Ave. NW. We look forward to meeting you.

Best,
Seth

Seth Nodelman
[REDACTED]

From: Dalessandro, Laurence, DGF <[REDACTED]>
Sent: Tuesday, March 07, 2017 8:10 AM
To: Michelle Briscoe, Bosque TU; Seth Nodelman, Bosque TU; Jeremy Vesbach, Bosque TU
Subject: Special Trout Waters

Hello Bosque TU,

My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with you all about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and simplify our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro

[REDACTED]

[REDACTED]

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Patten, Kirk, DGF

From: Doc Thompson <[REDACTED]>
Sent: Tuesday, March 07, 2017 7:24 PM
To: Dalessandro, Laurence, DGF; [REDACTED]
Subject: Re: STW

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Laurence,

As it turns out the ECTU board meeting schedule for March 7 was canceled. If you showed up I am sorry. I spoke with Tom Harper, board president, we would enjoy having you attend our next board meeting if you can. The meeting is March 14, 630PM at La Fonda Hotel. We usually meet early at a near by restaurant for a casual dinner. You are welcome to join us for that as well. I will let you know on the casual dinner.

My best,
Doc Thompson

> Hey Doc,
>
> I'm wondering if you're chapter has any time at its next meeting to
> fit me in for 30 minutes or so to talk informally with you all about
> some of the ideas NMDGF has for our Special Trout Waters? Please let
> me know when you get a chance.

>
> Hope all is well,
> Thanks!

>
> LD

>
> [NMDGF_Logo_Color(128x128)]

>
> Laurence D'Alessandro
> Coldwater Fisheries Biologist
> New Mexico Department of Game and Fish [REDACTED]

>

[REDACTED]
[REDACTED]
> us>

>
> Conserving New Mexico's Wildlife for Future Generations

>
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>

>

Patten, Kirk, DGF

From: William Zenger <[REDACTED]>
Sent: Sunday, October 08, 2017 12:04 PM
To: DGF-FisheriesRule
Subject: Regulation changes

I'm committing on the STW.

1. I'm pleased with all the changes except that I would like catch and release on the Red river from the foot bridge at the hatchery to the Rio Grande river. I hardly see any bait fisherman down that low because its hard to fish. I believe that this is a good place to get trophy fishery going.

2. On the Chama river below the Abiquiu dam I'm in favor of two fish limit because there is a lot of pressure and the fish are usually pretty good size.

Though I would like to see a catch and release especially Brown trout from the first cattle guard down stream until private property.

I also would like Game and Fish to rehab the river from the first cattle guard down until the road turns inland away from river. The rehab work on the Pecos river has been outstanding and would like to see that on the Chama river.

Warm water comments

1. On trophy bass waters or any game fish waters I would like bow and spear fishing banned unless there is a need to rid the water of an evasive species only. Reason being is bass spawn at different times in lakes and it would be really hard to regulate any bow or spear fishing to keep people from hunting them on the spawning beds.

It's just not a good idea to allow this type of fishing anyway.

2. I also would like to see crappie limits reduced to 15 fish instead of 20. From what I see at lakes is that people are keeping small sizes and very few large ones, which to me is the waters don't have big fish any more.

I would like to see signage on all STW and Trophy Waters to help people know what is going on. There's a lot of people that do not read the regulations, because they assume things are the same.

Thanks a lot for allowing my two cents worth.

William Zenger
Fisherman and hunter

Sent from my iPad

GILA/RIO GRANDE CHAPTER (780), TROUT UNLIMITED
[REDACTED]



October 12, 2017

New Mexico Department of Game & Fish
[REDACTED]

DGF-FisheriesRule@state.nm.us

Subject: Comments on Proposed Special Trout Waters Regulations

As the President of the local Gila/Rio Grande Chapter of Trout Unlimited, I am writing to provide comments and suggestions on the draft final version of the fisheries rule (19.31.4 NMAC) being proposed by the New Mexico Game and Fish Department (NMGF) for consideration by the New Mexico Game Commission. We appreciate Department's consideration of changes to the Special Trout Waters regulations, and are especially supportive of expanding regulations that provide for catch and release of native trout, or where trout may be harvested adopting reduced bag and possession limits, and special waters limiting tackle to fly and lure only. These new regulations should be beneficial for wild trout populations and will help create quality angling experiences that will benefit resident anglers, visitors, and provide more success for kid's learning to fish.

Our GRG-TU Chapter has members from across the southern New Mexico region, and we consider the Gila and Lincoln National Forests as our home waters. We strongly recommend reclassifying the Gilita Creek and tributaries in Catron County as special waters with catch and release restrictions in place for Gila Trout. At a minimum, the tributaries Willow Creek and Little Turkey Creek from the Wilderness boundary upstream to their headwaters should have catch and release regulations. We also believe it would be appropriate to include both Mineral Creek and Whitewater Creek in Catron County as catch and release waters. These streams will hopefully be supporting fishable populations of Gila Trout in the near future, and both of these waters offer an opportunity for anglers seeking an experience featuring solitude that would make them attractive destinations. We are very supportive of the special waters catch & release designation for Rio Las Animas (Animas Creek, Sierra County), Black Canyon (Grant), and Mogollon Creek (Catron, Grant).

Thank you very much for considering these suggestions, and please contact me if you need any additional information or have any questions.

Sincerely,



Jeffrey B. Arterburn, PhD
President
Gila/Rio Grande Chapter of Trout Unlimited



<https://www.facebook.com/wildnativetrout?ref=hl>



November 1, 2017

Kirk Patten
Assistant Chief of Fisheries
New Mexico Department of Game and Fish



Dear Kirk:

This letter is the official response of New Mexico Trout to the proposed changes to the NM Department of Game and Fish Fisheries Rule.

New Mexico Trout wishes to commend you and your staff for clarifying and simplifying the complex rules, exceptions, and special situations that are reflected in the existing regulations. This should make it easier for anglers to comply with the rules and for G&F staff to enforce them. The table in Section 19.31.4 is much easier to read and understand than the narrative paragraph that it replaces. Explicitly stating in the table that there are no bag limits for rainbow, brown, and brook trout in stream segments that hold Rio Grande cutthroat trout should simplify management and may give RGCT a little advantage in waters where they have to compete with other trout species.

Thanks for the good work. We look forward to assisting you wherever we can.

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald E. Loehman".

Ronald E. Loehman
Conservation Chairman



New Mexico Trout



Patten, Kirk, DGF

From: Sloane, Michael B., DGF
Sent: Monday, September 11, 2017 11:26 AM
To: Dalessandro, Laurence, DGF
Cc: Frey, Eric, DGF; Wick, Jill, DGF
Subject: Silver City Public Meeting

Laurence – Jill Wick and I held a public meeting in Silver City on September 6 to discuss the fish rule proposal. Six (6) people attended the meeting. No written comments were submitted. There were no comments made regarding the Special Trout Water proposal other than general support.

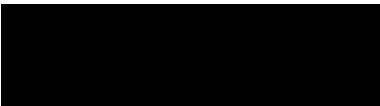
The primary comments were regarding the Trophy Bass Waters. Four of the six attendees strongly supported establishing these waters (the other two attendees offered no comment). The supporters also strongly supported prohibiting spearfishing in these waters. One attendee suggested making Bill Evans catch and release for a couple of years and another attendee supported this suggestion.

Unrelated to the rules, additional law enforcement effort, particularly at Bill Evans, was requested.

The meeting lasted about one hour.

Please let me know if there are any questions regarding this meeting. Thanks. Mike

Michael B. Sloane
Chief of Fisheries
New Mexico Department of Game and Fish



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Patten, Kirk, DGF

From: Dalessandro, Laurence, DGF
Sent: Friday, March 03, 2017 11:18 AM
To: [REDACTED]
Subject: Special Trout Waters

Hello NM Trout,

My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with you all about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and simplify our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish

[REDACTED]
[REDACTED]

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Patten, Kirk, DGF

From: Nick Streit [REDACTED]
Sent: Saturday, January 07, 2017 8:09 AM
To: Dalessandro, Laurence, DGF
Subject: Special trout waters

Laurence,

I got your email through our Enchanted circle chapter of Trout Unlimited, which I was formerly president of. I worked with Eric Frey to get the Red River habitat improvement project going.

I also own two fly shops, Taos fly shop and the Reel Life of Santa Fe. We sell ALOT of fishing licenses and sell conventional tackle as well as fly gear (mostly fly).

I also grew up fishing here in northern NM and have been guiding these waters for around 20 years...

I would love to help you with any ideas I could to streamline STW's in the area as that has been a big complaint of mine and my customers for years. While I believe that we are lacking on catch and release waters here in Nm, I am not a die hard C and R guy, and think it only makes sense in certain spots. Feel free to email or call, or stop by the shop in Taos sometime.

Nick Streit

[REDACTED]
Taos Fly Shop
The Reel Life

Sent from my iPhone

Patten, Kirk, DGF

From: Dalessandro, Laurence, DGF
Sent: Tuesday, March 07, 2017 8:10 AM
To: Michelle Briscoe, Bosque TU; Seth Nodelman, Bosque TU; Jeremy Vesbach, Bosque TU
Subject: Special Trout Waters

Hello Bosque TU,

My name is Laurence D'Alessandro, Coldwater Fisheries Biologist with the New Mexico Department of Game and Fish and I'm writing to inquire about possibly informally speaking with you all about a project I'm working on. I'm currently tasked with evaluating and analyzing the state's Special Trout Water (STW) regulations. We currently have a complex amount of regulations throughout the state and our main goal is to streamline and simplify our regulations to be not only user friendly, but also beneficial to the angler and fishery itself. Any changes that may be made to a specific water will be based on either biological factors, social factors, or both to ultimately make for a better fishing experience. If you are interested, please contact me with a date, time, and location of your groups meeting and I'd be glad to attend and discuss this project with you. Please feel free to forward this email to any one or any parties you feel may be interested.

Thank you!

Laurence



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish

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Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Tuesday, January 17, 2017 2:16 PM
To: Dalessandro, Laurence, DGF
Subject: stw layer
Attachments: STW.kmz

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish



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Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Tuesday, March 14, 2017 2:50 PM
To: Dalessandro, Laurence, DGF
Cc: Hansen, Richard, DGF
Subject: STW meeting notes

Follow Up Flag: Follow up
Flag Status: Flagged

Laurence,

I jotted down a few notes from our meetings with the Truchas Chapter and with Toner Mitchell. It's probably a good idea to collect and compile the meeting notes in some type of format/document as we proceed. Maybe another table? I'll leave that up to you.

TU Truchas Chapter Board, 3-8-17

- Expressed some concern about ability of anglers to ID non-native trout vs native trout in the unlimited harvest reaches. The chapter recommended they work with NMDGF on angler education outreach and signage that displays difference species.
- Some questions were asked about Red River (downstream of hatchery) and Rio Grande (Pilar, Race Course, Wild and Scenic)
- Group seemed supportive of new RGCT catch-and-release waters with unlimited harvested on non-natives
- Group also seemed to like red and green chili idea
- Some confusion about which Rio Frijoles. Need to add sub-drainage in the table in parenthesis next to a couple waters to reduce confusion.
- Chapter will form a committee to review our proposal

Toner Mitchell (TU Public Land Coordinator), Brad Powell (TU SW Regional Director), and Tom Harper (Enchanted Circle Chapter President), 3-14-17

- Some questions and discussion around Red River (downstream of hatchery) and Rio Grande
- Toner suggested shortening or removing STW in the Rio Chama WMA near Cottonwood Flats
- Some questions about removing bag limits on other trout fisheries to reduce high densities (e.g., Mora River)
- Tom Harper showed up later in the meeting and didn't get a chance to fully describe our proposal. Next Enchanted Circle board meeting is June, so we agreed to meet sooner with a few chapter members. Recommended to work with Laurence on setting up meeting.
- Toner requested JPEGs of the maps so TU could post on their Facebook page.
- Overall group seemed supportive of the framework

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish

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June 14, 2017

Laurence D'Alessandro
Coldwater Biologist
New Mexico Department of Game & Fish



Subject: Comments on Proposed Special Trout Waters Regulation Changes

Thank you for the early opportunity to comment on the Special Trout Water (STW) regulation changes being proposed by the New Mexico Game and Fish Department (NMGF) for consideration by the New Mexico Game Commission. This letter represents comments and suggestions from the Trout Unlimited New Mexico Council (TUNM) and its Gila-Rio Grande, Bosque, Truchas and Enchanted Circle chapters.

In general, TUNM favors expanding STWs in New Mexico, especially the proposed "Red Chile Waters" regulations that provide for catch and release of native trout and suppression of non-natives in waters where they threaten native trout populations. We believe it is important to enhance populations of native trout. The proposed "Red Chile" regulations could be an effective way to reduce mortality of native trout and/or competitive pressure on native trout from non-native trout.

We have the following specific comments and suggestions:

- We did not find a map for the Pecos River area on your website (<http://www.wildlife.state.nm.us/commission/proposals-under-consideration/>). The other maps were very helpful, and we encourage you to make one available for the Pecos.
- Where regulations provide for catch-and-release of native and unlimited take of non-native trout, we are concerned about the ability (and possibly willingness) of anglers to distinguish between native and non-native trout. In addition to the restrictions laid out in the regulations themselves, both paper and online versions, online maps such as the ones accompanying these proposed STW regulations should be made available, preferably even with more detail. Increased and improved signage will be critical if these proposed regulations are going to be most effective. One option would be well-placed

Trout Unlimited New Mexico Council, P.O. Box 32952, Santa Fe, NM 87594

permanent signs with instructions on differentiating native from non-native species at major stream access points and trailheads. Another option would be paper signs not only available but prominently displayed everywhere licenses are sold, at trailheads where permanent signs are not practical or cost effective. Both education and signage (permanent and temporary) will be important and so will enforcement. TUNM is willing to help NMGF and land managers with this effort.

- The start and stopping points for stream-specific STW regulations should be readily determined by an angler in the field. It would be best if obvious locations such as stream confluences or trail or road crossings or other easily identifiable landmarks were used rather than using terminology such as in currently used for the Rio Valdez: “in the Pecos Wilderness from 0.25 miles below Smith Cabin (*which doesn’t even exist anymore*) upstream to its headwaters.” We would definitely like to work with you to hammer out the best implementable options.
- The only southern NM stream proposed as “Red Chile Waters” is Black Canyon above the fish barrier, which is a designated Gila trout angling stream. We recommend reclassifying Willow Creek above the fish barrier from an “X-mas” water (two trout, any length, any legal bait or tackle) to a “Red Chile” water too. Both Black Canyon and Willow Creek are accessible by road, and both have barriers constructed to prevent non-native trout movement into reaches restored for Gila trout. We think it makes sense to classify them in the same category instead of two different categories as currently proposed. An alternative for Willow Creek above the barrier might be to have no harvest of natives in Little Turkey Creek and Willow Creek above the private land parcel (“Red Chile”) while still allowing a 2-fish limit with tackle restrictions along the reach of Willow Creek that parallels the road (“Green Chile”). In each case, allow unlimited take of non-natives above the barrier. Also, the reason given for recommendations for Gilita, Willow, and Mineral creeks is ‘USFWS Agreement’. Does this mean USFWS recommend “X-mas” regulations for these streams?
- We support the classification of Tio Grande as “Red Chile” water with catch-and-release of native and unlimited take of non-native trout. However, it is the only stream in the San Antonio watershed that is mentioned. We recommend adding Tanques Creek (it is actually noted on your map) and the portion of the Rio Nutrias above the confluence with the Tanques to the “Red Chile” classification of catch-and-release of native and unlimited take of non-native trout.
- Looking ahead to the future with hope that the restoration of native trout to Whitewater Creek, the South Fork of Bonito Creek and Frijoles Creek will be successful, we recommend that these streams also be classified as “Red Chile Waters” when fishable populations are established.
- The proposal for the Red River is causing us some confusion. The “Green Chile” table mentions changing regulations on the Red River-Upper. Does this only include the 1-mi reach of the East Fork of the Red River above Goose Creek or a larger reach? Please

clarify. Furthermore, we recommend a “Red Chile” designation of catch and release only for the lower Red River (the reach below the hatchery to the confluence with the Rio Grande) rather than the proposed “Green Chile” designation. As you are aware there has been considerable public support for catch and release regulations on this portion of the lower Red River. The newly developed habitat in the lower Red River from the hatchery to the Questa Ranger District offices provides plenty of opportunity for those anglers who wish to harvest fish.

- TUNM strongly supports catch-and-release of native and unlimited take of non-native fish in certain “Red Chile Waters” where non-natives threaten existing populations of native trout. Therefore, we support the proposal to keep Cabresto Creek and the upper Rio Cebolla as catch-and-release for native and unlimited take for non-native trout and expanding these regulations to Columbine Creek, Rito del Padre, Rio de las Vacas, South Fork Rio Hondo and Rio Santa Barbara. Furthermore we suggest reclassifying Rio Valdez from catch-and-release only to catch-and-release for native trout and unlimited take of non-native trout along its entire length to the Rio Mora confluence. This might allow native trout to gain a stronger foothold in the lower Valdez even though there is not a barrier in the lower section to non-native trout movement up from the Rio Mora. We also propose including the upper Rio Chiquito in this same classification of “Red Chile Waters”.
- Currently there are no southern New Mexico streams proposed as “Green Chile Waters” (two trout any length, artificial fly or lure). While not our preferred option for these waters, “Green Chile” category would be a secondary option for southern streams recommended above (Willow, Mineral, Whitewater and Las Animas creeks in Gila National Forest and the South Fork of Bonito Creek in the Lincoln National Forest) where you are not able to consider them for catch-and-release (Red Chile Waters). A “Green Chile” designation would be preferable option for those proposed for the “X-mas Waters” designation. We also recommend the entire Gilita Creek (upstream of Snow Creek to the headwaters) be designated as “Green Chile” rather than “X-mas.”
- Regardless of their final classifications, we recommend that Mineral Creek, Whitewater Creek, and Las Animas Creek be closed to angling until the native trout populations are sustainably established, that is, with multiple age classes and annual recruitment documented. Once establishment is documented these native trout waters should be “Red Chile” streams. If not “Red Chile”, then “Green Chile”, but not “X-mas”.
- We support reducing bag limits from three to two fish in the proposed “X-mas Waters” regulations for the Rio Chama, Rio Grande, and Rio Ruidoso. As stated above we would prefer the Red River below the hatchery to be designated as “Red Chile Water” with catch and release only.

Again thank you for the opportunity to comment on the proposed STW regulations. We also appreciated the presentations by NMGF staff to our chapters on the proposed regulations. We know these proposed changes will present the Department with many logistical and

enforcement challenges. As a result, all our suggestions may not be easily implemented. We look forward to the opportunity to meet with you to discuss our comments and any changes to the proposed regulations.

If you have any questions, need any additional information or would like to meet with TJNM representatives, please contact Patty Sciarrotta at [REDACTED]

Sincerely,



Art Vollmer
Chairman
Trout Unlimited New Mexico Council

New Mexico Council Members

- Thom Cole, Truchas Chapter President
- Patty Sciarrotta, Truchas Chapter
- Denise Stalzer, Truchas Chapter
- John Lopez, Truchas Chapter
- Arnold Atkins, Truchas Chapter
- Michelle Briscoe, Bosque Chapter President
- Seth Nodleman, Bosque Chapter
- Jeremy Vesbach, Bosque Chapter
- Jeff Arterburn, Gila-Rio Grande Chapter President
- Brad Schuster, Gila-Rio Grande Chapter
- Tom Harper, Enchanted Circle Chapter President
- Bill Adkison, Enchanted Circle Chapter



October 11, 2017

New Mexico Department of Game & Fish

[REDACTED]
DGF-FisheriesRule@state.nm.us

Subject: Comments on Proposed Special Trout Waters Regulations

This letter presents comments and suggestions from the Trout Unlimited New Mexico Council (TUNM) on the draft final version of the fisheries rule (19.31.4 NMAC) being proposed by the New Mexico Game and Fish Department (NMGF) for consideration by the New Mexico Game Commission. For the most part, these comments are limited to the proposed changes to the Special Trout Waters (STW) regulations.

In general, TUNM favors the proposed expansion of STWs in New Mexico, especially the proposed regulations that provide for either catch and release of native trout or reduced bag and possession limits where trout may be harvested. We believe these regulations will lead to enhancement of wild trout populations by reducing mortality of trout when coupled with the proposed tackle restrictions and reduced bag limits. Furthermore, we support to proposed regulations allowing unlimited take of non-native trout where viable populations of native trout exist. This should reduce competitive pressure on native trout from non-native trout.

TUNM has the following specific comments and suggestions:

- We find the STW maps on your website very helpful, and encourage you to make them available online, if not in the proclamation itself, once the revised rule is finalized. We also really like the table format proposed for identifying STW in 19.31.4.11.A(4)(a) NMAC. It is much more user friendly than the old paragraph format and hope it stays in the final version.
- Where regulations provide for catch-and-release of native and unlimited take of non-native trout, we are concerned about the ability (and possibly willingness) of anglers to distinguish between native and non-native trout. In addition to the restrictions laid out in the regulations themselves, both paper and online versions, online maps such as the ones accompanying these proposed STW regulations should be made available, preferably even with more detail. Increased and improved signage will be critical if these proposed regulations are going to be most effective. One option would be well-placed permanent signs with instructions on differentiating native from non-native species at major stream

Trout Unlimited New Mexico Council [REDACTED]

access points and trailheads. Another option would be paper signs not only available but prominently displayed everywhere licenses are sold, at trailheads where permanent signs are not practical or cost effective. Both education and signage (permanent and temporary) will be important and so will enforcement. TUNM is willing to help NMGF and land managers with this effort.

- We recommend reclassifying Willow Creek and Little Turkey Creek in Catron County as catch and release for native trout with unlimited take of non-native trout from the Wilderness boundary upstream to their headwaters.
- Looking ahead to the future restoration of native trout to Frijoles Creek in Sandoval County, we recommend that this entire stream be classified as catch and release similar to what is proposed for nearby Capulin Creek.
- TUNM supports the bag limit reduction from three to two fish for the Red River below the foot bridge at the hatchery and the Rio Chama from the U.S 84 bridge to Abiquiu Dam. However, we are also aware that there is considerable interest in making both these reaches catch and release waters. We would like to talk with Fisheries staff to understand why the Department is unwilling to consider catch and release at this time. Furthermore, we would prefer to see tackle restrictions, i.e., barbless lures and flies, added for the lower Red River.
- TUNM does not support dropping the Rio Grande from Taos Junction Bridge upstream to the state line from STW designation. We would like the bag limit in this reach reduced from three trout to two, with any legal bait or tackle, as originally proposed by the Department in June.
- TUNM again suggests classifying the entire length of the Rio Valdez from its confluence with the Rio Mora to its headwaters as catch-and-release for native trout and unlimited take of non-native trout. This might allow native trout to gain a stronger foothold in the lower Valdez even though there is not a barrier in the lower section to non-native trout movement up from the Rio Mora.

TUNM appreciated the presentations by NMGF staff to our chapters on the proposed regulations. We look forward to the opportunity to meet with you to discuss our comments and any changes to the proposed regulations. If you have any questions, need any additional information or would like to meet with TUNM representatives, please contact me.

Sincerely,



Art Vollmer
Chairman
Trout Unlimited New Mexico Council



Patten, Kirk, DGF

From: Dalessandro, Laurence, DGF
Sent: Friday, March 03, 2017 11:25 AM
To: [REDACTED]
Subject: STW

Hey Doc,

I'm wondering if your chapter has any time at its next meeting to fit me in for 30 minutes or so to talk informally with you all about some of the ideas NMDGF has for our Special Trout Waters? Please let me know when you get a chance.

Hope all is well,
Thanks!

LD



Laurence D'Alessandro
Coldwater Fisheries Biologist
New Mexico Department of Game and Fish

CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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Patten, Kirk, DGF

From: Frey, Eric, DGF
Sent: Thursday, September 07, 2017 3:27 PM
To: Dalessandro, Laurence, DGF
Cc: Patten, Kirk, DGF
Subject: Taos public meeting synopsis for file

Laurence,

As you are aware we hosted a public meeting in Taos on September 6 at 6:00 PM to solicit comments on our proposed fishing regulation changes. We only had one participant that was supportive of our Special Trout Water and other proposed changes. He requested NMDGF do a better job posting the STWs especially with the new changes. No other comments were received and the meeting was adjourned at about 7:00 PM.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish

CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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Fisheries Public Meeting Summaries

Navajo Dam 8/29/2017

Host(s): Richard Hansen and Marc Wethington

A public meeting was held in Navajo Dam, NM on August 29th to discuss fisheries rule changes. Ten people were in attendance. Comments were submitted as follows:

- More law enforcement needed, slot limit recommended for bait waters
- More restrictions on out of state guides, slot limit on bait water, stop pegging eggs
- Slot limit for bait water section. More law enforcement needed.
- Slot limit needed in bait waters with reduced bag limit.
- Slot limit on bait waters
- New regulations regarding number of flies per line allowed, reduced bag limit throughout lower river stretches.
- One fish bag limit in quality waters 18" or longer.
- Bead regulations needed, only two flies should be allowed. Add stretch to Hammond Tract to STW.
- Define snagging and pegging beads better to confirm legality.
- Reduced bag limit needed in bait section from quality water to Hammond Tract. Molded rubber needed definition in rule book. Pegging beads and rubber worms are as a snagging method and should be illegal. Using any attractor that is not a fly or tied onto a hook should be illegal.

Farminqton 8/30/2017

Host(s): Richard Hansen and Marc Wethington

A public meeting was held in Farmington, NM on August 30, 2017 to discuss fisheries rule changes. Five people were in attendance. Comments were submitted as follows:

- Better definition of "pegging" needed.
- Snagging is pegging
- Bait water needs a two fish limit.
- Keep 1 fish 18" or longer in quality waters

Santa Fe 9/5/2017

Host(s): Mike Sloane, Kirk Patten, and Laurence D'Alessandro

A public meeting was held in Santa Fe, NM on August 29, 2017 to discuss fisheries rule changes. Four people were in attendance. No formal comments were submitted during the meeting, but discussion of proposed changes showed all in favor of proposals. Some law enforcement issues were brought up, including need for more presence on STW's. Trophy bass waters concept was appreciated, and need for helping the public identify the difference between Trout species was also discussed. Ideas included more

signs or a YouTube video. Comments were submitted earlier in the year by some of the attendees present for this meeting via email and are documented on the comments table.

Silver City 9/6/2017 6:00PM

Host(s): Jill Wick and Mike Sloane

There was a public meeting in Silver City, NM on September 6 to discuss the fish rule proposal. Six people attended the meeting. No written comments were submitted. There were no comments made regarding the Special Trout Water proposal other than general support. The primary comments were regarding the Trophy Bass Waters. Four of the six attendees strongly supported establishing these waters (the other two attendees offered no comment). The supporters also strongly supported prohibiting spearfishing in these waters. One attendee suggested making Bill Evans catch and release for a couple of years and another attendee supported this suggestion. Unrelated to the rules, additional law enforcement effort, particularly at Bill Evans, was requested. The meeting lasted about one hour.

Taos 9/6/2017

Host(s): Eric Frey and Laurence D'Alessandro

A public meeting was hosted in Taos, NM on September 6, 2017 at 6:00 PM to solicit comments on our proposed fishing regulation changes. We only had one participant that was supportive of our Special Trout Water and other proposed changes. He requested NMDGF do a better job posting the STWs especially with the new changes. No other comments were received and the meeting was adjourned at about 7:00 PM.

Roswell 9/6/2017

Host(s): Shawn Denny

A public meeting was held in Roswell, NM on September 6, 2017 at 6:00PM. Seven people were in attendance. The only real recommendation was from Mr. Stites. He would like to see seniors (catch and release only) added to The Spring River Park pond. He has had contact with the City of Roswell and is trying to work out their concerns and support. He agreed that just opening it to Seniors was not reasonable but he would like to make it easier for adults/ seniors to help teach kids without the risk of getting a citation for fishing in the kids pond (he received a citation back in May, long story that I heard several times). Some type of addition for this may be warranted. I am not sure how it should be structured but some allowances for these types of situations may be warranted around the state. It might help with the mentoring/ reactivating goals in I and E. There were a few questions about Brantley. Most seemed to support the change to allow fish to be kept. One individual had concerns over allowing harvest on largemouth bass. I explained my concerns about the food base and fish condition and he seemed content with my explanation.

There were several other issues brought up as complaints/ questions:

- Timberon ponds- When will it be stocked, with what, etc.
- Lack of stocking in SE NM.
- Bonito Lake- When will it be open etc.
- Bob Crosby Open Gate-trash, driving in rivers, etc.
- No one wanted to enter a written comment. They were informed that they could still leave comments on the web site.

Las Cruces 9/7/2017 6:00PM

Host(s): Kevin Gardner

A public meeting was held in Las Cruces, NM on September 7, 2017 at 6:00PM. We had three attendees. The major discussion was over the spearfishing regulation change. The concerned party is an avid diver and spear gun enthusiast. He would like us to reconsider removing spear guns as a legal manner and method. His point was valid in that the 2 fish limit for anglers should be no different than for spear fishermen. Another suggestion was to increase the length limit at the trophy waters to 21 inches instead of 14. The other 2 comments that we received were not pertinent to the purpose of the meeting but are submitted as well. They had to do with changing the bass management of Conchas Lake to trophy status and encouraging increased law enforcement on the Rio Grande below Caballo when the water is shut off.

Albuquerque 9/7/2017

Host(s): Mike Sloane and Laurence D'Alessandro

A public meeting was held in Albuquerque, NM on September 7, 2017 to discuss fisheries rule changes. One person was in attendance. No comments were submitted.

Other presentations given by NMDGF:

1. STW proposed rule changes: Truchas Chapter, Trout Unlimited. Pecos Trail Inn restaurant, Santa Fe NM. March 8, 2017.
2. STW proposed rule changes: Bosque Chapter, trout Unlimited. Ponderosa Brewing Co, Albuquerque NM. March 27, 2017.
3. STW proposed rule changes: Gila/Rio Grande Chapter, Trout Unlimited. NMDGF SW Area office, Las Cruces NM. April 10, 2017.
4. STW proposed rule changes: Upper Pecos Watershed Association. UPWA office, Pecos NM. May 11, 2017
5. STW proposed rule changes: Los Merced de Los Pueblos de Tierra Amarilla. Los Pastores Mercantile store, Los Ojos NM. May 21, 2017
6. STW proposed rule changes: Taos Fly shop. Taos NM.
7. STW proposed rule changes presented at the spring 2017 Field Operations administrative area meetings.

Notes from Family Fun Mtg 8/30/17

"pegging" better definition
of snaggling is - pegging
beads a snaggling method.

"
STW ball wates "

2 fish limit

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: Aug 30 Location: Farmington

Comment: Define snagging better and what angling is to help
place poaching heads as a legal way of fishing in STWs. Ask
the state for more funding.

Comments can also be submitted by e-mail at DGFFisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8-30-2017 Location: FARMINGTON, N.M.

Comment: I would love to comment on some of
the special trout regulations. Unfortunately there
was no change regarding Bears. Please review!
It seems to me that lit is a Suggesting for and
net at all healthy for the Sawtooth, especially the quality
waters! As a special place, and only two flies should be allowed

I am in favor of the new special trout water
regulations. I would love to see the Sawtooth River
included, below. Chutcher has to be removed take out

Thank You

Comments can also be submitted by e-mail at DGf-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8-30-17 Location: Farmington

Comment: Keep 1 Fish on San Juan Quality waters
18 lb bag or better!

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8/7/2017 Location: [REDACTED]
Name: Michael LaFeune

Comment: Would like to see SPEARFISHING still
allowed in Trophy BASS WATERS if you are
allowed to take 2 fish, if it was catch
and release i could understand that my suggestion
would be to close BASS fishing during
SPAWN SEASON.

Comments can also be submitted by e-mail at [DGF-FisheriesRule@state.nm.us](mailto: DGF-FisheriesRule@state.nm.us).
• More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: _____ Location: _____
Name: _____

Comment: _____

Comments can also be submitted by e-mail at [DGF-FisheriesRule@state.nm.us](mailto: DGF-FisheriesRule@state.nm.us).
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: SEPT 7, 2017 Location: [REDACTED]

Name: KEN J.J. LAPRESTO

Comment: KEEP TROPHY BASS FOR MOUNTING THAT ARE
OVER 21".

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: _____ Location: _____

Name: _____

Comment: _____

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: September 7, 2017 Location: [REDACTED]
Name: _____

Comment: Conchas Reservoir as a Trophy Bass Lake.
Fishing reports continually report 4lb + smallmouths and
5-6 + largemouth Bass!

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: September 7, 2017 Location: [REDACTED]
Name: _____

Comment: More Wardens patrolling the Rio Grande
from Below Caballo Dam to ~~the~~ the Hatch
area. I have witnessed numerous violations while fishing
this stretch of the Rio Grande.

- Snagging of game fish
- Taking more than the legal limit (largemouths, whites etc.)

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules

Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8/7/2017 Location: [REDACTED]

Name: Michael Caferone

Comment: Would like to see spearfishing still
allowed in trophy bass waters if you are
allowed to take 2 fish, if it was catch
and release i could understand that my suggestion
would be to close bass fishing during
spawn season.

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules

Public Meeting to Present and Seek Comments on Proposed Changes

Date: _____ Location: _____

Name: _____

Comment: _____




Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules

Public Meeting to Present and Seek Comments on Proposed Changes

Date/Time: September 7, 2017 Location:  GTF Area Office
6:00 PM - 8:00 PM

List of Attendees

Name	Contact Information (email, mailing address, or phone number)
Mike LaFERRE	
LEN La PRESTO	
Edward J. ENRIQUEZ	

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: September 7, 2017 Location: [REDACTED]
Name: _____

Comment: Conchas Reservoir as a Trophy Bass Lake.
Fishing reports continually report 4lb + Smallmouths and
5-6 + Largemouth Bass!

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: September 7, 2017 Location: Las Cruces, NM
Name: _____

Comment: More Wardens patrolling the Rio Grande
from Below Caballo Dam to ~~the~~ the Hatch
area. I have witnessed numerous violations while fishing
this stretch of the Rio Grande.

- Snagging of game fish
- Taking more than the legal limit (largemouths, whites etc.)

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: SEPT 7, 2017 Location: [REDACTED]

Name: KEN J.J. LAPRESTO

Comment: KEEP TROPHY BASS FOR MOUNTING THAT ARE
OVER 21".

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: _____ Location: _____

Name: _____

Comment: _____

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

**Fisheries and Manner and Method Rules
 Public Meeting to Present and Seek Comments on Proposed Changes**

Date/Time: September 7, 2017 Location: [Redacted] GTF Area Office
6:00 PM - 8:00 PM

List of Attendees

Name	Contact Information (email, mailing address, or phone number)
Mike LeFEVRE	[Redacted]
LEN Lo PRESTO	
Edward J. ENRIQUEZ	

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: 8-29-17 Location _____

(Quality Waters)
Lower River

Comment: Reqs need to be put on a limit based on flies
of ~~attached~~ attractors attached to a line. The rules as of
now are two flies ~~set~~ only but yet a person can put
several objects on the line to draw the fish in. It's
unfair to the fish and they end up paying the price.
There are too many people that fish this river to allow this
kind of behavior. The Quality Waters are too special to
ignore this. It's something that can be ~~set~~ fixed very
easy, it should be two flies period no other attachments.

Reducing Day limit all thru the lower river.

Comments can also be submitted by e-mail at DG-FisheriesRule@state.nm.us.

More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8/29/17 Location: [REDACTED]

Comment: Would love to see a slot limit throughout
B&E waters on the San Juan River

* Allow State Park Employees allowed to write tickets on
the waters.

Comments can also be submitted by e-mail at DGF-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

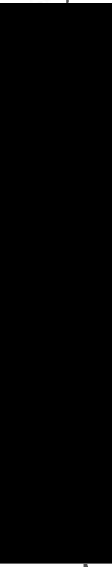
**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date: 8-29-17 Location: [REDACTED]

Comment: A slot limit in the back section and a reduced bag limit would greatly increase the fish quality and numbers in that stretch of the river.

Comments can also be submitted by e-mail at DGf-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the "Commission" tab under "Proposals Under Consideration".

Fisheries and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes



Date: 08/28/2017 Location: _____

Comment: Spot limit for heif water section San Juan River
Asign a permit. All game warden to enforce
fishing rules. more enforcement
licensed in San Juan Country

Comments can also be submitted by e-mail at DG-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8-29-17 Location: [Redacted]

Comment: More restrictions on out of state
Guides. , Slot limit on bait water
, Stop pegging eggs-

Comments can also be submitted by e-mail at DGf-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8/29/2017 Location: [REDACTED]

Comment: Purpose Set Limit in Bait Waters
Some Saw Improvement in Quality water is
needed - we hope and these guys

Comments can also be submitted by e-mail at DGf-FisheriesRule@state.nm.us.
More information on proposed changes can be found at www.wildlife.state.nm.us on the
"Commission" tab under "Proposals Under Consideration".

Fisheries and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date: 8-29-17 Location: [REDACTED]

Comment: BEING A 30 TO 40 MINUTE DUCKAIR FISHERY
RUB I FEEL NEED TO BE CHANGED.

1) BAG LIMIT REDUCED TO 2 FISH IN THE BAIT SECTION
FROM QUALITY WATER TO HAMMOND.

2) MOLDED RUBBER NEEDS TO BE DEFINED IN THE REGULATIONS

3) PEGGING BEADS & RUBBER WORMS IS A SHAGGAL
METHOD AND SHOULD BE ILLEGAL.

4) USING ANY ATTRACTOR THAT IS NOT A FLY OR
TIED ON HOOK SHOULD BE ILLEGAL.

Comments can also be submitted by e-mail at DGFFisheriesRule@state.nm.us.

More information on proposed changes can be found at www.wildlife.state.nm.us on the

"Commission" tab under "Proposals Under Consideration".

Notes from King's Dam MTB 8/29/17

1 Lack of law enforcement
Why river has no warden
specific to the river

2 Reduce bag limit in
bait water

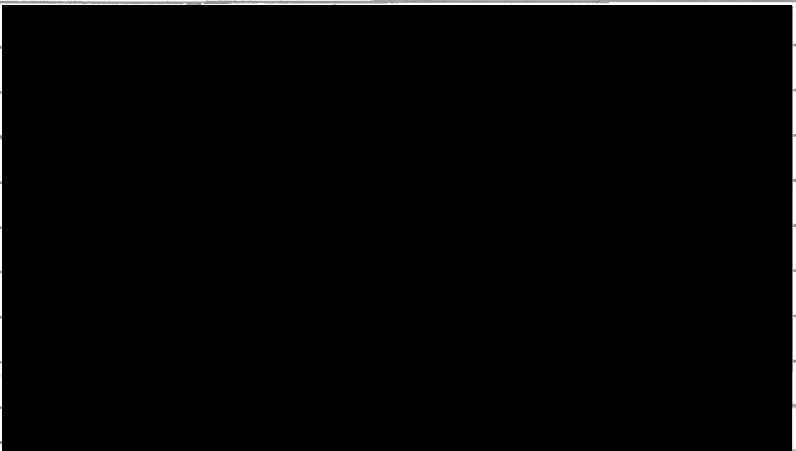
4 better definition in
proc about molder
rubber

5 Are pegging beads legal
"should not be allowed"
7 not legal hate beads
2 liked bead

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date/Time: 8/29/17 Location: 

List of Attendees

Name	Contact Information (email, mailing address, or phone number)
Chris Taylor	
Jeff Massery	
Scott S. A.	
Mark Marshall	
Harmon Johnston	
David Archuleta	
John Spears	
Thomas Smith	
Nathan D. Jucun	
W. J. [unclear]	

Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes

Date/Time: 9-6-17 Location: [Redacted]

List of Attendees

Name	Contact Information (email, mailing address, or phone number)
Bill & Amy Slites	[Redacted]
MIKE DUKAKIS	[Redacted]
James Collins	[Redacted]
Dawnie Hartford	[Redacted]
Curtis Gillin	[Redacted]
Mark Pantuso	[Redacted]
Jose Zavala	[Redacted]

9/5/17

Publn Meeting

Santa Fe

- Interest in Brantley Lake Advisory
 - ↳ why did it decline, - better data
- ^{Lower} Real Risk - Local Support essential to go catch & release
 - not a game change for T.U.
 - near CR of unlimited harvest areas
- Video, Synge, Community based support for RGT (Nostalgia)
- T. Mitchell - Look great to me.
All others shook heads.
- 15:11 - Like concept of Bass trophy water
 - Speartish / Bowfishing prohibition - good in trophy water

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date/Time: 9/5/17 6-8 p.m. Location: [REDACTED]


List of Attendees

Name	Contact Information (email, mailing address, or phone number)
JOHN HANASACK	[REDACTED]
Thomas M. Lowell	[REDACTED]
NICK ISAPATSA	[REDACTED]
Bill Zenger	[REDACTED]

**Fisheries and Manner and Method Rules
Public Meeting to Present and Seek Comments on Proposed Changes**

Date/Time: 9/6/17 6:00-8:00 Location: 

List of Attendees

Name	Contact Information (email, mailing address, or phone number)
LEN LO PRESTO	
Ron Rojas	
MARTIN SERNA	
MICHAEL DUNN	
RONALD HENDERSON	
Tom Hines	

Taos - Public Meeting Sept 6, 2017 6pm-7pm

- Comment to post STWS better
- Upper Red River needs better sign
- Cimarron River - STW on lower reach just upstream of Ute Creek
- Meeting concluded at 7PM since only one person attended.

Commenter Name/Org.	Comment identified	Response to Comment
Trout Unlimited New Mexico Council	Comment 1- In general, TUNM favors expanding STW's in New Mexico, especially catch and release waters. We believe it is important to enhance populations of native trout.	Thank you for your comment. We received significant public support regarding the new proposed rule changes and simplification of our Special Trout Waters throughout the state of NM.
	Comment 2- For catch and release native waters, we are concerned about the ability of anglers to correctly identify fish species. Increased signage and knowledge about differentiating between species would be helpful. TUNM would be interested in helping with this effort.	The Department has discussed this, and is working on a way to get information out to anglers. Possibly a YouTube video about Trout species in NM as well as signage. Thank you for your willingness to help with NMDGF efforts.
	Comment 3- STW stopping and starting points should be obvious and easily identifiable. TUNM would like to help in identifying these places.	This is a valid point, and has been internally discussed. We plan to have readily identifiable points for STW's, using landmarks and map locations that should be obvious.
	Comment 4- The only southern NM stream proposed as "Red Chile Waters" is Black Canyon above the fish barrier, which is a designated Gila trout angling stream. We recommend reclassifying Willow Creek above the fish barrier from an "X-mas" water (two trout, any length, any legal bait or tackle) to a "Red Chile" water too. Both Black Canyon and Willow Creek are accessible by road, and both have barriers constructed to prevent non-native trout movement into reaches restored for Gila trout. We think it makes sense to classify them in the same category instead of two different categories as currently proposed. An alternative for Willow Creek above the barrier might be to have no harvest of natives in Little Turkey Creek and Willow Creek above the private land parcel ("Red Chile") while still allowing a 2-fish limit with tackle restrictions along the reach of Willow Creek that parallels the road ("Green Chile"). In each case, allow unlimited take	This regulation is based on a Management Plan developed by the Department, approved by the US Fish and Wildlife Service, and in alignment with the direction in the 4d rule for Gila Trout recovery. The intent is to continue to provide angling opportunity in the area and garner support for further restoration efforts. The Department is committed to monitoring these populations to identify any negative effects caused by angling and to, if necessary, pursue regulations to address any concerns.

	<p>of non-natives above the barrier. Also, the reason given for recommendations for Gilita, Willow, and Mineral creeks is ‘USFWS Agreement’. Does this mean USFWS recommend “X-mas” regulations for these streams?</p>	
	<p>Comment 5- Add Tanques to the list of catch and release waters under Red Chile designation.</p>	<p>Your suggested addition of Tanques Creek in the San Antonio watershed was added to the Red Chile designation.</p>
	<p>Comment 6- Looking ahead to the future with hope that the restoration of native trout to Whitewater Creek, the South Fork of Bonito Creek and Frijoles Creek will be successful; we recommend that these streams also be classified as “Red Chile Waters” when fishable populations are established.</p>	<p>This may be an option in the future, once restoration plans are gone through and fishable populations are restored. As for the Gila streams, this regulation is based on a Management Plan developed by the Department, approved by the US Fish and Wildlife Service, and in alignment with the direction in the 4d rule for Gila Trout recovery. The intent is to continue to provide angling opportunity in the area and garner support for further restoration efforts. The Department is committed to monitoring these populations to identify any negative effects caused by angling and to, if necessary, pursue regulations to address any concerns.</p>
	<p>Comment 7- The “Green Chile” table mentions changing regulations on the Red River-Upper. Does this only include the 1-mi reach of the East Fork of the Red River above Goose Creek or a larger reach? Please clarify. Furthermore, we recommend a “Red Chile” designation of catch and release only for the lower Red River (the reach below the hatchery to the confluence with the Rio Grande) rather than the proposed “Green Chile” designation. As you are aware there has been considerable public support for catch and release regulations on this portion of the lower Red River. The newly developed habitat in the lower Red River from the hatchery to the Questa Ranger District offices provides plenty of</p>	<p>The section of the upper Red River we are referring to is from the confluence of goose creek upstream 1 mile. Thank you for the recommendation for the lower Red River, the final decision will be made by the State Game Commission after review of the public’s comments.</p>

	<p>opportunity for those anglers who wish to harvest fish.</p>	
	<p>Comment 8- TUNM strongly supports catch-and-release of native and unlimited take of non-native fish in certain “Red Chile Waters” where non-natives threaten existing populations of native trout. Therefore, we support the proposal to keep Cabresto Creek and the upper Rio Cebolla as catch-and-release for native and unlimited take for non-native trout and expanding these regulations to Columbine Creek, Rito del Padre, Rio de las Vacas, South Fork Rio Hondo and Rio Santa Barbara. Furthermore we suggest reclassifying Rio Valdez from catch-and-release only to catch-and-release for native trout and unlimited take of non-native trout along its entire length to the Rio Mora confluence. This might allow native trout to gain a stronger foothold in the lower Valdez even though there is not a barrier in the lower section to non-native trout movement up from the Rio Mora. We also propose including the upper Rio Chiquito in this same classification of “Red Chile Waters”.</p>	<p>Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
	<p>Comment 9-Currently there are no southern New Mexico streams proposed as “Green Chile Waters” (two trout any length, artificial fly or lure). While not our preferred option for these waters, “Green Chile” category would be a secondary option for southern streams recommended above (Willow, Mineral, Whitewater and Las Animas creeks in Gila National Forest and the South Fork of Bonito Creek in the Lincoln National Forest) where you are not able to consider them for catch-and-release (Red Chile Waters). A “Green Chile” designation would be preferable option for those proposed for the “X-mas Waters” designation. We also recommend the entire Gilita Creek (upstream of Snow Creek to the headwaters) be designated as “Green Chile”</p>	<p>This regulation is based on a Management Plan developed by the Department, approved by the US Fish and Wildlife Service, and in alignment with the direction in the 4d rule for Gila Trout recovery. The intent is to continue to provide angling opportunity in the area and garner support for further restoration efforts. The Department is committed to monitoring these populations to identify any negative effects caused by angling and to, if necessary, pursue regulations to address any concerns.</p>

	rather than "X-mas."	
	<p>Comment 10-Regardless of their final classifications, we recommend that Mineral Creek, Whitewater Creek, and Las Animas Creek be closed to angling until the native trout populations are sustainably established, that is, with multiple age classes and annual recruitment documented. Once establishment is documented these native trout waters should be "Red Chile" streams. If not "Red Chile", then "Green Chile", but not "X-mas".</p>	Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.
	<p>Comment 11-We support reducing bag limits from three to two fish in the proposed "X-mas Waters" regulations for the Rio Chama, Rio Grande, and Rio Ruidoso. As stated above we would prefer the Red River below the hatchery to be designated as "Red Chile Water" with catch and release only.</p>	Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.
Nick Streit/Taos Fly Shop	<p>Comment 12- I like the idea of Red, Green and Xmas, however I think it's still a bit confusing. Mainly because there is no label for "regular" waters. As I was saying at our meeting I really think that the Christmas waters pose a major problem. The idea that people can use bait but only keep two fish worries me as mortality rates are so high when people fish for trout with bait. I would think that Red= c and r, green ="regular water" and Christmas is 2 fish artificial only. It's my opinion that if we care enough about the waters to limit it to a 2 fish take we should be considering the high impact of bait fishing on those waters.</p> <p>I talked with Daniel, the manager at Cimmaron State Park, and he agreed that from both a management and enforcement standpoint making the catch and release water extend through Tolby campground would be a great idea. I also think that this would really give trout in that reach the stronghold they need to start gaining some size. That little creek can grow some pretty</p>	Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.

	<p>big fish and of course its biggest challenge is low winter flows. But over the years it always pains me when I see big browns (20+ inches) spawning in Tolby campground knowing their days are numbered there! There are a lot of other good camp sites and maverick campground for anybody looking to keep fish.</p> <p>I would really like to see the lower red river become catch and release. But I think we need to get the local community in agreement on this topic as much as possible. If it was two fish, artificial only, that would be a good start. Especially if we extended those regs to include water in front of hatchery. I'm afraid we did too good of a job with the habitat project there... The fishing pressure at the hatchery is not sustainable in the long run without some kind of regulation change in that area. 10 or 15 years ago, we would catch eight Browns for every two stocked fish in front of the hatchery. Now I rarely see any wild trout caught till we get down in canyon. As a put and take fishery, this works OK but the problem is that if the river is not stocked very consistently the fishing suffers. I think lots of people would like to see the Fishing augmented by stocking, but not necessarily be completely dependent on it.</p>	
<p>Jeff Arterburn/ Gila-Rio Grande TU</p>	<p>Comment 13-Thank you for the opportunity to comment on the angling regulation changes as described in Special Trout Water proposal during Fisheries Rule review. My comments will be focused on the waters in southern New Mexico, and I am writing to express both my individual perspective based on more than 25 years fishing here and also as the President of the Gila/Rio Grande Chapter of Trout Unlimited based in Las Cruces with 148 members. I appreciate the style in which special regulation waters are categorized with "New Mexico flavor". Considering the southern NM "Red Chili Waters" (catch & release, artificial fly or lure): the only stream represented is Black Canyon above the fish barrier which is a designated Gila Trout angling stream. I would like to recommend that you also consider reclassification of Willow Creek in Catron County above the fish barrier as a "Red Chili" water. Both Black Canyon and Willow Creek are accessible by road, and</p>	<p>Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

	<p>both have barriers constructed to prevent non-native introgression into restored populations of Gila Trout so it makes sense to classify them in the same category rather than the current proposal listing Willow Creek as "X-mas" water. Looking ahead to the future with hope that the reintroduction of Rio Grande Cutthroat Trout into Las Animas Creek and the South Fork of Bonito Creek will be successful, I would recommend that these streams also be classified as a Red Chili waters when fishable populations are established. I am in support of the plan to allow unlimited take on brown trout in the cutthroat and Gila waters that are included as proposed "X-mas Waters" (two trout any length, any legal bait or tackle), and have some specific suggestions for the following streams in southern NM. I recommend the addition of two other southern NM streams as Xmas waters: Sapillo Creek downstream of NM-15 road crossing, and the section of Black Canyon below the fish barrier to the East Fork of the Gila. Both of these streams now have a 5-trout limit, yet they are receiving recreational stocking of Gila Trout and are developing into productive fisheries that should be considered for special designation. This would be consistent with the already proposed inclusion of Gilita Creek in this X-mas category, which is located downstream of the Willow Creek barrier and receives recreational stocking of Gila Trout. This would also be consistent with the other proposed streams with this designation including Mineral Creek and Whitewater creek.</p> <p>Considering the proposed "Green Chili Waters" (two trout any length, artificial fly or lure): there are no southern NM streams in this category, and this would category be a secondary option for streams recommended above where you are not able to consider as catch & release (Red Chili), or it would be a preferable option for those in the X-mas designation where artificial fly/lure angling only would be allowed.</p>	
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<p>Joel Gay</p>	<p>Comment 14-I support the proposed changes in STW as outlined on the NMDGF website. I appreciate the simplicity of the proposed system. There are too many variations in bag limits and tackle restrictions now, so putting these special waters into the Red/Green/Christmas categories will help. I also appreciate the idea of reducing the bag limit from 3 to 2 on streams like the lower Red River, where too many fish are being removed now. One change I would suggest is to classify all the streams in San Pedro Parks Wilderness in the same category as the Rio de Las Vacas – catch and release for RGCT, unlimited for non-natives. That would make it easy for anglers to know the rules in that entire area.</p>	<p>Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
<p>Bill Zenger</p>	<p>Comment 15- I canvassed the fly shops right after your meeting with us and all three said you had good ideas but they said it's nothing unless you enforce the regulations. It's the enforcement that's the big thing with them and others that I've mentioned it to. I'm sure you've heard it all ready.</p>	<p>Though most anglers obey regulations, enforcement is a continual challenge. We encourage you to contact Operation Game Thief if you observe a violation of any State Game Commission regulations including Special Trout Waters.</p>
<p>Kory Beckner</p>	<p>Comment 16-I would like to say that Clayton Lake has some of the biggest bass around. Here are a few I have caught and released alive recently. Thanks to the states efforts by stocking trout for them to eat. I like the idea of a two fish limit or no limit at all until numbers increase. I believe the state should stock more bass and more species like spotted and small mouth bass if possible. Clayton Lake has a strong crawdad population as well as trout and bluegill. I appreciate what you guys are doing for conservation and trophy bass waters.</p>	<p>Thank you for your support.</p>
<p>Jeff Young</p>	<p>Comment 17-As an avid fly fisherman for over 25 years in our great state, and a resident and fisherman for 45. This is one of the most innovative and significant changes I have seen proposed by Game and Fish. I am totally for what you are trying to do here. I think it will enhance user friendliness for those who are often confused by the various types of STW. I am also thrilled to see you</p>	<p>Thank you for your support.</p>

	adding additional trout waters to protect the RGCT. You have my upmost respect and support in these changes. Great job and Thank you	
James Varney	Comment 18 -Red River city middle kids' pond: Only individuals with disabilities and those 12 years of age and under younger may fish in Red River city middle kids' pond. Why isn't the age restriction - "Red River city middle kids' pond: Only individuals with disabilities and those 12 years of age and under younger may fish in Red River city middle kids' pond." This would be consistent with other proposed changes. Thanks for taking my input.	Your suggested language for changes in the rules and information booklet has been noted. Thank you for your input.
John Mantis	Comment 19 -I'm in agreement with proposed changes except that the Red River below should become C&R ONLY. Thanks for your consideration...	Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.
Gabriel	Comment 20 -This isn't about upcoming rule changes but is in regard to fishing policies. I have been out numerous times this year. Pecos, Holy ghost, Cow creek, Santa Cruz, and Cochiti. I have not had any luck this year and I do realize it is fishing and it's not a guarantee but I find it ridiculous that it's been so hard for me this year. I mean years past I haven't done great but I'd say good and this year is just crap. It's usually me and girlfriend so our odds are increased we have 2 rod per person stamp/deal but yet nothing i guess my only complaint is the way crazy abundance of other people which is fine but it is the apparent feeling of these places "fished out "or the same people day after day at the same spots that I've seen pulling out more than bag limit of fishmaybe of instead stocking on Tues and Friday which other people know and take gross advantage of randomize the days don't tell people stock on different days ...send the stock report on Fridays or Saturday rather than Tuesday. I'm probably just being a baby but	Thank you for your comments. We hope you continue to fish New Mexico's water and we wish you the best of luck in the future.

	<p>it's frustrating to spend time and money and effortbeing in the outdoors is great but it's always nice to have a few fish to go home and fry up and so far in like 15 or so trips out we've managed to pull in about 5 trout and 1 catfish and many days going home with nothing ...anyways just wanted to share my 2 cents.</p>	
Deanna McCall	<p>Comment 21-I noticed you had Timberon Ponds under Summer Catfish Waters. I was instrumental in working to get these ponds into the State's program, and am assuming you will also stock trout and other species, as was discussed? Also, is there a target date to plant the fish? We have not stocked the pond due to the belief the State would be taking that over.</p>	<p>Thank you for your comments. Please refer to the weekly stocking report for updates on Timberon ponds, or feel free to give the Fisheries Management division a call at your convenience. 505-476-8055</p>
Rick Gonzales	<p>Comment 22-Can you add to the topics of your scheduled meetings my suggestion that fishing permits be effective for one year; from the date of purchase. Annual camping permits are done in this manner and I think fishing permits can be done in this manner also. Thanks.</p>	<p>Thank you for your comment. The annual license year is set by NM state statute and would therefore require legislative action to change.</p>
Ken	<p>Comment 23- Why is there not a meeting in Elephant Butte since it has the largest lake in New Mexico?</p>	<p>Thank you for your comment. The Department tries to accommodate the public by having meetings in locations that are convenient for most people. Meetings for these proposals took place in Farmington, Navajo Dam, Roswell, Taos, Santa Fe, Albuquerque, Silver City, and Las Cruces. Comments may also be submitted electronically via the internet. Attendance at meetings is not required to submit comments.</p>
Milo Chavez	<p>Comment 24-To whom it may concern, let me start by expressing my sincerest gratitude to the NMDGF for their hard work and dedication to the State of New Mexico and to all outdoorsman. I am an avid fly fisherman and practice careful catch and release in all waters I fish. Being a lifelong resident of NM I have seen the decline of our fishing waters, fewer fish, smaller fish, less water, more users. Unfortunately, there are many out there who abuse the resources and just don't seem to care. Conversely, I do run across many who do care and respect</p>	<p>Thank you for your comments and support. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

	<p>our waters. But even one abusive person can inflict much damage by destructive habits such as littering, over-harvesting, graffiti or other behaviors. It would be a huge improvement to stop such idiocy and prosecute these boneheads. I have reviewed the STW proposed changes maps and am in agreement with the changes. I vote we move forward with them all. The idea of going with a New Mexico theme is an ok idea. I personally don't care for the red, green and X-mas designators. These names may not have significance to the non-resident visitors who use our waters. I feel that a more straightforward approach may be in line with our traffic light scheme of red, yellow and green. This scheme is common to us all and we see it everywhere we go. Red – Stop (No keepers, no bait allowed), Yellow – Caution (STW rules apply), Green – go (keep two fish, any legal means of taking). The correlation is easily understood and remembered. That's my input. I will be unavailable to attend any of the meetings. Thanks for the opportunity to express my opinion. Long live NM Fishing!</p>	
<p>Tom Hines</p>	<p>Comment 25-I just reviewed the material that you have provided on proposed changes to regulations and special trout waters. You indicate in one place that there are no proposed changes to Bear Canyon. However, in another place, you indicate that Bear Canyon is to become "winter trout waters" with limited months for fishing. Can you please clarify. I understand that, presently, Bear Canyon is "catch and release" native trout and unlimited take on "non-natives." I hope that summer fishing can continue in this area; it's remote enough that few people fish there anyhow! Thanks. Tom</p>	<p>Thank you for your comments. We are not proposing any changes to Bear Canyon Reservoir. The rule does add the county name but the regulations remain the same (designated as winter trout water and as a regular trout water with statewide limits for all species applying). If you are referencing a creek in another Bear Canyon, again we are not proposing any changes. If you are referencing Black Canyon, there are no changes to current regulation proposed here either (catch and release for Gila Trout, unlimited take for other trout, open July 1 to October 31, and requires a Gila Trout Permit)</p>

<p>Scott Pirtle</p>	<p>Comment 26- I live in Las Cruces, but I have been driving all the way to Carlsbad to fish at Brantley Lake the past several years for one reason – the catch and release restrictions have provided the best bass fishing opportunity in the state of New Mexico! It is not unusual to catch 20-50 bass per day at certain times of the year. Granted, there may be an issue with stunting of fish and I think the application of some very specific and biologically sound slot limits or other restrictions might be a good idea. However, to simply remove all catch and release restrictions is likely to cause a significant detrimental impact on the fishing at this lake within 1-2 years in my opinion. I have no knowledge of what studies NMDGF has done on the bass and white bass populations/densities/forage base, etc... but I would ask the Department to please consider lifting C&R restrictions in a measured and scientifically sound way. I understand the ban was based on chemicals in the water system but the byproduct created a far too unique fishing opportunity for our state and I would hate to see it lost. One only needs to look back through the fishing reports over the past 3 years and you will see ONE lake as the obvious leader for EXCELLENT or GOOD fishing week in and week out – BRANTLEY. The reason is obvious. Please do everything in your power to preserve this as much as possible. Second, regarding trophy bass fishing opportunities at Bill Evans and Lake Roberts. Obviously both of these lakes already have some very large bass in them. These lakes are small and cannot -support large populations of bass, but the opportunity to grow very large fish in the double digit range is unique due to the diet rich in trout – similar to many small lakes in California. Again, very strict restrictions on allowance of any bass to be kept should be considered based on population studies and management in these lakes. Slot limits in conjunction with very limited numbers of fish allowed to be kept (or none at all) could allow these lakes to</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
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<p>Brian Schuch</p>	<p>produce some incredible fish over the next few years, maybe even a new state record. Obviously Bill Evans has proven itself capable. We have so few truly special trophy fishing opportunities in New Mexico. I for one would love to have the chance to catch a double digit bass from one of these small lakes and would gladly take some pictures and let it swim away to be caught again and again over the years. Thank you.</p> <p>Comment 27-Proposing the use of "Red Chile, Green Chile, and X-mas" to indicate three types of Special Trout Waters. As a native New Mexican, I think it's a great idea. Since my childhood, I've loved traditional New Mexico food. I can recite our State Question. The use of colors is a great idea, too. Colors are very symbolic people, and people universally associate certain colors with certain qualities. I have traveled and studied, and I've noticed that red and green in particular are associated with the same qualities across multiple cultures. Your proposed use of "Red Chile" makes perfect sense to me, but I respectfully contend that the other two color schemes be switched around.</p> <p>Here is my logic: I do like your designation of the color red for catch & release waters. To a lot of people, red represents "no," "stop," "restricted," and "prohibited." So, it makes perfect sense to use red to identify waters that are assigned two restrictions:</p> <ul style="list-style-type: none"> (1) no harvesting of fish (a no) (2) restricted tackle (a no) <p>However, the way you associate the other two types of Special Waters with "green" and "X-mas" comes across to me as arbitrary and confusing.</p> <p>I have a simple remedy, which I hope you will consider.</p> <p>I think that you would agree that some very common associations with the color green are "yes," "go," and "permitted." So, I am bewildered that you would suggest "green chile" to indicate Special Trout Waters with one "yes" and one "no":</p> <ul style="list-style-type: none"> •harvest two fish (a yes) 	<p>Thank you for your comments and support. This is an interesting perspective on the three proposed types of STW's. We received significant public comment on our Special Trout Water proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
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	<p>•restricted tackle (a no) To me, waters with one permission and one restriction would be better represented by "X-mas" (green / red). Predictably, I suggest that the color green designate the only Special Trout Waters with two "go's." In those waters, anglers would be allowed two things: (1) harvest two fish (yes) (2) use any legal tackle (yes) I imagine that most people would more easily associate "Green Chile" with "yes / yes" waters, and "X-mas" with "yes –no.</p>	
<p>Len J.J. Lo Presto</p>	<p>Comment 28- I am happy to see that there will be limits set on bass. I fish twice a week at Bill Evans or Lake Roberts and Quemado taking disabled vets with me. We are all catch and release unless it is a catfish. Those are my rules! I almost got a tournament for Bill Evans but when some guy came out there who was retired from the Coast Guard for Bass Pro shops he found not enough fish in the lake. He had a neat sonar device with him that scanned the whole lake. He was at Quemado on Sunday 8/20/17 and told me there were none in there also, just a few Muskie. We lost a lot of fishermen who went to Arizona to fish after they did not even get a bite at Quemado.</p> <p>Quemado is also a large concern and I wish I knew more. I am positive that we must treat Bill Evans different than the others, just too much pressure as a result of positive history. Last week I went to Lake Roberts after the NMSU police got skunked. I still got 12 bass and I am catch and release. You have to learn the lake and you can get all you want, however I still agree that we must have at least a limit of three. Four deputies from Grant and Hidalgo counties; Bart, Bill, Marty and Antonio all informed me that they saw people leaving Bill Evans with at least 40 trout last year each on different days. I have seen people leave Bill Evans with 8" bass myself and it was disgusting. As far as Bill Evans and Quemado are concerned we need a limit of five trout also. This is not necessary at Lake Roberts because people do not know how to fish the</p>	<p>Thank you for your comments and support. Though most anglers obey regulations, enforcement is a continual challenge. We encourage you to contact Operation Game Thief if you observe a violation of any State Game Commission regulations including Special Trout Waters or Bass waters.</p>

	<p>lake and I feel professionally it can handle it. Bear Canyon is now known as a catfish, crappie lake and does not need any limits unless NMG&F stock it with Bass and Trout.</p> <p>If people learn how to fish the Rio Grande there are also plenty of nice catfish and some white bass that are keepers.</p> <p>I spoke to the water biologists at the White Mountain Apache Game & Fish and they feel that we need one hatchery that is not triploid. I know this would be difficult but I was informed that those trout could never get out of those lakes. We could put them in Bill Evans, Brantley, Quemado and the Pecos River South of Loving. Red Buff Lake thrives on our fish anyway. I saw how many trout they had at their four lakes because they did not go triploid and it was encouraging. Also when fishermen see them surface they stick around longer to spend more money in our State.</p> <p>The NMSU Police department caught both Gila and Apache trout in the tributaries that feed the West Fork of the Gila, so we are not getting true Gila there also. If the environmentalists want them to be pure they should tell us how do we get the Apache Trout to stop at the State Line.</p>	
<p>Ryan Seamus Royer</p>	<p>Comment 29- 1.) Why is there a specific start to the snagging season? Old timers have told me that they use to start in September and that was the best time. Last year the fish @ Navajo were already getting soft around October 14. I also have seen large schools of salmon before the official start on October 1. If the state is worried about being able to milk and harvest salmon, I would suggest that certain areas are simply listed as "off limits" much like the marina @ Navajo. I think that it makes more sense to let the fish dictate the season and not the state. 2.) If all the fish are going to die anyway, why implement a limit? I understand that there is an idea of fairness amongst anglers and that all should have an opportunity, but for those who are trying to can and preserve the fish, it only really makes sense in large numbers which means that a) the individual will have more than 24 fish in possession anyway if one were to</p>	<p>Thank you for expressing your thoughts and questions about kokanee regulations. Here are our responses to your questions in order asked: 1.) The State Game Commission established a snagging season to reduce impacts to all game fish resources. Since snagging is not a typical legal means to capture game fish and can be damaging to the fish, establishing a season allows for some control over the method. If there was no snagging season folks could be snagging other game fish year round and causing damage to the resource. We have set a couple of snagging closure areas (Heron Lake and "no wake" areas at Navajo) during the normal season to allow the Department to collect eggs. All other areas are open October 1-December 31. Some of the kokanee get soft by mid-October, but most fish remain in great condition through late November. The State Game Commission adopts the regulations including seasons. To comply with State regulation development rules the regulation</p>

	<p>check the shelves at home, or b) the fish are not being harvested and will simply die with no benefit to the citizens.</p>	<p>approval process takes time (months). This process prohibits the Department from establishing different seasons on short notice. Also, changing the season, based upon the fish and year, creates confusion and inconvenience for anglers that plan for annual snagging trips.2.) We implement limits to evenly distribute fish and opportunity among all anglers. Without limits, even for a fish year class that will die, a few anglers will harvest most of the fish eliminating fairness and opportunity for other anglers.</p>
<p>Unknown sender</p>	<p>Comment 30- The Email Security service has detected content matching a policy violation in the following email that was sent by: ajgriego5@gmail.com on August 26, 2017.</p>	<p>N/A</p>
<p>Jeremiah Spradling/Greg Spradling</p>	<p>Comment 31-I would like to express my concerns regarding the health of the river. I would hope the NM Game and Fish will put some clarification on the bead issue! My thought is that If you are fishing a plastic bead, it should be attached to the hook; otherwise it should be considered a snagging rig! The wording in the proclamation even states that. The San Juan is a special place, it is a very confined section of water and I believe that we need to conserve this special river. Please consider two flies only, no other attractors!</p> <p>I would also like to comment on the new special trout water regulations. Please add the San Juan's Crusher Hole to the Hammond take out on your new xmas bag limit regulations. It would greatly benefit the river</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
<p>Clint Newman</p>	<p>Comment 32- I think the lifting of the Brantley fish catch and release would be great, I would really like to see this happen soon.</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

<p>Gila/Rio Grande TU</p>	<p>Comment 33-We strongly recommend reclassifying the Gilita Creek and tributaries in Catron County as special waters with catch and release restrictions in place for Gila Trout. At a minimum, the tributaries Willow Creek and Little Turkey Creek from the Wilderness boundary upstream to their headwaters should have catch and release regulations. We also believe it would be appropriate to include both Mineral Creek and Whitewater Creek in Catron County as catch and release waters. These streams will hopefully be supporting fishable populations of Gila Trout in the near future, and both of these waters offer an opportunity for anglers seeking an experience featuring solitude that would make them attractive destinations. We are very supportive of the special waters catch & release designation for Rio Las Animas (Animas Creek, Sierra County), Black Canyon (Grant), and Mogollon Creek (Catron, Grant).</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
<p>TUNM</p>	<p>Comment 34-We find the STW maps on your website very helpful, and encourage you to make them available online, if not in the proclamation itself, once the revised rule is finalized. We also really like the table format proposed for identifying STW in 19.31.4.11.A(4)(a) NMAC. It is much more user friendly than the old paragraph format and hope it stays in the final version.</p> <p>Where regulations provide for catch-and-release of native and unlimited take of non-native trout, we are concerned about the ability (and possibly willingness) of anglers to distinguish between native and non-native trout. In addition to the restrictions laid out in the regulations themselves, both paper and online versions, online maps such as the ones accompanying these proposed STW regulations should be made available, preferably even with more detail. Increased and improved signage will be critical if these proposed regulations are going to be most effective. One option would be well-placed permanent signs with instructions on differentiating native from non-native species at major stream access points and trailheads. Another option would be paper signs not only available but prominently displayed everywhere licenses are sold, at trailheads where permanent signs are not</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas. The Fisheries Management Division would be willing discuss any of these topics at any time by calling 505 476 8055.</p>

	<p>practical or cost effective. Both education and signage (permanent and temporary) will be important and so will enforcement. TUNM is willing to help NMGF and land managers with this effort.</p> <p>We recommend reclassifying Willow Creek and Little Turkey Creek in Catron County as catch and release for native trout with unlimited take of non-native trout from the Wilderness boundary upstream to their headwaters.</p> <p>Looking ahead to the future restoration of native trout to Frijoles Creek in Sandoval County, we recommend that this entire stream be classified as catch and release similar to what is proposed for nearby Capulin Creek.</p> <p>TUNM supports the bag limit reduction from three to two fish for the Red River below the foot bridge at the hatchery and the Rio Chama from the U.S 84 bridge to Abiquiu Dam. However, we are also aware that there is considerable interest in making both these reaches catch and release waters. We would like to talk with Fisheries staff to understand why the Department is unwilling to consider catch and release at this time. Furthermore, we would prefer to see tackle restrictions, i.e., barbless lures and flies, added for the lower Red River.</p> <p>TUNM does not support dropping the Rio Grande from Taos Junction Bridge upstream to the state line from STW designation. We would like the bag limit in this reach reduced from three trout to two, with any legal bait or tackle, as originally proposed by the Department in June.</p> <p>TUNM again suggests classifying the entire length of the Rio Valdez from its confluence with the Rio Mora to its headwaters as catch-and-release for native trout and unlimited take of non-native trout. This might allow native trout to gain a stronger foothold in the lower Valdez even though there is not</p>	
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<p>Bill Zenger</p>	<p>Comment 35-I'm pleased with all the changes except that I would like catch and release on the Red river from the foot bridge at the hatchery to the Rio Grande river. I hardly see any bait fisherman down that low because it's hard to fish. I believe that this is a good place to get trophy fishery going. On the Chama river below the Abiquiu dam I'm in favor of two fish limit because there is a lot of pressure and the fish are usually pretty good size.</p> <p>Though I would like to see a catch and release especially Brown trout from the first cattle guard downstream until private property.</p> <p>I also would like Game and Fish to rehab the river from the first cattle guard down until the road turns inland away from river. The rehab work on the Pecos river has been outstanding and would like to see that on the Chama river.</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas. The Fisheries Management Division would be willing discuss any of these topics at any time by calling 505 476 8055.</p>
<p>NM Trout</p>	<p>Comment 36-New Mexico Trout wishes to commend you and your staff for clarifying and simplifying the complex rules, exceptions, and special situations that are reflected in the existing regulations. This should make it easier for anglers to comply with the rules and for G&F staff to enforce them. The table in Section 19.31.4 is much easier to read and understand than the narrative paragraph that it replaces. Explicitly stating in the table that there are no bag limits for rainbow, brown, and brook trout in stream segments that hold Rio Grande cutthroat trout should simplify management and may give RGCT a little advantage in waters where they have to compete with other trout species.</p>	<p>Thank you for your comments and support. We hope you continue to fish New Mexico's water and we wish you the best of luck in the future.</p>
<p>Toner Mitchell/TU</p>	<p>Comment 37-To protect and improve recreational fishing in the Questa area, I believe it is important to reduce trout mortality on a 4-mile stretch of the Red from the state fish hatchery to its confluence with the Rio Grande. Therefore, I endorse DGF's proposed bag reduction from 3 trout to 2, with the caveat that gear be restricted to artificial lures and flies only. Bait should not be allowed, due to the all but certain fish mortality it causes in released fish.</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

<p>Robert Rhoades</p>	<p>Comment 38- (Based on Brantley Lake) I will state I have trouble agreeing with this decision unless the public is presented evidence that the original hazard that the rule was instated for has been alleviated and samples show that current samples meet safety standards that the original samples did not. I have not been opposed to the restriction. I think we should not remove it from the rule without the data being provided to the public to support the removal of this restriction. To remove the rule because of pressure and not sound data would not be appropriate.</p>	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
<p>Comments discussed/submitted during public meeting- Albuquerque</p>	<p>No comments were formally submitted at this meeting, but discussions about STW proposed changes showed everyone in attendance to be in favor of these proposals.</p>	<p>N/A</p>
<p>Comments discussed/submitted during public meeting- Taos</p>	<ul style="list-style-type: none"> • Better signage at STW's • Increase STW on Cimarron river just upstream of Ute Creek 	<p>Thank you for your comments. The Department plans to put new signs in STW areas as soon as possible. Your comment about the Cimarron River has been noted and will be reviewed by the State Game Commission.</p>
<p>Comments discussed/submitted during public meeting- Navajo Dam</p>	<ul style="list-style-type: none"> • More law enforcement needed, slot limit recommended for bait waters • More restrictions on out of state guides, slot limit on bait water, stop pegging eggs • Slot limit for bait water section. More law enforcement needed. • Slot limit needed in bait waters with reduced bag limit. • Slot limit on bait waters • New regulations regarding number of flies per line allowed, reduced bag limit throughout lower river stretches. • One fish bag limit in quality waters 18" or longer. • Bead regulations needed, only two flies should be allowed. Add stretch 	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

	<p>to Hammond Tract to STW.</p> <ul style="list-style-type: none"> • Define snagging and pegging beads better to confirm legality. • Reduced bag limit needed in bait section from quality water to Hammond Tract. Molded rubber needed definition in rule book. Pegging beads and rubber worms are as a snagging method and should be illegal. Using any attractor that is not a fly or tied onto a hook should be illegal. • Better definition of “pegging” needed. • Snagging is pegging • Bait water needs a two fish limit. • Keep 1 fish 18” or longer in quality waters 	
<p>Comments discussed/submitted during public meeting- Roswell</p>	<ul style="list-style-type: none"> • Timberon ponds- When will it be stocked, with what, etc. • Lack of stocking in SE NM. • Bonito Lake- When will it be open etc. • Bob Crosby Open Gate-trash, driving in rivers, etc. • No one wanted to enter a written comment. They were informed that they could still leave comments on the web site. 	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>
<p>Comments discussed/submitted during public meeting- Farmington</p>	<ul style="list-style-type: none"> • Better definition of “pegging” needed. • Snagging is pegging • Bait water needs a two fish limit. • Keep 1 fish 18” or longer in quality waters 	<p>Thank you for your comments and support. We received significant public comment on our fisheries rule change proposals and will seek State Game Commission approval for appropriate regulations in these areas.</p>

Comments discussed/submitted during public meeting-Santa Fe	No comments were formally submitted at this meeting, but discussions about STW proposed changes showed everyone in attendance to be in favor of these proposals.	N/A
Comments discussed/submitted during public meeting-Las Cruces	No comments were formally submitted at this meeting, but discussions about STW proposed changes showed everyone in attendance to be in favor of these proposals.	N/A
Comments discussed/submitted during public meeting-Silver City	No comments were formally submitted at this meeting, but discussions about STW proposed changes showed everyone in attendance to be in favor of these proposals.	N/A

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New Amendment Repeal Repeal/Replace Renumber Emergency

Title number: Title name:

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Amendment Description (If filing an Amendment): Amendment's NMAC Citation (If filing an Amendment):

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Concise Explanatory Statement for rulemaking adoption:

Notice date(s): Hearing date(s): Rule Adoption date: Rule Effective date:

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name: Check if authority has been delegated:
Title:
Signature: (BLACK ink only) Date signed:

Initial proposed rule

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 4 FISHERIES

19.31.4.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.4.1 NMAC - Rp, 19.31.4.1 NMAC, 12-15-2016]

19.31.4.2 SCOPE: Sportfishing. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 30 through 34 of Title 19 NMAC.
[19.31.4.2 NMAC - Rp, 19.31.4.2 NMAC, 12-15-2016]

19.31.4.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26, and 17-2-1 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 and all other acts pertaining to protected species.
[19.31.4.3 NMAC - Rp, 19.31.4.3 NMAC, 12-15-2016]

19.31.4.4 DURATION: April 1, ~~2017~~ 2018 through March 31, ~~2018-2022~~.
[19.31.4.4 NMAC - Rp, 19.31.4.4 NMAC, 12-15-2016]

19.31.4.5 EFFECTIVE DATE: April 1, ~~2017~~2018, unless a later date is cited at the end of a section.
[19.31.4.5 NMAC - Rp, 19.31.4.5 NMAC, 12-15-2016]

19.31.4.6 OBJECTIVE: Establishing open seasons, bag limits, and other rules pertaining to management and harvest of the fisheries resources of New Mexico.
[19.31.4.6 NMAC - Rp, 19.31.4.6 NMAC, 12-15-2016]

19.31.4.7 DEFINITIONS: Specific terms as used in this regulation are defined.

~~_____~~ **A. Boundary descriptions**

~~_____~~ (1) "U.S.", as used in boundary descriptions herein, shall mean United States highway.

~~_____~~ (2) "N.M.", as used in boundary descriptions herein, shall mean New Mexico state road.

~~_____~~ (3) "I", as used in boundary descriptions herein, shall mean interstate highway.

~~_____~~ **B. "Daylight hours" shall mean from one half hour before sunrise to sunset.**

~~_____~~ **C. "Barbless lure or fly" shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto a hook to resemble or simulate insects, bait fish, or other foods. A fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.**

~~_____~~ **D. "Chum" as used herein, is organic material that is not injurious to aquatic life and is used to attract fish.**

~~_____~~ **E. "Snagging" as used herein, is the intentional taking of fish with hooks, gang hooks, or similar devices where the fish is hooked in a part of the body other than the mouth.**

~~_____~~ **F. "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.**

~~_____~~ **G. "Angling" shall mean taking or attempting to take fish by hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.**

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~~_____~~ **C. "Barbless" lure or fly shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto a hook to resemble or simulate insects, bait fish, or other foods. A fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.**

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- G. "Snagging" as used herein, is the intentional taking of fish with hooks, gang hooks, or similar devices where the fish is hooked in a part of the body other than the mouth.
- [19.31.4.7 NMAC - Rp, 19.31.4.7 NMAC, 12-15-2016]

19.31.4.8 TROUT WATERS AND WARM WATERS:

A. Regular trout waters: The following are designated as regular trout waters: All streams, lakes and ponds ~~lying~~ within the following described areas except licensed class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing.

(1) Northern area: That portion of New Mexico bounded by a line starting at the intersection of I-25 with the Colorado-New Mexico state line and running south along I-25 to its junction with U.S. 64; thence, south and west on U.S. 64 to its junction with N.M. 58 at Cimarron; thence, south and east on N.M. 21 to its junction with I-25; thence, south, west, and southwest on I-25 and U.S. 84-85 to its junction with U.S. 285-84 at Santa Fe; thence, north on U.S. 285-84 to its intersection with N.M. 502; thence, west on N.M. 502 to the west bank of the Rio Grande; thence, southwesterly along the west bank of the Rio Grande to its intersection with N.M. 44 at Bernalillo; thence, north and west on N.M. 44 to its intersection with U.S. 550; thence, west on U.S. 550 to the west bank of the Animas river; thence, north along the west bank of the Animas river to the Colorado-New Mexico state line; thence, east along the state line to its intersection with I-25. (Except the San Juan river from U.S. 64 bridge at Blanco downstream to N.M. 44 bridge at Bloomfield.)

(2) Ruidoso area: That portion of New Mexico bounded by a line starting at the junction of U.S. 54 and N.M. 506 and running north on U.S. 54 to its intersection with U.S. 380 at Carrizozo; thence, east on U.S. 380 to its junction with N.M. 246 at Capitan; thence, north and east on N.M. 246 to the eastern boundary of the Lincoln national forest; thence, south to Tinnie; thence, west on U.S. 380 to Hondo; thence, south on a north-south line to the junction of N.M. 24 and U.S. 82 north of Dunken; thence south and west on N.M. 24 to Piñon; thence, south approximately one mile to N.M. 506; thence, west along N.M. 506 to its junction with U.S. 54 at Paxton.

(3) Gila area: That portion of New Mexico bounded by a line starting at the junction of U.S. 180 with the Arizona-New Mexico state line and running north along the state line to its intersection with U.S. 60; thence, east on U.S. 60 to its junction with N.M. 52 west of Magdalena; thence, south on N.M. 52 to Winston and west along the road to Chloride and the eastern boundary of the Gila national forest; thence, south along the forest boundary to its intersection with N.M. 152 east of Kingston; thence, west on N.M. 152 to its junction with U.S. 180 at Central; thence, west and northwest on U.S. 180 to its junction with the Arizona-New Mexico state line. (Except Bear Canyon lake and Rancho Grande ponds.)

(4) in Sandoval county: all of Las Huertas (Ellis creek);

(5) in San Juan county: the Animas river from the 550 highway bridge in the city of Aztec and downstream to its confluence with the San Juan river;

(6) in Torrance county: all of Tajiue creek;

~~(7) in Union county: all of Dry Cimarron;~~

~~(87) in Cibola county: Bluewater creek;~~

~~(98) Pecos river from I-25 south to the southeast boundary of Villanueva state park;~~

~~(109) the following lakes, ponds, and reservoirs: Alice, Aztec pond, Bluewater, Blue Hole Park ponds, Chiulla well, Clayton, lake Farmington, Jackson, Maloya, Maxwell lake 13, ~~McAllister~~, McGaffey, ~~Power dam~~, ~~Pereh~~, Manzano, and Ramah.~~

~~(11) In Sierra county: Rio Grande from Elephant Butte dam downstream to, and including, Caballo lake.~~

B. Winter trout waters: The following are designated as winter trout waters from November 1 through March 31 of the effective years: Sumner lake stilling basin (De Baca county); that portion of the Black river extending from one mile upstream to one mile downstream of Higby hole and located in Sections 8 and 9, T. 24 S., R. 28 E., N.M.P.M., ~~in~~ (Eddy county); that portion of the Pecos river from the southeast boundary of Villanueva state park downstream to, but not including Santa Rosa lake (Guadalupe and San Miguel counties); Rio Grande from Elephant Butte dam downstream to Caballo lake (Sierra county); the following drains: Albuquerque, Atrisco, Belen Riverside, Bernalillo, Corrales, Peralta, and Tome (Bernalillo, Sandoval, and Valencia counties); and the following lakes: Alumni pond (Dona Ana county), Bataan (Eddy county), Bear Canyon (Grant county), Bill Evans (Grant

county), Bosque Redondo (De Baca county), Bottomless lakes (Chavez county), Burn (Dona Ana county), Carlsbad municipal (Eddy county), Carrizozo (Lincoln county), Chaparral (Lea county), Conservancy park/Tingley beach (Bernalillo county), Corona (Lincoln county), ~~Corrales community pond~~, Dennis Chavez pond (Curry county), Escondida (Socorro county), Eunice (Lea county), Grants river walk pond (Cibola county), Greene Acres (Curry county), Green Meadow (Lea county), ponds on Harry McAdams park (Lea county), Jal (Lea county), Liam Knight pond (Sandoval county), Ned Houk lakes (Curry county), Oasis park (Roosevelt county), Perch (Guadalupe county), Rancho Grande ponds (Catron county), Roswell kids pond (Chavez county), ~~and Van (Chavez county), and Young pond (Dona Ana county).~~

C. **Warm waters:** "Warm waters", as used herein, shall include all streams, lakes, and ponds except those designated as trout waters above, and except licensed class A lakes.
[19.31.4.8 NMAC - Rp, 19.31.4.8 NMAC, 12-15-2016]

19.31.4.9 SEASON DATES:

A. **General seasons:** All trout and warm waters in New Mexico shall be open for the taking of game fish from April 1 through March 31 of the effective years, with the following exceptions:

- (1) Special waters
 - (a) The following waters shall be open between 12 noon March 1 through 12 noon October 31: ~~McAllister lake~~, upper and lower Charette lakes, Maxwell lakes 13 and 14, and Clayton lake.
 - (b) All waters in the Valle Vidal (Vermejo tract of the Carson national forest) shall be open from July 1 through December 31.
 - (c) Laguna del Campo at Los Ojos trout hatchery shall be open from May 1 through October 31.
 - (d) Red River city ponds shall be open from March 1 through November 15.
 - (e) Black Canyon creek in Grant county upstream from lower Black Canyon campground and Mogollon creek in Grant and Catron counties upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon shall be open from July 1 through October 31.
 - (f) All waters on the Valles Caldera national preserve shall be open from May 1 to October 15.
- (2) Waters on national wildlife refuges waters on U. S. national wildlife refuges shall be open for the taking of game fish in accordance with regulations of the U. S. fish and wildlife service; provided that season dates shall be from April 1 through March 31, on those national refuges for which the fish and wildlife service has not regulated season dates.

B. Special Kokanee salmon seasons, dates, and location

- (1) The following waters shall be open October 1 through December 31 for the special Kokanee salmon season: Abiquiu reservoir, Chama river from El Vado lake upstream to the west boundary of the Rio Chama wildlife and fishing area, Eagle Nest lake, El Vado lake, and Navajo lake including the Pine river except as otherwise specified in Paragraph (3) of Subsection B. of 19.31.4.9 NMAC.
- (2) Heron lake shall be open for the special Kokanee salmon season from the second Friday in November through December 31.
- (3) Heron lake, including the Willow creek tributary, and the buoyed "no wake" areas at the Pine boat ramp and Sims mesa boat ramp at Navajo lake, including the shoreline within the "no wake" areas, shall be closed to Kokanee salmon fishing between October 1 and the second Thursday of November. If November 1 is a Friday, then these waters shall be closed to Kokanee salmon fishing between October 1 and the first Thursday of November. It shall be unlawful to fish for, snag, or possess Kokanee salmon in these areas during the closure period.

[19.31.4.9 NMAC - Rp, 19.31.4.9 NMAC, 12-15-2016]

19.31.4.10 HOURS OF FISHING:

A. **Day and night fishing** for all species of game fish shall be permitted in all waters during the open season, except Alto, Bonito, Butler street, and Eagle Nest lake where fish may be taken or fished for only between the hours of 5 a.m. and 10 p.m.; and U. S. fish and wildlife service waterfowl refuges where fish may be taken or fished for only during the hours posted at the refuge.

B. **Laguna del Campo** located at Los Ojos trout hatchery, Red River hatchery pond at the Red River state fish hatchery, Glenwood pond at the Glenwood state fish hatchery, and waters within the Valle Vidal portion of the Carson national forest; ~~and Maddox lake~~ shall be during **daylight hours only**.

C. Fishing at Ned Houk park lakes and Greene Acres shall be during the hours posted by the city of Clovis; ~~fishing at Santa Cruz lake shall be between the hours of 6 a.m. and 10 p.m.~~

D. Fishing at Santa Cruz lake shall be between the hours of 6 a.m. and 10 p.m.

~~DE.~~ Fishing at Conservancy park/Tingley beach shall be only between sunrise and sunset.
[19.31.4.10 NMAC - Rp, 19.31.4.10 NMAC, 12-15-2016]

19.31.4.11 DAILY BAG, POSSESSION LIMITS AND REQUIREMENTS OR CONDITIONS:

A. Trout

(1) Waters with reduced bag limit: No person shall fish waters regulated for reduced limits while having in excess of that limit in possession.

(2) Brown, rainbow, cutthroat, Gila, lake, brook trout and Kokanee salmon:

(a) The daily bag limit shall be five trout and no more than 10 trout shall be in possession, unless otherwise specified in ~~special trout waters~~, Paragraph (4) of Subsection A. of 19.31.4.11 NMAC.

(b) The daily bag limit for cutthroat trout shall be two trout and no more than two cutthroat trout may in possession. Cutthroat trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A. of 19.31.4.11 NMAC.

(c) The daily bag limit for lake trout shall be two trout and no more than four lake trout shall be in possession. Lake trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A. of 19.31.4.11 NMAC.

(3) Special Kokanee salmon season: During the special Kokanee salmon season, the daily bag limit shall be 12 Kokanee salmon in addition to the daily bag limit for trout, and no more than 24 Kokanee salmon may be possessed in addition to the possession limit for trout. It shall be unlawful to possess Kokanee salmon at Heron lake and Pine river during the closed Kokanee salmon season.

~~(4) Special trout waters~~ On certain waters, hereafter referred to as "Special Trout Waters", the following exceptions shall apply:

~~(a) On those sections of the following waters the daily bag limit shall be two trout and no more than two trout shall be in possession. Anglers must stop fishing in those waters when the daily bag limit is reached. In Rio Arriba county: all waters lying within or adjacent to the Little Chama valley ranch (Edward Sargent wildlife area) including the Rio Chamito, Sexton creek, and Rio Chama, excluding Nabor creek and Nabor lake; in Colfax county; the Shuree lakes on the Valle Vidal; all waters of the Valles Caldera National Preserve; In Sandoval county: a posted portion of the Rio San Antonio from the Valles Caldera National Preserve boundary downstream approximately 2.0 miles; In Taos county: a posted portion of the Rio Pueblo between the bridge at mile marker 55 on state highway 518 upstream approximately one mile to the Canon Tio Maes trailhead; In San Miguel county: an approximately one mile posted portion of the Pecos river beginning approximately 1/2 mile above the confluence of the Mora river (Mora Pecos) upstream to approximately 0.2 miles below the bridge crossing at Cowles; In Rio Arriba county: a posted portion of the Chama river approximately 2.9 miles within the boundaries of the Rio Chama wildlife and fishing area; In Rio Arriba county: a posted portion of the Rio de los Pinos from USFS Boundary 24 at the junction of forest road 284 and 87A, 2.5 miles upstream to the private property boundary; In Taos county: a posted portion of Red River from the confluence of Goose creek 1 mile upstream; In Catron county: Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries; In Catron county: Mineral creek from its confluence with San Francisco river to the headwaters.~~

~~(b) On those sections of the following waters every person must comply with any special requirements listed and no fish may be kept or held in possession while fishing in the posted portions of the following waters: In San Juan county: a posted portion of the San Juan river from Navajo dam downstream approximately 3.75 miles to the east side of section 16; In Sandoval county: a posted portion of the Rio Cebolla from the Seven Springs day use area upstream to McKinney pond; In Sandoval county: a posted portion of the Rio Guadalupe from the Porter landing bridge downstream approximately 1.3 miles to Llano Loco Spring; In Sandoval county, Capulin creek from its confluence with the Rio Grande to the headwaters, In Taos county: a posted portion of the Rio Costilla from the Valle Vidal tract of the Carson national forest downstream for approximately 2.4 miles to the confluence of Latir creek; In Sierra county: the Rio las Animas within the Gila national forest, Black range ranger district; In Mora county: the Pecos river in the Pecos wilderness, above Pecos falls; In Rio Arriba county: Nabor creek and Nabor lake on the Edward Sargent wildlife area; In San Miguel and Santa Fe counties: Doctor creek from 1/4 mile above its confluence with Holy Ghost creek upstream to its headwaters; In Mora county: Rio Valdez in the Pecos wilderness from 1/4 mile below Smith cabin upstream to its headwaters; In San Miguel and Mora counties: Jack's creek from the water falls located 1/4 mile downstream of NM highway 63 crossing upstream to its headwaters; In Taos and Colfax counties: any stream on the Valle Vidal except Leandro creek (Vermejo tract~~

Carson national forest); In Grant and Catron counties: Mogollon creek in Grant and Catron counties upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon; In Rio Arriba county: the Rio Chama from the United States Geological Survey gaging station located 1.3 miles downstream of El Vado lake dam downstream approximately 3 miles to its confluence with the Rio Nutrias:

(e) In Colfax county: on a posted section of the Cimarron river from the lower end of Tolby campground downstream approximately 1.4 miles to the first bridge of N.M. 64 the daily bag limit shall be one fish and no more than one fish may be in possession.

(d) At Conservancy park/Tingley beach in Albuquerque: the southernmost pond shall be catch and release only and the remaining two ponds shall have daily bag limits of four trout with no more than four trout in possession.

(c) On those sections of the following waters the daily bag limit shall be three trout and no more than three trout shall be in possession. Anglers must stop fishing in those waters when the daily bag limit is reached. Any legal angling gear and legal bait for trout waters may be used. In Taos county: a posted portion of the Rio Grande beginning at the New Mexico/Colorado state line downstream to the Taos junction bridge; In Taos county: goose lake; In Taos county: a posted portion of the Red River beginning approximately 1/2 mile downstream of the walking bridge at Red River state fish hatchery downstream to its confluence with the Rio Grande; In Taos county: the designated fishing pond at Red River state fish hatchery; In Taos county: the Red River city ponds; In Rio Arriba county: on a posted portion of the Rio Chama from the base of Abiquiu dam downstream approximately seven miles to the river crossing bridge on U.S. 84 at Abiquiu; In Rio Arriba county: Laguna del Campo at Los Ojos trout hatchery; In Sierra county: the Rio Grande from Elephant Butte dam downstream to and including Caballo lake; In Lincoln county: The Rio Ruidoso from the boundary between the Mescalero Apache reservation and the city of Ruidoso downstream to Fridenbloom drive.

(f) On those sections of the following waters no cutthroat trout may be kept or held in possession and the bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited: In Sandoval county: the Rio Cebolla from McKinney pond to the headwaters; In Taos county: upper Cabresto creek and its tributaries from Cabresto canyon upstream to the headwaters; In Colfax county: the Vermejo river and its tributaries from the Vermejo Park ranch boundary to the headwaters; and in Colfax county: public portions of Leandro creek.

(g) On those sections of the following waters the daily bag limit shall be two Gila trout and no more than two Gila trout in possession, and the bag limit and possession limit for brown trout is unlimited. Anglers must stop fishing in those waters when the daily bag limit is reached. In Catron county: waters upstream from the confluence of Gilita creek and Snow creek including Gilita, Willow and Little Turkey creeks.

(h) On those sections of the following waters no Gila trout may be kept or held in possession and the bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited: in Grant county, Black canyon from the forest road 150 (North Star Mesa road) crossing to the headwaters.

(4) On certain waters the following exceptions shall apply:

(a) Special trout waters – waters, hereafter referred to as “Special Trout Waters”, the following exceptions shall apply: (i) No fish may be kept or held in possession while fishing in the portions of the following waters:

<u>Water name</u>	<u>Portion</u>	<u>County</u>	<u>Exception</u>
<u>Tingley beach south pond</u>	<u>Within the Albuquerque Conservancy park</u>	<u>Bernalillo</u>	
<u>Mogollon creek</u>	<u>Upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon</u>	<u>Catron and Grant</u>	
<u>Cimarron river</u>	<u>From the lower end of Tolby campground downstream approximately 1.4 miles to the first bridge of N.M. 64</u>	<u>Colfax</u>	
<u>Leandro creek</u>	<u>Within the Valle Vidal (Vermejo tract-Carson national forest)</u>	<u>Colfax</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>any stream on the Valle Vidal</u>	<u>Vermejo tract-Carson national forest</u>	<u>Colfax and Taos</u>	
<u>Black canyon</u>	<u>From the forest road 150 (North Star Mesa road) crossing to its headwaters</u>	<u>Grant</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>

<u>Pecos river</u>	<u>In the Pecos wilderness, above Pecos falls</u>	<u>Mora</u>	
<u>Rio Valdez</u>	<u>In the Pecos wilderness from the waterfall barrier 0.8 miles below FS trail 239 upstream to its headwaters</u>	<u>Mora</u>	
<u>Rito del Padre</u>	<u>From fish migration barrier located about 0.3 miles upstream of the confluence with the Rito Sebadilloses upstream to its headwaters including Rito de los Chimayosos</u>	<u>Mora</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>west fork Luna creek</u>	<u>From the Carson national forest property boundary upstream to its headwaters</u>	<u>Mora</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Jack's creek</u>	<u>From the water falls located 0.25 mile downstream of NM highway 63 crossing upstream to its headwaters</u>	<u>Mora and San Miguel</u>	
<u>Canada Tio Grande</u>	<u>Within the Carson national forest excluding private land</u>	<u>Rio Arriba</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Nabor creek and Nabor lake</u>	<u>Within the Edward Sargent wildlife area</u>	<u>Rio Arriba</u>	
<u>Rio Chama</u>	<u>From the United States Geological Survey gaging station located 1.3 miles downstream of El Vado lake dam downstream approximately 3 miles to its confluence with the Rio Nutrias</u>	<u>Rio Arriba</u>	
<u>Rio de Las Vacas</u>	<u>From fish migration barrier located about 0.2 miles upstream of FS road 70 crossing to its headwaters</u>	<u>Rio Arriba</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Tanques creek</u>	<u>From FS road 93 crossing upstream to its headwaters</u>	<u>Rio Arriba</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Rio Cebolla</u>	<u>From the Seven Springs day use area upstream to the headwaters including McKinney pond</u>	<u>Rio Arriba and Sandoval</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Rio Santa Barbara</u>	<u>From the west fork and middle fork confluence upstream to its headwaters including the east fork</u>	<u>Rio Arriba and Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>San Juan river</u>	<u>From Navajo dam downstream approximately 3.75 miles to the Crusher Hole day use are (east side of section 16)</u>	<u>San Juan</u>	
<u>Capulin creek</u>	<u>From its confluence with the Rio Grande to its headwaters</u>	<u>Sandoval</u>	
<u>Rio las Animas</u>	<u>Within the Gila national forest, Black range ranger district excluding private land</u>	<u>Sierra</u>	
<u>Cabresto creek</u>	<u>From Cabresto canyon upstream to its headwaters not including lake fork and Cabresto lake</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Columbine creek</u>	<u>From its confluence with the Red river upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Frijoles creek</u>	<u>From its confluence with Rito de la Olla upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Gavilan creek</u>	<u>From its confluence with the Rio Hondo upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout,</u>

			<u>and brook trout are unlimited bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Italianos creek</u>	<u>From its confluence with the Rio Hondo upstream its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Palociento creek</u>	<u>From its confluence with Rito de la Olla upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Rio Costilla</u>	<u>From its confluence with Latir creek upstream approximately 2.4 miles to the Valle Vidal tract of the Carson national forest</u>	<u>Taos</u>	
<u>south fork Rio Hondo</u>	<u>From its confluence with the Rio Hondo upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Yerba creek</u>	<u>From the its confluence with the Rio Hondo upstream to its headwaters</u>	<u>Taos</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>

(ii) The daily bag limit shall be two trout and no more than two trout shall be in possession while fishing in the portions of the following waters. Anglers must stop fishing in those waters when the daily bag limit is reached.

<u>Water name</u>	<u>Portion</u>	<u>County</u>	<u>Exception</u>
<u>Gilita creek and tributaries</u>	<u>From its confluence with Snow creek upstream to its headwaters including Willow and Little Turkey creek</u>	<u>Catron</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Mineral creek</u>	<u>From its confluence with San Francisco river to its headwaters</u>	<u>Catron</u>	
<u>Whitewater creek</u>	<u>From Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries</u>	<u>Catron</u>	
<u>Shuree lakes</u>	<u>Within the Valle Vidal (Vermejo tract-Carson national forest)</u>	<u>Colfax</u>	
<u>Vermejo river and its tributaries</u>	<u>From the Vermejo Park ranch boundary upstream to its headwaters</u>	<u>Colfax</u>	<u>bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited</u>
<u>Rio Ruidoso</u>	<u>From Fridenbloom drive upstream to the boundary between the Mescalero Apache reservation and the city of Ruidoso</u>	<u>Lincoln</u>	
<u>all waters within or adjacent to the Edward Sargent wildlife area</u>	<u>Including the Rio Chamita, Sexton creek, and Rio Chama, excluding Nabor creek and Nabor lake</u>	<u>Rio Arriba</u>	
<u>Rio Chama</u>	<u>Within the boundaries of the Rio Chama wildlife and fishing area from Heron reservoir outlet 2.9 miles upstream to Cottonwood Flats</u>	<u>Rio Arriba</u>	
<u>Rio Chama</u>	<u>From the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam</u>	<u>Rio Arriba</u>	
<u>Rio de Los Pinos</u>	<u>From FS road 284 and 87A, 2.5 miles upstream to the private property boundary</u>	<u>Rio Arriba</u>	
<u>Pecos river</u>	<u>From approximately 0.5 mile upstream of its confluence with the Mora river (Mora-Pecos) upstream to approximately 0.2 miles downstream of the bridge crossing at Cowles</u>	<u>San Miguel</u>	

<u>all waters of the Valles Caldera national preserve</u>		<u>Sandoval</u>	
<u>Rio Guadalupe</u>	<u>From its confluence with Deer creek upstream 6.0 miles to Stable canyon</u>	<u>Sandoval</u>	
<u>Rio San Antonio</u>	<u>From the San Antonio hot springs pedestrian bridge upstream approximately 2.0 miles to the Valles Caldera National Preserve boundary</u>	<u>Sandoval</u>	
<u>Red River</u>	<u>From its confluence with Goose creek 1.1 miles upstream to the Carson national forest boundary</u>	<u>Taos</u>	
<u>Red River</u>	<u>From its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery</u>	<u>Taos</u>	
<u>Rio Grande</u>	<u>From the New Mexico/Colorado state line downstream to the Taos junction bridge</u>	<u>Taos</u>	

(b) On the following waters the bag limit shall be four trout and no more than four trout shall be in possession; In Bernalillo county: the central pond and designated kids north pond at Conservancy park/Tingley beach.

(c) On the following waters the bag limit shall be three trout and no more than three trout shall be in possession; In Rio Arriba county: Laguna del Campo at Los Ojos trout hatchery; In Taos county: the designated fish pond at Red River state fish hatchery; In Taos county: the Red River city ponds; In Taos county: Goose lake; In Sierra county: Rio Grande downstream of Elephant Butte dam.

(5) Every person angling for fish on those sections of the following waters must be in possession of a Gila trout permit, issued in their name by the department or its designee. In Grant county: Black canyon upstream of its confluence with the East fork Gila River, Sapillo creek; In Catron county: West fork Gila river, Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries, Mineral Creek including all tributaries, and waters upstream from the confluence of Gilita creek and Snow creek including Gilita, Willow and Little Turkey creeks; In Grant and Catron counties: the area from the Middle fork Gila river and West fork Gila river confluence downstream to the East fork Gila river confluence and Mogollon creek upstream from the waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon. A photocopy, duplicate copy or computer printout of this permit will suffice as evidence of receiving such permit.

B. Warm-water fishes: The daily bag limit for game fish other than trout shall be as listed below and the possession limit shall be twice the daily bag limit.

- (1) striped bass one fish;
- (2) largemouth, smallmouth, and spotted bass five fish;
- (3) walleye five fish;
- (4) crappie 20 fish;
- (5) white bass and white bass x striped bass hybrid 25 fish;
- (6) northern pike 10 fish;
- (7) catfish (all species, except bullheads) 15 fish;
- (8) yellow perch 30 fish;
- (9) tiger muskie (*Esox lucius x E. masquinongy*) one fish
- (910) all other warm-water game species 20 fish.

C. The following exception shall apply:

(1) At Conservancy park/Tingley beach in Albuquerque; lake Van (Chaves county); Oasis state park; Greene Acres lake (Curry county); Burn lake (Dona Ana county); Escondida lake (Socorro county); McGaffey lake (McKinley county); Bataan lake (Eddy county); Chaparral lake (Lea county); Bosque Redondo (De Baca county); Carrizozo lake (Lincoln county); Green Meadow lake; Eunice lake; Estancia Park lake (Torrance county); Corona lake (Lincoln county); Grants city pond (Cibola county); Conoco lake (Lea county); Dennis Chavez pond (Curry county); Jal lake (Lea county); Ned Houk lakes (Curry county); Young pond (Dona Ana county); Roswell kids pond (Chavez county); Perch lake (Guadalupe county); Blue Hole park pond (Guadalupe county); Alumni pond (Dona Ana county); and Alto lake (Lincoln county): the daily bag limit for channel catfish will be two fish and the possession limit shall be twice the daily bag limit.

At Alto lake (Lincoln county); Alumni pond (Dona Ana county); Bataan lake (Eddy county); Blue Hole park pond (Guadalupe county); Bosque Redondo (De Baca county); Burn lake (Dona Ana county); Carrizozo lake (Lincoln county); Chaparral lake (Lea county); Conoco lake (Lea county); Conservancy park/Tingley beach (Bernalillo county); Corona lake (Lincoln county); Dennis Chavez pond (Curry county); Escondida lake (Socorro county); Estancia Park lake (Torrance county); Eunice lake (Lea county); Grants city pond (Cibola county); Green Meadow lake (Lea county); Greene Acres lake (Curry county); Jal lake (Lea county); lake Van (Chaves county); Liam Knight pond (Sandoval county); McGaffey lake (McKinley county); Ned Houk lakes (Curry county); Oasis state park (Roosevelt county); Pecos River within the Villanueva state park (San Miguel county); Perch lake (Guadalupe county); Rancho Grande ponds (Catron county); Roswell kids pond (Chavez county); Timberon ponds (Otero county); and Young pond (Dona Ana county): the daily bag limit for channel catfish will be two fish and the possession limit shall be twice the daily bag limit.

(2) In San Juan county, in the San Juan and Animas rivers, not including Navajo lake, there is no daily bag limit or possession limit for channel catfish and striped bass.

~~(3) Statewide, the limit for tiger muskie (*Esox lucius x E. masquinongy*) shall be one fish over forty (40) inches in length and the possession limit shall be equal to the daily bag limit.~~

~~(4) In Eddy county, the Pecos river beginning at the north boundary of Brantley wildlife management area to Brantley reservoir dam including Brantley reservoir, all fish caught must immediately be released, except during official fishing tournaments during which fish may be held in a live well until they are weighed and measured, on site, and then immediately released back into the lake.~~

(53) In Colfax county, Eagle Nest lake there is no bag or possession limit for northern pike. All northern pike caught at Eagle Nest lake must be kept in possession. No northern pike shall be intentionally returned to Eagle Nest lake.

(4) In Union county: Clayton Lake; In Grant county: Bill Evans lake; In Grant county: lake Roberts the daily bag limit for largemouth bass shall be two fish and no more than two shall be in possession. [19.31.4.11 NMAC - Rp, 19.31.4.11 NMAC, 12-15-2016]

19.31.4.12 SIZE LIMITS:

~~A. Salmonids~~

~~(1) On Shuree lakes, on the Valle Vidal tract, any trout taken that are less than 15 inches long shall be immediately returned to the water.~~

~~(2) In Colfax county, a posted portion of the Cimarron river where only barbless lures or flies may be used (and more specifically described in Subsection A. of 19.31.4.11 NMAC), any trout taken that are less than 16 inches long shall be immediately returned to the water.~~

~~(3) [Reserved]~~

~~(4) Any trout taken that are less than 12 inches long shall be immediately returned to the water in the following locations:~~

~~(a) In San Miguel county: a posted portion of the Pecos river where only barbless lures or flies may be used (more specifically described in Subsection A. of 19.31.4.11 NMAC).~~

~~(b) In Lincoln county: a posted section of the Rio Ruidoso where only barbless lures or flies may be used (more specifically described in Subsection A. of 19.31.4.11 NMAC).~~

~~(c) In Taos county: a posted section of the Red River from the confluence with Goose creek one mile upstream.~~

~~BA. Black basses~~

~~(1) Any largemouth or spotted bass taken which is less than 14" long shall be immediately returned to the water.~~

~~(2) Any smallmouth bass taken which is less than 12" long shall be immediately returned to the water except at Ute and Conchas reservoirs where any smallmouth bass taken which is less than 14" long shall be immediately returned to the water.~~

~~CB. Walleye: Any walleye taken which are less than 14" long shall be immediately returned to the water.~~

~~C. Tiger muskie (*Esox lucius x E. masquinongy*): Any tiger muskie taken which is less than 40" long shall be immediately returned to the water.~~

[19.31.4.12 NMAC - Rp, 19.31.4.12 NMAC, 12-15-2016]

19.31.4.13 ~~[RESERVED]~~ **GILA TROUT PERMIT REQUIRED:** Every person angling for fish on those sections of the following waters must be in possession of a Gila trout permit, issued in their name by the department

or its designee. In Grant county: Black canyon upstream of its confluence with the East fork Gila River and Sapillo creek; In Catron county: West fork Gila river, Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries, Mineral creek including all tributaries, and waters upstream from the confluence of Gilita creek and Snow creek including Gilita, Willow and Little Turkey creeks; In Grant and Catron counties: the area from the Middle fork Gila river and West fork Gila river confluence downstream to the East fork Gila river confluence and Mogollon creek upstream from the waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon. A photocopy, duplicate copy or computer printout of this permit will suffice as evidence of receiving such permit.

19.31.4.14 WATERS WITH AGE OR INDIVIDUALS WITH DISABILITIES USE RESTRICTIONS:

A. Only persons ~~under 12~~ 11 years of age and younger may fish in the following waters: Shuree kids' ponds on Valle Vidal (Vermejo tract-Carson national forest); valley improvement association ponds at Belen, Harris pond in Las Vegas, Spring river park in Roswell, and the Brood pond at Seven Springs state fish hatchery.

B. Only persons ~~under 12~~ 11 years of age and younger, those 65 years and over, and individuals with disabilities may fish in the designated Red River hatchery pond located at the Red River state fish hatchery, Blue Hole park pond (formerly Santa Rosa seniors pond), Estancia park lake at Estancia, and in ponds located in Harry McAdams park.

C. Only individuals with disabilities and those ~~under 12~~ 11 years of age and younger may fish in the posted small pond at Cowles.

D. Olympic pond: Only persons ~~under 12~~ 11 years of age and younger and those 65 years and ~~over~~ older may fish in Olympic pond located at Angel Fire.

E. Laguna del Campo: Only persons 14 years of age and ~~under younger~~, those 65 years and ~~over~~ older, individuals with disabilities, or up to two parents/guardians in direct supervision of a child or children 14 years of age and under who are fishing, may fish in Laguna del Campo located near Los Ojos trout hatchery.

F. Conservancy park/Tingley beach kids' pond: Only persons 12 years of age and ~~under~~ younger may fish in Conservancy park/Tingley beach kids' pond in Albuquerque.

G. Red River city middle kids' pond: Only individuals with disabilities and those 12 years of age and ~~under~~ younger may fish in Red River city middle kids' pond.

~~**H. Grants city pond:** Only persons ~~under 17 years of age, those 65 years and over, and individuals with disabilities~~ may fish in Grants City pond in Grants.~~

[19.31.4.14 NMAC - Rp, 19.31.4.14 NMAC, 12-15-2016]

~~**19.31.4.15 [RESERVED]**~~

19.31.4.1615 CLOSED WATERS:

A. Waters closed to fishing

- (1) In Catron county: Big Dry creek from Golden link cabin upstream through its headwaters.
- (2) In Catron county: Little creek from the "barrier" upstream through all tributaries.
- (3) In Catron county: Spruce creek.
- (4) In Catron and Sierra counties: Main Diamond creek above the point of confluence with south Diamond creek.
- (5) In Catron and Sierra counties: South Diamond creek drainage.
- (6) In Colfax county: a posted area lying within 300 feet of Eagle Nest dam, which is closed to entry.
- (7) In Colfax county: a posted area of Stubblefield and Laguna Madre lakes lying within 150 feet of the outlet structures.
- (8) In Grant county: east fork of Mogollon creek upstream of Trail canyon including Woodrow canyon.
- (9) In Grant county: McKnight creek.
- (10) In Grant county: Sheep Corral creek.
- (11) In Lincoln county: Pinelodge creek and posted areas of Alto reservoir and Bonito lake near the outlets.
- (12) In Catron county: All tributaries of the West fork of the Gila river above waterfalls between FS Trail No. 151 crossing of the West fork of the Gila river near White creek cabin and FS Trail No. 151

crossing of the West fork of the Gila river near Liley canyon. Mainstem of the West fork of the Gila river will be open to fishing.

(13) In Catron county: Iron creek in the Gila wilderness upstream of the constructed waterfall barrier located in T12SR17WSec16NE.

(14) In Catron county: McKenna creek.

B. Taking fish from hatchery waters: ~~No person shall~~ It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned and operated by state or federal agencies. During open season, however, angling for trout shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, and Laguna del Campo at Los Ojos state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

C. Taking fish from or through the ice: Fish may be taken from or through the ice except it is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Monastery lake, Bonito lake, and Springer lake.

[19.31.4.16 NMAC - Rp, 19.31.4.16 NMAC, 12-15-2016]

~~19.31.4.17~~ — ~~[RESERVED]~~

~~19.31.4.18~~ **ESTABLISHING FREE FISHING DAYS:** The first Saturday in June and the last Saturday in September during the effective dates of this regulation, are established as free fishing days whereby anglers may fish public waters in New Mexico as otherwise provided by regulation, but without benefit of a fishing license or habitat improvement stamp.

[19.31.4.18 NMAC - Rp, 19.31.4.18 NMAC, 12-15-2016]

~~19.31.4.19~~ — ~~[RESERVED]~~

HISTORY OF 19.31.4 NMAC:

The material in this part was derived from that previously filed with the State Records Center & Archives under: Regulation No. 488, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of The Fisheries Resources of New Mexico 1968-1969 License Year, April 1, 1968 Through March 31, 1969, filed 12-15-67; Regulation No. 500, Concerning Method & Manner of Hunting, Taking, Possessing, Disposing & Transporting of Game Animals, Birds, Fish Or Bullfrogs, Or Parts Thereof, Taken In NM, filed 5-25-67; Regulation No. 525, Concerning the Method And Manner of Hunting, Taking, Possessing, Disposing And Transporting of Game Animals, Game Birds, Game Fish Or Bullfrogs, Or Parts Thereof, Taken In New Mexico, filed 8-21-68; Regulation No. 499, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1969-1970 License Year, April 1, 1969 Through March 31, 1970, filed 12-10-68; Regulation No. 509, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1970-1971 License Year, April 1, 1970 Through March 31, 1971, filed 12-8-69; Regulation No. 518, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1971-1972 License Year, April 1, 1971 Through March 31, 1972, filed 1-14-71; Regulation No. 530, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico, 1972-1973 License Year, April 1, 1972 Through March 31, 1973, filed 1-11-72; Regulation No. 535, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1972 Through March 31, 1973, filed 5-31-72; Regulation No. 550, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting And Fishing, And Use of Department Lands, Filed 5-31-72; Regulation No. 543, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1973 Through March 31, 1974, filed 12-11-72; Regulation 552, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of Mexico For the Period April 1, 1974 Through March 31, 1975, filed 1-11-74; Regulation No. 562, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1975 Through March 31, 1976, filed 1-3-75; Regulation No. 571, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1976 Through March 31, 1977, filed 2-10-76; Regulation No. 579, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of

New Mexico For the Period of April 1, 1977, Through March 31, 1978, filed 9-21-76; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12-20-76; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5-24-77; Regulation No. 589, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1978, Through March 31, 1979, filed 10-5-77; Regulation No. 595, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1979, Through March 31, 1980, filed 10-3-78; Regulation No. 602, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1980, Through March 31, 1981, filed 11-21-79; Regulation No. 607, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1981, Through March 31, 1983, filed 10-22-80; Regulation No. 612, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, filed 3-2-82; Regulation No. 619, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1983, Through March 31, 1985, filed 12-8-82; Regulation No. 632, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1985, Through March 31, 1987, filed 11-28-84; Regulation No. 647, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1987, Through March 31, 1989, filed 1-5-87; Regulation No. 662, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1989, Through March 31, 1991, filed 12-19-88; Regulation No. 677, Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, filed 6-25-90; Regulation No. 681, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1991, Through March 31, 1993, filed 1-11-91; Regulation No. 694, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1993, Through March 31, 1995, filed 3-11-93

NMAC History:

19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4-1-95.
19.31.4 NMAC, Hunting and Fishing Regulations - Fisheries, 11-15-2000.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4-15-2002.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 3-10-2010.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 12-30-2015.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 12-15-2016.

History of Repealed Material:

19.31.4 NMAC, Hunting and Fishing-Fisheries, repealed effective 11-17-2016.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 4 FISHERIES

19.31.4.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.4.1 NMAC - N, 04-01-2018]

19.31.4.2 SCOPE: Sportfishing. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 30 through 34 of Title 19 NMAC.
[19.31.4.2 NMAC - N, 04-01-2018]

19.31.4.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26, and 17-2-1 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 and all other acts pertaining to protected species.
[19.31.4.3 NMAC - N, 04-01-2018]

19.31.4.4 DURATION: April 1, 2018 through March 31, 2022.
[19.31.4.4 NMAC - N, 04-01-2018]

19.31.4.5 EFFECTIVE DATE: April 1, 2018, unless a later date is cited at the end of a section.
[19.31.4.5 NMAC - N, 04-01-2018]

19.31.4.6 OBJECTIVE: Establishing open seasons, bag limits, and other rules pertaining to management and harvest of the fisheries resources of New Mexico.
[19.31.4.6 NMAC - N, 04-01-2018]

19.31.4.7 DEFINITIONS: Specific terms as used in this regulation are defined.

A. "Angling" shall mean taking or attempting to take fish by hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended

B. "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.

C. "Barbless" lure or fly shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto a hook to resemble or simulate insects, bait fish, or other foods. A fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.

D. Boundary descriptions

(1) "U.S.", as used in boundary descriptions herein, shall mean United States highway.

(2) "N.M.", as used in boundary descriptions herein, shall mean New Mexico state road.

(3) "I", as used in boundary descriptions herein, shall mean interstate highway.

E. "Chum" as used herein, is organic material that is not injurious to aquatic life and is used to attract fish.

F. "Daylight hours" shall mean from one-half hour before sunrise to sunset.

G. "Snagging" as used herein, is the intentional taking of fish with hooks, gang hooks, or similar devices where the fish is hooked in a part of the body other than the mouth.

[19.31.4.7 NMAC - N, 04-01-2018]

19.31.4.8 TROUT WATERS AND WARM WATERS:

A. Regular trout waters: The following are designated as regular trout waters: All streams, lakes and ponds within the following described areas except licensed class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing.

(1) Northern area: That portion of New Mexico bounded by a line starting at the intersection of I-25 with the Colorado-New Mexico state line and running south along I-25 to its junction with U.S. 64; thence, south and west on U.S. 64 to its junction with N.M. 58 at Cimarron; thence, south and east on N.M. 21 to its junction with I-25; thence, south, west, and southwest on I-25 and U.S. 84-85 to its junction with U.S. 285-84 at Santa Fe; thence, north on U.S. 285-84 to its intersection with N.M. 502; thence, west on N.M. 502 to the west bank

of the Rio Grande; thence, southwesterly along the west bank of the Rio Grande to its intersection with N.M. 44 at Bernalillo; thence, north and west on N.M. 44 to its intersection with U.S. 550; thence, west on U.S. 550 to the west bank of the Animas river; thence, north along the west bank of the Animas river to the Colorado-New Mexico state line; thence, east along the state line to its intersection with I-25. (Except the San Juan river from U.S. 64 bridge at Blanco downstream to N.M. 44 bridge at Bloomfield.)

(2) Ruidoso area: That portion of New Mexico bounded by a line starting at the junction of U.S. 54 and N.M. 506 and running north on U.S. 54 to its intersection with U.S. 380 at Carrizozo; thence, east on U.S. 380 to its junction with N.M. 246 at Capitan; thence, north and east on N.M. 246 to the eastern boundary of the Lincoln national forest; thence, south to Tinnie; thence, west on U.S. 380 to Hondo; thence, south on a north-south line to the junction of N.M. 24 and U.S. 82 north of Dunken; thence south and west on N.M. 24 to Pifon; thence, south approximately one mile to N.M. 506; thence, west along N.M. 506 to its junction with U.S. 54 at Paxton.

(3) Gila area: That portion of New Mexico bounded by a line starting at the junction of U.S. 180 with the Arizona-New Mexico state line and running north along the state line to its intersection with U.S. 60; thence, east on U.S. 60 to its junction with N.M. 52 west of Magdalena; thence, south on N.M. 52 to Winston and west along the road to Chloride and the eastern boundary of the Gila national forest; thence, south along the forest boundary to its intersection with N.M. 152 east of Kingston; thence, west on N.M. 152 to its junction with U.S. 180 at Central; thence, west and northwest on U.S. 180 to its junction with the Arizona-New Mexico state line. (Except Bear Canyon lake and Rancho Grande ponds.)

(4) in Sandoval county: all of Las Huertas (Ellis creek);

(5) in San Juan county: the Animas river from the 550 highway bridge in the city of Aztec and downstream to its confluence with the San Juan river;

(6) in Torrance county: all of Tajiique creek;

(7) in Cibola county: Bluewater creek;

(8) Pecos river from I-25 south to the southeast boundary of Villanueva state park;

(9) the following lakes, ponds, and reservoirs: Alice, Aztec pond, Bluewater, Blue Hole Park ponds, Chiuilla well, Clayton, lake Farmington, Jackson, Maloya, Maxwell lake 13, McGaffey, Manzano, and Ramah.

B. Winter trout waters: The following are designated as winter trout waters from November 1 through March 31 of the effective years: Sumner lake stilling basin (De Baca county); that portion of the Black river extending from one mile upstream to one mile downstream of Higby hole and located in Sections 8 and 9, T. 24 S., R. 28 E., N.M.P.M. (Eddy county); that portion of the Pecos river from the southeast boundary of Villanueva state park downstream to, but not including Santa Rosa lake (Guadalupe and San Miguel counties); Rio Grande from Elephant Butte dam downstream to Caballo lake (Sierra county); the following drains: Albuquerque, Atrisco, Belen Riverside, Bernalillo, Corrales, Peralta, and Tome (Bernalillo, Sandoval, and Valencia counties); and the following lakes: Alumni pond (Dona Ana county), Bataan (Eddy county), Bear Canyon (Grant county), Bill Evans (Grant county), Bosque Redondo (De Baca county), Bottomless lakes (Chavez county), Burn (Dona Ana county), Carlsbad municipal (Eddy county), Carrizozo (Lincoln county), Chaparral (Lea county), Conservancy park/Tingley beach (Bernalillo county), Corona (Lincoln county), Dennis Chavez pond (Curry county), Escondida (Socorro county), Eunice (Lea county), Grants river walk pond (Cibola county), Greene Acres (Curry county), Green Meadow (Lea county), ponds on Harry McAdams park (Lea county), Jal (Lea county), Liam Knight pond (Sandoval county), Ned Houk lakes (Curry county), Oasis park (Roosevelt county), Perch (Guadalupe county), Rancho Grande ponds (Catron county), Roswell kids pond (Chavez county), Van (Chavez county), and Young pond (Dona Ana county).

C. Warm waters: "Warm waters", as used herein, shall include all streams, lakes, and ponds except those designated as trout waters above, and except licensed class A lakes.
[19.31.4.8 NMAC - N, 04-01-2018]

19.31.4.9 SEASON DATES:

A. General seasons: All trout and warm waters in New Mexico shall be open for the taking of game fish from April 1 through March 31 of the effective years, with the following exceptions:

(1) Special waters

(a) The following waters shall be open between 12 noon March 1 through 12 noon October 31: upper and lower Charette lakes, Maxwell lakes 13 and 14, and Clayton lake.

(b) All waters in the Valle Vidal (Vermejo tract of the Carson national forest) shall be open from July 1 through December 31.

(c) Laguna del Campo at Los Ojos trout hatchery shall be open from May 1 through October 31.

- (d) Red River city ponds shall be open from March 1 through November 15.
- (e) Black Canyon creek in Grant county upstream from lower Black Canyon campground and Mogollon creek in Grant and Catron counties upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon shall be open from July 1 through October 31.
- (f) All waters on the Valles Caldera national preserve shall be open from May 1 to October 15.

(2) Waters on national wildlife refuges waters on U. S. national wildlife refuges shall be open for the taking of game fish in accordance with regulations of the U. S. fish and wildlife service; provided that season dates shall be from April 1 through March 31, on those national refuges for which the fish and wildlife service has not regulated season dates.

B. Special Kokanee salmon seasons, dates, and location

(1) The following waters shall be open October 1 through December 31 for the special Kokanee salmon season: Abiquiu reservoir, Chama river from El Vado lake upstream to the west boundary of the Rio Chama wildlife and fishing area, Eagle Nest lake, El Vado lake, and Navajo lake including the Pine river except as otherwise specified in Paragraph (3) of Subsection B. of 19.31.4.9 NMAC.

(2) Heron lake shall be open for the special Kokanee salmon season from the second Friday in November through December 31.

(3) Heron lake, including the Willow creek tributary, and the buoyed “no wake” areas at the Pine boat ramp and Sims mesa boat ramp at Navajo lake, including the shoreline within the “no wake” areas, shall be closed to Kokanee salmon fishing between October 1 and the second Thursday of November. If November 1 is a Friday, then these waters shall be closed to Kokanee salmon fishing between October 1 and the first Thursday of November. It shall be unlawful to fish for, snag, or possess Kokanee salmon in these areas during the closure period.

[19.31.4.9 NMAC - N, 04-01-2018]

19.31.4.10 HOURS OF FISHING:

A. Day and night fishing for all species of game fish shall be permitted in all waters during the open season, except Alto, Bonito, Butler street, and Eagle Nest lake where fish may be taken or fished for only between the hours of 5 a.m. and 10 p.m.; and U. S. fish and wildlife service waterfowl refuges where fish may be taken or fished for only during the hours posted at the refuge.

B. Laguna del Campo located at Los Ojos trout hatchery, Red River hatchery pond at the Red River state fish hatchery, Glenwood pond at the Glenwood state fish hatchery, and waters within the Valle Vidal portion of the Carson national forest shall be during **daylight hours only**.

C. Fishing at Ned Houk park lakes and Greene Acres shall be during the **hours posted** by the city of Clovis.

D. Fishing at Santa Cruz lake shall be between the **hours of 6 a.m. and 10 p.m.**

E. Fishing at Conservancy park/Tingley beach shall be only between sunrise and sunset.

[19.31.4.10 NMAC - N, 04-01-2018]

19.31.4.11 DAILY BAG, POSSESSION LIMITS AND REQUIREMENTS OR CONDITIONS:

A. Trout

(1) Waters with reduced bag limit: No person shall fish waters regulated for reduced limits while having in excess of that limit in possession.

(2) Brown, rainbow, cutthroat, Gila, lake, brook trout and Kokanee salmon:

(a) The daily bag limit shall be five trout and no more than 10 trout shall be in possession, unless otherwise specified in Paragraph (4) of Subsection A. of 19.31.4.11 NMAC.

(b) The daily bag limit for cutthroat trout shall be two trout and no more than two cutthroat trout may in possession. Cutthroat trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A. of 19.31.4.11 NMAC.

(c) The daily bag limit for lake trout shall be two trout and no more than four lake trout shall be in possession. Lake trout are included in the bag and possession limits for trout explained in Subparagraph (a) of Paragraph (2) of Subsection A. of 19.31.4.11 NMAC.

(3) Special Kokanee salmon season: During the special Kokanee salmon season, the daily bag limit shall be 12 Kokanee salmon in addition to the daily bag limit for trout, and no more than 24 Kokanee salmon may be possessed in addition to the possession limit for trout. It shall be unlawful to possess Kokanee salmon at Heron lake during the closed Kokanee salmon season.

- (4) On certain waters the following exceptions shall apply:
- (a) Special trout waters – waters, hereafter referred to as “Special Trout Waters”, the following exceptions shall apply:
- (i) No fish may be kept or held in possession while fishing in the portions of the following waters:

Water name	Portion	County	Exception
Tingley beach south pond	Within the Albuquerque conservancy park	Bernalillo	
Mogollon creek	Upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon	Catron and Grant	
Cimarron river	From the lower end of Tolby campground downstream approximately 1.4 miles to the first bridge of N.M. 64	Colfax	
Leandro creek	Within the Valle Vidal (Vermejo tract-Carson national forest	Colfax	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Any stream on the Valle Vidal	Vermejo tract-Carson national forest	Colfax and Taos	
Black canyon	From the forest road 150 (North Star Mesa road) crossing to its headwaters	Grant	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Pecos river	In the Pecos wilderness, above Pecos falls	Mora	
Rio Valdez	In the Pecos wilderness from the waterfall barrier 0.8 miles below FS trail 239 upstream to its headwaters	Mora	
Rito del Padre	From fish migration barrier located about 0.3 miles upstream of the confluence with the Rito Sebadilloses upstream to its headwaters including Rito de los Chimayosos	Mora	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
West fork Luna creek	From the Carson national forest property boundary upstream to its headwaters	Mora	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Jack’s creek	From the water falls located 0.25 mile downstream of NM highway 63 crossing upstream to its headwaters	Mora and San Miguel	
Canada Tio Grande	Within the Carson national forest excluding private land	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Nabor creek and Nabor lake	Within the Edward Sargent wildlife area	Rio Arriba	
Rio Chama	From the United States geological survey gaging station located 1.3 miles downstream of El Vado lake dam downstream approximately 3 miles to its confluence with the Rio Nutrias	Rio Arriba	
Rio de Las Vacas	From fish migration barrier located about 0.2 miles upstream of FS road 70 crossing to its headwaters	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Tanques creek	From FS road 93 crossing upstream to its headwaters	Rio Arriba	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Cebolla	From the Seven Springs day use area	Rio Arriba	bag and possession limits for

	upstream to the headwaters including McKinney pond	and Sandoval	rainbow trout, brown trout, and brook trout are unlimited
Rio Santa Barbara	From the west fork and middle fork confluence upstream to its headwaters including the east fork	Rio Arriba and Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
San Juan river	From Navajo dam downstream approximately 3.75 miles to the Crusher Hole day use area (east side of section 16)	San Juan	
Capulin creek	From its confluence with the Rio Grande to its headwaters	Sandoval	
Rio las Animas	Within the Gila national forest, Black range ranger district excluding private land	Sierra	
Cabresto creek	From Cabresto canyon upstream to its headwaters not including lake fork and Cabresto lake	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Columbine creek	From its confluence with the Red river upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Frijoles creek	From its confluence with Rito de la Olla upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Gavilan creek	From its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Italianos creek	From its confluence with the Rio Hondo upstream its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Palociento creek	From its confluence with Rito de la Olla upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Rio Costilla	From its confluence with Latir creek upstream approximately 2.4 miles to the Valle Vidal tract of the Carson national forest	Taos	
South fork Rio Hondo	From its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Yerba creek	From its confluence with the Rio Hondo upstream to its headwaters	Taos	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited

(ii) The daily bag limit shall be two trout and no more than two trout shall be in possession while fishing in the portions of the following waters. Anglers must stop fishing in those waters when the daily bag limit is reached.

Water name	Portion	County	Exception
Gilita creek and tributaries	From its confluence with Snow creek upstream to its headwaters including Willow and Little Turkey creek	Catron	bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited
Mineral creek	From its confluence with San Francisco river to its headwaters	Catron	
Whitewater creek	From Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries	Catron	
Shuree lakes	Within the Valle Vidal (Vermejo tract-Carson national forest)	Colfax	
Vermejo river and	From the Vermejo Park ranch boundary	Colfax	bag and possession limits for

its tributaries	upstream to its headwaters		rainbow trout, brown trout, and brook trout are unlimited
Rio Ruidoso	From Fridenbloom drive upstream to the boundary between the Mescalero Apache reservation and the city of Ruidoso	Lincoln	
All waters within or adjacent to the Edward Sargent wildlife area	Including the Rio Chamita, Sexton creek, and Rio Chama, excluding Nabor creek and Nabor lake	Rio Arriba	
Rio Chama	Within the boundaries of the Rio Chama wildlife and fishing area from Heron reservoir outlet 2.9 miles upstream to Cottonwood Flats	Rio Arriba	
Rio Chama	From the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam	Rio Arriba	
Pecos river	From approximately 0.5 mile upstream of its confluence with the Mora river (Mora-Pecos) upstream to approximately 0.2 miles downstream of the bridge crossing at Cowles	San Miguel	
All waters of the Valles Caldera national preserve		Sandoval	
Rio Guadalupe	From its confluence with Deer creek upstream 6.0 miles to Stable canyon	Sandoval	
Rio San Antonio	From the San Antonio hot springs pedestrian bridge upstream approximately 2.0 miles to the Valles Caldera National Preserve boundary	Sandoval	
Red River	From its confluence with Goose creek 1.1 miles upstream to the Carson national forest boundary	Taos	
Red River	From its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery	Taos	

(b) On the following waters the bag limit shall be four trout and no more than four trout shall be in possession; In Bernalillo county: the central pond and designated kids north pond at Conservancy park/Tingley beach.

(c) On the following waters the bag limit shall be three trout and no more than three trout shall be in possession; In Rio Arriba county: Laguna del Campo at Los Ojos trout hatchery; In Taos county: the designated fish pond at Red River state fish hatchery; In Taos county: the Red River city ponds; In Taos county: Goose lake; In Sierra county: Rio Grande downstream of Elephant Butte dam.

B. Warm-water fishes: The daily bag limit for game fish other than trout shall be as listed below and the possession limit shall be twice the daily bag limit.

- (1) striped bass one fish;
- (2) largemouth, smallmouth, and spotted bass five fish;
- (3) walleye five fish;
- (4) crappie 20 fish;
- (5) white bass and white bass x striped bass hybrid 25 fish;
- (6) northern pike 10 fish;
- (7) catfish (all species, except bullheads) 15 fish;
- (8) yellow perch 30 fish;
- (9) tiger muskie (*Esox lucius x E. masquinongy*) one fish
- (10) all other warm-water game species 20 fish.

C. The following exception shall apply:

(1) At Alto lake (Lincoln county); Alumni pond (Dona Ana county); Bataan lake (Eddy county); Blue Hole park pond (Guadalupe county); Bosque Redondo (De Baca county); Burn lake (Dona Ana county); Carrizozo lake (Lincoln county); Chaparral lake (Lea county); Conoco lake (Lea county); Conservancy park/Tingley beach (Bernalillo county); Corona lake (Lincoln county); Dennis Chavez pond (Curry county); Escondida lake (Socorro county); Estancia Park lake (Torrance county); Eunice lake (Lea county); Grants city pond (Cibola county); Green Meadow lake (Lea county); Greene Acres lake (Curry county); Jal lake (Lea county); lake Van (Chaves county); Liam Knight pond (Sandoval county); McGaffey lake (McKinley county); Ned Houk lakes (Curry county); Oasis state park (Roosevelt county); Pecos River within the Villanueva state park (San Miguel county); Perch lake (Guadalupe county); Rancho Grande ponds (Catron county); Roswell kids pond (Chavez county); Timberon ponds (Otero county); and Young pond (Dona Ana county): the daily bag limit for channel catfish will be two fish and the possession limit shall be twice the daily bag limit.

(2) In San Juan county, in the San Juan and Animas rivers, not including Navajo lake, there is no daily bag limit or possession limit for channel catfish and striped bass.

(3) In Colfax county, Eagle Nest lake there is no bag or possession limit for northern pike. All northern pike caught at Eagle Nest lake must be kept in possession. No northern pike shall be intentionally returned to Eagle Nest lake.

(4) In Union county: Clayton Lake; In Grant county: Bill Evans lake; In Grant county: lake Roberts the daily bag limit for largemouth bass shall be two fish and no more than two shall be in possession. [19.31.4.11 NMAC - N, 04-01-2018]

19.31.4.12 SIZE LIMITS:

A. Black basses

(1) Any largemouth or spotted bass taken which is less than 14 inches long shall be immediately returned to the water.

(2) Any smallmouth bass taken which is less than 12 inches long shall be immediately returned to the water except at Ute and Conchas reservoirs where any smallmouth bass taken which is less than 14 inches long shall be immediately returned to the water.

B. Walleye: Any walleye taken which are less than 14 inches long shall be immediately returned to the water.

C. Tiger muskie (*Esox lucius x E. masquinongy*): Any tiger muskie taken which is less than 40 inches long shall be immediately returned to the water.

[19.31.4.12 NMAC - N, 04-01-2018]

19.31.4.13 GILA TROUT PERMIT REQUIRED: Every person angling for fish on those sections of the following waters must be in possession of a Gila trout permit, issued in their name by the department or its designee. In Grant county: Black canyon upstream of its confluence with the East fork Gila River and Sapillo creek; In Catron county: West fork Gila river, Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters including all tributaries, Mineral creek including all tributaries, and waters upstream from the confluence of Gilita creek and Snow creek including Gilita, Willow and Little Turkey creeks; In Grant and Catron counties: the area from the Middle fork Gila river and West fork Gila river confluence downstream to the East fork Gila river confluence and Mogollon creek upstream from the waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon. A photocopy, duplicate copy or computer printout of this permit will suffice as evidence of receiving such permit.

[19.31.4.14 NMAC - N, 04-01-2018]

19.31.4.14 WATERS WITH AGE OR INDIVIDUALS WITH DISABILITIES USE RESTRICTIONS:

A. Only persons **11 years of age and younger** may fish in the following waters: Shuree kids' ponds on Valle Vidal (Vermejo tract-Carson national forest); valley improvement association ponds at Belen, Harris pond in Las Vegas, Spring river park in Roswell, and the Brood pond at Seven Springs state fish hatchery.

B. Only persons **11 years of age and younger, those 65 years and older, and individuals with disabilities** may fish in the designated Red River hatchery pond located at the Red River state fish hatchery, Blue Hole park pond (formerly Santa Rosa seniors pond), Estancia park lake at Estancia, and in ponds located in Harry McAdams park.

C. Only individuals with disabilities and those **11 years of age and younger** may fish in the posted small pond at Cowles.

D. Olympic pond: Only persons 11 years of age and younger and those 65 years and older may fish in Olympic pond located at Angel Fire.

E. Laguna del Campo: Only persons 14 years of age and younger, those 65 years and older, individuals with disabilities, or up to two parents/guardians in direct supervision of a child or children 14 years of age and under who are fishing, may fish in Laguna del Campo located near Los Ojos trout hatchery.

F. Conservancy park/Tingley beach kids' pond: Only persons 12 years of age and younger may fish in Conservancy park/Tingley beach kids' pond in Albuquerque.

G. Red River city middle kids' pond: Only individuals with disabilities and those 12 years of age and younger may fish in Red River city middle kids' pond.

[19.31.4.14 NMAC - N, 04-01-2018]

19.31.4.15 CLOSED WATERS:

A. Waters closed to fishing

- (1) In Catron county: Big Dry creek from Golden link cabin upstream through its headwaters.
- (2) In Catron county: Little creek from the "barrier" upstream through all tributaries.
- (3) In Catron county: Spruce creek.
- (4) In Catron and Sierra counties: Main Diamond creek above the point of confluence with south Diamond creek.
- (5) In Catron and Sierra counties: South Diamond creek drainage.
- (6) In Colfax county: a posted area lying within 300 feet of Eagle Nest dam, which is closed to entry.
- (7) In Colfax county: a posted area of Stubblefield and Laguna Madre lakes lying within 150 feet of the outlet structures.
- (8) In Grant county: east fork of Mogollon creek upstream of Trail canyon including Woodrow canyon.
- (9) In Grant county: McKnight creek.
- (10) In Grant county: Sheep Corral creek.
- (11) In Lincoln county: Pinelodge creek and posted areas of Alto reservoir and Bonito lake near the outlets.
- (12) In Catron county: All tributaries of the West fork of the Gila river above waterfalls between FS Trail No. 151 crossing of the West fork of the Gila river near White creek cabin and FS Trail No. 151 crossing of the West fork of the Gila river near Liley canyon. Mainstem of the West fork of the Gila river will be open to fishing.
- (13) In Catron county: Iron creek in the Gila wilderness upstream of the constructed waterfall barrier located in T12SR17WSec16NE.
- (14) In Catron county: McKenna creek.

B. Taking fish from hatchery waters: It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned and operated by state or federal agencies. During open season, however, angling for trout shall be permitted in the Glenwood pond at the Glenwood state fish hatchery, Red River hatchery pond at the Red River state fish hatchery, Brood pond at Seven Springs state fish hatchery, and Laguna del Campo at Los Ojos state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

C. Taking fish from or through the ice: Fish may be taken from or through the ice except it is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Monastery lake, Bonito lake, and Springer lake.

[19.31.4.16 NMAC - N, 04-01-2018]

19.31.4.16 ESTABLISHING FREE FISHING DAYS: The first Saturday in June and the last Saturday in September during the effective dates of this regulation, are established as free fishing days whereby anglers may fish public waters in New Mexico as otherwise provided by regulation, but without benefit of a fishing license or habitat improvement stamp.

[19.31.4.18 NMAC - N, 04-01-2018]

HISTORY OF 19.31.4 NMAC:

The material in this part was derived from that previously filed with the State Records Center & Archives under: Regulation No. 488, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of The Fisheries Resources of New Mexico 1968-1969 License Year, April 1, 1968 Through March 31, 1969, filed 12-15-67; Regulation No. 500, Concerning Method & Manner of Hunting, Taking, Possessing, Disposing & Transporting of Game Animals, Birds, Fish Or Bullfrogs, Or Parts Thereof, Taken In NM, filed 5-25-67; Regulation No. 525, Concerning the Method And Manner of Hunting, Taking, Possessing, Disposing And Transporting of Game Animals, Game Birds, Game Fish Or Bullfrogs, Or Parts Thereof, Taken In New Mexico, filed 8-21-68; Regulation No. 499, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1969-1970 License Year, April 1, 1969 Through March 31, 1970, filed 12-10-68; Regulation No. 509, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1970-1971 License Year, April 1, 1970 Through March 31, 1971, filed 12-8-69; Regulation No. 518, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico 1971-1972 License Year, April 1, 1971 Through March 31, 1972, filed 1-14-71; Regulation No. 530, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico, 1972-1973 License Year, April 1, 1972 Through March 31, 1973, filed 1-11-72; Regulation No. 535, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1972 Through March 31, 1973, filed 5-31-72; Regulation No. 550, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting And Fishing, And Use of Department Lands, Filed 5-31-72; Regulation No. 543, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1973 Through March 31, 1974, filed 12-11-72; Regulation 552, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of Mexico For the Period April 1, 1974 Through March 31, 1975, filed 1-11-74; Regulation No. 562, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1975 Through March 31, 1976, filed 1-3-75; Regulation No. 571, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1976 Through March 31, 1977, filed 2-10-76; Regulation No. 579, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1977, Through March 31, 1978, filed 9-21-76; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12-20-76; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5-24-77; Regulation No. 589, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1978, Through March 31, 1979, filed 10-5-77; Regulation No. 595, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1979, Through March 31, 1980, filed 10-3-78; Regulation No. 602, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1980, Through March 31, 1981, filed 11-21-79; Regulation No. 607, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1981, Through March 31, 1983, filed 10-22-80; Regulation No. 612, Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, filed 3-2-82; Regulation No. 619, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period April 1, 1983, Through March 31, 1985, filed 12-8-82; Regulation No. 632, Establishing Open Seasons, Bag Limits And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1985, Through March 31, 1987, filed 11-28-84; Regulation No. 647, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1987, Through March 31, 1989, filed 1-5-87; Regulation No. 662, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1989, Through March 31, 1991, filed 12-19-88; Regulation No. 677, Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, filed 6-25-90; Regulation No. 681, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1991, Through

March 31, 1993, filed 1-11-91; Regulation No. 694, Establishing Open Seasons, Bag Limits, And Other Rules Pertaining To Management And Harvest of the Fisheries Resources of New Mexico For the Period of April 1, 1993, Through March 31, 1995, filed 3-11-93

NMAC History:

- 19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4-1-95.
- 19.31.4 NMAC, Hunting and Fishing Regulations - Fisheries, 11-15-2000.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 4-15-2002.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 3-10-2010.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 12-30-2015.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 12-15-2016.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 12-12-2017.
- 19.31.4 NMAC, Hunting and Fishing - Fisheries, 04-01-2018.

History of Repealed Material: [RESERVED]

NMAC Transmittal Form

NEW MEXICO STATE RECORDS CENTER
Commission of Public Records
2017 NOV 30 PM 12:16

Volume: Issue: Publication Date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: (ALD Use Only) Most Recent Filing Date:

New Amendment Repeal Repeal/Replace Renumber Emergency

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment Description (If filing an Amendment): Amendment's NMAC Citation (If filing an Amendment):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Concise Explanatory Statement for rulemaking adoption:

Notice date(s): Hearing date(s): Rule Adoption date: Rule Effective date:

Specific statutory or other authority authorizing rulemaking:

Findings required for rulemaking adoption. Please attach and sign additional page(s) if necessary.

The changes to Section 9 of 19.31.10 NMAC will include removing the current language regarding existing tagging requirements, adding language that allows for the use of a physical paper carcass tag issued by the Department and describes the manner and method in which the issued carcass tag will be affixed to the animal upon harvest. The changes also define illegal acts associated with improperly tagging a harvested animal. Changes to Section 14, 17 and 20 of 19.31.10 NMAC include clarify rule language, adding and removing waters to the tackle restrictions for Special Trout Waters, restricting bow and spear fishing for largemouth bass on Clayton Lake, Lake Roberts, and Bill Evans Lake, removing waters no longer open to the public or that no longer exist, and adding some language to clarify unlawful acts.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name: Check if authority has been delegated

Title:

Signature: (BLACK ink only) Date signed:

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 10 HUNTING AND FISHING - MANNER AND METHOD OF TAKING

19.31.10.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 12-15-2016]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 31, 32, and 33 of Title 19.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 12-15-2016]

19.31.10.3 STATUTORY AUTHORITY: Section 17-1-14 and Section 17-1-26 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 and all other acts pertaining to protected species.
[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 12-15-2016]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 12-15-2016]

19.31.10.5 EFFECTIVE DATE: December 15, 2016, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 12-15-2016]

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting, fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, restrictive devices for fish, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 12-15-2016]

19.31.10.7 DEFINITIONS:

A. “Big game species” shall mean deer, bear, cougar, elk, pronghorn antelope (American pronghorn), Barbary sheep, bighorn sheep, javelina, oryx, and Persian ibex.

B. “Modern firearms” shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

C. “Muzzle-loader or muzzle-loading firearms” shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

D. “Restricted muzzle-loading rifle” shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a traditional lead bullet. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots, including powerbelt-type projectiles, are prohibited.

E. “Bow” shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

F. “Arrows” shall mean only those arrows or bolts having broadheads with steel cutting edges.

G. “Trotline” shall be synonymous with “set line” or “throw line” or “jug”, and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

H. “Angling” shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.

I. “Spear fishing” shall mean taking or attempting to take game fish with spears, gigs, and arrows with barbs that are discharged under the surface of the water.

J. “Bait fish” is defined as those nongame fish which are not otherwise protected by statute or regulation.

K. “Chumming” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

L. “Protected species” shall mean any of the following animals:

NMSA 1978; (1) all animals defined as protected wildlife species and game fish under Section 17-2-3
(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;
(3) all animals listed as endangered species or subspecies as stated in regulation(s) set by the state game commission.

M. "Retention" or "retain" shall mean the holding of in captivity.

N. "Established road" is defined as follows:

(1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures;

(2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

O. "Non-toxic shot" shall mean shot approved for use by the U. S. fish and wildlife service.

P. "Director" shall mean the director of the New Mexico department of game and fish.

Q. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take protected game mammals or game birds.

R. "Nets" shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.

S. "Barbless lure or fly" shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto an angling hook to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.

T. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights or lights on crossbows shall not project light. This definition shall apply to hunting for all species.

U. "Angling hook" shall mean a single, double, or treble (triple) point attached to a single shank.

V. "Sporting arms or weapon types" shall be designated as follows:

(1) all hunt codes denoted with -1- shall authorize use of any legal weapon;

(2) all hunt codes denoted with -2- shall authorize use of bows only;

(3) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms, except that bows and crossbows shall not be allowed during restricted muzzle-loading hunts.

W. "Bag limit" shall mean the protected animal, qualified by species, sex, age, antler requirement, or size allowed by rule that a legally licensed hunter may attempt to take or harvest.

X. "Written permission" shall mean a document (which may include a valid hunting, trapper, or fishing license) that asserts the holder has permission from the private land owner or his designee to hunt, fish, or trap on the landowner's property. The information on the document must be verifiable and include the name, date, and phone number of the person granting the permission.

Y. "Bow fishing" shall mean taking or attempting to take game fish with arrows with barbs that are discharged above the surface of the water by a bow. Arrows must be attached by string, line, or rope to facilitate fish retrieval.

Z. "Drone" is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as "unmanned aerial vehicle (UAV)" or "unmanned aerial vehicle systems (UAVS)"
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 12-15-2016]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It shall be unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy, or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section 17-2-20 NMSA 1978.
[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 12-15-2016]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It shall be unlawful to possess, sell, or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken (killed) under a license or permit.

B. Game taken by another: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a written statement which shall be provided by the donor of the protected species, or parts thereof, and which shall contain the following:

- (1) the kind and number of game or furbearer parts donated;
- (2) the date and county where the game or furbearer was lawfully taken;
- (3) the donor's name, address, and the number of the hunting or fishing or trapping license under which the game or furbearer was lawfully taken;
- (4) the date and place of the donation.

C. Retention of live animals: It shall be unlawful to retain protected species in a live condition except under permit or license issued by the director for the following purposes:

- (1) zoos open for public display;
- (2) in class A parks;
- (3) in projects for scientific research and propagation;
- (4) a rehabilitation permit;
- (5) under a falconry permit, only those birds listed on the permit;
- (6) under a protected mammal permit, only those mammals listed on the permit;
- (7) under a scientific collection permit, one may collect and possess only those species listed on the permit;
- (8) in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of game animal parts: Only skins, heads, antlers, horns, or claws of legally taken protected species and feathers from non-migratory game birds may be bartered or sold. (Internal organs of protected species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) description of the skin, head, antlers, horns or claws, or feathers involved;
- (2) the date and county where the game was taken;
- (3) the disposer's name, address and hunting license number under which the game was taken;
- (4) the date and place of the transaction.

E. Possession of game animal parts found in the field: It shall be unlawful to possess heads, horns, or antlers of protected species found in the field without invoice or permit from the department of game and fish, with the exception of obviously shed antlers.

F. Big game and turkey: For licensed hunters of any big game species or turkey, the licensee killing the animal shall immediately punch or completely fill in (black out) the area designated for the appropriate species on the license. Immediately upon arriving at a vehicle, camp or a place of storage, the licensee must permanently fill in the proper date and time of kill on their license.

(1) The properly punched or blacked-out license shall be attached or accompany the carcass while the carcass is left unattended in any vehicle, field, or while it is in camp or at a residence or other place of storage. The punched or blacked-out license may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the punched or blacked-out license shall remain attached to that portion of the carcass left unattended in a camp or vehicle.

(2) Once removed from the field, the licensee must ensure the carcass or parts thereof are accompanied by a properly filled out and punched or blacked-out license or other license information as determined by the director.

(3) It shall be unlawful for any licensee to fail to properly punch or completely black out the area designated by appropriate species on the license immediately upon killing any big game species or turkey.

(4) It shall be unlawful for any licensee for any big game or turkey to fail to properly fill in the date and time of kill on their license as required by rule.

(5) It shall be unlawful to possess any big game species or turkey that are unaccompanied by a properly punched, blacked-out or filled out license or unaccompanied by the other license information as determined by the director.

(6) It shall be unlawful for any person to transport or possess the carcass of any big game animal or turkey without proof of sex until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a department official.

G. Possession and sale of live wild turkey prohibited: It shall be unlawful to sell, attempt to sell or possess wild turkey (*Meleagris gallopavo* ssp.) in New Mexico, including captive raised birds, except as by permit issued by the director for verifiable scientific, education, and temporary purposes or for commercial sales to entities outside of the state of New Mexico.

H. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcass of any protected species that is possessed contrary to this section.
[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 12-15-2016]

19.31.10.10 PERMITS AND LICENSES ISSUED: Permits and licenses may only be issued by the director or his designee as follows:

A. Uses of wildlife:

- (1) importation
- (2) depredation
- (3) scientific collection
- (4) possession
- (5) propagation
- (6) sale
- (7) commercial hunting or fishing
- (8) release
- (9) falconry
- (10) rehabilitation
- (11) zoo

B. Permit or license provisions: Specific provisions for applications, conditions, reporting, and other stipulations for permits or licenses will be provided by the department of game and fish with each permit and license.

C. Violation of permit or license provisions: It is unlawful for any person receiving any permit or license provided in Subsection A of 19.31.1.10 NMAC to violate any provision of this section or any provision listed on the permit or license. If such an invalidated permit or license authorized possession of wildlife, the wildlife shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. It shall be unlawful to purchase, possess, barter, transfer, transport, sell, or offer to sell any imported wildlife contrary to the provisions of any import permit.

[19.31.10.10 NMAC - Rp, 19.31.10.10 NMAC, 12-15-2016]

19.31.10.11 RELEASE OF WILDLIFE: It shall be unlawful for any person or persons to release, intentionally or otherwise, or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department of game and fish.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 12-15-2016]

19.31.10.12 RESTRICTIVE DEVICES FOR FISH: The director may require that a screen, paddle wheel, or other device to prevent passage of fish be installed by the owner of any canal or ditch into which waters containing protected fish are diverted. The director may also require that the owner maintain the device during periods when waters are being diverted.

[19.31.10.12 NMAC - Rp, 19.31.10.12 NMAC, 12-15-2016]

19.31.10.13 USE OF VEHICLES AND ROADS IN HUNTING:

A. Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill any protected species on, from, or across any graded paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence of right-of-way fences.

B. Roads, artificial wildlife: It shall be unlawful to shoot at artificial wildlife on, from, or across any graded, paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence of right-of-way fences.

C. Vehicles, boats, aircraft: It shall be unlawful to shoot at any protected species from within a motor vehicle, power boat, sailboat, or aircraft. EXCEPTION - Migratory birds may be taken from a motor-driven boat (or other craft with attached motor) or sailboat when resting at anchor or fastened within or immediately alongside a fixed hunting blind or is used solely as a means of picking up dead birds.

D. Harassing protected wildlife: It shall be unlawful, at any time, to pursue, harass, harry, drive, or rally any protected species by use of or from a motor-driven vehicle, powerboat, sailboat, drone, or aircraft.

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.

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.

H. Vehicle off of established road: During the seasons established for any protected species, it shall be unlawful to drive or ride in a motor vehicle which is driven off an established road when the vehicle bears a licensed hunter, fisherman or trapper. EXCEPTION: 1) Snowmobiles; 2) To retrieve lawfully taken game not in an area closed to vehicular traffic. 3) All landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

I. Closed roads: During the seasons established for any protected species, it shall be unlawful to knowingly occupy, drive, or cause to be driven any motor vehicle on a closed road when the vehicle bears a licensed hunter, angler or trapper.

J. Handicapped license:

(1) Shooting from a vehicle: The holder of a handicap license is authorized to shoot at and kill protected species during their respective open seasons from a stationary motor-driven vehicle that is not on a public road or highway. The director may issue permits to shoot from a stationary vehicle to applicants who provide certification that the applicant is permanently disabled in accordance with the American Disability Act. Such certification shall be signed by an M.D. or O.D. licensed to practice in the applicant's state of residence.

(2) Driving off established roads: Holders of a handicap license may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take squirrels or game birds, excluding turkey, during open seasons.

(3) Assistance for handicapped hunter: The holder of a handicapped license may be accompanied by another person to assist in reducing to possession any big game animal which has clearly been wounded by the licensed handicapped hunter.

K. 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.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 12-15-2016]

19.31.10.14 FISHING:

A. Angling: Game fish may be taken by angling in all waters that are open for fishing.

B. Trotlines:

(1) It is unlawful for any person to set more than one trotline at a time. It is unlawful to tie or join together trotlines belonging to two or more persons.

(2) It is unlawful for trotlines to have more than 25 angling hooks.

(3) A person fishing with a trotline shall personally visit and inspect the trotline at least once every 24 hours calendar day. Failure to check a trotline every ~~24 hours is a violation of this paragraph~~ calendar day is unlawful.

(4) It is unlawful for anyone to tamper with another's trotline.

(5) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the fisherman's name, address, fishing license number, and the date

the trotline was set. An unlicensed fisherman ~~under 12~~ 11 years of age and younger shall also list ~~his~~ their date of birth. Failure to meet trotline tagging requirements as described is unlawful.

(6) It is unlawful to set or use a trotline in trout waters, with the following exceptions: Abiquiu lake, Chama river downstream from the northern boundary of the Monastery of Christ in the Desert, Gila river downstream from its junction with its east fork, Navajo lake and the Rio Grande downstream from its junction with the Chama river.

(7) Any conservation officer or other officer authorized to enforce the game laws may seize and confiscate any trotlines not set in accordance with this subsection.

C. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying, or killing fish except as permitted by regulation.

D. Bait: It is unlawful to use protected fish, live bullfrogs, or live bullfrog tadpoles as bait in any waters containing protected species. EXCEPTION: the genus *Lepomis* taken by legal means of angling may be used as live bait in the water from which they were taken only in the following waters: Abiquiu reservoir, Cochiti lake, Elephant Butte reservoir, Caballo reservoir, Stubblefield lake, Maxwell lakes, Clayton lake, Conchas lake, Ute lake, Santa Rosa lake, Lake Sumner, Brantley reservoir, and Navajo reservoir. *Lepomis* may be used as dead bait; roe, viscera, and eyes of legally taken game fish may be used as bait; and bullfrogs and bullfrog tadpoles may be used as dead bait. Live bullfrogs or live bullfrog tadpoles may not be in possession while fishing.

E. Use of bait fish:

(1) It is unlawful to use gar (*Lepisosteus* spp.) and goldfish (*Carassius auratus*) as bait in all waters.

(2) It is unlawful to use live common carp (*Cyprinus carpio*), river carpsucker (*Carpoides carpio*), and smallmouth buffalo (*Ictiobus bubalus*) in all waters. However, these species may be used as dead bait in any water where bait may be used.

(3) It is unlawful to use bait fish in all trout waters except fathead minnows and red shiners may be used in the following trout waters: Abiquiu, Clayton lake, Jackson lake, Lake 13 (Maxwell refuge), Navajo lake, ~~Caballo lake~~, the Rio Grande downstream of the Taos junction bridge (excluding the special trout water described in 19.31.4.11 NMAC), ~~Power Dam lake~~, and the Animas river.

(4) It is unlawful to use any bait fish in Bitter lake national wildlife refuge and Bottomless lakes state park.

(5) Bait fish may be used in all other waters with the following restrictions:

(a) In the Gila river and San Francisco river drainages only fathead minnows may be used.

(b) In the Pecos river drainage only fathead minnows and red shiners may be used.

(c) In the Rio Grande drainage only fathead minnows, red shiners, and shad may be used except in Elephant Butte and Caballo where golden shiners are also allowed

(d) In the Canadian river drainage only fathead minnows, red shiners, and shad may be used.

(e) In the San Juan river drainage only fathead minnows and red shiners may be used.

(f) In Eagle Nest and Heron lakes only dead bait fish may be used. No live bait fish may be in possession.

F. Release of bait fish: It is unlawful to release any bait fish into any water containing game fish.

G. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers, the director may permit licensed fishermen and unlicensed persons ~~under 12~~ 11 years of age and younger to take and possess game fish in numbers exceeding current bag and possession limits. In granting such permission, the director may specify bag and possession limits and manner and method of taking for such waters.

H. Methods for taking bait fish for personal use: Licensed fishermen and unlicensed persons ~~under 12~~ 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows, and seines. All protected species of fish taken in seines, nets, and traps shall be immediately returned to the water.

I. Illegal taking of bait fish: It is unlawful for licensed minnow dealers to take bait fish for sale from waters not specified on their licenses. They may take these fish only by use of traps, seines, or cast nets, as specified on their licenses. All protected species of fish taken in such traps, seines, or nets shall be immediately returned to the water from which they were taken.

J. Permits for taking bait fish: The director may issue permits for the use of nets, seines, traps, or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking, and duration of the permit. The permittee shall report monthly the species, numbers and poundage of bait fish taken during the preceding month.

K. Limit on angling hooks: It is unlawful to angle with more than two (2) barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A. of 19.31.4.11 NMAC.

L. ~~Reserved~~ Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

M. Number of fishing poles: It is unlawful to angle with more than one pole without having a current two rod validation or stamp affixed on the current license. It is unlawful under any circumstance to angle with more than two poles.

N. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit or possession limit of any protected fish species, as specified in 19.31.4.11 NMAC.

O. Exceeding daily bag or possession limit - Penalty Assessment: For those fish species or waters where the daily bag limit or possession limit is more than two fish as specified in 19.31.4.11 NMAC, violators that exceed the bag limit or possession limit by four fish or less shall be offered a penalty assessment. For those fish species or waters with special, reduced or restricted bag limits or possession limits of two or less as specified in 19.31.4.11 NMAC, violators that exceed the bag limit or possession limit by one fish shall be offered a penalty assessment.

P. Snagging game fish: It is unlawful to snag game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4.9 NMAC.

Q. Chumming: It is unlawful to "CHUM" except in the following waters: All waters designated as warm waters; Gila river downstream from its junction with its east fork; Rio Grande downstream from its junction with the Chama river; ~~excluding the special trout water below Elephant Butte dam described in Subsection A. of 19.31.4.11 NMAC.~~

R. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in Subsection A. of 19.31.4.11 NMAC, ~~except in the special trout water on the Rio Grande below Elephant Butte dam in which soft plastic lures may also be used,~~ and in the following waters any legal angling gear and legal bait for trout waters may be used: Conservancy Park lake/Tingley beach the Kids' pond and Central pond, the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters, and those waters designated in Subparagraph (e) of Paragraph (4) of Subsection A. of 19.31.4.11 NMAC. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

S. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A. of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

T. Spearfishing and bow fishing:

(1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC and in any river or stream. It is unlawful to take largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

(2) In addition, during the season established by Subsection B. of 19.31.4.9 NMAC, Kokanee salmon may be taken by the use of spears, gigs, and arrows with barbs that are discharged above or below the water and not driven by explosives, gas, air, or crossbow, except in the Pine river where spears, gigs, and arrows are prohibited.

U. Use of nets: It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

V. Violation of age or disability restrictions: It is unlawful for any person to fish in a water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 12-15-2016]

19.31.10.15 LANDS AND WATERS OWNED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE STATE GAME COMMISSION:

- A. **Posting of signs:** The state game commission may prohibit, modify, condition, or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.
- B. **Violating provisions of posted signs:** It shall be unlawful to violate the provisions of posted signs on areas under the control of the state game commission.
- C. **Trespass on state game commission owned lands:** It shall be unlawful to hunt, fish, camp, or trespass upon state game commission owned lands unless allowed under regulation or provided for under Subsection A.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 12-15-2016]

19.31.10.16 AREAS CLOSED TO HUNTING, FISHING AND TRAPPING: The following areas shall remain closed to hunting, fishing, and trapping, except as permitted by regulation.

- A. Sugarite canyon state park.
- B. Portion of the Wild Rivers recreation area: an area bounded on the north by the power line from Bear Crossing to Red River hatchery, south along the Red River to the confluence of the Rio Grande, and north along the Rio Grande to the power lines at Bear Crossing is closed to all hunting; Taos valley overlook.
- C. All wildlife management areas (except non-game hunting shall be allowed on the Water canyon WMA January 1 through March 31 annually).
- D. Valle Vidal area.
- E. Sub-Unit 6B (Valles Caldera national preserve)

[19.31.10.16 NMAC - Rp, 19.31.10.16 NMAC, 12-15-2016]

19.31.10.17 REGULATIONS PERTAINING TO BOATS, OTHER FLOATING DEVICES, AND MOTORS:

- A. **Charette, Clayton, and McAllister lakes:** On the following lakes controlled by the department of game and fish, boats and other floating devices with or without electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed: Charette, Clayton, and McAllister lakes
- B. On **Springer lake**, boats and other floating devices with or without motors shall be permitted; provided, however, that boats or floating devices shall not be operated at greater than normal trolling speed when water storage is less than 1,000 acre feet.
- C. On **Ramah lake**, boats and floating devices shall not be operated at greater than normal trolling speed.
- D. On the following lakes controlled by the department of game and fish, only boats and other floating devices using electric motors or with motors that are not in use shall be permitted: **Bear canyon, Bill Evans, Green Meadow, Fenton, Hopewell, Jackson, lake Roberts, Maddox, Morphy, Quemado, Snow, Wall, Conoco lakes, and waters located on the Ladd S. Gordon wildlife area.**
- E. On the following lakes controlled by the department of game and fish, only boats and other floating devices using no motors shall be permitted: **Bernardo waterfowl management area, La Joya waterfowl management area, McGaffey, San Gregorio, Shuree ponds.**
- F. On the following lakes controlled by the department of game and fish, no boats or other floating devices shall be permitted: **Bonito lake, Laguna del Campo lake at Los Ojos state fish hatchery, Monastery lake, Power dam, and Red River hatchery pond.**
- G. Department of game and fish personnel or persons authorized by the director of the department of game and fish may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 12-15-2016]

19.31.10.18 UNLAWFUL TAKING OR KILLING OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR GAME FISH ON PRIVATE LAND:

- A. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on any private property that is in compliance with Section 30-14-1 and Section 30-14-6

NMSA 1978 posting requirements without possessing written permission from the landowner or person in control of the land or trespass rights, unless otherwise permitted in rule or statute.

B. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on private property if the consent to enter or remain has been denied or withdrawn by the owner or person in control of the land or trespass rights, per Section 30-14-1 NMSA 1978, unless otherwise permitted in rule or statute.

C. It shall be unlawful to knowingly enter upon any private property to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

D. Any game animals, furbearers, game birds, or game fish taken in violation of this section shall be subject to seizure.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 12-15-2016]

19.31.10.19 TAKING GAME ANIMALS, FURBEARERS, GAME BIRDS BY CROSSBOW:

A. Crossbows may be used to take or kill any game animal, furbearer or game bird by a licensed hunter in possession of a valid department mobility impaired (MI) card or in possession of a reasonable accommodation issued by the director, or as otherwise allowed by rule.

B. It shall be unlawful to hunt with a crossbow without a hunter possessing a MI card or reasonable accommodation from the director, or contrary to rule or hunt code.

C. It shall be unlawful to hunt with a crossbow that has a scope, telescopic sight or magnification device during any bow only hunt for big game.

[19.31.10.19 NMAC - Rp, 19.31.10.19 NMAC, 12-15-2016]

19.31.10.20 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

Size limits (fish)	Contrary to: 19.31.4; 19.31.10 NMAC
Waters with age or individuals with disabilities use restrictions	Contrary to: 19.31.4; 19.31.10 NMAC
Use of live animals	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Use of a calling device	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Unlawful ammunition / weapon type	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Shooting hours violations	Contrary to: 19.31.5; 19.31.6 NMAC
Possession of game animal parts found in field	Contrary to: 19.31.10 NMAC
Shoot at artificial wildlife from the road	Contrary to: 19.31.10 NMAC
Harassing wildlife	Contrary to: 19.31.10 NMAC
Driving off road with licensed hunter/angler/trapper	Contrary to: 19.31.10 NMAC
Driving on a closed road	Contrary to: 19.31.10 NMAC
Trotline violations	Contrary to: 19.31.10 NMAC
Unlawful bait	Contrary to: 19.31.10 NMAC
Unlawful use of bait fish	Contrary to: 19.31.10 NMAC
Unlawful release of bait fish	Contrary to: 19.31.10 NMAC
More than two hooks on San Juan special trout water	Contrary to: 19.31.10 NMAC
More than two poles	Contrary to: 19.31.10 NMAC
Exceeding the bag or possession limit of fish as established in 19.31. 44 NMAC	Contrary to: 19.31.10 NMAC
Snagging of game fish	Contrary to: 19.31.10 NMAC
Chumming	Contrary to: 19.31.10 NMAC
Bait/barbs on special trout waters	Contrary to: 19.31.10 NMAC

Disturbing the bottom “shuffling”	Contrary to: 19.31.10 NMAC
Spearfishing and bow fishing violations	Contrary to: 19.31.10 NMAC
Violation of posted signs	Contrary to: 19.31.10 NMAC
Use of dogs	Contrary to: 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Non-toxic shot requirement on commissioned lands	Contrary to: 19.31.5; 19.31.6; 19.31.16 NMAC
Habitat stamp (Sikes Act)	Contrary to: 19.34.6 NMAC
Two poles without validation stamp	Contrary to: 19.31.10 NMAC
Habitat management and access validation stamp (HMAV)	Contrary to: 17-4-34 NMSA

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 12-15-2016]

19.31.10.21 DIRECTOR’S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director’s sole discretion, necessitates such accommodation. In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 12-15-2016]

HISTORY OF 19.31.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously file with the Commission of Public Records - State Records Center and Archives:

DFR 67-5 Basic Regulation No. 500, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Birds, Fish or Bullfrogs, or parts thereof, Taken in New Mexico, Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 5-25-67.

DGF 68-11 Basic Regulation No. 525, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Game Birds, Game Fish or Bullfrogs, or parts thereof, Taken in New Mexico, the Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 8-21-68.

DGF 72-6 Basic Regulation 550 Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, and Use of Department Lands, 5-31-72.

Regulation No. 612 Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, 3-2-82.

Regulation No. 677 Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, Camping Near a Water Hole, 6-25-90.

Order No. 5-91 Requiring that Live-Firing Courses by Taught only by Department of Game and Fish and Volunteer Hunter Education Instructors Certified in Live-Firing Instruction, 10-3-91.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3-1-95.

History of Repealed Material:

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4-1-2007.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 11-7-2016.

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING
PART 10 HUNTING AND FISHING - MANNER AND METHOD OF TAKING

19.31.10.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.10.1 NMAC - Rp, 19.31.10.1 NMAC, 12-15-2016]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Chapters 31, 32, and 33 of Title 19.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 12-15-2016]

19.31.10.3 STATUTORY AUTHORITY: Section 17-1-14 and Section 17-1-26 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 and all other acts pertaining to protected species.
[19.31.10.3 NMAC - Rp, 19.31.10.3 NMAC, 12-15-2016]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 12-15-2016]

19.31.10.5 EFFECTIVE DATE: December 15, 2016, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 12-15-2016]

19.31.10.6 OBJECTIVE: To establish general rules, restrictions, requirements, definitions, and regulations governing lawful hunting, fishing, or trapping and the lawful taking or killing of game animals, furbearers, game birds, and game fish, water pollution, possession of wildlife, permits and licenses issued, importation, intrastate transportation, release of wildlife, restrictive devices for fish, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 12-15-2016]

19.31.10.7 DEFINITIONS:

A. "Big game species" shall mean deer, bear, cougar, elk, pronghorn antelope (American pronghorn), Barbary sheep, bighorn sheep, javelina, oryx, and Persian ibex.

B. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

C. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

D. "Restricted muzzle-loading rifle" shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a traditional lead bullet. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots, including powerbelt-type projectiles, are prohibited.

E. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

F. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

G. "Trotline" shall be synonymous with "set line" or "throw line" or "jug", and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

H. "Angling" shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.

I. "Spear fishing" shall mean taking or attempting to take game fish with spears, gigs, and arrows with barbs that are discharged under the surface of the water.

J. "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.

K. "Chumming" is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

L. "Protected species" shall mean any of the following animals:

- NMSA 1978;
- (1) all animals defined as protected wildlife species and game fish under Section 17-2-3
 - (2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;
 - (3) all animals listed as endangered species or subspecies as stated in regulation(s) set by the state game commission.
- M. **“Retention” or “retain”** shall mean the holding of in captivity.
 - N. **“Established road”** is defined as follows:
 - (1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures;
 - (2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.
 - O. **“Non-toxic shot”** shall mean shot approved for use by the U. S. fish and wildlife service.
 - P. **“Director”** shall mean the director of the New Mexico department of game and fish.
 - Q. **“Baiting”** shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take protected game mammals or game birds.
 - R. **“Nets”** shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.
 - S. **“Barbless lure or fly”** shall mean an artificial lure made of wood, metal, or hard plastic or an artificial fly made from fur, feathers, other animal or man-made materials tied onto an angling hook to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids, or rubber or plastic moldings of these or other foods are not included.
 - T. **“Crossbow”** shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights or lights on crossbows shall not project light. This definition shall apply to hunting for all species.
 - U. **“Angling hook”** shall mean a single, double, or treble (triple) point attached to a single shank.
 - V. **“Sporting arms or weapon types”** shall be designated as follows:
 - (1) all hunt codes denoted with -1- shall authorize use of any legal weapon;
 - (2) all hunt codes denoted with -2- shall authorize use of bows only;
 - (3) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms, except that bows and crossbows shall not be allowed during restricted muzzle-loading hunts.
 - W. **“Bag limit”** shall mean the protected animal, qualified by species, sex, age, antler requirement, or size allowed by rule that a legally licensed hunter may attempt to take or harvest.
 - X. **“Written permission”** shall mean a document (which may include a valid hunting, trapper, or fishing license) that asserts the holder has permission from the private land owner or his designee to hunt, fish, or trap on the landowner’s property. The information on the document must be verifiable and include the name, date, and phone number of the person granting the permission.
 - Y. **“Bow fishing”** shall mean taking or attempting to take game fish with arrows with barbs that are discharged above the surface of the water by a bow. Arrows must be attached by string, line, or rope to facilitate fish retrieval.
 - Z. **“Drone”** is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as “unmanned aerial vehicle (UAV)” or “unmanned aerial vehicle systems (UAVS)”
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 12-15-2016]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It shall be unlawful for any person, firm, corporation or municipality to introduce, directly or indirectly, into any public water of this state any substance that may stupefy, injure, destroy, or drive away from such water any protected species or may be detrimental to the growth and reproduction of those protected species except as exempted in Section 17-2-20 NMSA 1978.
[19.31.10.8 NMAC - Rp, 19.31.10.8 NMAC, 12-15-2016]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It shall be unlawful to possess, sell, or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken (killed) under a license or permit.

B. Game taken by another: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a written statement which shall be provided by the donor of the protected species, or parts thereof, and which shall contain the following:

- (1) the kind and number of game or furbearer parts donated;
- (2) the date and county where the game or furbearer was lawfully taken;
- (3) the donor's name, address, and the number of the hunting or fishing or trapping license under which the game or furbearer was lawfully taken; and
- (4) the date and place of the donation.

C. Retention of live animals: It shall be unlawful to retain protected species in a live condition except under permit or license issued by the director for the following purposes:

- (1) zoos open for public display;
- (2) in class A parks;
- (3) in projects for scientific research and propagation;
- (4) a rehabilitation permit;
- (5) under a falconry permit, only those birds listed on the permit;
- (6) under a protected mammal permit, only those mammals listed on the permit;
- (7) under a scientific collection permit, one may collect and possess only those species listed on the permit; or
- (8) in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of game animal parts: Only skins, heads, antlers, horns, or claws of legally taken protected species and feathers from non-migratory game birds may be bartered or sold. (Internal organs of protected species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) description of the skin, head, antlers, horns or claws, or feathers involved;
- (2) the date and county where the game was taken;
- (3) the disposer's name, address and hunting license number under which the game was taken; and
- (4) the date and place of the transaction.

E. Possession of game animal parts found in the field: It shall be unlawful to possess heads, horns, or antlers of protected species found in the field without invoice or permit from the department of game and fish, with the exception of obviously shed antlers.

F. Possession and sale of live wild turkey prohibited: It shall be unlawful to sell, attempt to sell or possess wild turkey (*Meleagris gallopavo* ssp.) in New Mexico, including captive raised birds, except as by permit issued by the director for verifiable scientific, education, and temporary purposes or for commercial sales to entities outside of the state of New Mexico.

G. Tagging of harvested game: Licensed hunters of any big game species or turkey, upon harvesting an animal, shall immediately and completely notch out the appropriate month and day on the carcass tag. Prior to moving any part of the carcass from the kill site, the licensed hunter shall remove the entire backing material from the carcass and antler tag and adhere them to the appropriate locations on the carcass, antlers or horns leaving the entire face of the tags visible. The carcass and antler tag shall remain attached to the carcass, antlers or horns until it is delivered to a meat processing facility, taxidermist, placed in final cold storage or if required, is inspected and documented or pelt tagged by a department official. The antler tag is not required to be attached or used on antlerless/hornless animals.

- (1) The proper location to attach the carcass tag on any game species when the carcass or quarters are removed from the field is to attach it conspicuously on either hock tendon on the hind legs.
- (2) The proper technique to attach the carcass tag in situations where a game species is boned out or for javelina when nothing is removed or only the skull is taken is for the licensee to notch the date of kill then fold and adhere the carcass tag to itself leaving the entire face of the carcass tag visible. The adhered carcass tag must physically remain with the parts of the game species that are removed and possessed.
- (3) The proper location to attach the carcass tag on a bear or cougar that has been skinned out is to adhere the carcass tag around the ankle area of the hide above the foot. Bear and cougar carcass tags authorize possession of those animals until pelt tagged in accordance with NMAC 19.31.11 or for 5 days from date of kill, whichever comes first.

(4) The proper location to attach the carcass tag on a turkey is to adhere the carcass tag around the leg above the foot and below the feathers on the thigh.

H. It shall be unlawful:

(1) for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag as prescribed;

(2) to possess any portion of a big game or turkey carcass that does not have a properly notched carcass tag attached to it or for boned out meat to have the notched carcass tag physically present, except lawfully taken game that is accompanied by a valid donation certificate or department invoice;

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within 5 days of kill or in accordance with the requirements of NMAC 19.31.11;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or legal bag limit until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a department official, except lawfully taken game that is accompanied by a valid donation certificate or department invoice;

(5) to use a carcass or antler tag that is cut, torn, notched or mutilated. Cut, torn, notched or mutilated tags are no longer valid for the take of a big game species or turkey; or

(6) to use a previous carcass or antler tag once a duplicate has been purchased or to use the carcass or antler tag of any other person. Any previous carcass or antler tag assigned to a license which is replaced by a duplicate is void and no longer valid for the take of a big game species or turkey.

I. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcass of any protected species that is possessed contrary to this section. [19.31.10.9 NMAC – Rp, 19.31.10.9 NMAC, 12-15-2016; A, 12-12-2017]

19.31.10.10 PERMITS AND LICENSES ISSUED: Permits and licenses may only be issued by the director or his designee as follows:

A. Uses of wildlife:

- (1) importation
- (2) depredation
- (3) scientific collection
- (4) possession
- (5) propagation
- (6) sale
- (7) commercial hunting or fishing
- (8) release
- (9) falconry
- (10) rehabilitation
- (11) zoo

B. Permit or license provisions: Specific provisions for applications, conditions, reporting, and other stipulations for permits or licenses will be provided by the department of game and fish with each permit and license.

C. Violation of permit or license provisions: It is unlawful for any person receiving any permit or license provided in Subsection A of 19.31.1.10 NMAC to violate any provision of this section or any provision listed on the permit or license. If such an invalidated permit or license authorized possession of wildlife, the wildlife shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. It shall be unlawful to purchase, possess, barter, transfer, transport, sell, or offer to sell any imported wildlife contrary to the provisions of any import permit.

[19.31.10.10 NMAC - Rp, 19.31.10.10 NMAC, 12-15-2016]

19.31.10.11 RELEASE OF WILDLIFE: It shall be unlawful for any person or persons to release, intentionally or otherwise, or cause to be released in this state any mammal, bird, fish, reptile or amphibian, except domestic mammals, domestic fowl, or fish from government hatcheries, without first obtaining a permit from the department of game and fish.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 12-15-2016]

19.31.10.12 RESTRICTIVE DEVICES FOR FISH: The director may require that a screen, paddle wheel, or other device to prevent passage of fish be installed by the owner of any canal or ditch into which waters

containing protected fish are diverted. The director may also require that the owner maintain the device during periods when waters are being diverted.

[19.31.10.12 NMAC - Rp, 19.31.10.12 NMAC, 12-15-2016]

19.31.10.13 USE OF VEHICLES AND ROADS IN HUNTING:

A. Roads: It shall be unlawful to shoot at, wound, take, attempt to take, or kill any protected species on, from, or across any graded paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence of right-of-way fences.

B. Roads, artificial wildlife: It shall be unlawful to shoot at artificial wildlife on, from, or across any graded, paved, or maintained public road and including the areas lying within right-of-way fences or 40 feet from the edge of the pavement or maintained surface, in absence of right-of-way fences.

C. Vehicles, boats, aircraft: It shall be unlawful to shoot at any protected species from within a motor vehicle, power boat, sailboat, or aircraft. EXCEPTION - Migratory birds may be taken from a motor-driven boat (or other craft with attached motor) or sailboat when resting at anchor or fastened within or immediately alongside a fixed hunting blind or is used solely as a means of picking up dead birds.

D. Harassing protected wildlife: It shall be unlawful, at any time, to pursue, harass, harr, drive, or rally any protected species by use of or from a motor-driven vehicle, powerboat, sailboat, drone, or aircraft.

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.

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.

H. Vehicle off of established road: During the seasons established for any protected species, it shall be unlawful to drive or ride in a motor vehicle which is driven off an established road when the vehicle bears a licensed hunter, fisherman or trapper. EXCEPTION: 1) Snowmobiles; 2) To retrieve lawfully taken game not in an area closed to vehicular traffic. 3) All landowners, lessees or their employees, while on their owned or leased lands in connection with legitimate agricultural activities.

I. Closed roads: During the seasons established for any protected species, it shall be unlawful to knowingly occupy, drive, or cause to be driven any motor vehicle on a closed road when the vehicle bears a licensed hunter, angler or trapper.

J. Handicapped license:

(1) Shooting from a vehicle: The holder of a handicap license is authorized to shoot at and kill protected species during their respective open seasons from a stationary motor-driven vehicle that is not on a public road or highway. The director may issue permits to shoot from a stationary vehicle to applicants who provide certification that the applicant is permanently disabled in accordance with the American Disability Act. Such certification shall be signed by an M.D. or O.D. licensed to practice in the applicant's state of residence.

(2) Driving off established roads: Holders of a handicap license may, with permission of the landowner, lessee, or land management agency, drive off established roads to hunt for or take squirrels or game birds, excluding turkey, during open seasons.

(3) Assistance for handicapped hunter: The holder of a handicapped license may be accompanied by another person to assist in reducing to possession any big game animal which has clearly been wounded by the licensed handicapped hunter.

K. 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.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 12-15-2016]

19.31.10.14 FISHING:

- A. Angling:** Game fish may be taken by angling in all waters that are open for fishing.
- B. Trotlines:**
- (1) It is unlawful for any person to set more than one trotline at a time. It is unlawful to tie or join together trotlines belonging to two or more persons.
 - (2) It is unlawful for trotlines to have more than 25 angling hooks.
 - (3) A person fishing with a trotline shall personally visit and inspect the trotline at least once every calendar day. Failure to check a trotline every calendar day is unlawful.
 - (4) It is unlawful for anyone to tamper with another's trotline.
 - (5) A person fishing with a trotline shall attach to it an identification tag that is visible above the water line. The identification tag shall bear the fisherman's name, address, fishing license number, and the date the trotline was set. An unlicensed fisherman 11 years of age and younger shall also list their date of birth. Failure to meet trotline tagging requirements as described is unlawful.
 - (6) It is unlawful to set or use a trotline in trout waters, with the following exceptions:
Abiquiu lake, Chama river downstream from the northern boundary of the Monastery of Christ in the Desert, Gila river downstream from its junction with its east fork, Navajo lake and the Rio Grande downstream from its junction with the Chama river.
 - (7) Any conservation officer or other officer authorized to enforce the game laws may seize and confiscate any trotlines not set in accordance with this subsection.
- C. Illegal device or substance:** It is unlawful to use any device or substance capable of catching, stupefying, or killing fish except as permitted by regulation.
- D. Bait:** It is unlawful to use protected fish, live bullfrogs, or live bullfrog tadpoles as bait in any waters containing protected species. EXCEPTION: the genus *Lepomis* taken by legal means of angling may be used as live bait in the water from which they were taken only in the following waters: Abiquiu reservoir, Cochiti lake, Elephant Butte reservoir, Caballo reservoir, Stubblefield lake, Maxwell lakes, Clayton lake, Conchas lake, Ute lake, Santa Rosa lake, Lake Sumner, Brantley reservoir, and Navajo reservoir. *Lepomis* may be used as dead bait; roe, viscera, and eyes of legally taken game fish may be used as bait; and bullfrogs and bullfrog tadpoles may be used as dead bait. Live bullfrogs or live bullfrog tadpoles may not be in possession while fishing.
- E. Use of bait fish:**
- (1) It is unlawful to use gar (*Lepisosteus* spp.) and goldfish (*Carassius auratus*) as bait in all waters.
 - (2) It is unlawful to use live common carp (*Cyprinus carpio*), river carpsucker (*Carpoides carpio*), and smallmouth buffalo (*Ictiobus bubalus*) in all waters. However, these species may be used as dead bait in any water where bait may be used.
 - (3) It is unlawful to use bait fish in all trout waters except fathead minnows and red shiners may be used in the following trout waters: Abiquiu, Clayton lake, Jackson lake, Lake 13 (Maxwell refuge), Navajo lake, the Rio Grande downstream of the Taos junction bridge (excluding the special trout water described in 19.31.4.11 NMAC), and the Animas river.
 - (4) It is unlawful to use any bait fish in Bitter lake national wildlife refuge and Bottomless lakes state park.
 - (5) Bait fish may be used in all other waters with the following restrictions:
 - (a) In the Gila river and San Francisco river drainages only fathead minnows may be used.
 - (b) In the Pecos river drainage only fathead minnows and red shiners may be used.
 - (c) In the Rio Grande drainage only fathead minnows, red shiners, and shad may be used except in Elephant Butte and Caballo where golden shiners are also allowed
 - (d) In the Canadian river drainage only fathead minnows, red shiners, and shad may be used.
 - (e) In the San Juan river drainage only fathead minnows and red shiners may be used.
 - (f) In Eagle Nest and Heron lakes only dead bait fish may be used. No live bait fish may be in possession.
- F. Release of bait fish:** It is unlawful to release any bait fish into any water containing game fish.
- G. Eradication of fish:** In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers, the director may permit licensed fishermen and unlicensed persons 11 years of age and younger to take and possess game fish in numbers exceeding current bag and possession limits. In granting such permission, the director may specify bag and possession limits and manner and method of taking for such waters.

H. Methods for taking bait fish for personal use: Licensed fishermen and unlicensed persons 11 years of age and younger may take bait fish for personal use only in waters containing game fish by angling, nets, traps, spears, arrows, and seines. All protected species of fish taken in seines, nets, and traps shall be immediately returned to the water.

I. Illegal taking of bait fish: It is unlawful for licensed minnow dealers to take bait fish for sale from waters not specified on their licenses. They may take these fish only by use of traps, seines, or cast nets, as specified on their licenses. All protected species of fish taken in such traps, seines, or nets shall be immediately returned to the water from which they were taken.

J. Permits for taking bait fish: The director may issue permits for the use of nets, seines, traps, or cast nets in taking bait fish in waters containing protected species of fish. The permit shall specify methods of taking, places for taking, and duration of the permit. The permittee shall report monthly the species, numbers and poundage of bait fish taken during the preceding month.

K. Limit on angling hooks: It is unlawful to angle with more than two (2) barbless lures or flies with single point angling hooks on a single line when fishing the special trout water on the San Juan river designated in Subsection A. of 19.31.4.11 NMAC.

L. Possession of undersized fish: It is unlawful for any person to have game fish in their possession which do not meet the minimum length requirements as specified in 19.31.4 NMAC.

M. Number of fishing poles: It is unlawful to angle with more than one pole without having a current two rod validation or stamp affixed on the current license. It is unlawful under any circumstance to angle with more than two poles.

N. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit or possession limit of any protected fish species, as specified in 19.31.4.11 NMAC.

O. Exceeding daily bag or possession limit - Penalty Assessment: For those fish species or waters where the daily bag limit or possession limit is more than two fish as specified in 19.31.4.11 NMAC, violators that exceed the bag limit or possession limit by four fish or less shall be offered a penalty assessment. For those fish species or waters with special, reduced or restricted bag limits or possession limits of two or less as specified in 19.31.4.11 NMAC, violators that exceed the bag limit or possession limit by one fish shall be offered a penalty assessment.

P. Snagging game fish: It is unlawful to snag game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4.9 NMAC.

Q. Chumming: It is unlawful to "CHUM" except in the following waters: All waters designated as warm waters; Gila river downstream from its junction with its east fork; Rio Grande downstream from its junction with the Chama river..

R. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in Subsection A. of 19.31.4.11 NMAC, except in the following waters any legal angling gear and legal bait for trout waters may be used: the Vermejo river system within Vermejo Park ranch boundaries, Gilita, Little Turkey, and Willow creeks, Mineral creek, Red River from its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery, Rio Chama from the river crossing bridge on U.S. 84 at Abiquiu upstream 7.0 miles to the base of Abiquiu dam, Rio Grande, Rio Ruidoso, and Whitewater creek from Catwalk National Recreation Trail parking area upstream to headwaters. It is unlawful to use tackle which does not meet these restrictions in the designated special trout waters.

S. Attracting or concentrating fish:

(1) **Artificial lights:** Use of artificial lights is permitted for attracting game fish.

(2) **Disturbing the bottom:** It is unlawful in all special trout waters defined in Subsection A. of 19.31.4.11 NMAC, to disturb or dislodge aquatic plant growth, sediment, or rocks for the purpose of attracting or concentrating fish. It shall also be unlawful to angle in the immediate vicinity where such disturbance has occurred.

T. Spearfishing and bow fishing:

(1) Game fish may be taken by spearfishing and bow fishing only in lakes and reservoirs open to fishing. It is unlawful to spearfish or bow fish in any special trout water as designated in 19.31.4 NMAC and in any river or stream. It is unlawful to take largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

(2) In addition, during the season established by Subsection B. of 19.31.4.9 NMAC, Kokanee salmon may be taken by the use of spears, gigs, and arrows with barbs that are discharged above or below the water and not driven by explosives, gas, air, or crossbow, except in the Pine river where spears, gigs, and arrows are prohibited.

U. **Use of nets:** It is unlawful to use cast nets, dip nets, seines or gill nets to capture and retain any protected species of fish from any water unless specifically allowed by permit or rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

V. **Violation of age or disability restrictions:** It is unlawful for any person to fish in a water with age or disability restrictions when that person does not meet the requirements as specified in 19.31.4 NMAC. [19.31.10.14 NMAC - A, 19.31.10.14 NMAC, 12-12-2017]

19.31.10.15 LANDS AND WATERS OWNED, ADMINISTERED, CONTROLLED, OR MANAGED BY THE STATE GAME COMMISSION:

A. **Posting of signs:** The state game commission may prohibit, modify, condition, or otherwise control the use of areas under its control by posting of signs as may be required in any particular area.

B. **Violating provisions of posted signs:** It shall be unlawful to violate the provisions of posted signs on areas under the control of the state game commission.

C. **Trespass on state game commission owned lands:** It shall be unlawful to hunt, fish, camp, or trespass upon state game commission owned lands unless allowed under regulation or provided for under Subsection A.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, A 04-01-2018]

19.31.10.16 AREAS CLOSED TO HUNTING, FISHING AND TRAPPING: The following areas shall remain closed to hunting, fishing, and trapping, except as permitted by regulation.

A. Sugarite canyon state park.

B. Portion of the Wild Rivers recreation area: an area bounded on the north by the power line from Bear Crossing to Red River hatchery, south along the Red River to the confluence of the Rio Grande, and north along the Rio Grande to the power lines at Bear Crossing is closed to all hunting; Taos valley overlook.

C. All wildlife management areas (except non-game hunting shall be allowed on the Water canyon WMA January 1 through March 31 annually).

D. Valle Vidal area.

E. Sub-Unit 6B (Valles Caldera national preserve)

[19.31.10.16 NMAC - Rp, 19.31.10.16 NMAC, 12-15-2016]

19.31.10.17 REGULATIONS PERTAINING TO BOATS, OTHER FLOATING DEVICES, AND MOTORS:

A. **Charette, Clayton, and McAllister lakes:** On the following lakes controlled by the department of game and fish, boats and other floating devices with or without electric or gas motors shall be permitted only during the season and hours when fishing is permitted. Boats or floating devices on these lakes shall not be operated at greater than normal trolling speed: Charette, Clayton, and McAllister lakes

B. On **Springer lake**, boats and other floating devices with or without motors shall be permitted; provided, however, that boats or floating devices shall not be operated at greater than normal trolling speed when water storage is less than 1,000 acre feet.

C. On **Ramah lake**, boats and floating devices shall not be operated at greater than normal trolling speed.

D. On the following lakes controlled by the department of game and fish, only boats and other floating devices using electric motors or with motors that are not in use shall be permitted: **Bear canyon, Bill Evans, Green Meadow, Fenton, Hopewell, Jackson, lake Roberts, Morphy, Quemado, Snow, Conoco lakes, and waters located on the Ladd S. Gordon wildlife area.**

E. On the following lakes controlled by the department of game and fish, only boats and other floating devices using no motors shall be permitted: **Bernardo waterfowl management area, La Joya waterfowl management area, McGaffey, San Gregorio, Shuree ponds.**

F. On the following lakes controlled by the department of game and fish, no boats or other floating devices shall be permitted: **Bonito lake, Laguna del Campo lake at Los Ojos state fish hatchery, Monastery lake, Power dam, and Red River hatchery pond.**

G. Department of game and fish personnel or persons authorized by the director of the department of game and fish may use gasoline powered outboard motors on all lakes mentioned in this chapter while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 12-15-2016]

19.31.10.18 UNLAWFUL TAKING OR KILLING OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR GAME FISH ON PRIVATE LAND:

A. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on any private property that is in compliance with Section 30-14-1 and Section 30-14-6 NMSA 1978 posting requirements without possessing written permission from the landowner or person in control of the land or trespass rights, unless otherwise permitted in rule or statute.

B. It shall be unlawful to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish on private property if the consent to enter or remain has been denied or withdrawn by the owner or person in control of the land or trespass rights, per Section 30-14-1 NMSA 1978, unless otherwise permitted in rule or statute.

C. It shall be unlawful to knowingly enter upon any private property to hunt, capture, take, attempt to take, or kill any game animal, furbearer, game bird, or game fish without possessing written permission from the landowner or person in control of the land or trespass rights unless otherwise permitted in rule or statute.

D. Any game animals, furbearers, game birds, or game fish taken in violation of this section shall be subject to seizure.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 12-15-2016]

19.31.10.19 TAKING GAME ANIMALS, FURBEARERS, GAME BIRDS BY CROSSBOW:

A. Crossbows may be used to take or kill any game animal, furbearer or game bird by a licensed hunter in possession of a valid department mobility impaired (MI) card or in possession of a reasonable accommodation issued by the director, or as otherwise allowed by rule.

B. It shall be unlawful to hunt with a crossbow without a hunter possessing a MI card or reasonable accommodation from the director, or contrary to rule or hunt code.

C. It shall be unlawful to hunt with a crossbow that has a scope, telescopic sight or magnification device during any bow only hunt for big game.

[19.31.10.19 NMAC - Rp, 19.31.10.19 NMAC, 12-15-2016]

19.31.10.20 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

Size limits (fish)	Contrary to: 19.31.4; 19.31.10 NMAC
Waters with age or individuals with disabilities use restrictions	Contrary to: 19.31.4; 19.31.10 NMAC
Use of live animals	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Use of a calling device	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Unlawful ammunition / weapon type	Contrary to: 19.31.5; 19.31.6; 19.31.11; 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Shooting hours violations	Contrary to: 19.31.5; 19.31.6 NMAC
Possession of game animal parts found in field	Contrary to: 19.31.10 NMAC
Shoot at artificial wildlife from the road	Contrary to: 19.31.10 NMAC
Harassing wildlife	Contrary to: 19.31.10 NMAC
Driving off road with licensed hunter/angler/trapper	Contrary to: 19.31.10 NMAC
Driving on a closed road	Contrary to: 19.31.10 NMAC
Trotline violations	Contrary to: 19.31.10 NMAC
Unlawful bait	Contrary to: 19.31.10 NMAC
Unlawful use of bait fish	Contrary to: 19.31.10 NMAC
Unlawful release of bait fish	Contrary to: 19.31.10 NMAC
More than two hooks on San Juan special trout water	Contrary to: 19.31.10 NMAC
More than two poles	Contrary to: 19.31.10 NMAC
Exceeding the bag or possession limit of fish as	Contrary to: 19.31.10 NMAC

established in 19.31. 4 NMAC	
Snagging of game fish	Contrary to: 19.31.10 NMAC
Chumming	Contrary to: 19.31.10 NMAC
Bait/barbs on special trout waters	Contrary to: 19.31.10 NMAC
Disturbing the bottom “shuffling”	Contrary to: 19.31.10 NMAC
Spearfishing and bow fishing violations	Contrary to: 19.31.10 NMAC
Violation of posted signs	Contrary to: 19.31.10 NMAC
Use of dogs	Contrary to: 19.31.12; 19.31.13; 19.31.14; 19.31.15; 19.31.16; 19.31.17; 19.31.21 NMAC
Non-toxic shot requirement on commissioned lands	Contrary to: 19.31.5; 19.31.6; 19.31.16 NMAC
Habitat stamp (Sikes Act)	Contrary to: 19.34.6 NMAC
Two poles without validation stamp	Contrary to: 19.31.10 NMAC
Habitat management and access validation stamp (HMAV)	Contrary to: 17-4-34 NMSA

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 12-15-2016]

19.31.10.21 DIRECTOR’S AUTHORITY TO ACCOMMODATE DISABILITY OR MEDICAL IMPAIRMENT: The director may authorize reasonable modifications to the manner and method of take for any licensee who has a verifiable medical condition that, in the director’s sole discretion, necessitates such accommodation. In order to apply for such accommodation, the licensee shall complete and submit any form, information and records required by the director. Any licensee granted an accommodation must adhere to all other rules as to manner and method of take that are not specifically waived by such accommodation; and shall adhere to any restrictions imposed by the director.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 12-15-2016]

HISTORY OF 19.31.10 NMAC:

Pre-NMAC History: The material in this part was derived from that previously file with the Commission of Public Records - State Records Center and Archives:

DFR 67-5 Basic Regulation No. 500, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Birds, Fish or Bullfrogs, or parts thereof, Taken in New Mexico, Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 5-25-67.

DGF 68-11 Basic Regulation No. 525, Concerning Method and Manner of Hunting, Taking, Possessing, Disposing, and Transporting of Game Animals, Game Birds, Game Fish or Bullfrogs, or parts thereof, Taken in New Mexico, the Use and Occupancy of Lands and Waters Administered, Owned, Controlled or Managed by the State Game Commission, 8-21-68.

DGF 72-6 Basic Regulation 550 Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, and Use of Department Lands, 5-31-72.

Regulation No. 612 Basic Regulation Governing Water Pollution, Water Diversion, Animal Releases, Possession of Game, Manner of Hunting and Fishing, Use of Department Lands, Retention of Protected Species, Permits and Licenses Issued, and the Hunter Safety Certificate Requirement, 3-2-82.

Regulation No. 677 Basic Regulation Governing Water Pollution, Possession of Game, Permits and Licenses Issued, Retention and Importation of Protected Species, Manner of Hunting and Fishing, Use of Department Lands, Hunter Training Course Required, Hunting License Revocation, Camping Near a Water Hole, 6-25-90.

Order No. 5-91 Requiring that Live-Firing Courses by Taught only by Department of Game and Fish and Volunteer Hunter Education Instructors Certified in Live-Firing Instruction, 10-3-91.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3-1-95.

History of Repealed Material:

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4-1-2007.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 11-7-2016.