

New Mexico Register / Volume XXXII, Issue 17, September 14, 2021

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission (“Commission”) will be hosting a hybrid virtual meeting and rule hearing on Friday, October 22, 2021 beginning at 9:00 a.m. For instructions on how to attend this meeting either in person or virtually, visit the Department’s website at <http://www.wildlife.state.nm.us/commission/webcast/>. The purpose of this meeting is to hear and consider action as appropriate on the following: proposed changes for the Fisheries Rule, proposed changes to the Hunting and Fishing Manner and Method of Taking Rule, and proposed changes to the Commercial Use of Fish Rule.

Synopsis for the Fisheries Rule, Hunting and Fishing Manner and Method of Taking Rule, and Commercial Use of Fish Rule:

The proposal is to adopt a new Fisheries Rule, 19.31.4 NMAC, which will include changes from the existing rule and will become effective April 1, 2022. There are also fisheries related amendments proposed to the Hunting and Fishing Manner and Method of Taking Rule, 19.31.10 NMAC, and an amendment proposed to the Commercial Use of Fish Rule, 19.31.9 NMAC.

Proposed amendments to the Fisheries Rule will clarify kokanee snagging season dates, remove Abiquiu Lake from the list of waters with a kokanee snagging season, add a definition of daily bag limit, remove a definition of trout water, remove fishing hour restrictions for specific waters, clarify age and individual with disabilities restrictions for some waters, increase the cutthroat trout possession limit, add Trees Lake and Harris Pond to the list of Summer Catfish Waters with reduced daily limits for channel catfish, remove smallmouth bass length limit in the upper Rio Grande, remove the statewide walleye length limit, open McKenna Creek and Pinelodge Creek to angling, increase the daily bag limit for trout in the Rio Grande below Elephant Butte, Red River City Ponds, Red River Hatchery Pond, and Goose Lake, open Rock Lake settling ponds to fishing by children ages 11 and under, and increase the daily bag limit for cutthroat trout at Seven Springs Kids Pond from 2 to 5 fish per day.

Proposed amendments to the Hunting and Fishing Manner and Method of Taking Rule include adding a definition of drainage, adding shad as an approved bait species in the Pecos drainage, and adding a list of waters approved for trotline use.

Proposed amendments to the Commercial Use of Fish Rule include removing the reference to trout water.

A full text of changes is available on the Department’s website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Fisheries Rule at: DGF-FisheriesRule@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on October 20, 2021. The final proposed rules will be voted on by the Commission during a hybrid virtual public meeting on October 22, 2021. Interested persons may also provide data, views or arguments, orally or in writing, at the hybrid virtual public rule hearing to be held October 22, 2021.

Full copies of the text of the 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, Santa Fe, New Mexico, 87507, or from the Department's website at <https://www.wildlife.state.nm.us/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 needs 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.

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, 4/1/2022]

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, 4/1/2022]

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, 4/1/2022]

19.31.4.4 DURATION: April 1, 2022 through March 31, 2026.
[19.31.4.4 NMAC - N, 4/1/2018]

19.31.4.5 EFFECTIVE DATE: April 1, 2022, unless a later date is cited at the end of a section.
[19.31.4.5 NMAC - N, 4/1/2018]

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, 4/1/2022]

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. “Fishing” shall be synonymous to “angling”.

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. “Daily bag limit” shall mean the number of fish that can be legally harvested within a calendar day.

G. “Daylight hours” shall mean from one-half hour before sunrise to sunset.

H. “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, 4/1/2018]

19.31.4.8 [RESERVED]

[19.31.4.8 NMAC - N, 4/1/2018; Repealed 4/1/2022]

19.31.4.9 SEASON DATES:

A. General seasons: All 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 state fish 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 from the forest road 150 (North Star Mesa road) crossing upstream to its headwaters 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: 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 November 11 through December 31.
- (3) Heron lake, including the Willow creek tributary, shall be closed to Kokanee salmon fishing between October 1 and November 10. . The buoyed “no wake” areas, as posted by New Mexico State Parks, 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 October 1 through December 31. 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, 4/1/2022]

19.31.4.10 HOURS OF FISHING: Day and night fishing for all species of game fish shall be permitted in all waters during the open season, except it shall be unlawful to fish in any water outside of hours and dates posted by any local, state, or federal agency.

[19.31.4.10 NMAC - N, 4/1/2022]

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 four cutthroat trout may in possession, except as specified in Subparagraph (b) of Paragraph (4) of Subsection A. 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 upstream 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 upstream to the headwaters including McKinney pond	Rio Arriba and Sandoval	bag and possession limits for 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 the 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
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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 its tributaries	From the Vermejo Park ranch boundary upstream to its headwaters	Colfax	bag and possession limits for 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	
Rio de Los Pinos	From FS road 284 and 87A, 2.5 miles upstream to the private property boundary	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	
Rio Grande	From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567	Taos	

(b) In Sandoval county; brood pond at Seven Springs state fish hatchery, the daily bag limit shall be five cutthroat trout and no more than 10 cutthroat trout may be in possession.

(c) On the following waters the daily 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 state fish hatchery;

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); Harris Pond (San Miguel 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); Trees lake (Luna 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, 04/01/2022]

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, with the following exceptions:

(a) In San Miguel and Quay counties: Ute and Conchas reservoirs, any smallmouth bass taken which is less than 14 inches long shall be immediately returned to the water.

(b) In Rio Arriba and Taos counties: Rio Grande, there shall be no size limit on smallmouth bass.

B. 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, 4/1/2022]

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, 4/1/2022]

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: Harris Pond; brood pond at Seven Springs state fish hatchery; Shuree kids' pond on Valle Vidal (Vermejo tract-Carson national forest); Spring river park pond in Roswell; Conservancy park/Tingley beach kids' pond; hatchery settling ponds located at the Rock Lake state fish hatchery; and Alto kids' pond. **B.** Only persons 11 years of age and younger, those 65 years and older, and individuals with disabilities may fish in the following waters: Blue Hole park pond; posted small pond at Cowles; Harry McAdams park ponds; Red River city middle kids' pond; and Red River hatchery pond located at the Red River state fish hatchery.

C. 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.

[19.31.4.14 NMAC - N, 4/1/2022]

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: Sheep Corral creek.
- (10) In Lincoln county: posted areas of Alto reservoir and Bonito lake near the outlets.
- (11) 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.
- (12) In Catron county: Iron creek in the Gila wilderness upstream of the constructed waterfall barrier located in T12SR17WSec16NE.

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 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, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake 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, 4/1/2022]

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, 4/1/2022]

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 12/15/1967; 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 5/25/1967; 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 8/21/1968; 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 12/10/1968; 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 12/8/1969; 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 1/14/1971; 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 1/11/1972; 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 5/31/1972; 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 5/31/1972; 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 12/11/1972; 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 1/11/1974; 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 1/3/1975; 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 2/10/1976; 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 9/21/1976; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12/20/1976; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5/24/1977; 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 10/5/1977; 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 10/3/1978; 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 11/21/1979; 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 10/22/1980; 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 3/2/1982; 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 12/8/1982; 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 11/28/1984; 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 1/5/1987; 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 12/19/1988; 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 6/25/1990; 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 1/11/1991; 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 3/11/1993

NMAC History:

19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4/1/1995.
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, 4/1/2018.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/1/2022.

History of Repealed Material: [RESERVED]

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, 4/1/~~2018~~2022]

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, 4/1/~~2018~~2022]

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, 4/1/~~2018~~2022]

19.31.4.4 DURATION: April 1, ~~2018-2022~~ through March 31, ~~2022~~2026.
[19.31.4.4 NMAC - N, 4/1/2018]

19.31.4.5 EFFECTIVE DATE: April 1, ~~2018~~2022, unless a later date is cited at the end of a section.
[19.31.4.5 NMAC - N, 4/1/2018]

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, 4/1/~~2018~~2022]

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. “Fishing” shall be synonymous to “angling”.

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. **“Daily bag limit” shall mean the number of fish that can be legally harvested within a calendar day.**

~~**F-G.**~~ **“Daylight hours”** shall mean from one-half hour before sunrise to sunset.

~~**G-H.**~~ **“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, 4/1/2018]

19.31.4.8 ~~TROUT WATERS AND WARM WATERS; [RESERVED]~~

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 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 Tajique 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), Esecondida (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, 4/1/2018; Repealed 4/1/2022]

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 state fish~~ 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 from the forest road 150 (North Star Mesa road) crossing upstream to its headwaters 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 11 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 10. 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.~~ The buoyed "no wake" areas, as posted by New Mexico State Parks, 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 October 1 through December 31. 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, 4/1/~~2018~~2022]

19.31.4.10 HOURS OF FISHING: Day and night fishing for all species of game fish shall be permitted in all waters during the open season, except it shall be unlawful to fish in any water outside of hours and dates posted by any local, state, or federal agency.

~~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.~~

19.31.4.11 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~~ **four** cutthroat trout may in possession, except as specified in Subparagraph (b) of Paragraph (4) of Subsection A. 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 <u>upstream</u> 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 upstream to the headwaters including McKinney pond	Rio Arriba and Sandoval	bag and possession limits for 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 are (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 the 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 its tributaries	From the Vermejo Park ranch boundary upstream to its headwaters	Colfax	bag and possession limits for 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	
Rio de Los Pinos	From FS road 284 and 87A, 2.5 miles upstream to the private property boundary	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	
Rio Grande	From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567	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; In Sandoval county: brood pond at Seven Springs state fish hatchery, the daily bag limit shall be five cutthroat trout and no more than 10 cutthroat trout may be in possession.~~

(c) On the following waters the daily 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-state fish~~ 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); Harris Pond (San Miguel 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); Trees lake (Luna 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 - R, 19.31.4.11 NMAC, 12/12/2017; A, 4/1/2018]~~ 19.31.4.11 NMAC - N, 04/01/2022]

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, with the following exceptions: 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.

(a) In San Miguel and Quay counties: Ute and Conchas reservoirs, any smallmouth bass taken which is less than 14 inches long shall be immediately returned to the water.

(b) In Rio Arriba and Taos counties: Rio Grande, there shall be no size limit on smallmouth bass.

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

~~**C.B. 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, 4/1/2018]~~ 2022]

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 Sapiello 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, 4/1/2018]~~ 2022]

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: Harris Pond; brood pond at Seven Springs state fish hatchery; Shuree kids' pond on Valle Vidal (Vermejo tract-Carson national forest); Spring river park pond in Roswell; Conservancy park/Tingley beach kids' pond; and hatchery settling ponds located at the Rock Lake state fish hatchery; and Alto kids' pond. 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 following waters: Blue Hole park pond; posted small pond at Cowles; Harry McAdams park ponds; Red River city middle kids' pond; and Red River hatchery pond located at the Red River state fish hatchery. 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.C.~~ **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, 4/1/~~2018~~2022]

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)(9) In Grant county: Sheep Corral creek.~~
- ~~(11)(10) In Lincoln county: Pinelodge creek and~~ posted areas of Alto reservoir and Bonito lake near the outlets.
- ~~(12)(11) 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)(12) 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, and settling ponds at Rock Lake 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, 4/1/~~2018~~2022]

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, 4/1/~~2018~~2022]

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 12/15/1967; 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 5/25/1967; 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 8/21/1968; 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 12/10/1968; 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 12/8/1969; 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 1/14/1971; 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 1/11/1972; 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 5/31/1972; 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 5/31/1972; 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 12/11/1972; 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 1/11/1974; 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 1/3/1975; 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 2/10/1976; 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 9/21/1976; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12/20/1976; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5/24/1977; 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 10/5/1977; 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 10/3/1978; 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 11/21/1979; 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 10/22/1980; 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 3/2/1982; 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 12/8/1982; 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 11/28/1984; 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 1/5/1987; 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 12/19/1988; 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 6/25/1990; 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 1/11/1991; 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 3/11/1993

NMAC History:

19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4/1/1995.
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, 4/1/2018.
[19.31.4 NMAC, Hunting and Fishing – Fisheries, 4/1/2022.](#)

History of Repealed Material: [RESERVED]

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING REGULATIONS
PART 9 COMMERCIAL USE OF FISH

19.31.9.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[2/15/1996; 19.31.9.1 NMAC - Rn, 19 NMAC 31.9.1, 1/31/2006]

19.31.9.2 SCOPE: Those members of the public interested in the business of selling nongame fish.
License fees can be found in 19.30.9 NMAC
[2/15/1996; 19.31.9.2 NMAC - Rn, 19 NMAC 31.9.2, 1/31/2006]

19.31.9.3 STATUTORY AUTHORITY: Sections 17-1-14 and 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 Sections 17-3-26 through 17-3-28 regarding minnows and non-game fish as bait.
[5/24/1977; 19.31.9.3 NMAC - Rn, 19 NMAC 31.9.3, 1/31/2006]

19.31.9.4 DURATION: Permanent.
[2/15/996; 19.31.9.4 NMAC - Rn, 19 NMAC 31.9.4, 1/31/2006]

19.31.9.5 EFFECTIVE DATE: February 15, 1996
[2/15/1996; 19.31.9.5 NMAC - Rn, 19 NMAC 31.9.5, 1/31/2006]

19.31.9.6 OBJECTIVE: To establish rules pertaining to management and harvest of commercial fish resources of New Mexico.
[5/24/1977; 19.31.9.6 NMAC - Rn, 19 NMAC 31.9.6, 1/31/2006]

19.31.9.7 DEFINITIONS:

A. "Commercial fish" shall mean gizzard shad, whitesucker, carpsucker, flannelmouth sucker, smallmouth buffalo, carp, gar, yellow perch and all species of bullheads.

B. "Commercial fisherman" shall mean a person who makes or intends to make income by taking and selling commercial fish.

C. "Commercial fishing permit" shall mean a permit issued by the director of the department of game and fish to authorize a commercial fisherman and their named employees to take commercial fish from specified waters by specified means.

D. "Commercial fishing water" shall mean a water that the director of the department of game and fish has designated as one for which commercial fishing permits will be available.

E. "Minnow" shall mean all non-game fish sold as bait, regardless of taxonomic classification.

F. "Bait dealers license" shall mean a license issued by the director of the department of game and fish to authorize a vendor and their named employees to sell minnows, amphibians, and crayfish for use as bait.
[19.31.9.7 NMAC – Rp, 19.31.9.7 NMAC, 04/01/2022]

19.31.9.8 AVAILABILITY OF COMMERCIAL FISHING PERMITS:

A. The director may designate the commercial waters for the following calendar year during December.

B. When the director designates commercial fishing waters, they may also designate the numbers of permits available for each water.

C. The director may also designate the number of employees that each commercial fisherman may include in the activities authorized by their commercial fishing permit.

[19.31.9.8 NMAC – Rp, 19.31.9.8 NMAC, 04/01/2022]

19.31.9.9 ISSUANCE OF COMMERCIAL PERMITS:

A. Individuals desiring commercial fishing permits shall apply on the application form provided by the department of game and fish.

B. If more applications are received than there are permits available for any water, the available permits will be allotted by public drawing.

- C. No one may hold more than one commercial fishing permit during any one calendar year.
 - D. Applicants must include payment in accordance with 19.30.9 NMAC with completed application. License fee is nonrefundable.
- [5/24/1977; 19.31.9.9 NMAC - Rn & A, 19 NMAC 31.9.9, 1/31/2006]

19.31.9.10 CONDITIONS OF COMMERCIAL FISHING PERMITS:

- A. Each commercial fishing permit shall be valid from the date of issue to December 31 of the year in which it was issued.
 - B. Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.
 - C. Each permit shall authorize the taking of commercial fish from only two waters.
 - D. Each permit shall specify the methods by which commercial fish may be taken.
 - E. A commercial fishing permittee shall report each month's catch to the department of game and fish, no later than the 20th of the following month, on forms provided by the department.
 - F. A commercial fishing permittee and their employees shall permit inspection of their catch upon request by any commissioned department of game and fish officer.
- [19.31.9.10 NMAC – Rp, 19.31.9.10 NMAC, 04/01/2022]

19.31.9.11 DISPOSITION OF GAME FISH:

- A. The commercial fishing permittee shall immediately return to the water any game fish caught, if such fish are still alive.
 - B. Dead game fish which are edible shall be processed and given to the district wildlife officer for lawful disposition.
 - C. Dead and spoiled game fish shall be cut in half and returned to the water.
- [5/24/1977; 19.31.9.11 NMAC - Rn, 19 NMAC 31.9.11, 1/31/2006]

19.31.9.12 REVOCATION OF COMMERCIAL FISHING PERMIT: The director may, at any time, revoke in writing, a commercial permit for any of the following:

- A. Violation of this or any other regulation of the state game commission;
 - B. Failure to abide by the conditions of the commercial fishing permit;
 - C. Conflicts between permitted methods for taking commercial fish and proper management of game fish;
 - D. Occurrence of low water levels or other natural phenomena in a commercial fishing water that would render inadvisable continued commercial fishing in that water;
 - E. Requests from state or federal agencies for discontinuance of commercial fishing because of conflicts with other designated uses of the water.
- [5/24/1977; 19.31.9.12 NMAC - Rn & A, 19 NMAC 31.9.12, 1/31/2006]

19.31.9.13 ISSUANCE OF BAIT DEALERS LICENSE:

- A. Individuals desiring a bait dealers license shall apply on the application form provided by the department of game and fish.
 - B. Applicants must include payment in accordance with 19.30.9 NMAC with completed application.
 - C. Application must include all sources the bait dealer will use to obtain minnows.
- [19.31.9.13 NMAC - N, 1/31/2006]

19.31.9.14 PERMISSABLE SPECIES FOR SALE AS BAIT:

- A. Fish: Only fathead minnow (*pimephales promelas*), red shiner (*cyprinella lutrensis*), golden shiner (*notemigonus crysoleucas*), gizzard shad (*dorosoma cepedianum*), and threadfin shad (*dorosoma petenense*) may be sold as bait fish.
 - B. Amphibians: Only tiger salamander larvae (*ambystoma tigrinum*), or “waterdogs”, may be sold as bait.
 - C. Crayfish: Only native species (*orconectes deaneam*, *orconectes virilis*, *orconectes causeyi* and *procambarus simulans*) may be sold as bait.
- [19.31.9.14 NMAC - N, 1/31/2006]

19.31.9.15 CONDITIONS OF BAIT DEALER LICENSES:

A. Each bait dealers license shall be valid from April 1 of the year in which it was issued until March 31 of the following year.

B. Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.

C. Each permit shall authorize the taking of bait fish using only those methods specified in 19.31.10 NMAC.

(1) It shall be unlawful to collect bait fish from the mainstem Pecos river, with the exceptions of Santa Rosa, Sumner, and Brantley lakes.

(2) It shall be unlawful to collect bait fish from the mainstem Rio Grande with the exceptions of Abiquiu, Cochiti, Elephant Butte, and Caballo lakes.

(3) It shall be unlawful to collect bait fish from the mainstem Canadian river with the exceptions of Conchas and Ute lakes.

(4) It shall be unlawful to collect bait fish west of the continental divide, with the exception of Navajo lake.

E. A licensed bait dealer must comply with 19.35.7 NMAC when purchasing live bait obtained from an out-of-state source.

F. A licensed bait dealer and his employees shall permit inspection of their inventory upon request by any commissioned department of game and fish officer.

G. It is unlawful to release live fish or bait into the waters of New Mexico without first obtaining a permit from the department of game and fish (19.35.7 NMAC).
[19.31.9.15 NMAC – Rp, 19.31.9.15 NMAC, 04/01/2022]

History of 19.31.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

DGF 76-10, Regulation No. 581, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 12/20/1976.

DGF 77-5, Regulation No. 586, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 5/24/1977.

History of Repealed Material: [RESERVED]

19.31.9 NMAC, Commerical Use of Fish

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING REGULATIONS
PART 9 COMMERCIAL USE OF FISH

19.31.9.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[2/15/1996; 19.31.9.1 NMAC - Rn, 19 NMAC 31.9.1, 1/31/2006]

19.31.9.2 SCOPE: Those members of the public interested in the business of selling nongame fish.
License fees can be found in 19.30.9 NMAC
[2/15/1996; 19.31.9.2 NMAC - Rn, 19 NMAC 31.9.2, 1/31/2006]

19.31.9.3 STATUTORY AUTHORITY: Sections 17-1-14 and 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 Sections 17-3-26 through 17-3-28 regarding minnows and non-game fish as bait.
[5/24/1977; 19.31.9.3 NMAC - Rn, 19 NMAC 31.9.3, 1/31/2006]

19.31.9.4 DURATION: Permanent.
[2/15/996; 19.31.9.4 NMAC - Rn, 19 NMAC 31.9.4, 1/31/2006]

19.31.9.5 EFFECTIVE DATE: February 15, 1996
[2/15/1996; 19.31.9.5 NMAC - Rn, 19 NMAC 31.9.5, 1/31/2006]

19.31.9.6 OBJECTIVE: To establish rules pertaining to management and harvest of commercial fish resources of New Mexico.
[5/24/1977; 19.31.9.6 NMAC - Rn, 19 NMAC 31.9.6, 1/31/2006]

19.31.9.7 DEFINITIONS:

A. "Commercial fish" shall mean gizzard shad, whitesucker, carpsucker, flannelmouth sucker, smallmouth buffalo, carp, gar, yellow perch and all species of bullheads.

B. "Commercial fisherman" shall mean a person who makes or intends to make income by taking and selling commercial fish.

C. "Commercial fishing permit" shall mean a permit issued by the director of the department of game and fish to authorize a commercial fisherman and ~~his~~their named employees to take commercial fish from specified waters by specified means.

D. "Commercial fishing water" shall mean a water that the director of the department of game and fish has designated as one for which commercial fishing permits will be available.

E. "Minnow" shall mean all non-game fish sold as bait, regardless of taxonomic classification.

F. "Bait dealers license" shall mean a license issued by the director of the department of game and fish to authorize a vendor and ~~his~~their named employees to sell minnows, amphibians, and crayfish for use as bait.
~~[5/24/1977; 19.31.9.7 NMAC - Rn & A, 19 NMAC 31.9.7, 1/31/2006]~~19.31.9.7 NMAC - Rp, 19.31.9.7 NMAC, 04/01/2022]

19.31.9.8 AVAILABILITY OF COMMERCIAL FISHING PERMITS:

A. The director may designate the commercial waters for the following calendar year during December.

B. When the director designates commercial fishing waters, ~~he~~they may also designate the numbers of permits available for each water.

C. The director may also designate the number of employees that each commercial fisherman may include in the activities authorized by ~~his~~their commercial fishing permit.

~~[5/24/1977; 19.31.9.8 NMAC - Rn & A, 19 NMAC 31.9.8, A, 1/31/2006]~~19.31.9.8 NMAC - Rp, 19.31.9.8 NMAC, 04/01/2022]

19.31.9.9 ISSUANCE OF COMMERCIAL PERMITS:

A. Individuals desiring commercial fishing permits shall apply on the application form provided by the department of game and fish.

- B.** If more applications are received than there are permits available for any water, the available permits will be allotted by public drawing.
 - C.** No one may hold more than one commercial fishing permit during any one calendar year.
 - D.** Applicants must include payment in accordance with 19.30.9 NMAC with completed application. License fee is nonrefundable.
- [5/24/1977; 19.31.9.9 NMAC - Rn & A, 19 NMAC 31.9.9, 1/31/2006]

19.31.9.10 CONDITIONS OF COMMERCIAL FISHING PERMITS:

- A.** Each commercial fishing permit shall be valid from the date of issue to December 31 of the year in which it was issued.
- B.** Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.
- C.** Each permit shall authorize the taking of commercial fish from only two waters.
- D.** Each permit shall specify the methods by which commercial fish may be taken.
- E.** A commercial fishing permittee shall report each month's catch to the department of game and fish, no later than the 20th of the following month, on forms provided by the department.
- F.** A commercial fishing permittee and ~~his~~their employees shall permit inspection of their catch upon request by any commissioned department of game and fish officer.

~~[5/24/1977; 19.31.9.10 NMAC - Rn & A, 19 NMAC 31.9.10, 1/31/2006]~~19.31.9.10 NMAC – Rp, 19.31.9.10 NMAC, 04/01/2022]

19.31.9.11 DISPOSITION OF GAME FISH:

- A.** The commercial fishing permittee shall immediately return to the water any game fish caught, if such fish are still alive.
- B.** Dead game fish which are edible shall be processed and given to the district wildlife officer for lawful disposition.
- C.** Dead and spoiled game fish shall be cut in half and returned to the water.

[5/24/1977; 19.31.9.11 NMAC - Rn, 19 NMAC 31.9.11, 1/31/2006]

19.31.9.12 REVOCATION OF COMMERCIAL FISHING PERMIT: The director may, at any time, revoke in writing, a commercial permit for any of the following:

- A.** Violation of this or any other regulation of the state game commission;
- B.** Failure to abide by the conditions of the commercial fishing permit;
- C.** Conflicts between permitted methods for taking commercial fish and proper management of game fish;
- D.** Occurrence of low water levels or other natural phenomena in a commercial fishing water that would render inadvisable continued commercial fishing in that water;
- E.** Requests from state or federal agencies for discontinuance of commercial fishing because of conflicts with other designated uses of the water.

[5/24/1977; 19.31.9.12 NMAC - Rn & A, 19 NMAC 31.9.12, 1/31/2006]

19.31.9.13 ISSUANCE OF BAIT DEALERS LICENSE:

- A.** Individuals desiring a bait dealers license shall apply on the application form provided by the department of game and fish.
- B.** Applicants must include payment in accordance with 19.30.9 NMAC with completed application.
- C.** Application must include all sources the bait dealer will use to obtain minnows.

[19.31.9.13 NMAC - N, 1/31/2006]

19.31.9.14 PERMISSABLE SPECIES FOR SALE AS BAIT:

- A.** Fish: Only fathead minnow (*pimephales promelas*), red shiner (*cyprinella lutrensis*), golden shiner (*notemigonus crysoleucas*), gizzard shad (*dorosoma cepedianum*), and threadfin shad (*dorosoma petenense*) may be sold as bait fish.
- B.** Amphibians: Only tiger salamander larvae (*ambystoma tigrinum*), or “waterdogs”, may be sold as bait.
- C.** Crayfish: Only native species (*orconectes deaneam*, *orconectes virilis*, *orconectes causeyi* and *procambarus simulans*) may be sold as bait.

[19.31.9.14 NMAC - N, 1/31/2006]

19.31.9.15 CONDITIONS OF BAIT DEALER LICENSES:

A. Each bait dealers license shall be valid from April 1 of the year in which it was issued until March 31 of the following year.

B. Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.

C. Each permit shall authorize the taking of bait fish using only those methods specified in 19.31.10 NMAC.

~~(1) It shall be unlawful to collect bait from those waters designated as trout waters in 19.31.4 NMAC.~~

~~(2)(1)~~ It shall be unlawful to collect bait fish from the mainstem Pecos river, with the exceptions of Santa Rosa, Sumner, and Brantley lakes.

~~(3)(2)~~ It shall be unlawful to collect bait fish from the mainstem Rio Grande with the exceptions of Abiquiu, Cochiti, Elephant Butte, and Caballo lakes.

~~(4)(3)~~ It shall be unlawful to collect bait fish from the mainstem Canadian river with the exceptions of Conchas and Ute lakes.

~~(5)(4)~~ It shall be unlawful to collect bait fish west of the continental divide, with the exception of Navajo lake.

E. A licensed bait dealer must comply with 19.35.7 NMAC when purchasing live bait obtained from an out-of-state source.

F. A licensed bait dealer and his employees shall permit inspection of their inventory upon request by any commissioned department of game and fish officer.

G. It is unlawful to release live fish or bait into the waters of New Mexico without first obtaining a permit from the department of game and fish (19.35.7 NMAC).

~~[19.31.9.15 NMAC - N, 1/31/2006]~~ 19.31.9.15 NMAC – Rp, 19.31.9.15 NMAC, 04/01/2022]

History of 19.31.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

DGF 76-10, Regulation No. 581, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 12/20/1976.

DGF 77-5, Regulation No. 586, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 5/24/1977.

History of Repealed Material: [RESERVED]

19.31.9 NMAC, Commerical Use of Fish

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, 4/1/2019]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4/1/2019]

19.31.10.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-2-1, 17-2-2, 17-2-2.1, 17-2-4.2, 17-2-6, 17-2-10.1, 17-2-13, 17-2-14, 17-2-20, 17-2-32, 17-2-43, 17-3-2, 17-3-29, 17-3-31, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4, 17-5-5 and 17-6-3 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, 4/1/2019; A, 4/1/2020]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4/1/2019]

19.31.10.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4/1/2019]

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, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2019]

19.31.10.7 DEFINITIONS:

A. “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.

B. “Angling hook” shall mean a single, double, or treble (triple) point attached to a single shank.

C. “Any sporting arm” shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

D. “Arrow” or “Bolt” shall mean only those arrows or bolts having broadheads with cutting edges except that “judo”, “blunt” or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.

E. “Bag limit” shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.

F. “Bait” as used in section 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.

G. “Bait” as used in sections 12 and 13 of 19.31.10 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.

H. “Baiting” shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in 17-2-3 NMSA 1978.

I. “Bait fish” is defined as those nongame fish which are not otherwise protected by statute or regulation.

J. “Barbless lure or fly” shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials 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 other foods are not considered barbless lures or flies.

K. “Big game species” shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.

L. “Big game sporting arms” shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

M. “Body-grip trap” shall mean a rotating jaw trap designed to capture a furbearer by the body.

N. “Bow” shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

O. “Bow fishing” shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

P. “Bullet” shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.

Q. “Cellular”, “Wi-Fi” or “satellite camera” shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.

R. “Chumming” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

S. “Compressed air gun” shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.

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 on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

U. “Department” shall mean the New Mexico department of game and fish.

V. “Director” shall mean the director of the New Mexico department of game and fish.

W. “Drainage” shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

X. “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)”.

Y. “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; or

(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.

Z. “Foothold trap” shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

AA. “Foot encapsulating trap” shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.

BB. “Furbearer” shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.

CC. “Game management unit” or “GMU” shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

DD. “Jaw spread” shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

EE. “Laminated” shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

FF. “Land set” shall mean any foothold trap or snare set on land.

GG. “License year” shall mean the period from April 1 through March 31.

HH. “**Locate**” shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

II. “**Migratory game bird**” shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

JJ. “**Muzzle-loader**” or “**muzzle-loading firearms**” shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

KK. “**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.

LL. “**Non-toxic shot**” shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

MM. “**Protected species**” shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6 NMAC; and

(4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.

NN. “**Retention**” or “**retain**” shall mean the holding of live protected species in captivity.

OO. “**Restricted muzzle-loading rifle**” shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

PP. “**Shotgun**” shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

QQ. “**Snagging**” is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

RR. “**Snare**” shall mean a wire or cable with a single closing device designed to capture a furbearer.

SS. “**Spear fishing**” shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.

TT. “**Sporting arm types**” shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

(1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);

(2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);

(3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);

(4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms (ex. ELK-3-XXX).

UU. “**Take**” shall mean to hunt, fish, kill or capture any protected species or parts thereof.

VV. “**Trap**” shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

WW. “**Trotline**” shall be synonymous with “set line” or “throw line” or “jug”, “Yo-Yo line” or “limb line”, 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.

XX. “**Upland game**” shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

YY. “**Water set**” shall mean any trap or snare set fully in water.

ZZ. “**Wildlife management area**” or “**WMA**” shall mean those areas as described in 19.34.5 NMAC.

AAA. “**Written permission**” shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner’s property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property’s location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.

BBB. “Zone” shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2019; A, 4/1/2022]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is 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, 4/1/2019]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It is 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 under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another “Possession certificate”: It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: 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 possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;
- (3) the date and GMU where the game or furbearer was lawfully taken;
- (4) the lawful possessor’s name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;
- (5) the date and place of the donation or transaction;
- (6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and

(7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) description of the parts involved;
- (3) the date and GMU where the game was taken;
- (4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;
- (5) the date and place of the transaction or sale; and
- (6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice or permit from the department, with the exception of obviously shed antlers. All shed antlers collected in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.
[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2019]

19.31.10.10 PERMITS AND LICENSES ISSUED:

A. Proof of license: Each licensee or permittee must have a copy of their hunting, fishing or trapping license or their department issued collection permit in their possession while hunting, fishing, trapping or collecting protected species in New Mexico. Licenses or permits may be in electronic or paper format. The authorization number for fishing or game hunting is also valid pursuant to Subsection C of Section 17-3-5 NMSA 1978. The license, authorization or permit must be produced upon request by any law enforcement officer authorized to enforce Chapter 17 NMSA 1978.

B. Permits and licenses, other than hunting, fishing or trapping licenses, which authorize the holder to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell species listed as group II, III or IV on the directors "species importation list" or any protected species may only be issued by the director or their designee as authorized by Chapter 17 NMSA 1978 and 19.35 NMAC.

C. Permit or license provisions: Specific provisions for applications, conditions, reporting and other stipulations for permits or licenses will be provided by the department with each permit and license.

D. Violation of permit or license provisions or importation/possession of un-permitted wildlife:

(1) It is unlawful for any person receiving any permit or license pursuant to state game commission rule to violate any provision of state game commission rule or any provision listed on the permit or license.

(2) Any violation of Chapter 17 NMSA 1978, state game commission rule or any permit provision shall render that permit or license invalid. If such an invalidated permit or license authorized possession of any species listed as group II, III or IV on the directors "species importation list" or any protected species, the animals shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978.

(3) It is unlawful to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell any live animal listed as group II, III or IV on the directors "species importation list" or any protected species without a department issued permit or license or contrary to the provisions of Chapter 17 NMSA 1978, state game commission rule or any department issued permit.

(4) Any animal possessed contrary to this section shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. Any dangerous, venomous, invasive species or any diseased animals may be destroyed to protect human safety, native wildlife populations or livestock.

(5) Any person who has had an animal seized from them shall have no more than 30 days to arrange for the illegal animal to be transported out of New Mexico and pay for the care and transportation rendered. Failure to make these arrangements within 30 days will result in the animal being considered abandoned. Abandoned animals will be disposed of at the discretion of the department.

E. Release of wildlife: It is 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 except department employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 4/1/2019]

19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harr, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

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

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. 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.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) **Exception:** Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) **Crossbow use:** The holder of a MI card may use a crossbow during any bow hunt.

(3) **Assistance for MI hunters:** The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019]

19.31.10.12 BIG GAME AND TURKEY:

A. Legal hunting hours: A person may only take or attempt to take any big game species or turkey during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take big game or turkey outside of legal hunting hours.

B. Killing out of season: It is unlawful to take or attempt to take any big game species or turkey outside of the established hunting season.

C. Bag limit: It is unlawful for any person to take any big game species or turkey other than the legal bag limit as specified on their big game or turkey license or as indicated by the hunt code, or for any bear hunter to take a sow with cub(s), or any cub less than one year old, or for any cougar hunter to take a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

(1) It is unlawful for any person to hunt for or take more than one animal of any big game species per year unless otherwise allowed by state game commission rule.

(2) It is unlawful for any person to hunt for or take more than two cougars per year unless otherwise allowed by state game commission rule.

E. Exceeding the bag limit on turkey: It is unlawful for any person to hunt for or take more than two bearded turkeys during the spring turkey season or more than one turkey during the fall turkey season unless otherwise specifically allowed by 19.31.16 NMAC.

F. Proof of sex or bag limit: It is unlawful for anyone to transport or possess the carcass of any big game species or turkey without proof of sex or bag limit (except donated parts when accompanied by a proper possession certificate). Proof of sex or bag limit shall be:

(1) Bear and cougar – External genitalia of any bear or cougar killed shall remain naturally attached to the pelt and be readily visible until the pelt has been inspected and pelt-tagged by a department official.

(2) Barbary sheep and oryx – The horns of any Barbary sheep or oryx taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(3) Deer – The antlers of any buck deer taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless deer or the naturally attached female genitalia shall accompany the carcass in the same manner.

(4) Elk – The antlers of any bull elk taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless elk or the naturally attached female genitalia shall accompany the carcass in the same manner.

(5) Pronghorn - The horns, scalp and both ears of any pronghorn taken shall remain naturally attached to the skull or skull plate and must accompany the carcass until arriving at a residence, taxidermist, meat processing facility or place of final storage. If the horns of a female pronghorn are longer than its ears, and the bag limit is F/IM, the external genitalia must remain naturally attached to the hide/carcass, as appropriate, and be visible to provide proof of legal bag limit until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(6) Bighorn sheep - The horns of any ram shall remain naturally attached to the skull or skull plate and the external genitalia of any ewe taken shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(7) Persian ibex - The horns of any ibex shall remain naturally attached to the skull or skull plate. If the horns of any female ibex are 15 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(8) Turkey – When the bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(9) Javelina – The skull of each javelina shall be proof of bag limit and must be retained until arriving at a residence, taxidermist, meat processing facility or place of final storage.

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, 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 tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate location on the antler or horn leaving the entire face of the tag visible. All tags 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/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) Electronic Tagging of harvested game: Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department's electronic tagging (e-tag) application to receive an e-tag number specific to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces 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. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

(3) The proper location to attach all carcass tags and e-tags:

(a) The proper location to attach the carcass tag or e-tag on any game species is to attach it conspicuously on the hock tendon on either hind leg.

(b) The proper location to attach the carcass tag or e-tag on javelina is to adhere it to the head/skull around the nose.

(c) The proper location to attach the carcass tag or e-tag on a turkey is to adhere it around the leg above the foot and below the feathers on the thigh.

(d) The proper location to attach the carcass tag or e-tag on a bear or cougar is to adhere it 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 state game commission rule or for five days from date of kill, whichever comes first.

(i) Any bear or cougar killed shall be tagged with a pelt tag furnished free of charge by the department.

(ii) The hunter who kills the bear or cougar or the hunter's designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.

(iii) Any hunter who appoints a designee to present the skull and pelt for pelt tagging is required to contact a conservation officer prior to having the pelt inspected and tagged.

(iv) The pelt tag shall remain attached until the pelt is tanned.

(v) Skulls with mouths closed may not be accepted until the mouth is opened by the hunter or designee.

(vi) Licensed bear or cougar hunters or their designees who provide false or fraudulent information regarding the required information including, but not limited to, sex, date or location of harvest shall be assessed 20 revocation points pursuant to 19.31.2 NMAC.

(e) The proper location to attach an antler tag or e-tag is to adhere the tag around the main beam of the antler between any of the points or tines as close to the base as possible to prevent the tag from coming off.

(f) The proper location to attach a horn tag or e-tag is to adhere the tag around the horn as close to the base as possible to prevent the tag from coming off.

H. It is unlawful:

(1) for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag or e-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 a completed e-tag attached to it, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of 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 proper possession 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 previously issued carcass or antler tag once a duplicate has been obtained or to use the carcass, antler tag or e-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. Once-in-a lifetime hunts: It is unlawful for any person to apply for, receive or use any once-in-a lifetime license if they have ever held a once-in-a lifetime license for that species which has the same bag limit or eligibility requirements.

J. Youth only (YO), mobility impaired (MI), Iraq/Afghanistan veterans (I/A) and military only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, I/A or MO license or any military discounted license except as allowed by state game commission rule.

K. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

L. Use of dogs in hunting:

(1) It is unlawful to use dogs to hunt or pursue big game species or turkey, except for bear and cougar.

(2) Dogs may be used only to hunt bear and cougar during open seasons unless otherwise restricted. It is unlawful to:

(a) hunt for or pursue bear or cougar with dog(s) on the Valle Vidal except holders of bear entry permits for the hunting of bear only;

(b) hunt for or pursue bear or cougar with dog(s) during any September big game bow season statewide except as otherwise allowed by state game commission rule;

(c) release dog(s) to pursue or hold bear or cougar outside of legal hunting hours or during closed season or in a closed area or zone;

(d) to pursue bear or cougar with dog(s) without the licensed hunter, who intends to kill or who kills the bear or cougar, present continuously from the initial release of any dog(s).

(3) It is unlawful to use dog(s) to assist in the recovery of wounded or dead big game or turkey except as follows:

(a) Dog(s) may be used to assist in the recovery of wounded game provided that no more than two dogs may be used at any one time to locate a wounded or dead deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey.

(b) Dog(s) used to assist in the recovery of deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey shall be leashed and under the control of the handler at all times and cannot be used to pursue or harass wildlife. No person assisting in the recovery of a wounded animal may shoot or kill the animal being tracked unless they are a licensed hunter for that species, season and area and they intend to tag the animal as their own.

M. Use of bait: It is unlawful for any person to take or attempt to take any big game species or turkey by use of baiting or for any person to take or attempt to take big game or turkey from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, natural kills, carrion or offal are not considered bait unless they have been moved or placed there from another location. It is unlawful to create, maintain or use any bait station in hunting bear or cougar. It is unlawful to use any scent attractant in hunting bears.

N. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any big game species or turkey.

O. Hunting captive big game species: It is unlawful to take or attempt to take any big game species within any fence or enclosure, or by use of any fence or enclosure, which significantly restricts or limits the free ingress or egress of that big game species except as allowed by permit from the department. Any fence which is 7.5 feet tall or taller shall be considered game proof and hunting within any such enclosure, even if there are open gate(s), is unlawful. Exception: Net wire fencing commonly used as sheep or goat fencing which is not taller than four feet is not considered to significantly restrict or limit the free ingress or egress of any protected species.

P. Use of calling devices: It is unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any big game species or turkey, except javelina, bear and cougar.

Q. Automatic firearms: It is unlawful to take or attempt to take any big game species or turkey with a fully automatic firearm.

R. Bullets: It is unlawful to take or attempt to take any big game species or turkey by the use of a prohibited bullet.

S. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any big game species or turkey unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

T. Legal sporting arm types:

(1) It is unlawful to use any sporting arm type for big game species other than those defined under big game sporting arms except for cougar and javelina which may be taken with those defined under any sporting arm. For cougar and javelina, compressed air guns must be .22 caliber or larger and shotguns must fire a single slug or #4 buckshot or larger.

(2) It is unlawful to use any sporting arm type for a big game species which does not correspond with the hunt code authorized sporting arm type.

(3) It is unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the wrong ranch, in the wrong area or in the wrong GMU: It is unlawful for any person to hunt in any location, GMU or ranch other than that area specified on their license or permit unless otherwise allowed by state game commission rule.

(1) A landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A licensed big game hunter may hunt a landowner's contiguous private property which extends into an adjoining GMU(s) only when a department agreement exists and must adhere to the department issued agreement unless otherwise restricted by state game commission rule.

V. Restricted areas on White Sands missile range:

(1) It is unlawful to drive or ride in a motor vehicle into an area signed "no hunting" or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) It is unlawful for a licensed hunter to enter an area signed "no hunting" or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) It is unlawful for a licensed security badged hunter to hunt or take any oryx in an area other than their "to be assigned" area.

W. Validity of licenses and unitizations: All big game and turkey licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity.

X. Hunting on public land with a private land only license: It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking devices: It is unlawful to attach any collar or electronic tracking device to any big game species or turkey except as specifically authorized by the department.

Z. License purchase: Bear or cougar hunters must purchase their bear or cougar license at least two calendar days prior to taking or attempting to take any bear or cougar. It is unlawful for any bear or cougar hunter to take or attempt to take a bear or cougar within two calendar days of purchasing their license.

AA. Zones: It is unlawful to pursue, take or attempt to take a bear or cougar in a closed zone. Zones will close pursuant to 19.31.11 NMAC.

BB. Valle Vidal: It is unlawful to hunt bear or cougar on the Valle Vidal except for properly licensed bear or cougar hunters that also possess a Valle Vidal elk hunting license (only during the dates and with the sporting arm type specified on their elk license) and holders of a Valle Vidal bear entry permit (only during their entry permit hunt dates).

CC. Cougar ID: It is unlawful for any person to hunt for cougar without having completed the department's cougar ID course and having the verification code printed on their license.

DD. Use of cellular, Wi-Fi or satellite cameras: It is unlawful for any person to use any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting for any big game animal. Exception: This section does not apply to cellular or satellite phones which are kept on one's person and not used remotely or department employees and their designees while performing their official duties.

[19.31.10.12 NMAC - Rp, 19.31.10.12 NMAC, 4/1/2019; A, 5/19/2020]

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

A. Upland game hunting hours: Upland game species may be hunted or taken only during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take upland game outside of legal hunting hours.

B. Killing out of season: It is unlawful to kill any migratory game bird or upland game out of season.

C. Exceeding the bag limit: It is unlawful for any person to take or attempt to take more than one daily bag limit of any migratory game bird species or upland game species allowed by state game commission rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Possession limit: It is unlawful for any person to possess more than one possession limit of any migratory game bird or upland game species.

E. Proof of species or sex: It is unlawful for any person to possess any migratory bird or upland game without proof of species or sex as required below:

(1) One foot shall remain attached to each quail taken until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(2) The head or one leg of each pheasant taken must remain attached to the bird until the bird arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(3) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

F. Youth only (YO), mobility impaired (MI), Iraq/Afghanistan veterans (I/A) and military only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, I/A or MO license or any military discounted license except as allowed by state game commission rule.

G. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

H. Use of dogs in hunting: Dog(s) may be used to hunt migratory game bird species and upland game. It is unlawful to pursue migratory game birds or upland game with dog(s) outside of the hunting seasons established except in conjunction with a permitted event.

I. Use of bait: It is unlawful for any person to take or attempt to take any migratory game bird species or upland game by use of baiting or for any person to take or attempt to take migratory game birds or upland game from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, carrion or offal are not considered bait unless they have been moved there from another location.

J. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any migratory game bird species or upland game species.

K. Use of calling devices: It is unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird or upland game species. During the light goose conservation order hunt dates, electronic calling devices are allowed for the take of light geese.

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game bird or upland game species with a fully automatic firearm.

M. Non-toxic shot: It is unlawful for any person to use or possess any shotgun shell loaded with anything other than non-toxic shot or for any person using a muzzle-loading shotgun to possess anything other than non-toxic shot while hunting for any migratory game bird species, except when hunting dove, band-tailed pigeon or

eastern sandhill crane. Non-toxic shot is required for all migratory game birds and upland game species on Bernardo WMA, La Joya WMA, and Huey WMA.

N. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any migratory game bird or upland game species unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

O. Legal sporting arms and ammunition: It is unlawful to use sporting arms other than those listed below to take or attempt to take of any migratory game bird or upland game species.

- (1) The following are legal sporting arms for pheasants and quail:
 - (a) shotguns firing shot;
 - (b) bows; and
 - (c) crossbows.
- (2) The following are legal sporting arms for dusky grouse, chukar, Eurasian collared-dove, Abert's squirrels, Arizona gray squirrels, fox squirrels, eastern gray squirrels and red squirrels:
 - (a) shotguns firing shot;
 - (b) rimfire firearms;
 - (c) muzzle-loading firearms;
 - (d) bows;
 - (e) crossbows; and
 - (f) compressed air guns, .177 caliber or larger.
- (3) The following are legal sporting arms for migratory game birds:
 - (a) shotguns firing shot, shotguns shall not be capable of holding more than three shells except while hunting light geese during the light goose conservation order hunt dates, as defined in 19.31.6 NMAC;
 - (b) bows; and
 - (c) crossbows.

P. Areas closed to migratory game bird hunting: It shall be unlawful to hunt migratory game birds in that portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

Q. Collars or tracking devices: It is unlawful for any person to attach any collar or electronic tracking device to any migratory game bird or upland game except as specifically authorized by the department.

R. Use of traps and snares: It is unlawful for any person to intentionally set any trap, snare, cage, box or other device to capture or attempt to capture any migratory game bird or upland game or for any person to intentionally capture or attempt to capture any migratory game bird or upland game unless specifically allowed by license or permit.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019]

19.31.10.14 FISHING:

- A. Angling:** Game fish may be taken by angling in all waters that are open for fishing.
- B. Season and hours:** It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.
- C. Closed waters:** It is unlawful to fish in any water closed by state game commission rule.
- D. Ice fishing:** It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.
- E. Hatchery waters:** It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, angling 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, Laguna del Campo at Los Ojos state fish hatchery, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.
- F. Trotlines:** Game fish may be taken by use of trotlines in any water except those listed below, however:
 - (1) It is unlawful for any person to set more than one trotline at a time.
 - (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
 - (3) It is unlawful for any trotline to have more than 25 angling hooks.

(4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.

(5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.

(6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) 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 angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

(7) It is unlawful to set or use a trotline in any public water with the following exceptions:

Drainage:	Rivers:	Lakes:
Rio Grande drainage	Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake	Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake
Pecos river drainage	Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties	Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir
Canadian river drainage	Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line	Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake
San Juan river drainage	San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion	Navajo lake
Gila river and San Francisco river drainage	Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line	None
Statewide	As described above	Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. 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 or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. 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 state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner
Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park	Fathead minnow, red shiner, and shad
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:	Approved dead baitfish species:
Statewide	Common carp
Heron reservoir	White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 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.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. 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, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two 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.

Q. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 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.

R. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

S. 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.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance

to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait 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.

Z. 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.

(3) Chumming: Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any 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, 4/1/2022]

19.31.10.15 FURBEARERS:

A. Shooting hours:

(1) Hunting and falconry – Restricted to the period one-half hour before sunrise to one-half hour after sunset except that a licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand-held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

(2) Trapping – There are no restrictions on shooting hours for trapping.

B. Legal methods of taking furbearers shall include any sporting arm, falconry, traps and snares.

C. Dogs are allowed for hunting all furbearers during open season.

D. It is unlawful to kill any mink, otter, black-footed ferret, coatimundi or Pacific (pine) marten.

E. It is unlawful to kill any furbearer outside of the seasons established for that species, except as authorized by state statute or otherwise allowed by game commission rule.

F. Raccoon may be hunted or trapped during the extended season with a current trapper license. Only cage traps and foot encapsulating traps are allowed for raccoon trapping during this period. It is unlawful to hunt or trap raccoon during the extended season contrary to this section.

G. All land sets must be visually checked every calendar day. Water sets must be checked at least once every other calendar day. A licensed trapper may designate an agent to check their set traps and snares on alternating check days, but the licensed trapper must personally check the traps every other check day. Any person may be designated as an agent for any licensed trapper, but the agent must possess written permission from the trapper and a valid trapper license. The permission must include the licensed trapper's full name, contact information, and the agent must know the location of traps.

H. It is unlawful for any person to trap for any furbearer without having successfully completed a department approved trapper education course.

I. It is unlawful for any person to hunt for any furbearer without having successfully completed either the New Mexico trapper education course or a New Mexico law and species identification course.

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

K. It is unlawful to place or use restricted-use pesticides for the take of any furbearer.

L. The following restrictions shall apply to traps that could reasonably be expected to catch a furbearer:

(1) Each trap or snare must be either permanently marked with, or have a tag securely attached with, a department issued user-identification number or the name and address of the trapper using the trap or snare.

(2) No foothold trap with an outside jaw spread larger than six and one-half inches, or seven inches maximum if laminated above the jaw surfaces, or tooth-jawed trap may be used in making a land set.

(3) No body-grip trap with an inside jaw spread greater than seven inches may be set on land. Body-grip traps with inside jaw spreads of between six and seven inches set on land must be recessed in a cubby at least eight inches from the entrance.

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

(5) No land set shall be placed on public land within one-half mile of:

(a) an established and maintained public campground or boat-launching area;

(b) a designated and signed roadside rest area, public picnic area or trailhead.

“Trailhead” as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

(c) an occupied dwelling without written permission of the occupant of the dwelling.

(6) It shall be unlawful to make a land set within 75 feet of the edge of any public road or trail (including any culvert or structure located beneath it) if no right of way fence is present, except on private land. No land set shall be made within any right of way fence on any public road. “Public road” as used herein shall mean any road, street or thoroughfare open to motorized vehicle travel which was constructed and is maintained with public funds and is open to the public; or any road, street or thoroughfare open to motorized vehicle travel that is officially numbered or named on the most current published map issued by a municipal, state or federal agency and is open to the public. “Trail” as used herein shall mean any officially designated, mapped, maintained, and marked path open for public use and published on the most current map issued by a state or federal land management agency.

(7) No land set may be placed within 150 feet of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land.

(8) It is unlawful to place, set or maintain any land set within 30 feet of any bait over two ounces in weight which is visible to airborne raptors. Bones that are entirely free of bait are legal.

(9) No foothold trap with an inside jaw spread larger than seven and one-half inches or body-grip trap with a jaw spread greater than 12 inches shall be used in making a water set.

(10) Body-grip traps used in water sets with a jaw spread of eight inches or more must be submerged in water to their jaw pivot or deeper.

(11) Any snare set on land must have a lock or break-away device which is designed to release or fail when a maximum of 350 pounds of pressure is applied to it. Locks or break-away devices must be attached in a way which leaves no part of the snare attached to an animal when it releases or fails. All snares must be securely anchored and cannot be attached to a drag. Exception: foot snares.

(12) Each foothold trap set on land must have at least two separate swivel points in the anchor chain. At least one of these swivel points must be within six inches of the trap.

M. A release device or catchpole shall be carried by trappers, and all captured animals must be removed or released from any trap or snare at the time of check. In cases where assistance is required for safe release of the animal, or when biological data is sought by the department, the department must be notified as soon as possible.

N. It is unlawful to set any trap or snare on land without stakes, chains, drags or other anchoring such that any furbearer, coyote or wolf caught will be prevented from escaping with the trap.

O. No person may kill any species listed in 19.33.6 NMAC - LIST OF THREATENED AND ENDANGERED SPECIES, including by the use of any body-grip trap or snare.

P. As long as the Mexican wolf is listed as a federally threatened or endangered species in the United States, any trapper who captures a Mexican wolf must report the capture to the U.S. fish and wildlife interagency field team:

(1) as soon as possible to arrange for radio-collaring and release of the wolf; or

(2) within 24 hours if the wolf is released or has pulled out of the trap.

Q. Tagging:

(1) Every person who takes a bobcat in New Mexico shall present the pelt for tagging in New Mexico prior to transporting the pelt out of the state, prior to selling the pelt, or no later than April 14, annually; whichever occurs first.

(2) Every person who presents a bobcat for tagging shall display a current New Mexico trapper license except residents 11 years of age or younger. Tags may be obtained from any conservation officer or any department office. In addition, pelts may be tagged by New Mexico licensed fur dealers following policies set forth by the department.

(3) It is unlawful for any person to transport across state lines, sell, barter, otherwise dispose of, or possess any bobcat pelt taken in New Mexico that has not been tagged in accordance with this rule.

(4) It is unlawful to present for tagging, or to have tagged with a New Mexico tag, any pelt from a bobcat taken outside of New Mexico.

(5) It is unlawful for any licensed fur dealer to charge a fee for tagging any bobcat. It is unlawful for a licensed fur dealer to refuse to tag a bobcat unless the licensed fur dealer has cause to believe the bobcat was taken in another state or jurisdiction, or the bobcat was unlawfully taken in New Mexico. Licensed fur dealers who believe a bobcat has been taken illegally, or has been presented for pelt tagging in New Mexico when it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

(6) It is unlawful for licensed fur dealers to tag any bobcat contrary to this rule, purchase any bobcat pelt which has not been tagged, or is not immediately pelt tagged at the time of purchase.

R. Tampering with traps: It is unlawful to destroy, damage, disturb, steal or remove any trap, snare or trapped wildlife without permission of the owner of the trap or snare. Nothing in this subsection shall prohibit a person from releasing any domestic animal from a trap or snare.

S. Exemptions: The provisions of this section shall not apply to personnel of the department of game and fish or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes.

[19.31.10.15 NMAC - N, 4/1/2020]

19.31.10.16 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 is unlawful to violate the provisions of posted signs on areas under the control of, leased by or managed by the state game commission.

C. Trespass on state game commission owned lands: It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 4/1/2019]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with 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:

Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: **Bear canyon lake WMA, Bill Evans lake WMA, Green Meadow, Fenton lake WMA, Hopewell, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.**

C. No motors allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: **Bernardo WMA, La Joya WMA, Jackson lake WMA, McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.**

D. No boats or floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: **Bonito lake, Monastery lake, and Red River hatchery pond.**

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2019]

19.31.10.18 HUNTING ON PRIVATE LAND WITHOUT WRITTEN PERMISSION AND SEIZURE OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR SHED ANTLERS:

A. It is unlawful to knowingly enter upon any private property to take or attempt to take 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.

B. Any game animal, furbearer or game bird taken in violation of this section or Section 30-14-1 NMSA 1978 is unlawfully taken and shall be subject to seizure.

C. All shed antlers collected in violation of any New Mexico state game commission, state or federal land closure, in violation of Section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 NMSA 1978 or state game commission rule remain property of the State of New Mexico and shall be seized.

D. Exception: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 4/1/2019]

19.31.10.19 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

A. No habitat management and access validation stamp (HMAV), contrary to Section 17-4-34 NMSA 1978;

B. No habitat stamp (Sikes Act), contrary to 19.31.10 NMAC;

C. Size limit violations on fish, contrary to 19.31.10 NMAC;

D. Trotline violations, contrary to 19.31.10 NMAC;

E. Use of bait or prohibited lure or fly in a special trout water or noodling, contrary to 19.31.10 NMAC;

F. Disturbing the bottom "shuffling" in a special trout water, contrary to 19.31.10 NMAC;

G. Use of bait fish, contrary to 19.31.10 NMAC;

H. Release of bait fish, contrary to Section 17-3-28 NMSA 1978;

I. More than two lines or two lines without stamp, contrary to 19.31.10 NMAC;

J. Exceeding the daily bag limit or the possession limit of fish by two fish or less, contrary to 19.31.10 NMAC;

K. Snagging or keeping snagged game fish, contrary to 19.31.10 NMAC;

L. Spearfishing and bow fishing violations, contrary to 19.31.10 NMAC;

M. Unlawfully fishing in waters with age or individuals with disabilities use restrictions, contrary to 19.31.10 NMAC;

N. Boat or other floating device violation, contrary to 19.31.10 NMAC;

O. Use of live protected species as a decoy, contrary to 19.31.10 NMAC;

P. Use of an electronic calling device, contrary to 19.31.10 NMAC;

Q. Use of unapproved shot or shotgun capable of holding more than three shells while hunting migratory game birds, contrary to 19.31.10 NMAC;

R. Unlawful ammunition/ bullet/ shot or unlawful caliber, contrary to 19.31.10 NMAC;

S. Hunting hours violations, contrary to 19.31.10 NMAC;

- T.** Possession of game animal parts found in field, contrary to 19.31.10 NMAC;
- U.** Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;
- V.** Harassing protected species, contrary to 19.31.10 NMAC;
- W.** Driving off road or on a closed road, contrary to 19.31.10 NMAC;
- X.** Violation of posted signs, contrary to 19.31.10 NMAC;
- Y.** Unlawful use of dogs, contrary to 19.31.10 NMAC;
- Z.** Unlawful use of cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;
- AA.** Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC; or
- BB.** Any violation of section 15 of 19.31.10 NMAC.

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2019;Rn, 19.31.10.18 4/1/2020; A, 4/1/2020]

19.31.10.20 SEIZURE:

Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule.

[19.31.10.20 NMAC - N, 4/1/2019]

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 state game commission 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 and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2019]

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, 5/25/1967.

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, 8/21/1968.

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, 5/31/1972.

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, 3/2/1982.

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, 6/25/1990.

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, 10/3/1991.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3/1/1995.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Amended 4/1/2018.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Replaced 4/1/2019.

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.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2019.

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, 4/1/2019]

19.31.10.2 SCOPE: Hunters, anglers, trappers and the general public. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.31.10.2 NMAC - Rp, 19.31.10.2 NMAC, 4/1/2019]

19.31.10.3 STATUTORY AUTHORITY: Sections 17-1-14, 17-1-26, 17-2-1, 17-2-2, 17-2-2.1, 17-2-4.2, 17-2-6, 17-2-10.1, 17-2-13, 17-2-14, 17-2-20, 17-2-32, 17-2-43, 17-3-2, 17-3-29, 17-3-31, 17-2A-3, 17-3-32, 17-3-33, 17-3-42, 17-4-33, 17-5-4, 17-5-5 and 17-6-3 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, 4/1/2019; A, 4/1/2020]

19.31.10.4 DURATION: Permanent.
[19.31.10.4 NMAC - Rp, 19.31.10.4 NMAC, 4/1/2019]

19.31.10.5 EFFECTIVE DATE: April 1, 2019, unless a later date is cited at the end of a section.
[19.31.10.5 NMAC - Rp, 19.31.10.5 NMAC, 4/1/2019]

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, manner and methods of hunting and fishing and use of department lands.
[19.31.10.6 NMAC - Rp, 19.31.10.6 NMAC, 4/1/2019]

19.31.10.7 DEFINITIONS:

A. “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.

B. “Angling hook” shall mean a single, double, or treble (triple) point attached to a single shank.

C. “Any sporting arm” shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

D. “Arrow” or “Bolt” shall mean only those arrows or bolts having broadheads with cutting edges except that “judo”, “blunt” or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.

E. “Bag limit” shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.

F. “Bait” as used in section 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.

G. “Bait” as used in sections 12 and 13 of 19.31.10 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.

H. “Baiting” shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in 17-2-3 NMSA 1978.

I. “Bait fish” is defined as those nongame fish which are not otherwise protected by statute or regulation.

J. “Barbless lure or fly” shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials 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 other foods are not considered barbless lures or flies.

K. “**Big game species**” shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.

L. “**Big game sporting arms**” shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

M. “**Body-grip trap**” shall mean a rotating jaw trap designed to capture a furbearer by the body.

N. “**Bow**” shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

O. “**Bow fishing**” shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

P. “**Bullet**” shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.

Q. “**Cellular**”, “**Wi-Fi**” or “**satellite camera**” shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.

R. “**Chumming**” is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

S. “**Compressed air gun**” shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.

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 on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

U. “**Department**” shall mean the New Mexico department of game and fish.

V. “**Director**” shall mean the director of the New Mexico department of game and fish.

W. “**Drainage**” shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

~~**WX.**~~ “**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)”.

~~**XY.**~~ “**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; or

(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.

~~**YZ.**~~ “**Foothold trap**” shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

~~**ZAA.**~~ “**Foot encapsulating trap**” shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include “dog proof” and “egg” traps.

~~**AABB.**~~ “**Furbearer**” shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.

~~**BBCC.**~~ “**Game management unit**” or “**GMU**” shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

~~**CCDD.**~~ “**Jaw spread**” shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

~~**DD EE.**~~ “**Laminated**” shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

~~**EEFF.**~~ “**Land set**” shall mean any foothold trap or snare set on land.

~~**FFGG.**~~ “**License year**” shall mean the period from April 1 through March 31.

~~GGHH~~. **“Locate”** shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

~~HHII~~. **“Migratory game bird”** shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

~~HJJ~~. **“Muzzle-loader” or “muzzle-loading firearms”** shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

~~JJKK~~. **“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.

~~KKLL~~. **“Non-toxic shot”** shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

~~LLMM~~. **“Protected species”** shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6 NMAC; and

(4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.

~~MMNN~~. **“Retention” or “retain”** shall mean the holding of live protected species in captivity.

~~NNOO~~. **“Restricted muzzle-loading rifle”** shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

~~OOPP~~. **“Shotgun”** shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

~~PPQQ~~. **“Snagging”** is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

~~QQRR~~. **“Snare”** shall mean a wire or cable with a single closing device designed to capture a furbearer.

~~RRSS~~. **“Spear fishing”** shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.

~~SSTT~~. **“Sporting arm types”** shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

(1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);

(2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);

(3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);

(4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms (ex. ELK-3-XXX).

~~TTUU~~. **“Take”** shall mean to hunt, fish, kill or capture any protected species or parts thereof.

~~UUVV~~. **“Trap”** shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

~~VVWW~~. **“Trotline”** shall be synonymous with “set line” or “throw line” or “jug”, “Yo-Yo line” or “limb line”, 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.

~~WWXX~~. **“Upland game”** shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

~~XXYY~~. **“Water set”** shall mean any trap or snare set fully in water.

~~YYZZ~~. **“Wildlife management area” or “WMA”** shall mean those areas as described in 19.34.5 NMAC.

~~ZZAAA~~. **“Written permission”** shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner’s property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property’s location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.

AAABBB. “Zone” shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.
[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2019; A, 4/1/~~2020~~2022]

19.31.10.8 UNLAWFUL SUBSTANCE IN PUBLIC WATERS: It is 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, 4/1/2019]

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES: It is 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 under a license or permit, in any jurisdiction, or for which they possess a valid possession certificate, permit or invoice from the department or department permitted facility.

B. Game taken by another “Possession certificate”: It is unlawful for any person to possess any protected species, or parts thereof, taken by another person except as follows: 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 possession certificate which shall be provided by the lawful possessor of the protected species, or parts thereof, to the person receiving the animal or parts and which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) the kind and number of game or furbearer parts donated or provided to a taxidermist, meat processor or any other similar business;
- (3) the date and GMU where the game or furbearer was lawfully taken;
- (4) the lawful possessor’s name, phone number, address, and the hunting, fishing or trapping license number, or the permit, certificate or invoice number under which the protected species was lawfully taken;
- (5) the date and place of the donation or transaction;
- (6) the reason the lawful possessor transferred the animal or parts to the receiver (ie. donation, transportation, taxidermy, meat processing etc). Any possession certificate which only authorizes temporary possession (ie. taxidermist or meat processor) shall have a date of estimated return to the original lawful possessor; and

(7) the signature of both the person receiving and the person transferring the animal or parts.

C. Retention of live animals: It is unlawful to retain protected species in a live condition except under permit or license issued by the director. It is unlawful to sell, attempt to sell or possess live protected species in New Mexico, including captive raised animals, except as allowed by permit issued by the director or while in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of protected species parts: Only skins, heads, antlers, horns, rendered fat, teeth or claws of legally taken or possessed protected species, all parts of furbearers, and feathers from non-migratory game birds may be bartered or sold (internal organs of big game species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

- (1) the first and last name of the person receiving the protected species or parts;
- (2) description of the parts involved;
- (3) the date and GMU where the game was taken;
- (4) the disposer's name, phone number, address, and the number of either the hunting license, permit, certificate or invoice under which the game was taken;
- (5) the date and place of the transaction or sale; and
- (6) the signature of both the person selling and the person purchasing the parts.

E. Possession of game animal parts found in the field: It is unlawful to possess heads, horns, antlers, or other parts of protected species found in the field without an invoice or permit from the department, with the exception of obviously shed antlers. All shed antlers collected in violation of any state or federal land closure, in violation of criminal trespass, in violation of the habitat protection act, while driving off road on public land or on a closed road on public land remain property of the State of New Mexico and shall be seized.
[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4/1/2019]

19.31.10.10 PERMITS AND LICENSES ISSUED:

A. Proof of license: Each licensee or permittee must have a copy of their hunting, fishing or trapping license or their department issued collection permit in their possession while hunting, fishing, trapping or collecting protected species in New Mexico. Licenses or permits may be in electronic or paper format. The authorization number for fishing or game hunting is also valid pursuant to Subsection C of Section 17-3-5 NMSA 1978. The license, authorization or permit must be produced upon request by any law enforcement officer authorized to enforce Chapter 17 NMSA 1978.

B. Permits and licenses, other than hunting, fishing or trapping licenses, which authorize the holder to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell species listed as group II, III or IV on the directors "species importation list" or any protected species may only be issued by the director or their designee as authorized by Chapter 17 NMSA 1978 and 19.35 NMAC.

C. Permit or license provisions: Specific provisions for applications, conditions, reporting and other stipulations for permits or licenses will be provided by the department with each permit and license.

D. Violation of permit or license provisions or importation/possession of un-permitted wildlife:

(1) It is unlawful for any person receiving any permit or license pursuant to state game commission rule to violate any provision of state game commission rule or any provision listed on the permit or license.

(2) Any violation of Chapter 17 NMSA 1978, state game commission rule or any permit provision shall render that permit or license invalid. If such an invalidated permit or license authorized possession of any species listed as group II, III or IV on the directors "species importation list" or any protected species, the animals shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978.

(3) It is unlawful to import, collect, handle, purchase, possess, barter, transfer, transport, sell or offer to sell any live animal listed as group II, III or IV on the directors "species importation list" or any protected species without a department issued permit or license or contrary to the provisions of Chapter 17 NMSA 1978, state game commission rule or any department issued permit.

(4) Any animal possessed contrary to this section shall be subject to seizure by any officer authorized to enforce the provisions of Chapter 17 NMSA 1978. Any dangerous, venomous, invasive species or any diseased animals may be destroyed to protect human safety, native wildlife populations or livestock.

(5) Any person who has had an animal seized from them shall have no more than 30 days to arrange for the illegal animal to be transported out of New Mexico and pay for the care and transportation rendered. Failure to make these arrangements within 30 days will result in the animal being considered abandoned. Abandoned animals will be disposed of at the discretion of the department.

E. Release of wildlife: It is 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 except department employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

[19.31.10.11 NMAC - Rp, 19.31.10.11 NMAC, 4/1/2019]

19.31.10.11 USE OF VEHICLES, BOATS, AIRCRAFT AND ROADS IN HUNTING:

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harry, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

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

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. 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.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) **Exception:** Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility Impaired (MI) hunters:

(1) **Shooting from a vehicle:** The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) **Crossbow use:** The holder of a MI card may use a crossbow during any bow hunt.

(3) **Assistance for MI hunters:** The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

[19.31.10.13 NMAC - Rp, 19.31.10.13 NMAC, 4/1/2019]

19.31.10.12 BIG GAME AND TURKEY:

A. Legal hunting hours: A person may only take or attempt to take any big game species or turkey during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take big game or turkey outside of legal hunting hours.

B. Killing out of season: It is unlawful to take or attempt to take any big game species or turkey outside of the established hunting season.

C. Bag limit: It is unlawful for any person to take any big game species or turkey other than the legal bag limit as specified on their big game or turkey license or as indicated by the hunt code, or for any bear hunter to take a sow with cub(s), or any cub less than one year old, or for any cougar hunter to take a spotted cougar kitten or any female accompanied by spotted kitten(s).

D. Exceeding the bag limit on big game:

(1) It is unlawful for any person to hunt for or take more than one animal of any big game species per year unless otherwise allowed by state game commission rule.

(2) It is unlawful for any person to hunt for or take more than two cougars per year unless otherwise allowed by state game commission rule.

E. Exceeding the bag limit on turkey: It is unlawful for any person to hunt for or take more than two bearded turkeys during the spring turkey season or more than one turkey during the fall turkey season unless otherwise specifically allowed by 19.31.16 NMAC.

F. Proof of sex or bag limit: It is unlawful for anyone to transport or possess the carcass of any big game species or turkey without proof of sex or bag limit (except donated parts when accompanied by a proper possession certificate). Proof of sex or bag limit shall be:

(1) Bear and cougar – External genitalia of any bear or cougar killed shall remain naturally attached to the pelt and be readily visible until the pelt has been inspected and pelt-tagged by a department official.

(2) Barbary sheep and oryx – The horns of any Barbary sheep or oryx taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(3) Deer – The antlers of any buck deer taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless deer or the naturally attached female genitalia shall accompany the carcass in the same manner.

(4) Elk – The antlers of any bull elk taken shall remain naturally attached to the skull or skull plate until arriving at a residence, taxidermist, meat processing facility or place of final storage. The scalp and both ears of any antlerless elk or the naturally attached female genitalia shall accompany the carcass in the same manner.

(5) Pronghorn - The horns, scalp and both ears of any pronghorn taken shall remain naturally attached to the skull or skull plate and must accompany the carcass until arriving at a residence, taxidermist, meat processing facility or place of final storage. If the horns of a female pronghorn are longer than its ears, and the bag limit is F/IM, the external genitalia must remain naturally attached to the hide/carcass, as appropriate, and be visible to provide proof of legal bag limit until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(6) Bighorn sheep - The horns of any ram shall remain naturally attached to the skull or skull plate and the external genitalia of any ewe taken shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(7) Persian ibex - The horns of any ibex shall remain naturally attached to the skull or skull plate. If the horns of any female ibex are 15 inches or longer the external genitalia shall remain naturally attached to the hide/carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(8) Turkey – When the bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the carcass, and be visible until arriving at a residence, taxidermist, meat processing facility or place of final storage.

(9) Javelina – The skull of each javelina shall be proof of bag limit and must be retained until arriving at a residence, taxidermist, meat processing facility or place of final storage.

G. Tagging of harvested game:

(1) **Physical Tagging of harvested game:** Licensed hunters of any big game species or turkey, who have chosen to receive a department issued tag at application or purchase, 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 tag and adhere it to the appropriate location on the carcass leaving the entire face of the tag visible. If the species or sex harvested requires the use of an antler or horn tag the licensed hunter shall, prior to moving any part of the carcass from the kill site, remove the entire backing material from the antler/horn tag and adhere it to the appropriate location on the antler or horn leaving the entire face of the tag visible. All tags 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/horn tag is not required to be attached or used on antlerless/hornless animals.

(2) Electronic Tagging of harvested game: Licensed hunters of any big game species or turkey, who have chosen to electronically tag their game at application or purchase, upon harvesting an animal, shall immediately access the department's electronic tagging (e-tag) application to receive an e-tag number specific to the license. The licensed hunter will legibly write the e-tag number, customer identification number, and the date of harvest on any durable material using permanent ink and shall attach one piece to the big game species or turkey on the appropriate location on the carcass and another piece to the antler or horns as required prior to moving any part of the carcass from the kill site. All e-tag pieces 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. An antler/horn e-tag is not required to be attached or used on antlerless/hornless animals.

(3) The proper location to attach all carcass tags and e-tags:

(a) The proper location to attach the carcass tag or e-tag on any game species is to attach it conspicuously on the hock tendon on either hind leg.

(b) The proper location to attach the carcass tag or e-tag on javelina is to adhere it to the head/skull around the nose.

(c) The proper location to attach the carcass tag or e-tag on a turkey is to adhere it around the leg above the foot and below the feathers on the thigh.

(d) The proper location to attach the carcass tag or e-tag on a bear or cougar is to adhere it 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 state game commission rule or for five days from date of kill, whichever comes first.

(i) Any bear or cougar killed shall be tagged with a pelt tag furnished free of charge by the department.

(ii) The hunter who kills the bear or cougar or the hunter's designee must present the unfrozen skull and pelt to a department official for tooth removal and pelt tagging within five calendar days from the date of harvest, before the pelt can be frozen, processed, tanned or salted by a taxidermist, or before taking the pelt out of New Mexico, whichever comes first.

(iii) Any hunter who appoints a designee to present the skull and pelt for pelt tagging is required to contact a conservation officer prior to having the pelt inspected and tagged.

(iv) The pelt tag shall remain attached until the pelt is tanned.

(v) Skulls with mouths closed may not be accepted until the mouth is opened by the hunter or designee.

(vi) Licensed bear or cougar hunters or their designees who provide false or fraudulent information regarding the required information including, but not limited to, sex, date or location of harvest shall be assessed 20 revocation points pursuant to 19.31.2 NMAC.

(e) The proper location to attach an antler tag or e-tag is to adhere the tag around the main beam of the antler between any of the points or tines as close to the base as possible to prevent the tag from coming off.

(f) The proper location to attach a horn tag or e-tag is to adhere the tag around the horn as close to the base as possible to prevent the tag from coming off.

H. It is unlawful:

(1) for any licensed hunter to fail to properly tag their big game species or turkey with the carcass and antler tag or e-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 a completed e-tag attached to it, except lawfully taken game that is accompanied by a proper possession certificate or department invoice;

(3) to possess any bear or cougar or parts thereof which has not been pelt tagged within five days of kill, has been taken out of state prior to pelt tagging or has not otherwise been pelt tagged in accordance with state game commission rule;

(4) for any person to transport or possess the carcass of any big game species or turkey without proof of sex naturally attached or proof of 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 proper possession 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 previously issued carcass or antler tag once a duplicate has been obtained or to use the carcass, antler tag or e-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. Once-in-a lifetime hunts: It is unlawful for any person to apply for, receive or use any once-in-a lifetime license if they have ever held a once-in-a lifetime license for that species which has the same bag limit or eligibility requirements.

J. Youth only (YO), mobility impaired (MI), Iraq/Afghanistan veterans (I/A) and military only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, I/A or MO license or any military discounted license except as allowed by state game commission rule.

K. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

L. Use of dogs in hunting:

(1) It is unlawful to use dogs to hunt or pursue big game species or turkey, except for bear and cougar.

(2) Dogs may be used only to hunt bear and cougar during open seasons unless otherwise restricted. It is unlawful to:

(a) hunt for or pursue bear or cougar with dog(s) on the Valle Vidal except holders of bear entry permits for the hunting of bear only;

(b) hunt for or pursue bear or cougar with dog(s) during any September big game bow season statewide except as otherwise allowed by state game commission rule;

(c) release dog(s) to pursue or hold bear or cougar outside of legal hunting hours or during closed season or in a closed area or zone;

(d) to pursue bear or cougar with dog(s) without the licensed hunter, who intends to kill or who kills the bear or cougar, present continuously from the initial release of any dog(s).

(3) It is unlawful to use dog(s) to assist in the recovery of wounded or dead big game or turkey except as follows:

(a) Dog(s) may be used to assist in the recovery of wounded game provided that no more than two dogs may be used at any one time to locate a wounded or dead deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey.

(b) Dog(s) used to assist in the recovery of deer, elk, pronghorn, bighorn sheep, Barbary sheep, oryx, Persian ibex, javelina or turkey shall be leashed and under the control of the handler at all times and cannot be used to pursue or harass wildlife. No person assisting in the recovery of a wounded animal may shoot or kill the animal being tracked unless they are a licensed hunter for that species, season and area and they intend to tag the animal as their own.

M. Use of bait: It is unlawful for any person to take or attempt to take any big game species or turkey by use of baiting or for any person to take or attempt to take big game or turkey from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, natural kills, carrion or offal are not considered bait unless they have been moved or placed there from another location. It is unlawful to create, maintain or use any bait station in hunting bear or cougar. It is unlawful to use any scent attractant in hunting bears.

N. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any big game species or turkey.

O. Hunting captive big game species: It is unlawful to take or attempt to take any big game species within any fence or enclosure, or by use of any fence or enclosure, which significantly restricts or limits the free ingress or egress of that big game species except as allowed by permit from the department. Any fence which is 7.5 feet tall or taller shall be considered game proof and hunting within any such enclosure, even if there are open gate(s), is unlawful. Exception: Net wire fencing commonly used as sheep or goat fencing which is not taller than four feet is not considered to significantly restrict or limit the free ingress or egress of any protected species.

P. Use of calling devices: It is unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any big game species or turkey, except javelina, bear and cougar.

Q. Automatic firearms: It is unlawful to take or attempt to take any big game species or turkey with a fully automatic firearm.

R. Bullets: It is unlawful to take or attempt to take any big game species or turkey by the use of a prohibited bullet.

S. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any big game species or turkey unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

T. Legal sporting arm types:

(1) It is unlawful to use any sporting arm type for big game species other than those defined under big game sporting arms except for cougar and javelina which may be taken with those defined under any sporting arm. For cougar and javelina, compressed air guns must be .22 caliber or larger and shotguns must fire a single slug or #4 buckshot or larger.

(2) It is unlawful to use any sporting arm type for a big game species which does not correspond with the hunt code authorized sporting arm type.

(3) It is unlawful to use sporting arms for turkey other than a shotgun firing shot, bow or crossbow.

U. Hunting on the wrong ranch, in the wrong area or in the wrong GMU: It is unlawful for any person to hunt in any location, GMU or ranch other than that area specified on their license or permit unless otherwise allowed by state game commission rule.

(1) A landowner whose contiguous deeded property extends into an adjacent GMU(s) may enter into a written agreement with the department to hunt big game on the contiguous deeded property of the ranch. This permission shall be requested annually, at the local department office, in person or in writing by the landowner at least one week prior to the desired hunt dates. The landowner must show proof of ownership and property location. The season dates, bag limit and sporting arm type will be determined by the GMU where the majority of the deeded property lies. Landowners who enter into this agreement may not hunt the GMU where the minority of the contiguous property lies during that minority GMU's season dates if different from the majority dates. Unit-wide and ranch-wide properties are not eligible for this agreement for those species for which the unit-wide or ranch-wide agreement applies.

(2) A licensed big game hunter may hunt a landowner's contiguous private property which extends into an adjoining GMU(s) only when a department agreement exists and must adhere to the department issued agreement unless otherwise restricted by state game commission rule.

V. Restricted areas on White Sands missile range:

(1) It is unlawful to drive or ride in a motor vehicle into an area signed "no hunting" or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) It is unlawful for a licensed hunter to enter an area signed "no hunting" or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) It is unlawful for a licensed security badged hunter to hunt or take any oryx in an area other than their "to be assigned" area.

W. Validity of licenses and unitizations: All big game and turkey licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity.

X. Hunting on public land with a private land only license: It is unlawful to hunt big game on any public land with a private land only license. Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, or any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

Y. Collars or tracking devices: It is unlawful to attach any collar or electronic tracking device to any big game species or turkey except as specifically authorized by the department.

Z. License purchase: Bear or cougar hunters must purchase their bear or cougar license at least two calendar days prior to taking or attempting to take any bear or cougar. It is unlawful for any bear or cougar hunter to take or attempt to take a bear or cougar within two calendar days of purchasing their license.

AA. Zones: It is unlawful to pursue, take or attempt to take a bear or cougar in a closed zone. Zones will close pursuant to 19.31.11 NMAC.

BB. Valle Vidal: It is unlawful to hunt bear or cougar on the Valle Vidal except for properly licensed bear or cougar hunters that also possess a Valle Vidal elk hunting license (only during the dates and with the sporting arm type specified on their elk license) and holders of a Valle Vidal bear entry permit (only during their entry permit hunt dates).

CC. Cougar ID: It is unlawful for any person to hunt for cougar without having completed the department's cougar ID course and having the verification code printed on their license.

DD. Use of cellular, Wi-Fi or satellite cameras: It is unlawful for any person to use any cellular, Wi-Fi or satellite camera for the purpose of hunting or scouting for any big game animal. Exception: This section does not apply to cellular or satellite phones which are kept on one's person and not used remotely or department employees and their designees while performing their official duties.

[19.31.10.12 NMAC - Rp, 19.31.10.12 NMAC, 4/1/2019; A, 5/19/2020]

19.31.10.13 UPLAND GAME AND MIGRATORY GAME BIRDS:

A. Upland game hunting hours: Upland game species may be hunted or taken only during the period from one-half hour before sunrise to one-half hour after sunset. It is unlawful to take or attempt to take upland game outside of legal hunting hours.

B. Killing out of season: It is unlawful to kill any migratory game bird or upland game out of season.

C. Exceeding the bag limit: It is unlawful for any person to take or attempt to take more than one daily bag limit of any migratory game bird species or upland game species allowed by state game commission rule. There shall be no daily bag or possession limit for light geese during the light goose conservation order hunt dates.

D. Possession limit: It is unlawful for any person to possess more than one possession limit of any migratory game bird or upland game species.

E. Proof of species or sex: It is unlawful for any person to possess any migratory bird or upland game without proof of species or sex as required below:

(1) One foot shall remain attached to each quail taken until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(2) The head or one leg of each pheasant taken must remain attached to the bird until the bird arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

(3) One fully feathered wing must remain attached to all migratory game birds, except dove and band-tailed pigeon, until the bird has arrived at a residence, taxidermist, meat processing facility or place of final cold storage.

F. Youth only (YO), mobility impaired (MI), Iraq/Afghanistan veterans (I/A) and military only (MO) hunts or military discounted licenses: It is unlawful for anyone to apply for or receive or use any YO, MI, I/A or MO license or any military discounted license except as allowed by state game commission rule.

G. License sale: It is unlawful for anyone to sell or offer for sale any hunting, fishing or trapping license, permit or tag which has been issued by the department, or to sell or offer for sale any commercial collection permit or scientific collection permit.

H. Use of dogs in hunting: Dog(s) may be used to hunt migratory game bird species and upland game. It is unlawful to pursue migratory game birds or upland game with dog(s) outside of the hunting seasons established except in conjunction with a permitted event.

I. Use of bait: It is unlawful for any person to take or attempt to take any migratory game bird species or upland game by use of baiting or for any person to take or attempt to take migratory game birds or upland game from an area which has not been completely free of bait (including in feeders) for at least 10 days. Preexisting legitimate livestock salt and mineral and natural attractants such as cultivated fields, water, orchards, carrion or offal are not considered bait unless they have been moved there from another location.

J. Live animals: It is unlawful to use live protected species as a decoy in taking or attempting to take any migratory game bird species or upland game species.

K. Use of calling devices: It is unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any migratory game bird or upland game species. During the light goose conservation order hunt dates, electronic calling devices are allowed for the take of light geese.

L. Automatic firearms: It is unlawful to take or attempt to take any migratory game bird or upland game species with a fully automatic firearm.

M. Non-toxic shot: It is unlawful for any person to use or possess any shotgun shell loaded with anything other than non-toxic shot or for any person using a muzzle-loading shotgun to possess anything other than non-toxic shot while hunting for any migratory game bird species, except when hunting dove, band-tailed pigeon or

eastern sandhill crane. Non-toxic shot is required for all migratory game birds and upland game species on Bernardo WMA, La Joya WMA, and Huey WMA.

N. Drugs and explosives: It is unlawful to use any form of drug to capture, take or attempt to take any migratory game bird or upland game species unless specifically authorized by the department, or to use arrows driven by explosives, gunpowder or compressed air.

O. Legal sporting arms and ammunition: It is unlawful to use sporting arms other than those listed below to take or attempt to take of any migratory game bird or upland game species.

- (1) The following are legal sporting arms for pheasants and quail:
 - (a) shotguns firing shot;
 - (b) bows; and
 - (c) crossbows.
- (2) The following are legal sporting arms for dusky grouse, chukar, Eurasian collared-dove, Abert's squirrels, Arizona gray squirrels, fox squirrels, eastern gray squirrels and red squirrels:
 - (a) shotguns firing shot;
 - (b) rimfire firearms;
 - (c) muzzle-loading firearms;
 - (d) bows;
 - (e) crossbows; and
 - (f) compressed air guns, .177 caliber or larger.
- (3) The following are legal sporting arms for migratory game birds:
 - (a) shotguns firing shot, shotguns shall not be capable of holding more than three shells except while hunting light geese during the light goose conservation order hunt dates, as defined in 19.31.6 NMAC;
 - (b) bows; and
 - (c) crossbows.

P. Areas closed to migratory game bird hunting: It shall be unlawful to hunt migratory game birds in that portion of the stilling basin below Navajo dam lying within a line starting from N.M. 511 at the crest of the bluff west of the Navajo dam spillway and running west along the fence approximately one-quarter mile downstream, southwest along the fence to N.M. 511 to the Navajo dam spillway, across the spillway, and to the crest of the bluff.

Q. Collars or tracking devices: It is unlawful for any person to attach any collar or electronic tracking device to any migratory game bird or upland game except as specifically authorized by the department.

R. Use of traps and snares: It is unlawful for any person to intentionally set any trap, snare, cage, box or other device to capture or attempt to capture any migratory game bird or upland game or for any person to intentionally capture or attempt to capture any migratory game bird or upland game unless specifically allowed by license or permit.

[19.31.10.14 NMAC - Rp, 19.31.10.14 NMAC, 4/1/2019]

19.31.10.14 FISHING:

- A. Angling:** Game fish may be taken by angling in all waters that are open for fishing.
- B. Season and hours:** It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.
- C. Closed waters:** It is unlawful to fish in any water closed by state game commission rule.
- D. Ice fishing:** It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.
- E. Hatchery waters:** It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, 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, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.
- F. Trotlines:** Game fish may be taken by use of trotlines in any water except those listed below, however:
 - (1) It is unlawful for any person to set more than one trotline at a time.
 - (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
 - (3) It is unlawful for any trotline to have more than 25 angling hooks.

(4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.

(5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.

(6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) 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 angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

(7) It is unlawful to set or use a trotline in any public water with the following exceptions:~~listed in 19.31.4 NMAC which has a reduced bag limit on catfish or in any trout water, 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.

<u>Drainage:</u>	<u>Rivers:</u>	<u>Lakes:</u>
<u>Rio Grande drainage</u>	<u>Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake</u>	<u>Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake</u>
<u>Pecos river drainage</u>	<u>Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties</u>	<u>Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir</u>
<u>Canadian river drainage</u>	<u>Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line</u>	<u>Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake</u>
<u>San Juan river drainage</u>	<u>San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion</u>	<u>Navajo lake</u>
<u>Gila river and San Francisco river drainage</u>	<u>Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line</u>	<u>None</u>
<u>Statewide</u>	<u>As described above</u>	<u>Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing</u>

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. 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 or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. 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 state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner
Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park	Fathead minnow, and red shiner, <u>and shad</u>
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:	Approved dead baitfish species:
Statewide	Common carp
Heron reservoir	White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 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.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. 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, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two 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.

Q. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 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.

R. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

S. 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.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait 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.

Z. 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.

(3) Chumming: Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any 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, 4/1/~~2019~~2022]

19.31.10.15 FURBEARERS:

A. Shooting hours:

(1) Hunting and falconry – Restricted to the period one-half hour before sunrise to one-half hour after sunset except that a licensed furbearer hunter is authorized by the department to hunt for and take raccoons by use of artificial light while hunting at night with a rim-fire rifle or handgun no greater in size than a .22 caliber, shotgun, bow or crossbow during open season. The artificial light used for raccoon hunting must be a headlamp or hand-held flashlight. It is unlawful for any artificial light to be cast from a vehicle while raccoon hunting.

(2) Trapping – There are no restrictions on shooting hours for trapping.

B. Legal methods of taking furbearers shall include any sporting arm, falconry, traps and snares.

C. Dogs are allowed for hunting all furbearers during open season.

D. It is unlawful to kill any mink, otter, black-footed ferret, coatimundi or Pacific (pine) marten.

E. It is unlawful to kill any furbearer outside of the seasons established for that species, except as authorized by state statute or otherwise allowed by game commission rule.

F. Raccoon may be hunted or trapped during the extended season with a current trapper license. Only cage traps and foot encapsulating traps are allowed for raccoon trapping during this period. It is unlawful to hunt or trap raccoon during the extended season contrary to this section.

G. All land sets must be visually checked every calendar day. Water sets must be checked at least once every other calendar day. A licensed trapper may designate an agent to check their set traps and snares on alternating check days, but the licensed trapper must personally check the traps every other check day. Any person may be designated as an agent for any licensed trapper, but the agent must possess written permission from the trapper and a valid trapper license. The permission must include the licensed trapper's full name, contact information, and the agent must know the location of traps.

H. It is unlawful for any person to trap for any furbearer without having successfully completed a department approved trapper education course.

I. It is unlawful for any person to hunt for any furbearer without having successfully completed either the New Mexico trapper education course or a New Mexico law and species identification course.

J. No person may hunt furbearers or nongame, or set any trap or snare on any wildlife management area (WMA), except prairie-chicken wildlife management areas (PCWMA), without a trapper license, habitat management access validation (HMAV) stamp and written permission from the department. Restrictions may be placed on this permission, and this permission may be rescinded at any time for violations of the restrictions. All PCWMA are open to furbearer, coyote and skunk hunting and trapping from November 1 to March 15 annually, without written permission, provided that every person hunting or trapping for any furbearer, coyote or skunk on a PCWMA must have a trapper license and HMAV stamp. It is unlawful to take or attempt to take any furbearer, coyote or skunk on any WMA contrary to this section, contrary to the restrictions written on any department issued permission or without a current trapper license and HMAV stamp.

K. It is unlawful to place or use restricted-use pesticides for the take of any furbearer.

L. The following restrictions shall apply to traps that could reasonably be expected to catch a furbearer:

(1) Each trap or snare must be either permanently marked with, or have a tag securely attached with, a department issued user-identification number or the name and address of the trapper using the trap or snare.

(2) No foothold trap with an outside jaw spread larger than six and one-half inches, or seven inches maximum if laminated above the jaw surfaces, or tooth-jawed trap may be used in making a land set.

(3) No body-grip trap with an inside jaw spread greater than seven inches may be set on land. Body-grip traps with inside jaw spreads of between six and seven inches set on land must be recessed in a cubby at least eight inches from the entrance.

(4) All foothold traps with an inside jaw spread equal to or greater than five and one-half inches used in making a land set shall be off-set a minimum of three-sixteenths of an inch between the contact surfaces of the closed jaws, unless they have been constructed or modified so that a portion of the jaw is padded with a soft material such as rubber or canvas.

(5) No land set shall be placed on public land within one-half mile of:

- (a) an established and maintained public campground or boat-launching area;
- (b) a designated and signed roadside rest area, public picnic area or trailhead.

“Trailhead” as used herein shall mean an officially designated, mapped, maintained and marked terminus of any trail closed to all vehicles having three or more wheels, and is published on the most current map issued by the state or federal land management agency responsible for that property;

(c) an occupied dwelling without written permission of the occupant of the dwelling.

(6) It shall be unlawful to make a land set within 75 feet of the edge of any public road or trail (including any culvert or structure located beneath it) if no right of way fence is present, except on private land. No land set shall be made within any right of way fence on any public road. “Public road” as used herein shall mean any road, street or thoroughfare open to motorized vehicle travel which was constructed and is maintained with public funds and is open to the public; or any road, street or thoroughfare open to motorized vehicle travel that is officially numbered or named on the most current published map issued by a municipal, state or federal agency and is open to the public. “Trail” as used herein shall mean any officially designated, mapped, maintained, and marked path open for public use and published on the most current map issued by a state or federal land management agency.

(7) No land set may be placed within 150 feet of any man-made livestock or wildlife catchment, pond or tank containing water, except on private land.

(8) It is unlawful to place, set or maintain any land set within 30 feet of any bait over two ounces in weight which is visible to airborne raptors. Bones that are entirely free of bait are legal.

(9) No foothold trap with an inside jaw spread larger than seven and one-half inches or body-grip trap with a jaw spread greater than 12 inches shall be used in making a water set.

(10) Body-grip traps used in water sets with a jaw spread of eight inches or more must be submerged in water to their jaw pivot or deeper.

(11) Any snare set on land must have a lock or break-away device which is designed to release or fail when a maximum of 350 pounds of pressure is applied to it. Locks or break-away devices must be attached in a way which leaves no part of the snare attached to an animal when it releases or fails. All snares must be securely anchored and cannot be attached to a drag. Exception: foot snares.

(12) Each foothold trap set on land must have at least two separate swivel points in the anchor chain. At least one of these swivel points must be within six inches of the trap.

M. A release device or catchpole shall be carried by trappers, and all captured animals must be removed or released from any trap or snare at the time of check. In cases where assistance is required for safe release of the animal, or when biological data is sought by the department, the department must be notified as soon as possible.

N. It is unlawful to set any trap or snare on land without stakes, chains, drags or other anchoring such that any furbearer, coyote or wolf caught will be prevented from escaping with the trap.

O. No person may kill any species listed in 19.33.6 NMAC - LIST OF THREATENED AND ENDANGERED SPECIES, including by the use of any body-grip trap or snare.

P. As long as the Mexican wolf is listed as a federally threatened or endangered species in the United States, any trapper who captures a Mexican wolf must report the capture to the U.S. fish and wildlife interagency field team:

(1) as soon as possible to arrange for radio-collaring and release of the wolf; or

(2) within 24 hours if the wolf is released or has pulled out of the trap.

Q. Tagging:

(1) Every person who takes a bobcat in New Mexico shall present the pelt for tagging in New Mexico prior to transporting the pelt out of the state, prior to selling the pelt, or no later than April 14, annually; whichever occurs first.

(2) Every person who presents a bobcat for tagging shall display a current New Mexico trapper license except residents 11 years of age or younger. Tags may be obtained from any conservation officer or any department office. In addition, pelts may be tagged by New Mexico licensed fur dealers following policies set forth by the department.

(3) It is unlawful for any person to transport across state lines, sell, barter, otherwise dispose of, or possess any bobcat pelt taken in New Mexico that has not been tagged in accordance with this rule.

(4) It is unlawful to present for tagging, or to have tagged with a New Mexico tag, any pelt from a bobcat taken outside of New Mexico.

(5) It is unlawful for any licensed fur dealer to charge a fee for tagging any bobcat. It is unlawful for a licensed fur dealer to refuse to tag a bobcat unless the licensed fur dealer has cause to believe the bobcat was taken in another state or jurisdiction, or the bobcat was unlawfully taken in New Mexico. Licensed fur dealers who believe a bobcat has been taken illegally, or has been presented for pelt tagging in New Mexico when it was taken in another state or jurisdiction, shall report the event to their local conservation officer immediately.

(6) It is unlawful for licensed fur dealers to tag any bobcat contrary to this rule, purchase any bobcat pelt which has not been tagged, or is not immediately pelt tagged at the time of purchase.

R. Tampering with traps: It is unlawful to destroy, damage, disturb, steal or remove any trap, snare or trapped wildlife without permission of the owner of the trap or snare. Nothing in this subsection shall prohibit a person from releasing any domestic animal from a trap or snare.

S. Exemptions: The provisions of this section shall not apply to personnel of the department of game and fish or designated agents who are acting in their official capacity in the control of depredating animals, for law enforcement purposes, to protect human health and safety, or for research or management purposes.

[19.31.10.15 NMAC - N, 4/1/2020]

19.31.10.16 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 is unlawful to violate the provisions of posted signs on areas under the control of, leased by or managed by the state game commission.

C. Trespass on state game commission owned lands: It is unlawful to enter upon state game commission owned lands unless licensed or as otherwise allowed by state game commission rule or as posted by the department.

[19.31.10.15 NMAC - Rp, 19.31.10.15 NMAC, 4/1/2019]

19.31.10.17 BOATS, OTHER FLOATING DEVICES, AND MOTORS: It is unlawful to operate, control or ride in any boat or other floating device contrary to sections A-D below.

A. Electric or gas motors allowed: On the following lakes controlled by the department, boats and other floating devices with 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:

Clayton lake WMA, and McAllister lake WMA

B. Electric motors only: On the following lakes controlled by the department, only boats and other floating devices using electric motors or with gas motors that are not in use shall be permitted: **Bear canyon lake WMA, Bill Evans lake WMA, Green Meadow, Fenton lake WMA, Hopewell, Lake Roberts WMA, Morphy, Quemado, Snow, Conoco lakes and Tucumcari lake WMA.**

C. No motors allowed: On the following lakes controlled by the department, only boats and other floating devices using no motors shall be permitted: **Bernardo WMA, La Joya WMA, Jackson lake WMA, McGaffey, San Gregorio, Shuree ponds and Wagon Mound WMA.**

D. No boats or floating devices allowed: On the following lakes controlled by the department, no boats or other floating devices shall be permitted: **Bonito lake, Monastery lake, and Red River hatchery pond.**

E. Department personnel or persons authorized by the director may use gasoline powered motors on all waters in the state while performing official duties.

[19.31.10.17 NMAC - Rp, 19.31.10.17 NMAC, 4/1/2019]

19.31.10.18 HUNTING ON PRIVATE LAND WITHOUT WRITTEN PERMISSION AND SEIZURE OF GAME ANIMALS, FURBEARERS, GAME BIRDS, OR SHED ANTLERS:

A. It is unlawful to knowingly enter upon any private property to take or attempt to take 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.

B. Any game animal, furbearer or game bird taken in violation of this section or Section 30-14-1 NMSA 1978 is unlawfully taken and shall be subject to seizure.

C. All shed antlers collected in violation of any New Mexico state game commission, state or federal land closure, in violation of Section 30-14-1 NMSA 1978 or in violation of any of the provisions of Chapter 17 NMSA 1978 or state game commission rule remain property of the State of New Mexico and shall be seized.

D. Exception: Written permission is not required on any property which is participating in a unitization, receives compensation for allowing public access, receives unit-wide authorizations or has agreed to a ranch-wide agreement when species being harvested is part of any of these agreements.

[19.31.10.18 NMAC - Rp, 19.31.10.18 NMAC, 4/1/2019]

19.31.10.19 MANNER AND METHOD PENALTY ASSESSMENTS: Individuals who commit the following violations shall be offered penalty assessments:

A. No habitat management and access validation stamp (HMAV), contrary to Section 17-4-34 NMSA 1978;

B. No habitat stamp (Sikes Act), contrary to 19.31.10 NMAC;

C. Size limit violations on fish, contrary to 19.31.10 NMAC;

D. Trotline violations, contrary to 19.31.10 NMAC;

E. Use of bait or prohibited lure or fly in a special trout water or noodling, contrary to 19.31.10 NMAC;

F. Disturbing the bottom "shuffling" in a special trout water, contrary to 19.31.10 NMAC;

G. Use of bait fish, contrary to 19.31.10 NMAC;

H. Release of bait fish, contrary to Section 17-3-28 NMSA 1978;

I. More than two lines or two lines without stamp, contrary to 19.31.10 NMAC;

J. Exceeding the daily bag limit or the possession limit of fish by two fish or less, contrary to 19.31.10 NMAC;

K. Snagging or keeping snagged game fish, contrary to 19.31.10 NMAC;

L. Spearfishing and bow fishing violations, contrary to 19.31.10 NMAC;

M. Unlawfully fishing in waters with age or individuals with disabilities use restrictions, contrary to 19.31.10 NMAC;

N. Boat or other floating device violation, contrary to 19.31.10 NMAC;

O. Use of live protected species as a decoy, contrary to 19.31.10 NMAC;

P. Use of an electronic calling device, contrary to 19.31.10 NMAC;

Q. Use of unapproved shot or shotgun capable of holding more than three shells while hunting migratory game birds, contrary to 19.31.10 NMAC;

- R.** Unlawful ammunition/ bullet/ shot or unlawful caliber, contrary to 19.31.10 NMAC;
- S.** Hunting hours violations, contrary to 19.31.10 NMAC;
- T.** Possession of game animal parts found in field, contrary to 19.31.10 NMAC;
- U.** Shooting at artificial wildlife from the road, contrary to 19.31.10 NMAC;
- V.** Harassing protected species, contrary to 19.31.10 NMAC;
- W.** Driving off road or on a closed road, contrary to 19.31.10 NMAC;
- X.** Violation of posted signs, contrary to 19.31.10 NMAC;
- Y.** Unlawful use of dogs, contrary to 19.31.10 NMAC;
- Z.** Unlawful use of cellular, Wi-Fi or satellite camera, contrary to 19.31.10 NMAC;
- AA.** Angling with more than two flies in the San Juan, contrary to 19.31.10 NMAC; or
- BB.** Any violation of section 15 of 19.31.10 NMAC.

[19.31.10.20 NMAC - Rp, 19.31.10.20 NMAC, 4/1/2019;Rn, 19.31.10.18 4/1/2020; A, 4/1/2020]

19.31.10.20 SEIZURE:

Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules shall seize unlawfully possessed or imported species, or any protected species or the carcass or parts of any protected species that is taken or possessed contrary to Chapter 17 NMSA 1978 or state game commission rule.

[19.31.10.20 NMAC - N, 4/1/2019]

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 state game commission 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 and shall carry a copy of any director granted accommodations on their person while hunting, fishing or trapping.

[19.31.10.21 NMAC - Rp, 19.31.10.21 NMAC, 4/1/2019]

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, 5/25/1967.

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, 8/21/1968.

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, 5/31/1972.

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, 3/2/1982.

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, 6/25/1990.

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, 10/3/1991.

NMAC History:

19 NMAC 31.1, Hunting and Fishing - Manner and Method of Taking, 3/1/1995.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Amended 4/1/2018.

19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Replaced 4/1/2019.

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.
19.31.10 NMAC, Hunting and Fishing - Manner and Method of Taking - Repealed 4/1/2019.

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NMAC**Transmittal Form**

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)

New ☒ Amendment ☐ Repeal ☐ Emergency ☐ Renumber ☐

Most recent filing date:

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?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes ☐No ☐Public domain ☐**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

This new rule becomes effective April 1, 2022 since the current Fisheries Rule is set to expire on March 31, 2022. The new includes the following changes:

- Add a definition of "daily bag limit"
- Remove definition of trout, winter trout, and warm waters
- Establish a consistent date of November 11 for the opening of Kokanee snagging season at Heron Lake, Willow Creek and Navajo Lake
- Remove Abiquiu Reservoir from list Kokanee snagging waters
- Remove hours restrictions for fishing at some waters
- Set cutthroat trout possession limit to be consistent with other species
- Add two waters to winter trout waters and big cat waters
- Remove smallmouth bass size limit in the upper Rio Grande
- Increase trout daily bag limit for select waters to be consistent with statewide bag limits
- Increase cutthroat trout daily bag limit at Seven Springs Kids Pond
- Remove length limit for walleye
- Make age restrictions consistent among different waters with current age restrictions
- Remove angling closures for McKenna Creek and Pinelodge Creek
- Add Rock Lake settling ponds to exceptions to closed hatchery waters

A few comments were received in writing or shared during public meetings. Overall comments were supportive to new proposed rule. No additional written comments were been received after the Notice of Rule Making Hearing was published in the New Mexico Register on September 14, 2021. The Commission considered the comments and adopted the new rule.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Michael B. Sloane

Check if authority has been delegated

☐

Title:

Director, New Mexico Department of Game and Fish

Signature: (BLACK ink only)

Date signed:

Michael B. Sloane

Digitally signed by Michael B. Sloane
Date: 2021.10.26 13:14:01 -06'00'

10/26/2021

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, 4/1/2022]

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, 4/1/2022]

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, 4/1/2022]

19.31.4.4 DURATION: April 1, 2022 through March 31, 2026.
 [19.31.4.4 NMAC - N, 4/1/2022]

19.31.4.5 EFFECTIVE DATE: April 1, 2022, unless a later date is cited at the end of a section.
 [19.31.4.5 NMAC - N, 4/1/2022]

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, 4/1/2022]

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. "Fishing" shall be synonymous to "angling".

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. "Daily bag limit" shall mean the number of fish that can be legally harvested within a calendar day.

G. "Daylight hours" shall mean from one-half hour before sunrise to sunset.

H. "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, 4/1/2022]

19.31.4.8 [RESERVED]

[19.31.4.8 NMAC - N, 4/1/2022]

19.31.4.9 SEASON DATES:

A. General seasons: All 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 state fish 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 from the forest road 150 (North Star Mesa road) crossing upstream to its headwaters 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 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: 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 November 11 through December 31.

(3) Heron lake, including the Willow creek tributary shall be closed to Kokanee salmon fishing between October 1 and November 10. The buoyed "no wake" areas, as posted by New Mexico State Parks, 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 October 1 through December 31. 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, 4/1/2022]

19.31.4.10 HOURS OF FISHING: Day and night fishing for all species of game fish shall be permitted in all waters during the open season, except it shall be unlawful to fish in any water outside of hours and dates posted by any local, state, or federal agency.

[19.31.4.10 NMAC - N, 4/1/2022]

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.

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

(i) No fish may be kept or held in possession while fishing in the portions

19.31.4 NMAC

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 upstream to the headwaters including McKinney pond	Rio Arriba and Sandoval	bag and possession limits for 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 the 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
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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 its tributaries	From the Vermejo Park ranch boundary upstream to its headwaters	Colfax	bag and possession limits for 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	
Rio de Los Pinos	From FS road 284 and 87A, 2.5 miles upstream to the private property boundary	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	
Rio Grande	From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567	Taos	

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(b) In Sandoval county; brood pond at Seven Springs state fish hatchery, the daily bag limit shall be five cutthroat trout and no more than 10 cutthroat may be in possession.

(c) On the following waters the daily 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 state fish hatchery.

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); Harris Pond (San Miguel 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); Trees lake (Luna 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, 4/1/2022]

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 with the following exceptions:

(a) In San Miguel and Quay counties: Ute and Conchas reservoirs, any smallmouth bass taken which is less than 14 inches long shall be immediately returned to the water.

(b) In Rio Arriba and Taos counties: Rio Grande, there shall be no size limit on smallmouth bass.

B. 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, 4/1/2022]

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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.

[19.31.4.13 NMAC - N, 4/1/2022]

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: Harris Pond; brood pond at Seven Springs state fish hatchery; Shuree kids' pond on Valle Vidal (Vermejo tract-Carson national forest); Spring river park pond in Roswell; Conservancy park/Tingley beach kids' pond; hatchery settling ponds located at the Rock Lake state fish hatchery; and Alto Kids' Pond.

B. Only persons 11 years of age and younger, those 65 years and older, and individuals with disabilities may fish in the following waters: Blue Hole park pond; posted small pond at Cowles; Harry McAdams park ponds; Red River city middle kids' pond; and Red River hatchery pond located at the Red River state fish hatchery.

C. 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.

[19.31.4.14 NMAC - N, 4/1/2022]

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: Sheep Corral creek.

(10) In Lincoln county: posted areas of Alto reservoir and Bonito lake near the outlets.

(11) 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.

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

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, and settling ponds at Rock Lake 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.

[19.31.4.15 NMAC - N, 4/1/2022]

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.

[19.31.4.16 NMAC - N, 4/1/2022]

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 12/15/1967; 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 5/25/1967; 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 8/21/1968; 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 12/10/1968; 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 12/8/1969; 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 1/14/1971; 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 1/11/1972; 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 5/31/1972; 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 5/31/1972; 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 12/11/1972; 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 1/11/1974; 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 1/3/1975; 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 2/10/1976; 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 9/21/1976; Regulation No. 581, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 12/20/1976; Regulation No. 586, Establishing Rules Pertaining To Management And Harvest of Commercial Fish Resources of New Mexico, filed 5/24/1977; 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 10/5/1977; 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 10/3/1978; 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 11/21/1979;

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 10/22/1980; 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 3/2/1982; 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 12/8/1982; 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 11/28/1984; 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 1/5/1987; 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 12/19/1988; 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 6/25/1990; 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 1/11/1991; 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 3/11/1993

NMAC History:

19 NMAC 31.4, Hunting and Fishing Regulations - Fisheries, 4/1/1995.
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, 4/1/2018.
19.31.4 NMAC, Hunting and Fishing - Fisheries, 4/1/2022.

History of Repealed Material: [RESERVED]

2021 OCT 26 PM 4: 27

NMAC**Transmittal Form**NEW MEXICO
State Records Center and Archives
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Contact person's name:

Phone number:

E-mail address:

Type of rule action:

New ☒ Amendment ☐ Repeal ☐ Emergency ☐ Renumber ☐

(ALD Use) Recent filing date:

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):

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Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The New Mexico Department of Game and Fish approved the repeal of 19.31.9 NMAC, Commercial Use of Fish (filed 1/11/2006) and replaced it with 19.31.9 NMAC, Commercial Use of Fish (adopted on 10/26/2021), effective 11/9/2021.

The one change proposed was to remove the reference to trout water to be consistent with the Fisheries rule.

No public comments were received in writing or from the public meeting.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Michael B. Sloane

Check if authority has been delegated

☐

Title:

Director, New Mexico Department of Game and Fish

Signature: (BLACK ink only OR Digital Signature)

Date signed:

Michael B. Sloane

Digitally signed by Michael B. Sloane
Date: 2021.10.26 13:15:21 -06'00'

10/26/2021

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TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND FISHING REGULATIONS
PART 9 COMMERCIAL USE OF FISH

19.31.9.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.31.9.1 NMAC – Rp, 19.31.9.1 NMAC, 11/9/2021]

19.31.9.2 SCOPE: Those members of the public interested in the business of selling nongame fish.
License fees can be found in 19.30.9 NMAC
[19.31.9.2 NMAC – Rp, 19.31.9.2 NMAC, 11/9/2021]

19.31.9.3 STATUTORY AUTHORITY: Sections 17-1-14 and 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 Sections 17-3-26 through 17-3-28 regarding minnows and non-game fish as bait.
[19.31.9.3 NMAC – Rp, 19.31.9.3 NMAC, 11/9/2021]

19.31.9.4 DURATION: Permanent.
[19.31.9.4 NMAC – Rp, 19.31.9.4 NMAC, 11/9/2021]

19.31.9.5 EFFECTIVE DATE: February 15, 1996
[19.31.9.5 NMAC – Rp, 19.31.9.5 NMAC, 11/9/2021]

19.31.9.6 OBJECTIVE: To establish rules pertaining to management and harvest of commercial fish resources of New Mexico.
[19.31.9.6 NMAC – Rp, 19.31.9.6 NMAC, 11/9/2021]

19.31.9.7 DEFINITIONS:

- A. "Commercial fish"** shall mean gizzard shad, whitesucker, carpsucker, flannelmouth sucker, smallmouth buffalo, carp, gar, yellow perch and all species of bullheads.
 - B. "Commercial fisherman"** shall mean a person who makes or intends to make income by taking and selling commercial fish.
 - C. "Commercial fishing permit"** shall mean a permit issued by the director of the department of game and fish to authorize a commercial fisherman and their named employees to take commercial fish from specified waters by specified means.
 - D. "Commercial fishing water"** shall mean a water that the director of the department of game and fish has designated as one for which commercial fishing permits will be available.
 - E. "Minnow"** shall mean all non-game fish sold as bait, regardless of taxonomic classification.
 - F. "Bait dealers license"** shall mean a license issued by the director of the department of game and fish to authorize a vendor and their named employees to sell minnows, amphibians, and crayfish for use as bait.
- [19.31.9.7 NMAC – Rp, 19.31.9.7 NMAC, 11/9/2021]

19.31.9.8 AVAILABILITY OF COMMERCIAL FISHING PERMITS:

- A. The director may designate the commercial waters for the following calendar year during December.**
 - B. When the director designates commercial fishing waters, they may also designate the numbers of permits available for each water.**
 - C. The director may also designate the number of employees that each commercial fisherman may include in the activities authorized by their commercial fishing permit.**
- [19.31.9.8 NMAC – Rp, 19.31.9.8 NMAC, 11/9/2021]

19.31.9.9 ISSUANCE OF COMMERCIAL PERMITS:

- A. Individuals desiring commercial fishing permits shall apply on the application form provided by the department of game and fish.**
- B. If more applications are received than there are permits available for any water, the available permits will be allotted by public drawing.**

- C. No one may hold more than one commercial fishing permit during any one calendar year.
D. Applicants must include payment in accordance with 19.30.9 NMAC with completed application.
License fee is nonrefundable.
[19.31.9.9 NMAC – Rp, 19.31.9.9 NMAC, 11/9/2021]

19.31.9.10 CONDITIONS OF COMMERCIAL FISHING PERMITS:

- A. Each commercial fishing permit shall be valid from the date of issue to December 31 of the year in which it was issued.
B. Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.
C. Each permit shall authorize the taking of commercial fish from only two waters.
D. Each permit shall specify the methods by which commercial fish may be taken.
E. A commercial fishing permittee shall report each month's catch to the department of game and fish, no later than the 20th of the following month, on forms provided by the department.
F. A commercial fishing permittee and their employees shall permit inspection of their catch upon request by any commissioned department of game and fish officer.
[19.31.9.10 NMAC – Rp, 19.31.9.10 NMAC, 11/9/2021]

19.31.9.11 DISPOSITION OF GAME FISH:

- A. The commercial fishing permittee shall immediately return to the water any game fish caught, if such fish are still alive.
B. Dead game fish which are edible shall be processed and given to the district wildlife officer for lawful disposition.
C. Dead and spoiled game fish shall be cut in half and returned to the water.
[19.31.9.11 NMAC – Rp, 19.31.9.11 NMAC, 11/9/2021]

19.31.9.12 REVOCATION OF COMMERCIAL FISHING PERMIT: The director may, at any time, revoke in writing, a commercial permit for any of the following:

- A. Violation of this or any other regulation of the state game commission;
B. Failure to abide by the conditions of the commercial fishing permit;
C. Conflicts between permitted methods for taking commercial fish and proper management of game fish;
D. Occurrence of low water levels or other natural phenomena in a commercial fishing water that would render inadvisable continued commercial fishing in that water;
E. Requests from state or federal agencies for discontinuance of commercial fishing because of conflicts with other designated uses of the water.
[19.31.9.12 NMAC – Rp, 19.31.9.12 NMAC, 11/9/2021]

19.31.9.13 ISSUANCE OF BAIT DEALERS LICENSE:

- A. Individuals desiring a bait dealers license shall apply on the application form provided by the department of game and fish.
B. Applicants must include payment in accordance with 19.30.9 NMAC with completed application.
C. Application must include all sources the bait dealer will use to obtain minnows.
[19.31.9.13 NMAC – Rp, 19.31.9.13 NMAC, 11/9/2021]

19.31.9.14 PERMISSABLE SPECIES FOR SALE AS BAIT:

- A. Fish: Only fathead minnow (pimephales promelas), red shiner (cyprinella lutrensis), golden shiner (notemigonus crysoleucas), gizzard shad (dorosoma cepedianum), and threadfin shad (dorosoma petenense) may be sold as bait fish.
B. Amphibians: Only tiger salamander larvae (ambystoma tigrinum), or "waterdogs", may be sold as bait.
C. Crayfish: Only native species (orconectes deaneam, orconectes virilis, orconectes causeyi and procambarus simulans) may be sold as bait.
[19.31.9.14 NMAC – Rp, 19.31.9.14 NMAC, 11/9/2021]

19.31.9.15 CONDITIONS OF BAIT DEALER LICENSES:

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A. Each bait dealers license shall be valid from April 1 of the year in which it was issued until March 31 of the following year.

B. Each permit shall state the name and address of the permittee and of all employees who may assist the permittee.

C. Each permit shall authorize the taking of bait fish using only those methods specified in 19.31.10 NMAC.

(1) It shall be unlawful to collect bait fish from the mainstem Pecos river, with the exceptions of Santa Rosa, Sumner, and Brantley lakes.

(2) It shall be unlawful to collect bait fish from the mainstem Rio Grande with the exceptions of Abiquiu, Cochiti, Elephant Butte, and Caballo lakes.

(3) It shall be unlawful to collect bait fish from the mainstem Canadian river with the exceptions of Conchas and Ute lakes.

(4) It shall be unlawful to collect bait fish west of the continental divide, with the exception of Navajo lake.

E. A licensed bait dealer must comply with 19.35.7 NMAC when purchasing live bait obtained from an out-of-state source.

F. A licensed bait dealer and his employees shall permit inspection of their inventory upon request by any commissioned department of game and fish officer.

G. It is unlawful to release live fish or bait into the waters of New Mexico without first obtaining a permit from the department of game and fish (19.35.7 NMAC).

[19.31.9.15 NMAC – Rp, 19.31.9.15 NMAC, 11/9/2021]

History of 19.31.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

DGF 76-10, Regulation No. 581, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 12/20/1976.

DGF 77-5, Regulation No. 586, Establishing Rules Pertaining to Management and Harvest of Commercial Fish Resources of New Mexico, 5/24/1977.

History of Repealed Material:

19.31.9 NMAC, Commerical Use of Fish filed (1/11/2006) Repealed effective 11/9/2021.

2021 OCT 26 PM 4:00

NMAC**Transmittal Form**NEW MEXICO
Commission of Public Records
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Issuing agency name and address:

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Contact person's name:

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Type of rule action:

(ALD Use Only)

Most recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

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?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes ☐No ☐Public domain ☐**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

2021 OCT 26 PM 4:00

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The amendments to the rule include:

- Add definition of "drainage"
- Add shad as an approved live bait species in the Pecos drainage
- Add a list of waters approved for trotline use

A few comments were received in writing or shared during public meetings. Overall comments were supportive to new proposed rule. No additional written comments were been received after the Notice of Rule Making Hearing was published in the New Mexico Register on September 14, 2021. The Commission considered the comments and adopted the new rule.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Michael B. Sloane

Check if authority has been delegated

☐

Title:

Director, New Mexico Department of Game and Fish

Signature: (BLACK ink only)

Michael B. Sloane

Digitally signed by Michael B. Sloane
Date: 2021.10.26 13:15:57 -06'00'

Date signed:

10/26/2021

NEW MEXICO
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This is an amendment to 19.31.10 NMAC, Sections 7 and 14, effective 4/1/2022.

19.31.10.7 DEFINITIONS:

- A. **"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.
- B. **"Angling hook"** shall mean a single, double, or treble (triple) point attached to a single shank.
- C. **"Any sporting arm"** shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- D. **"Arrow" or "Bolt"** shall mean only those arrows or bolts having broadheads with cutting edges except that "judo", "blunt" or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.
- E. **"Bag limit"** shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.
- F. **"Bait"** as used in section 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.
- G. **"Bait"** as used in sections 12 and 13 of 19.31.10 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.
- H. **"Baiting"** shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in 17-2-3 NMSA 1978.
- I. **"Bait fish"** is defined as those nongame fish which are not otherwise protected by statute or regulation.
- J. **"Barbless lure or fly"** shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials 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 other foods are not considered barbless lures or flies.
- K. **"Big game species"** shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.
- L. **"Big game sporting arms"** shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger, any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- M. **"Body-grip trap"** shall mean a rotating jaw trap designed to capture a furbearer by the body.
- N. **"Bow"** shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.
- O. **"Bow fishing"** shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.
- P. **"Bullet"** shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.
- Q. **"Cellular", "Wi-Fi" or "satellite camera"** shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.
- R. **"Chumming"** is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.
- S. **"Compressed air gun"** shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.
- 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 on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.
- U. **"Department"** shall mean the New Mexico department of game and fish.
- V. **"Director"** shall mean the director of the New Mexico department of game and fish.

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W. **"Drainage"** shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

~~[W.]~~ X. **"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)".

~~[X.]~~ Y. **"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; or

(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.

~~[Y.]~~ Z. **"Foothold trap"** shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

~~[Z.]~~ AA. **"Foot encapsulating trap"** shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include "dog proof" and "egg" traps.

~~[AA.]~~ BB. **"Furbearer"** shall mean any quadruped defined as a fur-bearing animal in 17-5-2 NMSA 1978.

~~[BB.]~~ CC. **"Game management unit" or "GMU"** shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

~~[CC.]~~ DD. **"Jaw spread"** shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

~~[DD.]~~ EE. **"Laminated"** shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

~~[EE.]~~ FF. **"Land set"** shall mean any foothold trap or snare set on land.

~~[FF.]~~ GG. **"License year"** shall mean the period from April 1 through March 31.

~~[GG.]~~ HH. **"Locate"** shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

~~[HH.]~~ II. **"Migratory game bird"** shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

~~[H.]~~ JJ. **"Muzzle-loader" or "muzzle-loading firearms"** shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

~~[JJ.]~~ KK. **"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.

~~[KK.]~~ LL. **"Non-toxic shot"** shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

~~[LL.]~~ MM. **"Protected species"** shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6 NMAC; and

(4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.

~~[MM.]~~ NN. **"Retention" or "retain"** shall mean the holding of live protected species in captivity.

~~[NN.]~~ OO. **"Restricted muzzle-loading rifle"** shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

~~[OO.]~~ PP. **"Shotgun"** shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

~~[PP.]~~ QQ. **"Snagging"** is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

~~[QQ.]~~ RR. **"Snare"** shall mean a wire or cable with a single closing device designed to capture a furbearer.

[RR.] SS.
arrows with barbs.

[SS.] TT. "Sporting arm types" shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

- (1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);
- (2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);
- (3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);
- (4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms (ex. ELK-3-XXX).

[TT.] UU.

"Take" shall mean to hunt, fish, kill or capture any protected species or parts thereof.

[UU.] VV.

"Trap" shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

[VV.] WW.

"Trotline" shall be synonymous with "set line" or "throw line" or "jug", "Yo-Yo line" or "limb line", 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.

[WW.] XX.

"Upland game" shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

[XX.] YY.

"Water set" shall mean any trap or snare set fully in water.

[YY.] ZZ.

"Wildlife management area" or "WMA" shall mean those areas as described in

19.34.5 NMAC.

[ZZ.] AAA.

"Written permission" shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner's property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property's location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 and 19.31.14 NMAC.

[AAA.] BBB.

"Zone" shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.

[19.31.10.7 NMAC - Rp, 19.31.10.7 NMAC, 4/1/2019; A, 4/1/2020; A, 4/1/2022]

19.31.10.14 FISHING:

A. **Angling:** Game fish may be taken by angling in all waters that are open for fishing.

B. **Season and hours:** It is unlawful to fish in any water during a closed season or to fish in any water outside of the legal fishing hours as prescribed in 19.31.4 NMAC.

C. **Closed waters:** It is unlawful to fish in any water closed by state game commission rule.

D. **Ice fishing:** It is unlawful to take fish from or through the ice on the following waters: Santa Cruz lake, Bonito lake, and Springer lake. Ice fishing is legal on all other waters unless otherwise prohibited.

E. **Hatchery waters:** It is unlawful to take or attempt to take fish from the waters of any fish hatchery or rearing ponds owned or operated by state or federal agencies. Exception: During open season, 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, and settling ponds at Rock Lake state fish hatchery. Additionally, the director may expressly authorize other limited fishing at the state's fish hatcheries based on management needs.

F. **Trotlines:** Game fish may be taken by use of trotlines in any water except those listed below, however:

- (1) It is unlawful for any person to set more than one trotline at a time.
- (2) It is unlawful to tie or join together trotlines belonging to two or more persons.
- (3) It is unlawful for any trotline to have more than 25 angling hooks.
- (4) It is unlawful for a person who has set or maintained a trotline to not personally visit and inspect it at least once every calendar day and remove or release all game fish which are caught.
- (5) It is unlawful for anyone to check, pull up or otherwise tamper with another's trotline.

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(6) It is unlawful for anyone to set, check or maintain a trotline which is not tagged or marked as follows:

(a) 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 angler's department issued customer identification number (CIN).

(b) An unlicensed angler 11 years of age and younger shall list their department issued customer identification number (CIN) or their name and date of birth.

(7) It is unlawful to set or use a trotline in any public water with the following exceptions: [listed in 19.31.4 NMAC which has a reduced bag limit on catfish or in any trout water, 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.]

<u>Drainage:</u>	<u>Rivers:</u>	<u>Lakes:</u>
<u>Rio Grande drainage</u>	<u>Rio Grande mainstem from its confluence with the Chama river downstream to New Mexico/Texas state line and Chama river mainstem from the northern boundary of the Monastery of Christ in the Desert downstream to Abiquiu lake</u>	<u>Abiquiu lake, Cochiti lake, Elephant Butte lake, and Caballo lake</u>
<u>Pecos river drainage</u>	<u>Pecos river mainstem downstream of I-25 (excluding Villanueva state park) to the New Mexico/Texas state line and all tributaries within Chavez, De Baca, Eddy, Guadalupe, and San Miguel (downstream of I-25) counties</u>	<u>Santa Rosa lake, Sumner lake, lake Avalon, Brantley lake, Six Mile lake, Ten Mile reservoir, and Red Bluff reservoir</u>
<u>Canadian river drainage</u>	<u>Canadian river mainstem and all tributaries downstream and east of I-25 to the New Mexico/Texas state line</u>	<u>Stubblefield lake, Laguna Madre, Maxwell lake 14, Springer lake, Conchas lake, and Ute lake</u>
<u>San Juan river drainage</u>	<u>San Juan river mainstem from U.S. 64 bridge at Blanco downstream to the Navajo Nation boundary at the Hogback canal diversion</u>	<u>Navajo lake</u>
<u>Gila river and San Francisco river drainage</u>	<u>Gila river mainstem from its confluence with the east fork downstream to the New Mexico/Arizona state line and San Francisco river mainstem from U.S. 180 bridge at Alma downstream to the New Mexico/Arizona state line</u>	<u>None</u>
<u>Statewide</u>	<u>As described above</u>	<u>Class A lakes and lakes, ponds, and ranch tanks not fed by public waters and not open to public fishing</u>

(8) Any officer authorized to enforce Chapter 17 NMSA 1978 and state game commission rules may seize and destroy any trotlines not set or checked in accordance with this subsection.

G. 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 or in any river or stream.

(2) It is unlawful to take any largemouth bass by spearfishing or bow fishing in the following waters: Bill Evans lake, Clayton lake, and lake Roberts.

H. Noodling or hand fishing: It is unlawful to catch any game fish by hand without the use of angling equipment.

I. 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 state game commission rule. Dip nets may be used to assist in landing fish taken by legal angling methods.

J. Illegal device or substance: It is unlawful to use any device or substance capable of catching, stupefying or killing fish except as permitted by state game commission rule.

K. Bait:

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(1) It is unlawful to use protected game fish or the parts thereof as live or dead bait, except the genus *Lepomis* (sunfish), taken by legal means may be used as live or dead bait in the water from which they were taken, and the roe, viscera and eyes of any legally taken game fish may be used.

(2) It is unlawful to use bullfrogs or bullfrog tadpoles as bait, or to possess any live bullfrogs or live bullfrog tadpoles while fishing.

L. Use of bait fish: It is unlawful to use or possess any baitfish while angling except as follows:

(1) The following baitfish species can be used live or dead unless otherwise prohibited:

Water:	Approved bait fish species:
Rio Grande drainage	Fathead minnow, red shiner and shad
Elephant Butte and Caballo reservoirs	Fathead minnow, red shiner, shad and golden shiner
Pecos river drainage except for Bitter lake national wildlife refuge and Bottomless lakes state park	Fathead minnow [and] red shiner, and shad
Canadian river drainage	Fathead minnow, red shiner, white sucker and shad
San Juan river drainage	Fathead minnow and red shiner
Gila river and San Francisco river drainages	Fathead minnow

(2) The following bait fish species can only be used as dead bait unless otherwise prohibited:

Water:	Approved dead baitfish species:
Statewide	Common carp
Heron reservoir	White sucker

(3) Commercially packaged and processed species of fish which are dead or products thereof are not considered bait fish and are legal in all regular waters.

M. Methods for taking bait fish for personal use: Licensed anglers and children 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.

N. Illegal taking of bait fish:

(1) It is unlawful for any person, except children 11 years of age and younger, to take bait fish from any water without having a valid fishing license.

(2) It is unlawful for any person to take bait fish from any water for commercial use without a permit issued from the department.

(3) It is unlawful for licensed minnow dealers to violate any of the provisions of their license or permit.

O. 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, to the department, the species, numbers and poundage of bait fish taken during the preceding month.

P. Limit on angling hooks: It is unlawful to angle with more than two 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.

Q. Eradication of fish: In waters where fish are being eradicated or where water shortage warrants reduction of fish numbers the director may permit licensed anglers and children 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.

R. Possession and release of live game fish:

(1) It is unlawful to release any live game fish into any water in the state, except for fish which were legally caught from that water, without a permit issued by the department.

(2) It is unlawful to possess or transport any live game fish away from the water from which they were caught without a permit issued by the department.

(3) Exception: Department employees or federal employees while performing their official duties or those individuals working on behalf of the department when directed by a department employee.

S. 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.

T. Number of fishing poles or lines: It is unlawful to angle with more than one pole or line without having purchased a current two rod validation during the current license year. It is unlawful under any circumstance

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to angle with more than two poles or lines. A trotline shall not count toward an anglers limit on fishing poles or lines.

U. Exceeding daily bag limit: It is unlawful to exceed the daily bag limit of any protected fish species, as specified in 19.31.4 NMAC.

V. Exceeding possession limit: It is unlawful to exceed the possession limit of any protected fish species, as specified in 19.31.4 NMAC.

W. Exceeding daily bag limit or possession limit - Penalty Assessment: Any person exceeding the daily bag limit or the possession limit by two fish or less shall be offered a penalty assessment.

X. Snagging game fish: It is unlawful to snag game fish or to keep any snagged game fish except Kokanee salmon during the special Kokanee salmon season as specified in 19.31.4 NMAC.

Y. Special trout waters: Only barbless lures or flies may be used in the special trout waters designated in 19.31.4 NMAC, except in the following waters any legal angling gear and legal bait 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.

Z. 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.

(3) Chumming: Chumming is legal in all waters which have no tackle restrictions.

AA. Violation of age or disability restrictions: It is unlawful for any person to fish in any 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, 4/1/2019; A, 4/1/2022]

Exhibit 3

Fisheries Rule 19.31.4 NMAC, Hunting and Fishing Manner and Method of Taking Rule 19.31.10 NMAC and Commercial Use of Fish Rule 19.31.9 NMAC

**Agenda Item 10
October 22, 2021**



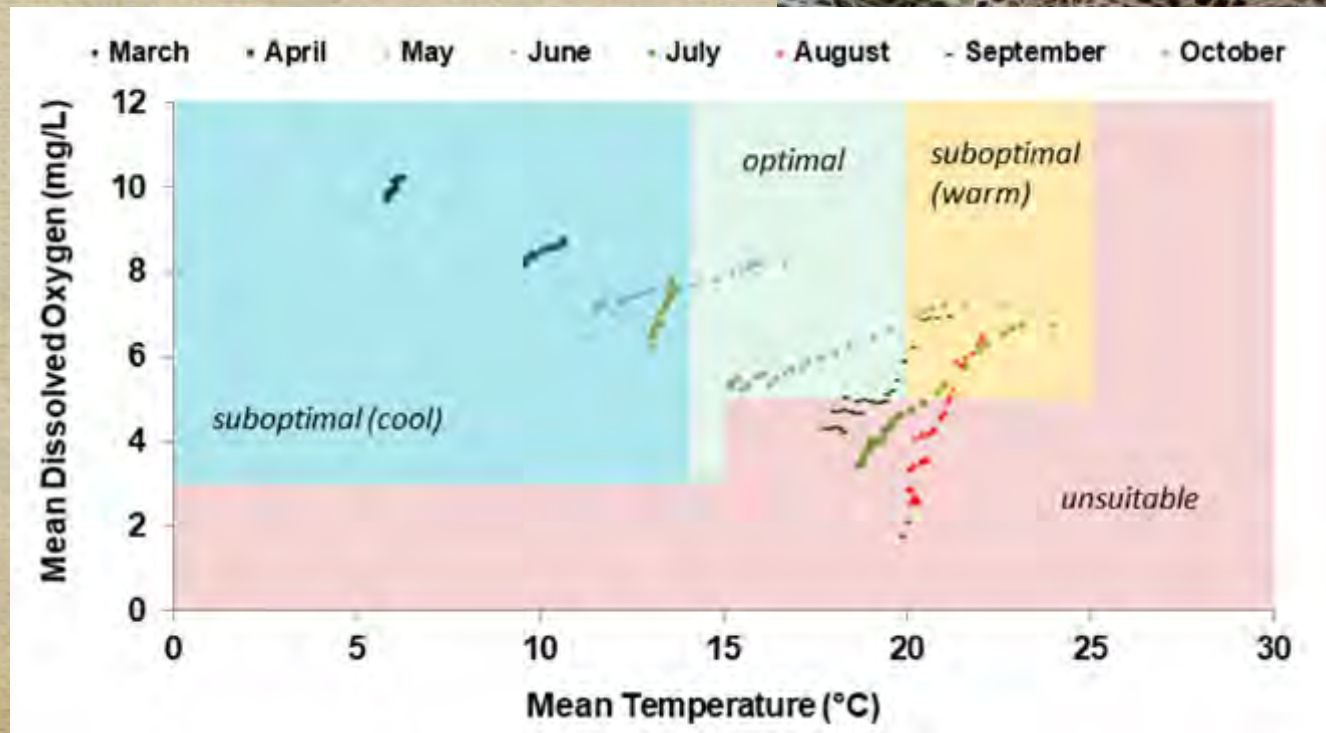
Fisheries Rule

- Four Year Cycle
- Current Rule Expires March 31, 2022
- Related Rules



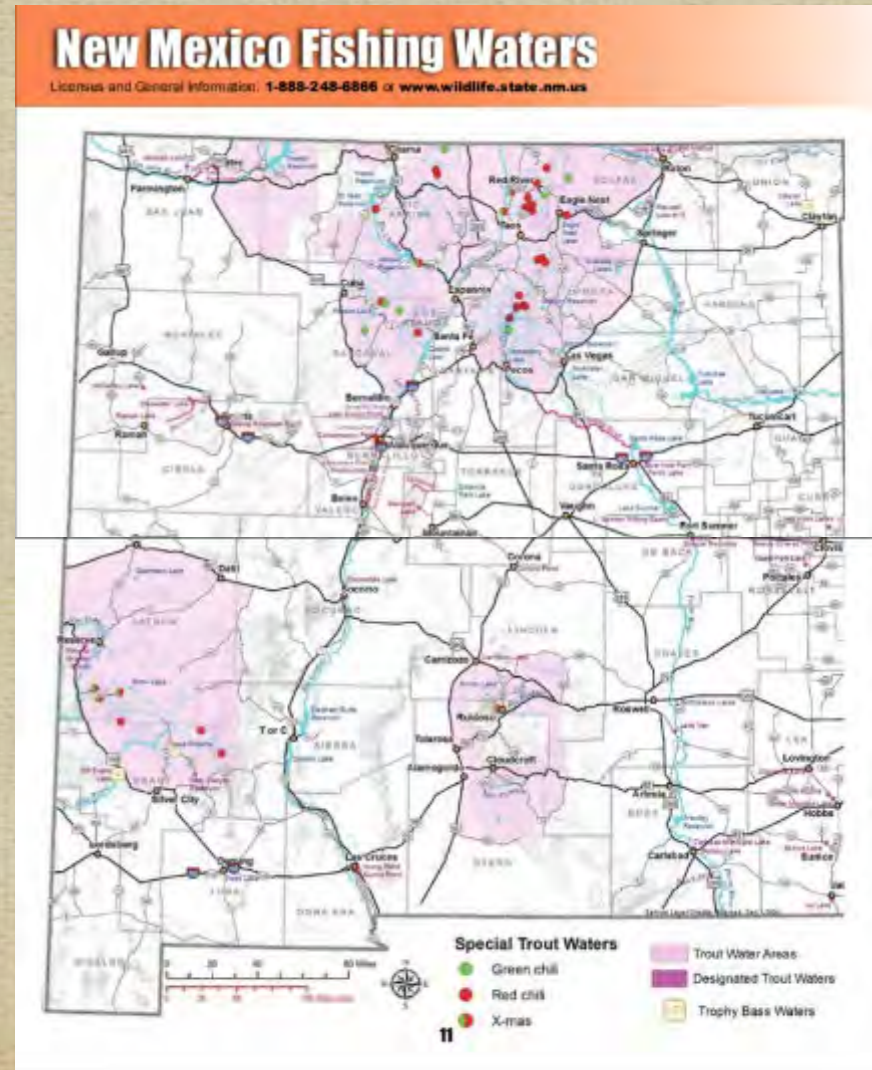
Proposals

- Abiquiu Reservoir – Kokanee
- Cutthroat Possession Limit
- Increase Cutthroat Limit at 7 Springs Kids Pond
- Add Two Summer Catfish Waters – Trees Lake, Harris Pond



Definition Proposals

- Daily Bag Limit
- Remove Reference to “Trout Waters”

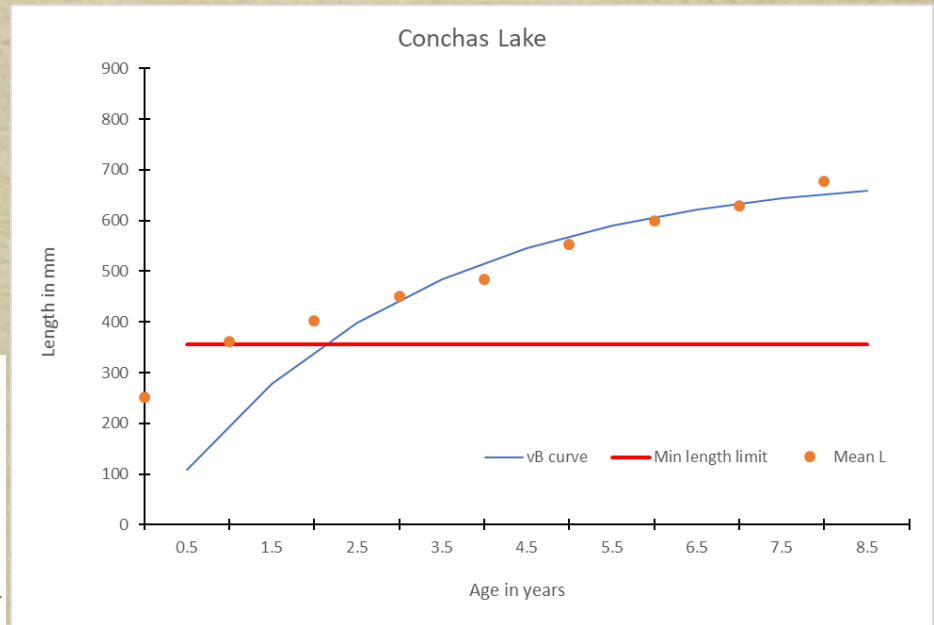
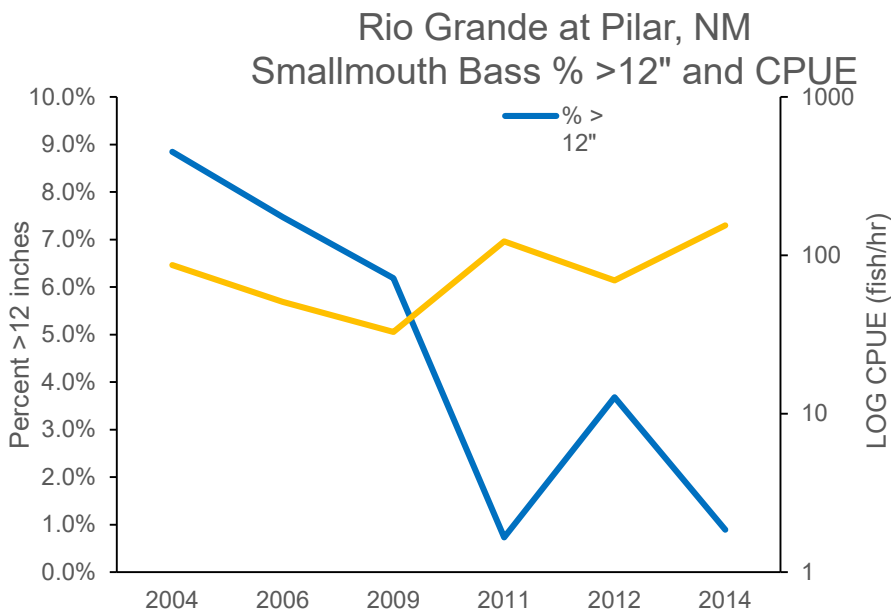


Length Limit Proposals

- Remove Length Limit for:

Walleye - Statewide

Smallmouth Bass – Upper Rio Grande



Age Restriction Proposals

11 years and younger

- Harris Pond
- Seven Springs Brood Pond
- Shuree Kid's Pond
- Spring River Park Pond

12 years and younger

- Tingley Kid's Pond

11 years and younger

- Harris Pond
- Seven Springs Brood Pond
- Shuree Kid's Pond
- Spring River Park Pond
- Tingley Kid's Pond

11 years and younger, 65 years and older, Ind. w/ disabilities

- Blue Hole Park Pond
- Harry McAdams Park Pond
- Red River Hatchery Pond

11 years and younger, Ind. w/ disabilities

- Cowles Pond

11 years and younger, 65 years and older, Ind. w/ disabilities

- Blue Hole Park Pond
- Cowles Pond
- Harry McAdams Park Pond
- Red River City Kid's Pond
- Red River Hatchery Pond

12 years and younger, Ind. w/ disabilities

- Red River City Kids Pond

14 years and younger, 65 years and older, Ind. w/ disabilities, Parents/guardians supervising children 14 and younger may fish (up to two)

- Laguna del Campo

14 years and younger, 65 years and older, Ind. w/ disabilities, Parents/guardians supervising children 14 and younger may fish (up to two)

- Laguna del Campo



Access Proposals



- Kokanee Season at Heron, Willow Creek, Navajo – November 11
- Fishing Hours
- Open McKenna and Pinelodge Creeks
- Kid Fishing in Rock Lake Outfall Ponds



M&M and Commercial Use of Fish Proposals

- Clarify “Drainage” for Lawful Bait Species
- Permit Shad as Legal Baitfish in Pecos Drainage
- List Trotline Waters
- Remove Reference to “Trout Water”



Public Outreach

- Virtual Public Meetings – May 19 and 20
 - Six attendees
- 10 Written Comments
- Rule Making Notice – September 14
- No additional comments



Questions?



Proposed Changes to the Fisheries Rule 19.31.4 NMAC, Hunting and Fishing Manner and Method of Taking Rule 19.31.10 NMAC and Commercial Use of Fish Rule 19.31.9 NMAC

The Department proposes amendments to the Fisheries Rule 19.31.4 NMAC, Hunting and Fishing Manner and Method of Taking Rule 19.31.10 NMAC and Commercial Use of Fish Rule 19.31.9 NMAC. The current Fisheries Rule will expire on March 31, 2022. The Department is proposing a new rule for Game Commission consideration. The Department is also proposing amendments to the Manner and Method Rule and the Commercial Use of Fish rule due to the need for consistent language associated with changes proposed in the Fisheries Rule.

Below is a list of the proposed changes along with a brief summary of what would change under these proposals.

Proposed Changes to the Fisheries Rule:

- Add a definition of “daily bag limit” – Overall, this definition would merely clarify that the daily bag limit is based upon a calendar day. Some confusion exists regarding the time period for determining a daily bag limit. This definition will set a calendar day as the time period for determining a daily limit.
- Remove definition of trout, winter trout, and warm water – No substantive changes will result from this change. The definition of trout, winter trout, and warm waters is a relic of previous “trout stamp” requirements in Game Commission rule. Management priorities for some waters have changed over time though some waters lie within the geographic limits of trout water areas. Maintaining these definitions in the Fisheries rule has led to confusion over which rules apply to different waters.
- Establish a consistent date of November 11 (Veterans Day) for the opening of Kokanee snagging season at Heron Lake, Willow Creek and Navajo Lake – This change would set the date for opening of Kokanee snagging season at these waters as November 11. The opening date for Kokanee snagging season at these waters in the current Fisheries rule varies depending upon where a day falls within the month. This rule was intended to ensure the opening date provided an equitable opportunity for anglers to participate on the opening day of snagging season but has consistently created confusion for the Department and anglers.
- Remove Abiquiu Reservoir from list Kokanee snagging waters – This change would remove Abiquiu Reservoir from the list of waters with a special Kokanee snagging season. Abiquiu Reservoir no longer supports coldwater fisheries and the Department does not stock Kokanee salmon into this water. Thus, snagging is not an applicable method for the fishery present in the lake.
- Remove hours restrictions for fishing at some waters – The Fisheries rule limits angling hours for several waters. Rather than set angling hours in rule, this change would permit angling during all hours and defer to the land manager for setting angling hours by signage.
- Set cutthroat trout possession limit to be consistent with other species – This change would set the cutthroat trout possession limit as twice the daily limit in waters where harvest is permitted. Currently, all other protected fish species have a possession limit of twice the daily limit whereas cutthroat trout have the same daily and possession limit. Changing the cutthroat trout possession limit to

twice the daily limit will treat this species consistently with other species of game fish.

- Add Trees Lake and Harris Pond to the list of Summer Catfish Waters – This change would set the catfish limit to two fish per day. Adding both Trees Lake (Deming) and Harris Pond (Las Vegas) to the list of summer catfish waters would provide additional angling opportunity and regulate angling similar to other waters with similar management intent.
- Remove smallmouth bass length limit in the upper Rio Grande – This change would remove the length limit for smallmouth bass in the upper Rio Grande. Department data indicates few smallmouth bass in the upper Rio Grande attain the minimize length limit of 12 inches. There is also a trend of increasing abundance and declining size of smallmouth bass in the upper Rio Grande. This change will expand angling opportunities, encourage smallmouth bass growth potential, and remove a regulation with little biological impact.
- Increase trout daily bag limit in the Rio Grande below Elephant Butte, Red River City Ponds, Red River Hatchery Pond, and Goose Lake to the statewide daily bag limit of 5 trout per day – This change would increase the daily bag limit for trout in these waters to be consistent with statewide bag limits. The Rio Grande below Elephant Butte, Red River City Ponds, Red River Hatchery Pond, and Goose Lake currently have daily bag limits less than the statewide limit which has created confusion for the public.
- Increase cutthroat trout daily bag limit at Seven Springs Kids Pond – This change would maintain the current daily limit of five trout per day but would allow five cutthroat trout to be counted towards that daily limit. The current daily limit at Seven Springs Kids Pond is five fish per day of which only two could be cutthroat trout. The Department would like to stock Rio Grande cutthroat trout into Seven Springs Kids Pond to expand native trout angling opportunities and this change would reduce the opportunity for potential violations due to the statewide cutthroat trout limit.
- Remove length limit for walleye – This change would remove the statewide length limit for walleye. The current length limit for walleye is 14 inches. Department data indicates that walleye grow rapidly and typically exceed this length limit within the first 1.5 years of growth while smaller fish are not caught by anglers. The current regulation does little to enhance walleye size structure and makes little biological sense.
- Combine age restriction requirements for some waters to narrow different combinations of age limits – This change would combine six age restriction regulations into three types. The Department proposes to make the water-specific age restrictions consistent to facilitate clarity of rules.
- Remove angling closures for McKenna Creek and Pinelodge Creek – This change would open these waters to angling based upon new information about the status of the fishery in each water. McKenna Creek previously held a small population of Gila trout and was closed to angling to protect the population. Subsequent genetic analyses indicate the population was hybridized and the population is no longer considered a Gila trout recovery population. Pinelodge Creek is closed to protect a restored population of Rio Grande cutthroat trout. Surveys by the Department indicate this stream no longer supports a self-sustaining population of trout and could be managed as a seasonally stocked

fishery. There is no need to maintain these closures and proposed changes would enhance management opportunities.

- Add Rock Lake settling ponds to exceptions to closed hatchery waters – This change would permit angling in the Rock Lake settling pond(s). The recently constructed settling ponds at Rock Lake Hatchery are closed to fishing but could provide angling opportunities to children at a location adjacent to the Pecos Watershed Education Center. The Department proposes to permit fishing to children ages 11 and under.

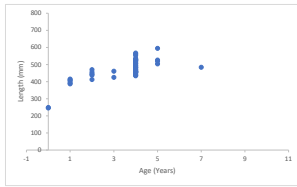
Proposed changes to the Manner and Method Rule:

- Add definition of “drainage” related to what species of baitfish are lawful in a given watershed in the state – No substantive changes will occur. Some confusion exists of which waters are included in a “drainage” referencing lawful species which may be used as baitfish. The intent of this regulation is to permit a species or suite of species for use throughout a particular drainage though some interpret the current language to only include the specific named waters. The proposed change will clarify which species may be used as baitfish throughout the drainage and not just a specifically named water.
- Add shad as an approved live bait species in the Pecos drainage – This change would make gizzard shad a lawful bait species in the Pecos drainage. Gizzard shad are native to the Pecos drainage and an acceptable species to use as bait.
- Add a list of waters approved for trotline use – No substantive change will occur. The Department proposes to provide a list of waters where trotlines use is legal to provide clarity to the public.

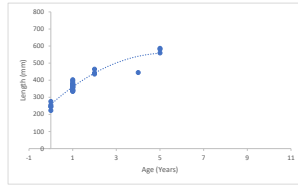
Proposed changes to the Commercial Use of Fish Rule:

- Remove the reference to trout water to be consistent with the Fisheries Rule – This change will merely remove the reference to trout waters in the Fisheries Rule.

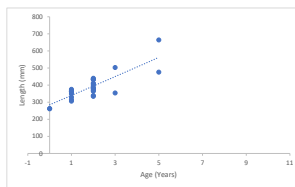
2014



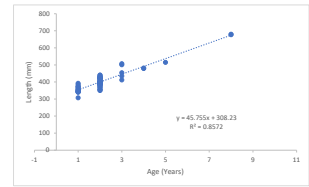
2015



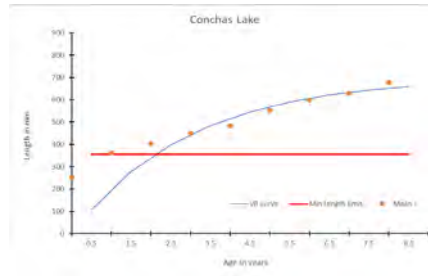
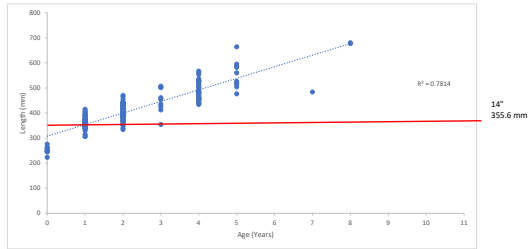
2016



2020



Combined

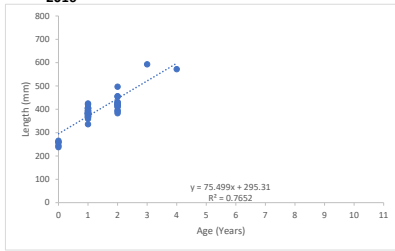


2016			2019		
L	A	Sex na	L	A	Sex
456	2		325	2	m
382	1		344	1	f
383	2		362	1	m
394	1		340	1	m
260	0		343	1	f
421	1		514	4	f
430	2		421	2	f
258	0		346	1	m
454	2		420	2	m
497	2		435	3	f
384	1		370	1	f
238	0		355	1	m
413	2		305	1	m
393	1		310	1	f
383	1		334	1	f
336	1		365	1	m
265	0		351	1	m
371	1		332	1	m
385	1		350	1	f
431	2		362	1	m
391	2		325	1	f
395	1		420	3	m
381	1		369	1	f
366	1		348	1	f
245	0		362	1	f
572	4		329	1	m
593	3		360	1	m
404	1		503	3	f
378	1		352	1	f
388	1		470	4	m
382	1		329	1	m
384	1		471	2	
368	1		462	4	m
400	1		352	1	f
391	1		350	1	f
369	1		405	2	m
420	2		346	1	m
396	2		465	2	f
359	1		400	2	m
374	1		366	1	m
420	2		465	4	m
424	2		368	1	f
376	1		360	1	f

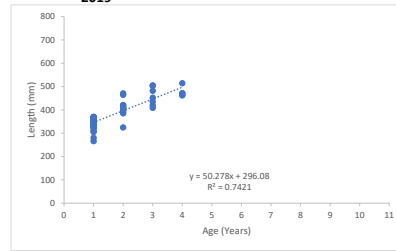
407	1
406	1
383	1
404	1
377	1
425	1
410	2

370	1	f
338	1	f
505	3	f
385	2	m
412	2	m
409	3	m
452	3	f
345	1	f
398	2	f
410	2	m
348	1	f
266	1	f
320	1	f
392	2	m
340	1	f
482	3	f
338	1	f
472	4	m
355	1	f
341	1	m
406	2	m
280	1	f

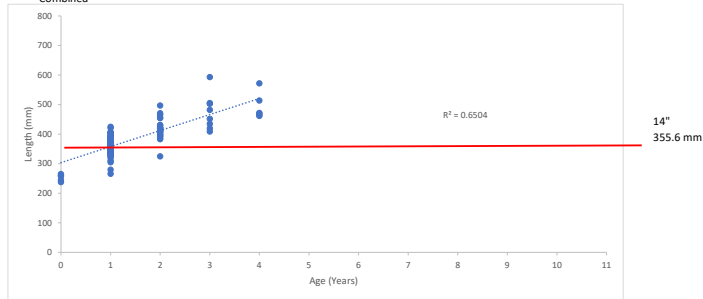
2016



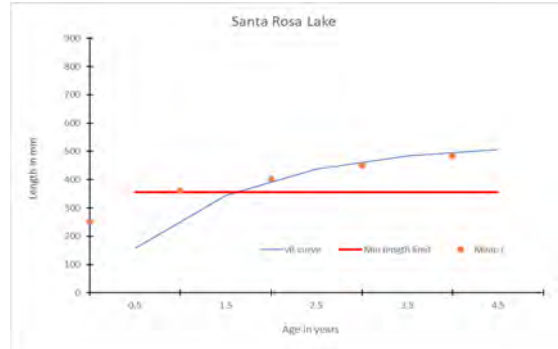
2019



Combined



Santa Rosa Lake

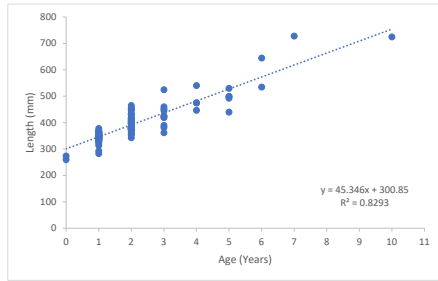


2014		2015		
		L	A	Sex
260	0			
274	0	339	3	
283	1	408	2	f
293	1	373	1	f
314	1	454	3	f
323	1	408	2	f
330	1	363	2	m
331	1	352	1	m
331	1	414	2	f
335	1	430	3	f
335	1	395	2	m
337	1	450	2	f
338	1	366	2	f
339	1	444	2	m
340	1	385	1	m
340	1	360	1	
341	1	372	2	m
342	1	386	1	f
342	1	388	2	f
342	1	330	1	
343	2	425	2	f
344	1	389	2	m
345	1	370	3	m
346	1	407	2	m
347	1	410	2	f
347	1	414	2	f
349	1	374	1	m
350	1	399	2	f
350	1	382	2	m
350	1	413	2	f
350	1	440	2	m
352	1	416	2	f
353	1	401	2	f
353	1	555	5	f
354	1	442	2	f
354	1	380	1	m
355	1	424	2	f
355	2	379	2	m
355	2	391	3	m
356	1	390	3	m
357	1	396	2	f
359	1	413	2	m

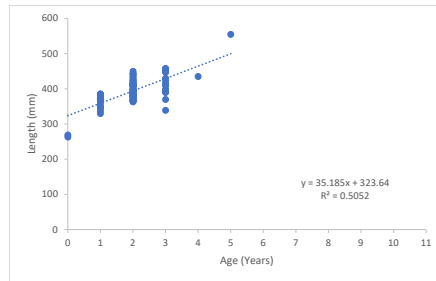
360	1	411	3	m
360	1	416	3	m
361	1	395	2	m
362	2	380	2	m
362	3	433	2	f
363	1	375	2	m
364	1	425	3	f
364	1	449	3	m
367	1	365	2	m
368	1	386	2	f
369	1	410	3	m
370	2	389	2	m
373	2	413	3	m
374	2	435	4	m
375	2	382	1	m
376	2	391	3	f
376	2	381	2	f
378	1	373	2	m
378	2	426	2	m
380	2	457	3	f
380	2	269	0	
381	2	419	2	f
382	2	263	0	f
382	3	458	3	f
384	2	369	2	m
384	2	399	3	m
386	2	408	2	f
390	3	365	1	m
391	2	447	3	f
396	2	347	1	
397	2	370	1	
399	2	379	2	m
400	2	337	1	
401	2	379	2	m
405	2	411	2	f
408	2	345	1	m
408	2	388	2	f
412	2	395	2	m
415	2	390	2	m
416	2	372	1	f
419	2	367	2	m
419	3	385	2	f
423	3	392	2	m

426	3	370	2	m
430	2	385	2	f
432	2	399	2	m
433	2	433	2	f
440	5	420	2	f
446	2	375	1	f
446	3	370	2	m
447	4			
451	2			
452	3			
456	2			
460	3			
465	2			
475	4			
475	4			
493	5			
499	5			
499	5			
525	3			
530	5			
535	6			
541	4			
645	6			
725	10			
728	7			

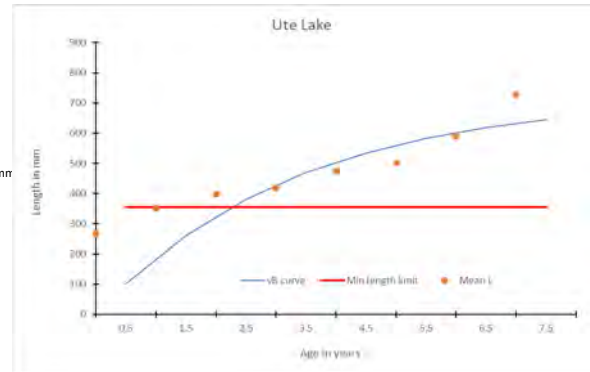
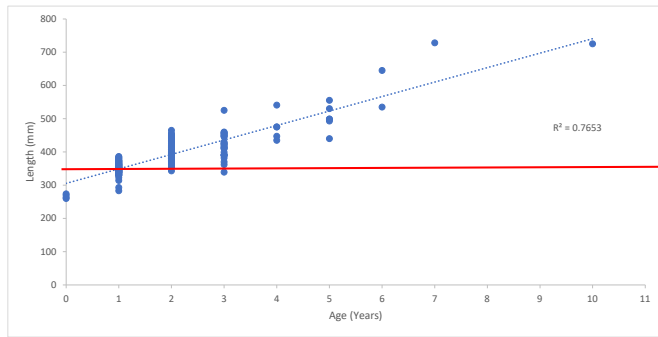
2014



2015

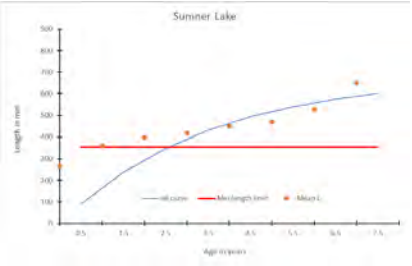
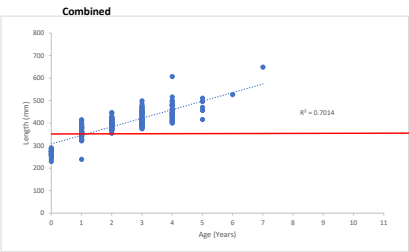
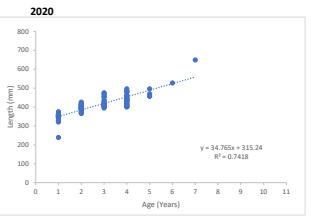
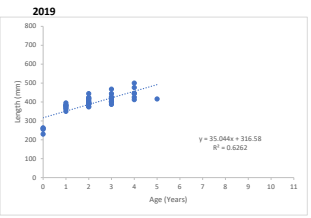
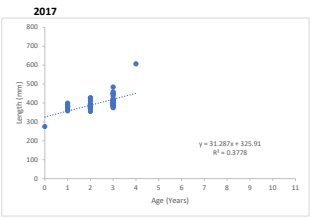
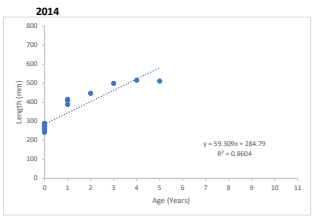


combined



2014				2017				2019				2020			
280	0	L	A	Sex na	L	A	Sex	L	A	Sex	L	A	Sex		
289	0	400	3		468	3	f	412	2	m	412	2	m		
288	0	355	2		425	4	m	368	2	m	368	2	m		
275	0	394	1		392	2	f	401	2	m	401	2	m		
274	0	383	1		230	0		358	1	m	358	1	m		
271	0	416	3		374	2	m	451	4	f	451	4	f		
253	0	378	3		255	0	m	341	1	f	341	1	f		
263	0	400	3		400	3	m	486	4	f	486	4	f		
242	0	358	1		260	0		366	2	m	366	2	m		
269	0	382	3		444	2	f	411	3	m	411	3	m		
257	0	398	3		392	2	m	359	1	m	359	1	m		
274	0	404	3		446	4	m	414	2	f	414	2	f		
284	0	371	2		416	5	m	420	4	m	420	4	m		
409	1	450	3		405	2	m	416	2	f	416	2	f		
447	2	377	1		420	2	m	462	4	f	462	4	f		
415	1	399	1		444	4	f	480	4	f	480	4	f		
388	1	412	2		376	2	m	395	2	m	395	2	m		
499	3	390	3		413	3	m	475	3	m	475	3	m		
516	4	389	2		412	4	m	481	4	f	481	4	f		
511	5	375	3		402	3	f	462	4	f	462	4	f		
		381	1		412	2	m	326	1	f	326	1	f		
		395	2		427	3	f	351	1	m	351	1	m		
		397	3		380	1	f	395	3	m	395	3	m		
		450	3		424	2	m	419	3	m	419	3	m		
		421	3		419	3	m	386	2	m	386	2	m		
		396	3		398	2	m	440	4	f	440	4	f		
		395	2		391	2	m	357	1	m	357	1	m		
		408	3		387	3	m	361	1	m	361	1	m		
		372	2		424	3	m	324	1	m	324	1	m		
		394	3		374	1	f	341	1	m	341	1	m		
		412	3		476	4	f	390	2	m	390	2	m		
		362	1		389	2	m	429	4	f	429	4	f		
		459	3		500	4	f	405	3	m	405	3	m		
		382	2		390	2	m	410	4	m	410	4	m		
		376	2		401	3	m	433	4	m	433	4	m		
		390	3		444	3	f	460	4	f	460	4	f		
		395	3		368	1	m	404	4	m	404	4	m		
		392	3		362	1	m	445	4	m	445	4	m		
		413	3		384	1	m	405	4	f	405	4	f		
		362	1		397	2	m	456	5	f	456	5	f		
		409	3		263	0		400	4	m	400	4	m		
		380	2		418	2	m	345	1		345	1			
		385	3		350	1		321	1		321	1			
		421	3		382	1	f	350	1		350	1			
		389	2		395	1	m	426	2	f	426	2	f		
		275	0					239	1	f	239	1	f		
		413	3					453	3	f	453	3	f		
		439	3					418	3	f	418	3	f		
		378	2					399	2	m	399	2	m		
		428	2					391	2	f	391	2	f		
		607	4					420	3	f	420	3	f		
		372	2					415	4	m	415	4	m		
		447	3					397	2	m	397	2	m		
		484	3					432	3	m	432	3	m		
		425	2					400	3	m	400	3	m		
								470	5	f	470	5	f		
								441	4	f	441	4	f		
								439	4	f	439	4	f		
								470	3	f	470	3	f		
								375	1	m	375	1	m		
								420	4	m	420	4	m		
								465	3	f	465	3	f		
								323	1	m	323	1	m		
								407	2	m	407	2	m		
								496	4	f	496	4	f		
								400	3	m	400	3	m		
								349	1	m	349	1	m		
								375	2	m	375	2	m		
								480	4	f	480	4	f		
								425	3	m	425	3	m		
								410	3	m	410	3	m		
								392	2	m	392	2	m		
								405	2	m	405	2	m		
								379	2	m	379	2	m		
								361	1	m	361	1	m		
								442	4	f	442	4	f		
								341	1	m	341	1	m		
								330	1	f	330	1	f		
								496	5	f	496	5	f		
								411	2	m	411	2	m		
								453	3	f	453	3	f		
								352	1	m	352	1	m		
								527	6	f	527	6	f		
								405	2	m	405	2	m		
								350	1	m	350	1	m		
								649	7	f	649	7	f		
								405	4	m	405	4	m		
								431	4	f	431	4	f		
								349	1	m	349	1	m		
								356	1	m	356	1	m		
								395	2	f	395	2	f		
								408	3	f	408	3	f		
								354	1		354	1			

409	3	m
360	1	m
410	2	m
438	3	m
389	2	m
420	2	m

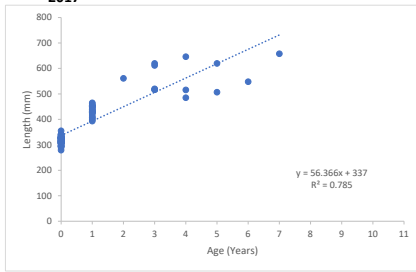


2017			2019		
L	A	Sex	L	A	Sex
279	0		238	0	f
289	0		243	0	
294	0		274	0	
294	0		295	0	
295	0		404	2	f
296	0		408	1	m
297	0		417	2	m
305	0		419	2	m
305	0		431	2	m
305	0		434	2	m
305	0		437	2	m
306	0		437	2	f
308	0		445	2	f
309	0		445	2	f
310	0		449	2	f
311	0		452	2	f
311	0		454	2	f
312	0		455	2	m
312	0		459	2	m
312	0		460	2	f
315	0		462	2	f
315	0		462	2	f
315	0		467	2	m
315	0		467	2	m
316	0		473	2	m
317	0		476	2	f
318	0		479	2	f
320	0		480	2	m
321	0		486	2	f
322	0		487	2	f
323	0		495	2	f
323	0		498	2	f
324	0		505	2	f
325	0		510	2	f
326	0		536	4	m
326	0		547	3	f
326	0		622	4	f
327	0		624	7	f
328	0		646	4	f
328	0		726	9	f
329	0				

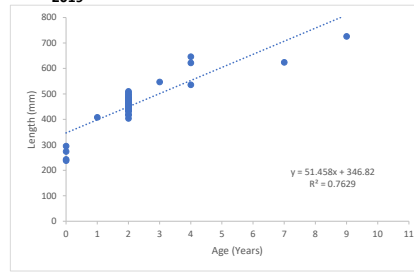
329	0
329	0
330	0
330	0
331	0
331	0
334	0
336	0
337	0
340	0
341	0
342	0
355	0
393	1
398	1
402	1
408	1
409	1
417	1
425	1
426	1
427	1
430	1
430	1
430	1
434	1
438	1
439	1
442	1
448	1
450	1
450	1
452	1
454	1
454	1
455	1
462	1
465	1
485	4
507	5
516	4
517	3
517	3

520	3
548	6
561	2
612	3
620	5
620	3
646	4
658	7

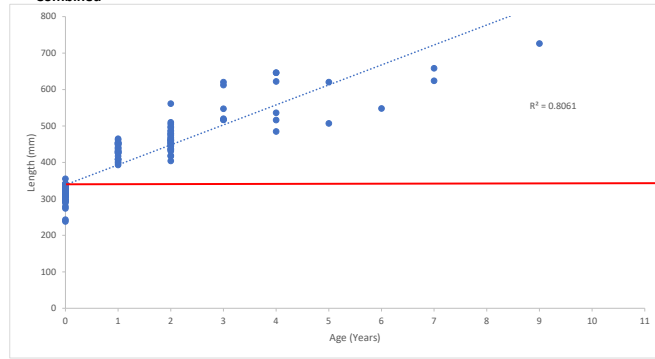
2017



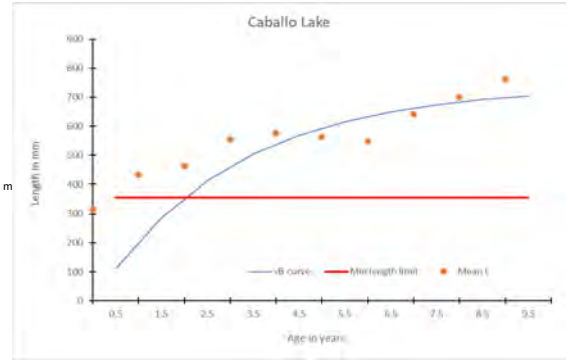
2019



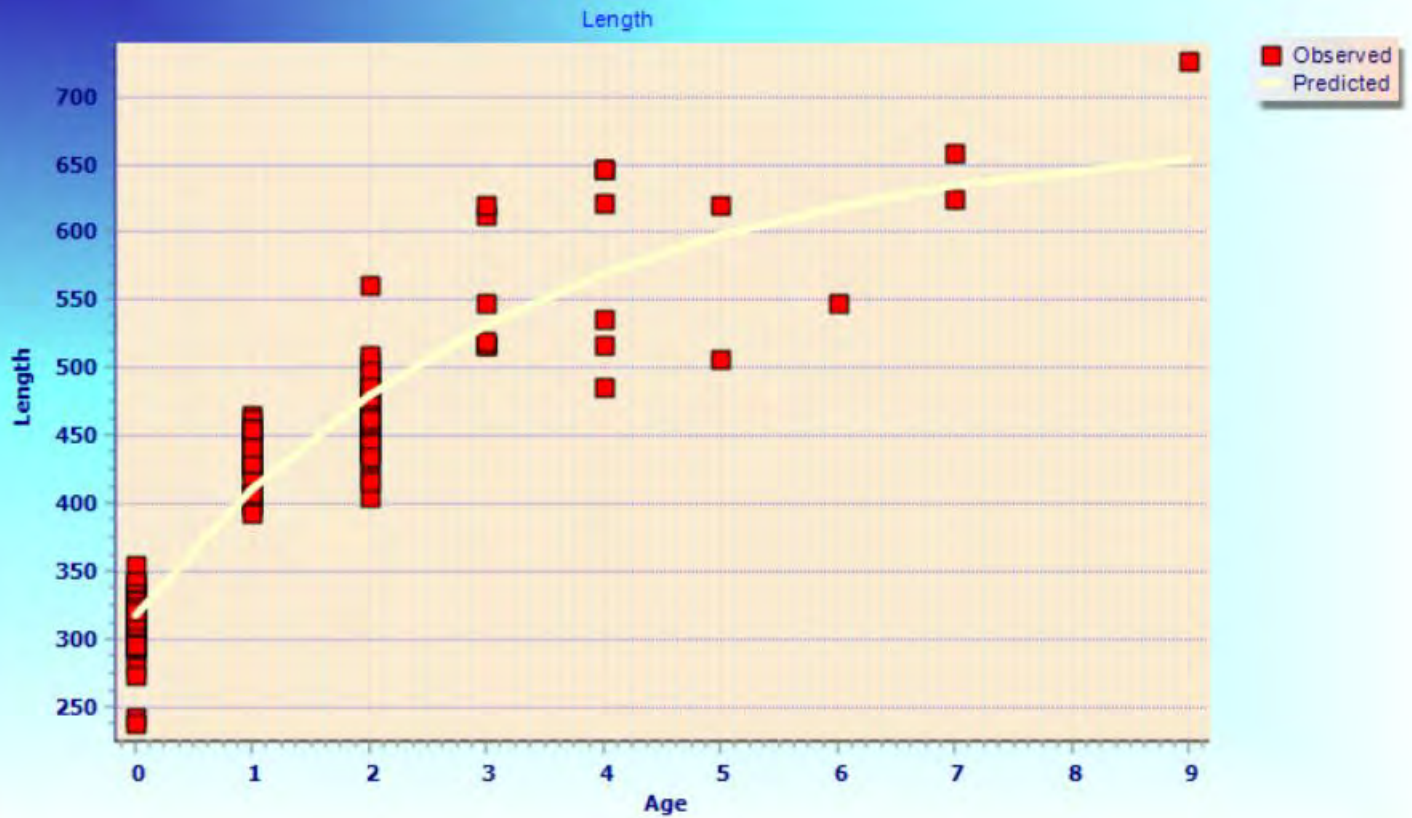
Combined



14"
355.6 mm



VB Non Linear

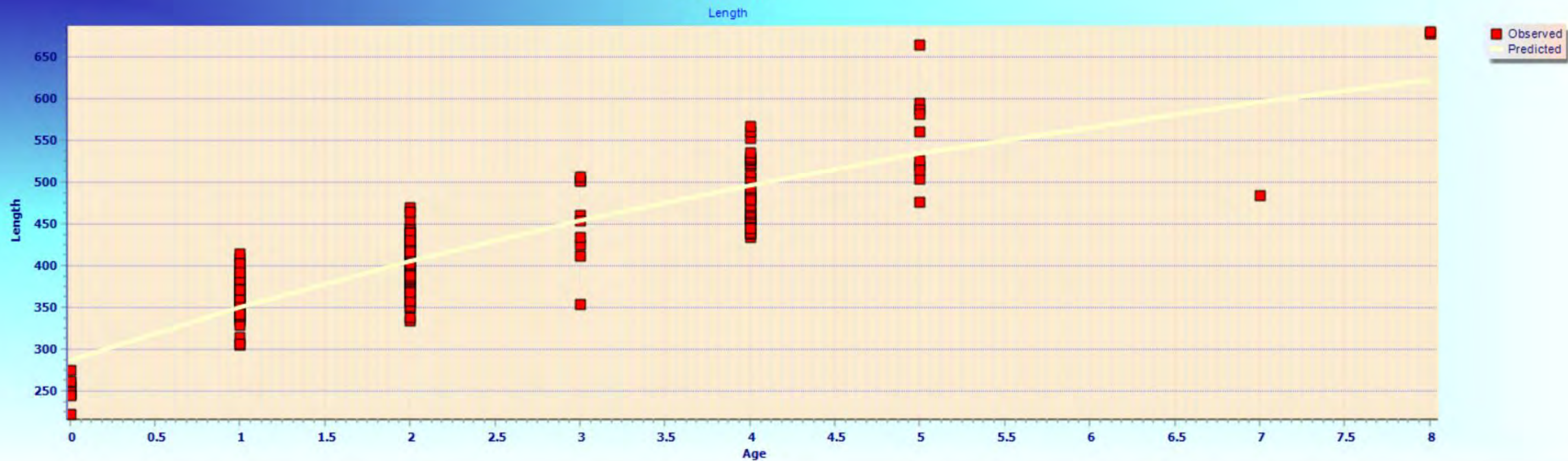


Equation

$$l_t = L_{\infty} \left(1 - e^{-K(t-t_0)} \right)$$

Results - Length	VB Non Linear	95% Confidence	Model Diagnostics	
Upper Asymptote (L_{∞})	679.035	0.817156	Sum of Squared Residuals	147251
K (Growth Rate)	0.298094	0.00112927	Akaike Information Criterion (AIC)	1612.49
T0 (Time at which size is 0)	-2.11503		Schwarz Criterion (SC)	1621.2

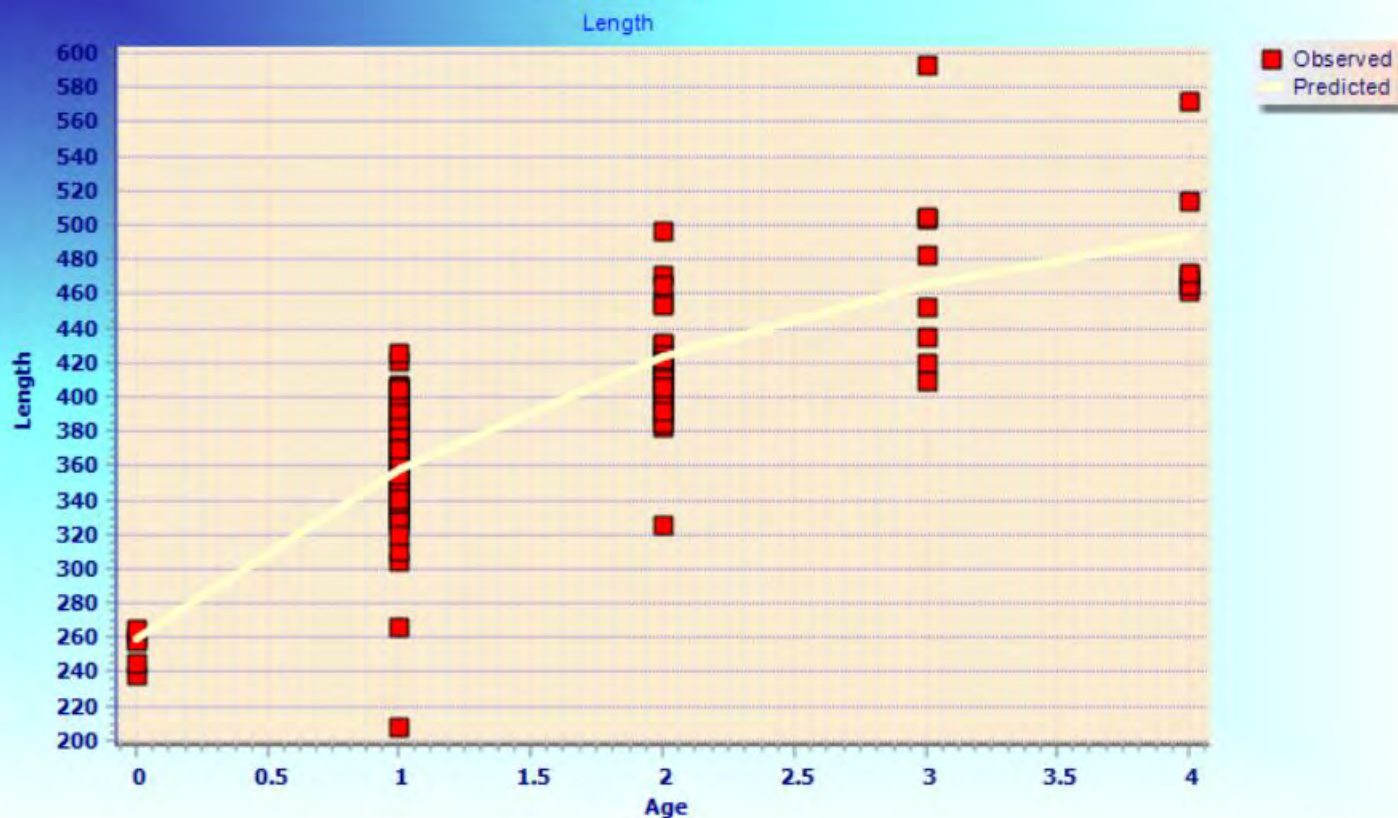
VB Non Linear



$$l_t = L_{\infty} \left(1 - e^{-K(t-t_0)} \right)$$

Results - Length	VB Non Linear	95% Confidence	Model Diagnostics	
Upper Asymptote (L_{inf})	807.267	3.20717	Sum of Squared Residuals	227536
K (Growth Rate)	0.129039	0.00112885	Akaike Information Criterion (AIC)	2226.31
T0 (Time at which size is 0)	-3.40209		Schwarz Criterion (SC)	2235.89

Exponential

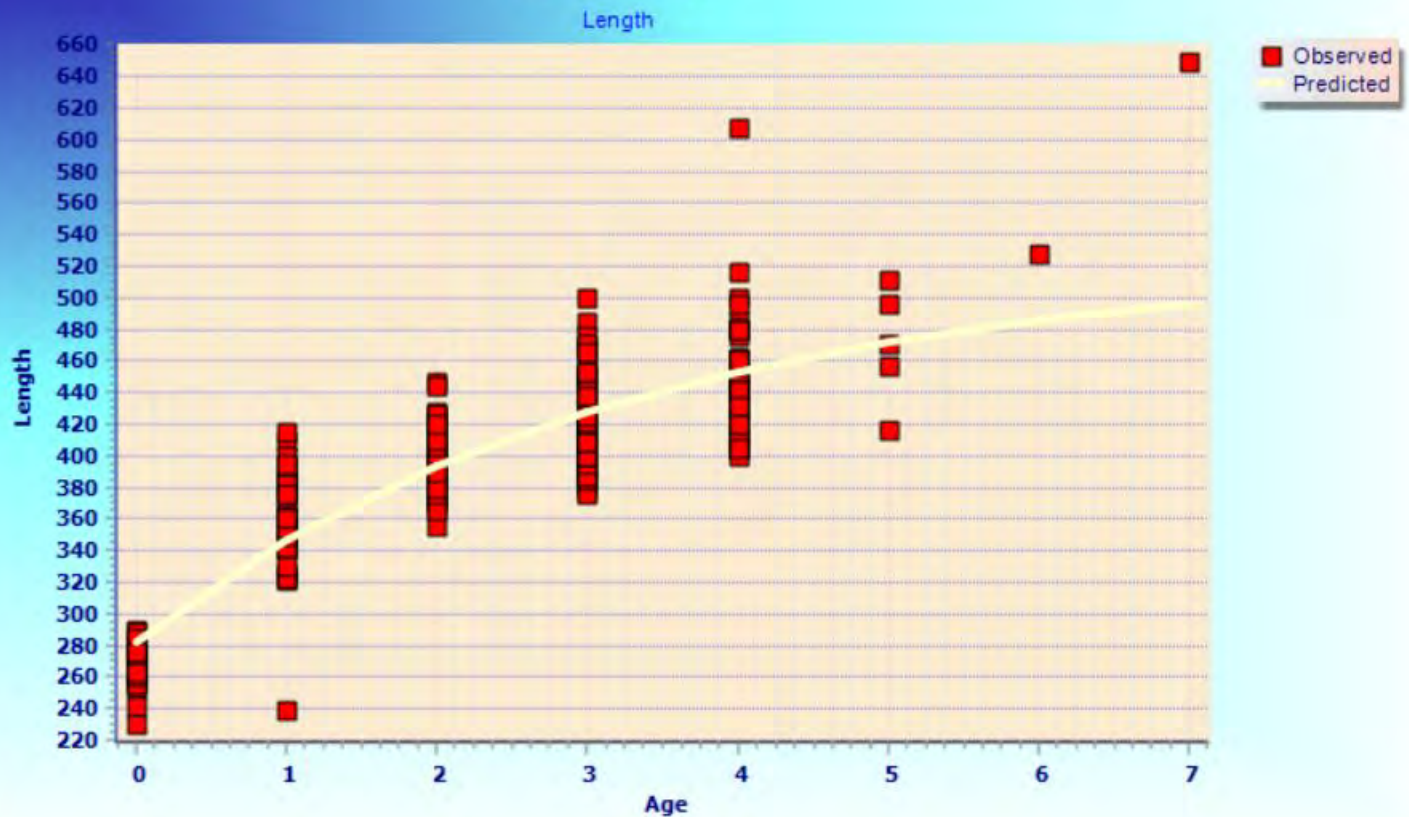


Equation

$$l_t = L_{\infty} - (L_{\infty} - \beta) e^{-kt}$$

Results - Length	Exponential	95% Confidence	Model Diagnostics	
Upper Asymptote (L_{∞})	544.287	1.05804	Sum of Squared Residuals	142961
Minimum Size	259.269	0.40314	Akaike Information Criterion (AIC)	1371.09
K (Growth Rate)	0.428001	0.00317044	Schwarz Criterion (SC)	1379.32

VB Non Linear



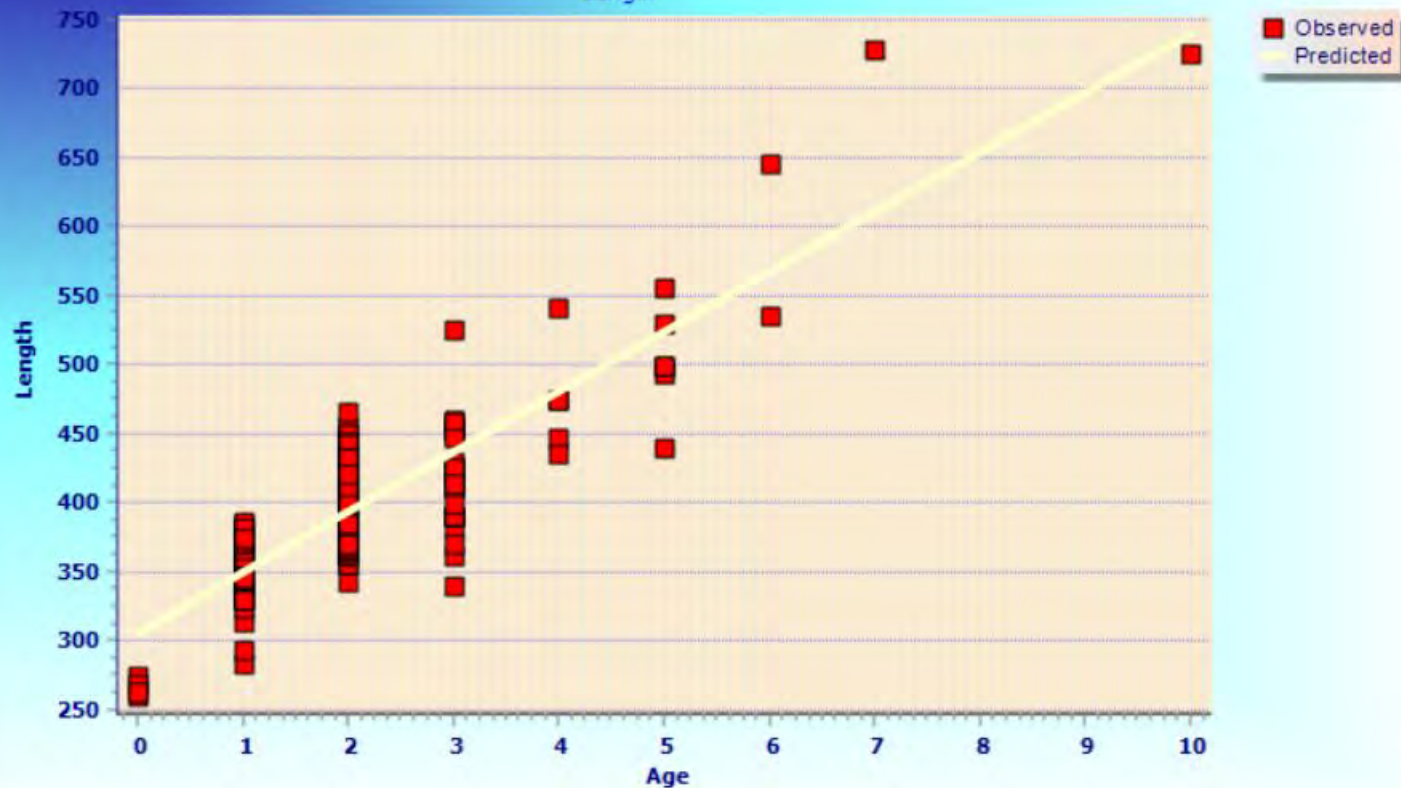
Equation

$$l_t = L_{\infty} \left(1 - e^{-K(t-t_0)} \right)$$

Results - Length	VB Non Linear	95% Confidence	Model Diagnostics	
Upper Asymptote (L_{∞})	523.379	0.805428	Sum of Squared Residuals	2099.10
K (Growth Rate)	0.308341	0.00190015	Akaike Information Criterion (AIC)	2628.45
T0 (Time at which size is 0)	-2.51652		Schwarz Criterion (SC)	2638.55

VB Non Linear

Length



Equation

$$l_t = L_{\infty} \left(1 - e^{-K(t-t_0)} \right)$$

Results - Length	VB Non Linear	95% Confidence	Model Diagnostics	
Upper Asymptote (L_{inf})	38145.9	28299.2	Sum of Squared Residuals	174364
K (Growth Rate)	0.00115273	0.000865547	Akaike Information Criterion (AIC)	2395.64
T0 (Time at which size is 0)	-6.97742		Schwarz Criterion (SC)	2405.51

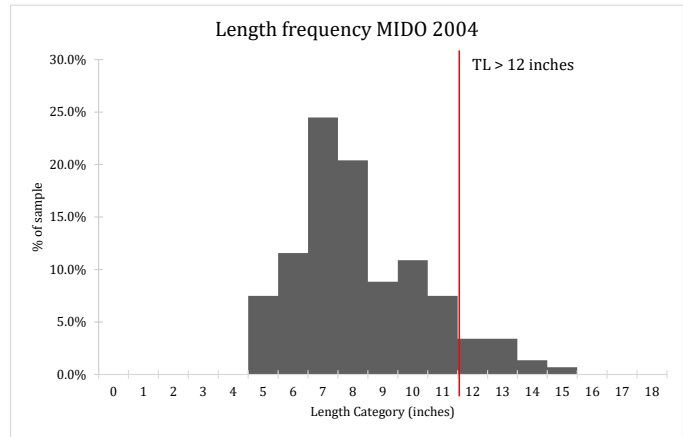
2000	2001	2002		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212
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[illegible]

2004		
Species	Length	inches
<i>Micropterus dolomieu</i>	140	5.5
<i>Micropterus dolomieu</i>	141	5.6
<i>Micropterus dolomieu</i>	144	5.7
<i>Micropterus dolomieu</i>	145	5.7
<i>Micropterus dolomieu</i>	145	5.7
<i>Micropterus dolomieu</i>	145	5.7
<i>Micropterus dolomieu</i>	146	5.7
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	152	6.0
<i>Micropterus dolomieu</i>	153	6.0
<i>Micropterus dolomieu</i>	155	6.1
<i>Micropterus dolomieu</i>	155	6.1
<i>Micropterus dolomieu</i>	156	6.1
<i>Micropterus dolomieu</i>	159	6.3
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	165	6.5
<i>Micropterus dolomieu</i>	170	6.7
<i>Micropterus dolomieu</i>	172	6.8
<i>Micropterus dolomieu</i>	175	6.9
<i>Micropterus dolomieu</i>	176	6.9
<i>Micropterus dolomieu</i>	176	6.9
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	182	7.2
<i>Micropterus dolomieu</i>	183	7.2
<i>Micropterus dolomieu</i>	183	7.2
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	186	7.3
<i>Micropterus dolomieu</i>	187	7.4
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	192	7.6
<i>Micropterus dolomieu</i>	192	7.6
<i>Micropterus dolomieu</i>	193	7.6
<i>Micropterus dolomieu</i>	193	7.6
<i>Micropterus dolomieu</i>	193	7.6
<i>Micropterus dolomieu</i>	194	7.6
<i>Micropterus dolomieu</i>	194	7.6
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	196	7.7
<i>Micropterus dolomieu</i>	196	7.7
<i>Micropterus dolomieu</i>	197	7.8
<i>Micropterus dolomieu</i>	197	7.8
<i>Micropterus dolomieu</i>	198	7.8
<i>Micropterus dolomieu</i>	198	7.8
<i>Micropterus dolomieu</i>	199	7.8
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
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<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	203	8.0
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	209	8.2
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	211	8.3
<i>Micropterus dolomieu</i>	212	8.3
<i>Micropterus dolomieu</i>	212	8.3
<i>Micropterus dolomieu</i>	212	8.3
<i>Micropterus dolomieu</i>	214	8.4
<i>Micropterus dolomieu</i>	214	8.4
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	216	8.5
<i>Micropterus dolomieu</i>	219	8.6
<i>Micropterus dolomieu</i>	220	8.7

2004 inches		
	n	%
0	0	0.0%
1	0	0.0%
2	0	0.0%
3	0	0.0%
4	0	0.0%
5	11	7.5%
6	17	11.6%
7	36	24.5%
8	30	20.4%
9	13	8.8%
10	16	10.9%
11	11	7.5%
12	5	3.4%
13	5	3.4%
14	2	1.4%
15	1	0.7%
16	0	0.0%
17	0	0.0%
18	0	0.0%

% of ind > 12 in
8.8%



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<i>Micropterus dolomieu</i>	220	8.7	200
<i>Micropterus dolomieu</i>	220	8.7	200
<i>Micropterus dolomieu</i>	220	8.7	200
<i>Micropterus dolomieu</i>	220	8.7	200
<i>Micropterus dolomieu</i>	220	8.7	203
<i>Micropterus dolomieu</i>	220	8.7	205
<i>Micropterus dolomieu</i>	222	8.7	209
<i>Micropterus dolomieu</i>	224	8.8	210
<i>Micropterus dolomieu</i>	224	8.8	210
<i>Micropterus dolomieu</i>	224	8.8	210
<i>Micropterus dolomieu</i>	224	8.8	210
<i>Micropterus dolomieu</i>	225	8.9	211
<i>Micropterus dolomieu</i>	227	8.9	212
<i>Micropterus dolomieu</i>	228	9.0	212
<i>Micropterus dolomieu</i>	229	9.0	212
<i>Micropterus dolomieu</i>	230	9.1	214
<i>Micropterus dolomieu</i>	230	9.1	214
<i>Micropterus dolomieu</i>	242	9.5	215
<i>Micropterus dolomieu</i>	244	9.6	216
<i>Micropterus dolomieu</i>	245	9.6	219
<i>Micropterus dolomieu</i>	246	9.7	220
<i>Micropterus dolomieu</i>	248	9.8	220
<i>Micropterus dolomieu</i>	248	9.8	220
<i>Micropterus dolomieu</i>	248	9.8	220
<i>Micropterus dolomieu</i>	249	9.8	220
<i>Micropterus dolomieu</i>	250	9.8	220
<i>Micropterus dolomieu</i>	255	10.0	220
<i>Micropterus dolomieu</i>	255	10.0	222
<i>Micropterus dolomieu</i>	255	10.0	224
<i>Micropterus dolomieu</i>	255	10.0	224
<i>Micropterus dolomieu</i>	256	10.1	224
<i>Micropterus dolomieu</i>	257	10.1	224
<i>Micropterus dolomieu</i>	260	10.2	225
<i>Micropterus dolomieu</i>	265	10.4	227
<i>Micropterus dolomieu</i>	266	10.5	228
<i>Micropterus dolomieu</i>	268	10.6	229
<i>Micropterus dolomieu</i>	270	10.6	230
<i>Micropterus dolomieu</i>	270	10.6	230
<i>Micropterus dolomieu</i>	274	10.8	242
<i>Micropterus dolomieu</i>	275	10.8	244
<i>Micropterus dolomieu</i>	276	10.9	245
<i>Micropterus dolomieu</i>	277	10.9	246
<i>Micropterus dolomieu</i>	280	11.0	248
<i>Micropterus dolomieu</i>	284	11.2	248
<i>Micropterus dolomieu</i>	285	11.2	248
<i>Micropterus dolomieu</i>	285	11.2	249
<i>Micropterus dolomieu</i>	288	11.3	250
<i>Micropterus dolomieu</i>	288	11.3	255
<i>Micropterus dolomieu</i>	293	11.5	255
<i>Micropterus dolomieu</i>	295	11.6	255
<i>Micropterus dolomieu</i>	296	11.7	255
<i>Micropterus dolomieu</i>	300	11.8	256
<i>Micropterus dolomieu</i>	300	11.8	257
<i>Micropterus dolomieu</i>	310	12.2	260
<i>Micropterus dolomieu</i>	310	12.2	265
<i>Micropterus dolomieu</i>	315	12.4	266
<i>Micropterus dolomieu</i>	317	12.5	268
<i>Micropterus dolomieu</i>	322	12.7	270
<i>Micropterus dolomieu</i>	330	13.0	270
<i>Micropterus dolomieu</i>	335	13.2	274
<i>Micropterus dolomieu</i>	340	13.4	275
<i>Micropterus dolomieu</i>	340	13.4	276
<i>Micropterus dolomieu</i>	350	13.8	277
<i>Micropterus dolomieu</i>	365	14.4	280
<i>Micropterus dolomieu</i>	371	14.6	284
<i>Micropterus dolomieu</i>	395	15.6	285
			285
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			340
			340

350

365

371

395

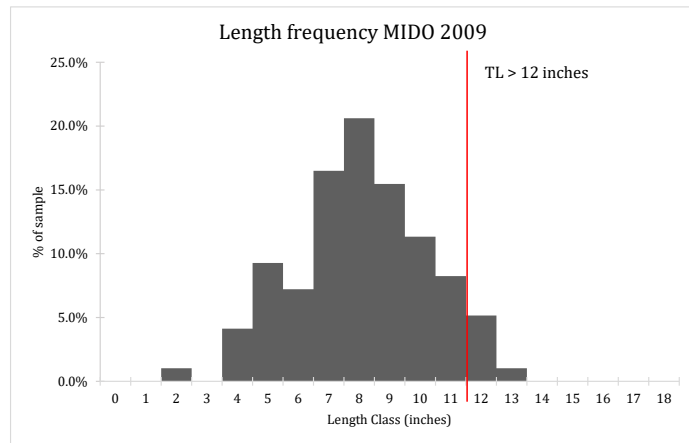
<i>Micropterus dolomieu</i>	218	8.6	210
<i>Micropterus dolomieu</i>	219	8.6	211
<i>Micropterus dolomieu</i>	220	8.7	212
<i>Micropterus dolomieu</i>	220	8.7	214
<i>Micropterus dolomieu</i>	220	8.7	215
<i>Micropterus dolomieu</i>	220	8.7	218
<i>Micropterus dolomieu</i>	220	8.7	219
<i>Micropterus dolomieu</i>	220	8.7	220
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<i>Micropterus dolomieu</i>	220	8.7	220
<i>Micropterus dolomieu</i>	221	8.7	220
<i>Micropterus dolomieu</i>	223	8.8	220
<i>Micropterus dolomieu</i>	223	8.8	220
<i>Micropterus dolomieu</i>	223	8.8	220
<i>Micropterus dolomieu</i>	224	8.8	220
<i>Micropterus dolomieu</i>	224	8.8	221
<i>Micropterus dolomieu</i>	224	8.8	223
<i>Micropterus dolomieu</i>	227	8.9	223
<i>Micropterus dolomieu</i>	227	8.9	223
<i>Micropterus dolomieu</i>	229	9.0	224
<i>Micropterus dolomieu</i>	230	9.1	224
<i>Micropterus dolomieu</i>	230	9.1	224
<i>Micropterus dolomieu</i>	230	9.1	227
<i>Micropterus dolomieu</i>	230	9.1	227
<i>Micropterus dolomieu</i>	231	9.1	229
<i>Micropterus dolomieu</i>	231	9.1	230
<i>Micropterus dolomieu</i>	232	9.1	230
<i>Micropterus dolomieu</i>	234	9.2	230
<i>Micropterus dolomieu</i>	234	9.2	230
<i>Micropterus dolomieu</i>	235	9.3	231
<i>Micropterus dolomieu</i>	235	9.3	231
<i>Micropterus dolomieu</i>	235	9.3	232
<i>Micropterus dolomieu</i>	238	9.4	234
<i>Micropterus dolomieu</i>	240	9.4	234
<i>Micropterus dolomieu</i>	240	9.4	235
<i>Micropterus dolomieu</i>	240	9.4	235
<i>Micropterus dolomieu</i>	240	9.4	235
<i>Micropterus dolomieu</i>	240	9.4	238
<i>Micropterus dolomieu</i>	240	9.4	240
<i>Micropterus dolomieu</i>	240	9.4	240
<i>Micropterus dolomieu</i>	241	9.5	240
<i>Micropterus dolomieu</i>	244	9.6	240
<i>Micropterus dolomieu</i>	244	9.6	240
<i>Micropterus dolomieu</i>	245	9.6	240
<i>Micropterus dolomieu</i>	245	9.6	240
<i>Micropterus dolomieu</i>	245	9.6	241
<i>Micropterus dolomieu</i>	245	9.6	244
<i>Micropterus dolomieu</i>	246	9.7	244
<i>Micropterus dolomieu</i>	246	9.7	245
<i>Micropterus dolomieu</i>	247	9.7	245
<i>Micropterus dolomieu</i>	248	9.8	245
<i>Micropterus dolomieu</i>	248	9.8	245
<i>Micropterus dolomieu</i>	250	9.8	246
<i>Micropterus dolomieu</i>	250	9.8	246
<i>Micropterus dolomieu</i>	250	9.8	247
<i>Micropterus dolomieu</i>	250	9.8	248
<i>Micropterus dolomieu</i>	251	9.9	248
<i>Micropterus dolomieu</i>	251	9.9	250
<i>Micropterus dolomieu</i>	251	9.9	250
<i>Micropterus dolomieu</i>	255	10.0	250
<i>Micropterus dolomieu</i>	255	10.0	250
<i>Micropterus dolomieu</i>	258	10.2	251
<i>Micropterus dolomieu</i>	259	10.2	251
<i>Micropterus dolomieu</i>	259	10.2	251
<i>Micropterus dolomieu</i>	260	10.2	255
<i>Micropterus dolomieu</i>	262	10.3	255
<i>Micropterus dolomieu</i>	266	10.5	258
<i>Micropterus dolomieu</i>	268	10.6	259
<i>Micropterus dolomieu</i>	270	10.6	259
<i>Micropterus dolomieu</i>	271	10.7	260
<i>Micropterus dolomieu</i>	272	10.7	262
<i>Micropterus dolomieu</i>	274	10.8	266
<i>Micropterus dolomieu</i>	285	11.2	268
<i>Micropterus dolomieu</i>	287	11.3	270
<i>Micropterus dolomieu</i>	291	11.5	271
<i>Micropterus dolomieu</i>	292	11.5	272
<i>Micropterus dolomieu</i>	294	11.6	274
<i>Micropterus dolomieu</i>	300	11.8	285
<i>Micropterus dolomieu</i>	300	11.8	287
<i>Micropterus dolomieu</i>	310	12.2	291
<i>Micropterus dolomieu</i>	320	12.6	292
<i>Micropterus dolomieu</i>	323	12.7	294

<i>Micropterus dolomieu</i>	337	13.3	300
<i>Micropterus dolomieu</i>	342	13.5	300
<i>Micropterus dolomieu</i>	350	13.8	310
<i>Micropterus dolomieu</i>	351	13.8	320
<i>Micropterus dolomieu</i>	355	14.0	323
<i>Micropterus dolomieu</i>	355	14.0	337
<i>Micropterus dolomieu</i>	365	14.4	342
<i>Micropterus dolomieu</i>	371	14.6	350
<i>Micropterus dolomieu</i>	398	15.7	351
<i>Micropterus dolomieu</i>	410	16.1	355
			355
			365
			371
			398
			410
	174		

2009		
Species	Length inches	
<i>Micropterus dolomieu</i>	65	2.6
<i>Micropterus dolomieu</i>	120	4.7
<i>Micropterus dolomieu</i>	121	4.8
<i>Micropterus dolomieu</i>	125	4.9
<i>Micropterus dolomieu</i>	125	4.9
<i>Micropterus dolomieu</i>	130	5.1
<i>Micropterus dolomieu</i>	133	5.2
<i>Micropterus dolomieu</i>	135	5.3
<i>Micropterus dolomieu</i>	136	5.4
<i>Micropterus dolomieu</i>	140	5.5
<i>Micropterus dolomieu</i>	143	5.6
<i>Micropterus dolomieu</i>	145	5.7
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	155	6.1
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	160	6.3
<i>Micropterus dolomieu</i>	162	6.4
<i>Micropterus dolomieu</i>	170	6.7
<i>Micropterus dolomieu</i>	170	6.7
<i>Micropterus dolomieu</i>	175	6.9
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	191	7.5
<i>Micropterus dolomieu</i>	194	7.6
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	196	7.7
<i>Micropterus dolomieu</i>	198	7.8
<i>Micropterus dolomieu</i>	199	7.8
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	208	8.2
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	219	8.6
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	225	8.9
<i>Micropterus dolomieu</i>	225	8.9
<i>Micropterus dolomieu</i>	226	8.9
<i>Micropterus dolomieu</i>	227	8.9
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	235	9.3
<i>Micropterus dolomieu</i>	235	9.3
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	243	9.6
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	255	10.0
<i>Micropterus dolomieu</i>	255	10.0
<i>Micropterus dolomieu</i>	258	10.2
<i>Micropterus dolomieu</i>	260	10.2
<i>Micropterus dolomieu</i>	265	10.4
<i>Micropterus dolomieu</i>	265	10.4
<i>Micropterus dolomieu</i>	265	10.4
<i>Micropterus dolomieu</i>	265	10.4

2009 inches			
	n	%	
	0	0	0.0%
	1	0	0.0%
	2	1	1.0%
	3	0	0.0%
	4	4	4.1%
	5	9	9.3%
	6	7	7.2%
	7	16	16.5%
	8	20	20.6%
	9	15	15.5%
	10	11	11.3%
	11	8	8.2%
	12	5	5.2%
	13	1	1.0%
	14	0	0.0%
	15	0	0.0%
	16	0	0.0%
	17	0	0.0%
	18	0	0.0%

6.2% 97 100.0%

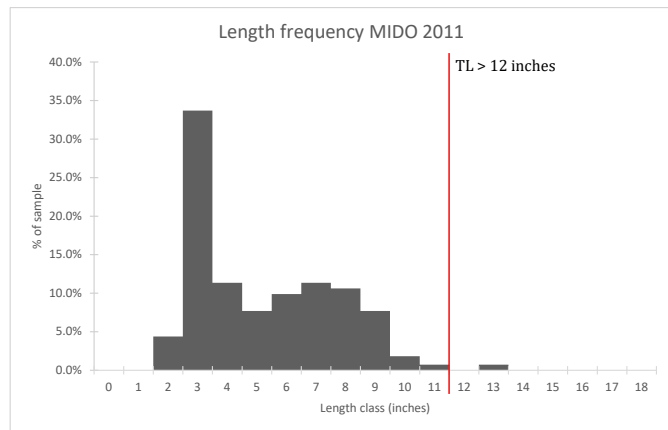


<i>Micropterus dolomieu</i>	270	10.6
<i>Micropterus dolomieu</i>	275	10.8
<i>Micropterus dolomieu</i>	275	10.8
<i>Micropterus dolomieu</i>	285	11.2
<i>Micropterus dolomieu</i>	285	11.2
<i>Micropterus dolomieu</i>	290	11.4
<i>Micropterus dolomieu</i>	290	11.4
<i>Micropterus dolomieu</i>	294	11.6
<i>Micropterus dolomieu</i>	295	11.6
<i>Micropterus dolomieu</i>	295	11.6
<i>Micropterus dolomieu</i>	295	11.6
<i>Micropterus dolomieu</i>	305	12.0
<i>Micropterus dolomieu</i>	305	12.0
<i>Micropterus dolomieu</i>	305	12.0
<i>Micropterus dolomieu</i>	305	12.0
<i>Micropterus dolomieu</i>	315	12.4
<i>Micropterus dolomieu</i>	345	13.6

[illegible]

2011 inches		
	n	%
0	0	0.0%
1	0	0.0%
2	12	4.4%
3	92	33.7%
4	31	11.4%
5	21	7.7%
6	27	9.9%
7	31	11.4%
8	29	10.6%
9	21	7.7%
10	5	1.8%
11	2	0.7%
12	0	0.0%
13	2	0.7%
14	0	0.0%
15	0	0.0%
16	0	0.0%
17	0	0.0%
18	0	0.0%

0.73% 100.0%



TL > 12 inches

[illegible]

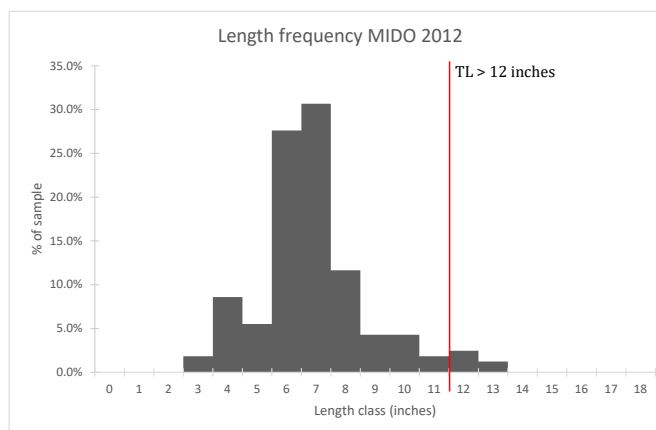
[illegible]

<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	260	10.2
<i>Micropterus dolomieu</i>	260	10.2
<i>Micropterus dolomieu</i>	265	10.4
<i>Micropterus dolomieu</i>	270	10.6
<i>Micropterus dolomieu</i>	275	10.8
<i>Micropterus dolomieu</i>	280	11.0
<i>Micropterus dolomieu</i>	280	11.0
<i>Micropterus dolomieu</i>	330	13.0
<i>Micropterus dolomieu</i>	345	13.6

[illegible]

2012 inches		
	n	%
0	0	0.0%
1	0	0.0%
2	0	0.0%
3	3	1.8%
4	14	8.6%
5	9	5.5%
6	45	27.6%
7	50	30.7%
8	19	11.7%
9	7	4.3%
10	7	4.3%
11	3	1.8%
12	4	2.5%
13	2	1.2%
14	0	0.0%
15	0	0.0%
16	0	0.0%
17	0	0.0%
18	0	0.0%

3.7%	100.0%
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<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	180	7.1
<i>Micropterus dolomieu</i>	184	7.2
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	185	7.3
<i>Micropterus dolomieu</i>	187	7.4
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	190	7.5
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	195	7.7
<i>Micropterus dolomieu</i>	196	7.7
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	200	7.9
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	205	8.1
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	210	8.3
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	215	8.5
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	225	8.9
<i>Micropterus dolomieu</i>	225	8.9
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	230	9.1
<i>Micropterus dolomieu</i>	235	9.3
<i>Micropterus dolomieu</i>	235	9.3
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	250	9.8
<i>Micropterus dolomieu</i>	252	9.9
<i>Micropterus dolomieu</i>	255	10.0
<i>Micropterus dolomieu</i>	255	10.0
<i>Micropterus dolomieu</i>	265	10.4
<i>Micropterus dolomieu</i>	270	10.6
<i>Micropterus dolomieu</i>	270	10.6
<i>Micropterus dolomieu</i>	275	10.8
<i>Micropterus dolomieu</i>	275	10.8
<i>Micropterus dolomieu</i>	280	11.0
<i>Micropterus dolomieu</i>	280	11.0
<i>Micropterus dolomieu</i>	295	11.6
<i>Micropterus dolomieu</i>	305	12.0
<i>Micropterus dolomieu</i>	310	12.2
<i>Micropterus dolomieu</i>	320	12.6
<i>Micropterus dolomieu</i>	325	12.8
<i>Micropterus dolomieu</i>	340	13.4
<i>Micropterus dolomieu</i>	345	13.6

2014		
Species	Length_inches	
<i>Micropterus dolomieu</i>	81	3.2
<i>Micropterus dolomieu</i>	82	3.2
<i>Micropterus dolomieu</i>	82	3.2
<i>Micropterus dolomieu</i>	83	3.3
<i>Micropterus dolomieu</i>	83	3.3
<i>Micropterus dolomieu</i>	86	3.4
<i>Micropterus dolomieu</i>	86	3.4
<i>Micropterus dolomieu</i>	87	3.4
<i>Micropterus dolomieu</i>	87	3.4
<i>Micropterus dolomieu</i>	91	3.6
<i>Micropterus dolomieu</i>	91	3.6
<i>Micropterus dolomieu</i>	92	3.6
<i>Micropterus dolomieu</i>	92	3.6
<i>Micropterus dolomieu</i>	92	3.6
<i>Micropterus dolomieu</i>	93	3.7
<i>Micropterus dolomieu</i>	93	3.7
<i>Micropterus dolomieu</i>	93	3.7
<i>Micropterus dolomieu</i>	93	3.7
<i>Micropterus dolomieu</i>	94	3.7
<i>Micropterus dolomieu</i>	95	3.7
<i>Micropterus dolomieu</i>	96	3.8
<i>Micropterus dolomieu</i>	97	3.8
<i>Micropterus dolomieu</i>	98	3.9
<i>Micropterus dolomieu</i>	98	3.9
<i>Micropterus dolomieu</i>	100	3.9
<i>Micropterus dolomieu</i>	100	3.9
<i>Micropterus dolomieu</i>	101	4.0
<i>Micropterus dolomieu</i>	102	4.0
<i>Micropterus dolomieu</i>	102	4.0
<i>Micropterus dolomieu</i>	102	4.0
<i>Micropterus dolomieu</i>	103	4.1
<i>Micropterus dolomieu</i>	103	4.1
<i>Micropterus dolomieu</i>	103	4.1
<i>Micropterus dolomieu</i>	103	4.1
<i>Micropterus dolomieu</i>	103	4.1
<i>Micropterus dolomieu</i>	104	4.1
<i>Micropterus dolomieu</i>	104	4.1
<i>Micropterus dolomieu</i>	107	4.2
<i>Micropterus dolomieu</i>	109	4.3
<i>Micropterus dolomieu</i>	110	4.3
<i>Micropterus dolomieu</i>	110	4.3
<i>Micropterus dolomieu</i>	110	4.3
<i>Micropterus dolomieu</i>	110	4.3
<i>Micropterus dolomieu</i>	111	4.4
<i>Micropterus dolomieu</i>	111	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	116	4.6
<i>Micropterus dolomieu</i>	116	4.6
<i>Micropterus dolomieu</i>	118	4.6
<i>Micropterus dolomieu</i>	119	4.7
<i>Micropterus dolomieu</i>	119	4.7
<i>Micropterus dolomieu</i>	120	4.7
<i>Micropterus dolomieu</i>	121	4.8
<i>Micropterus dolomieu</i>	122	4.8
<i>Micropterus dolomieu</i>	122	4.8
<i>Micropterus dolomieu</i>	122	4.8
<i>Micropterus dolomieu</i>	123	4.8
<i>Micropterus dolomieu</i>	124	4.9
<i>Micropterus dolomieu</i>	124	4.9
<i>Micropterus dolomieu</i>	127	5.0
<i>Micropterus dolomieu</i>	129	5.1
<i>Micropterus dolomieu</i>	132	5.2
<i>Micropterus dolomieu</i>	137	5.4
<i>Micropterus dolomieu</i>	141	5.6
<i>Micropterus dolomieu</i>	141	5.6
<i>Micropterus dolomieu</i>	141	5.6
<i>Micropterus dolomieu</i>	141	5.6
<i>Micropterus dolomieu</i>	142	5.6
<i>Micropterus dolomieu</i>	142	5.6
<i>Micropterus dolomieu</i>	143	5.6
<i>Micropterus dolomieu</i>	146	5.7
<i>Micropterus dolomieu</i>	146	5.7
<i>Micropterus dolomieu</i>	146	5.7
<i>Micropterus dolomieu</i>	149	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	150	5.9
<i>Micropterus dolomieu</i>	151	5.9
<i>Micropterus dolomieu</i>	152	6.0
<i>Micropterus dolomieu</i>	152	6.0
<i>Micropterus dolomieu</i>	152	6.0
<i>Micropterus dolomieu</i>	153	6.0

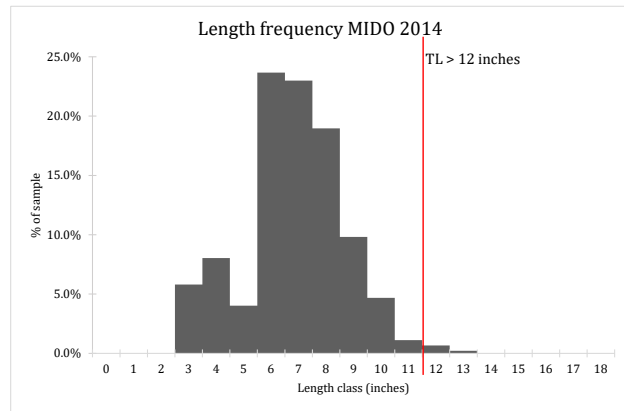
2014 inches		
	n	%
0	0	0.0%
1	0	0.0%
2	0	0.0%
3	26	5.8%
4	36	8.0%
5	18	4.0%
6	106	23.7%
7	103	23.0%
8	85	19.0%
9	44	9.8%
10	21	4.7%
11	5	1.1%
12	3	0.7%
13	1	0.2%
14	0	0.0%
15	0	0.0%
16	0	0.0%
17	0	0.0%
18	0	0.0%

0.89% 100.0%

26

36

18



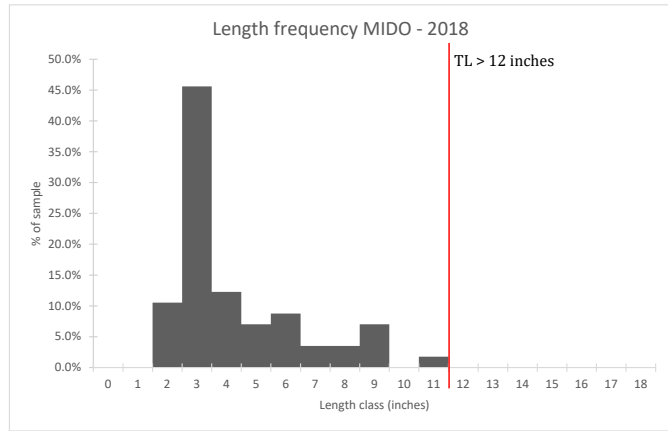
[illegible]

<i>Micropterus dolomieu</i>	262	10.3	
<i>Micropterus dolomieu</i>	263	10.4	
<i>Micropterus dolomieu</i>	267	10.5	
<i>Micropterus dolomieu</i>	271	10.7	
<i>Micropterus dolomieu</i>	271	10.7	
<i>Micropterus dolomieu</i>	271	10.7	
<i>Micropterus dolomieu</i>	272	10.7	
<i>Micropterus dolomieu</i>	273	10.7	
<i>Micropterus dolomieu</i>	278	10.9	
<i>Micropterus dolomieu</i>	278	10.9	
<i>Micropterus dolomieu</i>	278	10.9	21
<i>Micropterus dolomieu</i>	287	11.3	
<i>Micropterus dolomieu</i>	290	11.4	
<i>Micropterus dolomieu</i>	290	11.4	
<i>Micropterus dolomieu</i>	290	11.4	
<i>Micropterus dolomieu</i>	292	11.5	5
<i>Micropterus dolomieu</i>	313	12.3	
<i>Micropterus dolomieu</i>	316	12.4	
<i>Micropterus dolomieu</i>	318	12.5	3
<i>Micropterus dolomieu</i>	332	13.1	1

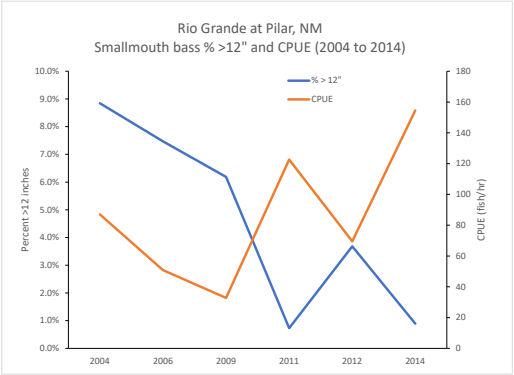
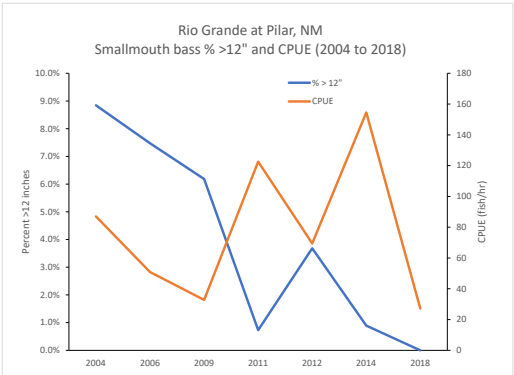
2018		
Species	Length	inches
<i>Micropterus dolomieu</i>	55	2.2
<i>Micropterus dolomieu</i>	66	2.6
<i>Micropterus dolomieu</i>	67	2.6
<i>Micropterus dolomieu</i>	69	2.7
<i>Micropterus dolomieu</i>	72	2.8
<i>Micropterus dolomieu</i>	74	2.9
<i>Micropterus dolomieu</i>	75	3.0
<i>Micropterus dolomieu</i>	76	3.0
<i>Micropterus dolomieu</i>	80	3.1
<i>Micropterus dolomieu</i>	82	3.2
<i>Micropterus dolomieu</i>	84	3.3
<i>Micropterus dolomieu</i>	84	3.3
<i>Micropterus dolomieu</i>	85	3.3
<i>Micropterus dolomieu</i>	87	3.4
<i>Micropterus dolomieu</i>	89	3.5
<i>Micropterus dolomieu</i>	89	3.5
<i>Micropterus dolomieu</i>	90	3.5
<i>Micropterus dolomieu</i>	90	3.5
<i>Micropterus dolomieu</i>	90	3.5
<i>Micropterus dolomieu</i>	91	3.6
<i>Micropterus dolomieu</i>	91	3.6
<i>Micropterus dolomieu</i>	92	3.6
<i>Micropterus dolomieu</i>	93	3.7
<i>Micropterus dolomieu</i>	95	3.7
<i>Micropterus dolomieu</i>	96	3.8
<i>Micropterus dolomieu</i>	97	3.8
<i>Micropterus dolomieu</i>	97	3.8
<i>Micropterus dolomieu</i>	97	3.8
<i>Micropterus dolomieu</i>	98	3.9
<i>Micropterus dolomieu</i>	98	3.9
<i>Micropterus dolomieu</i>	98	3.9
<i>Micropterus dolomieu</i>	100	3.9
<i>Micropterus dolomieu</i>	101	4.0
<i>Micropterus dolomieu</i>	104	4.1
<i>Micropterus dolomieu</i>	105	4.1
<i>Micropterus dolomieu</i>	110	4.3
<i>Micropterus dolomieu</i>	112	4.4
<i>Micropterus dolomieu</i>	113	4.4
<i>Micropterus dolomieu</i>	120	4.7
<i>Micropterus dolomieu</i>	130	5.1
<i>Micropterus dolomieu</i>	143	5.6
<i>Micropterus dolomieu</i>	144	5.7
<i>Micropterus dolomieu</i>	151	5.9
<i>Micropterus dolomieu</i>	156	6.1
<i>Micropterus dolomieu</i>	162	6.4
<i>Micropterus dolomieu</i>	165	6.5
<i>Micropterus dolomieu</i>	173	6.8
<i>Micropterus dolomieu</i>	176	6.9
<i>Micropterus dolomieu</i>	184	7.2
<i>Micropterus dolomieu</i>	192	7.6
<i>Micropterus dolomieu</i>	217	8.5
<i>Micropterus dolomieu</i>	220	8.7
<i>Micropterus dolomieu</i>	234	9.2
<i>Micropterus dolomieu</i>	240	9.4
<i>Micropterus dolomieu</i>	242	9.5
<i>Micropterus dolomieu</i>	245	9.6
<i>Micropterus dolomieu</i>	287	11.3

2018 inches		
	n	%
0	0	0.0%
1	0	0.0%
2	6	10.5%
3	26	45.6%
4	7	12.3%
5	4	7.0%
6	5	8.8%
7	2	3.5%
8	2	3.5%
9	4	7.0%
10	0	0.0%
11	1	1.8%
12	0	0.0%
13	0	0.0%
14	0	0.0%
15	0	0.0%
16	0	0.0%
17	0	0.0%
18	0	0.0%

57 0.00% 100.0%



	% > 12"	CPUE
2004	8.8%	86.98
2006	7.5%	50.85
2009	6.2%	32.78
2011	0.73%	122.62
2012	3.7%	69.49
2014	0.89%	154.55
2018	0.0%	27.17



YEAR	N	MEAN SAMPLE Wt	80% CI ±
2006	172	94.31	1.89
2009	69	93.37	1.64
2014	448	107.51	3.63
2018	57	111.04	1.22

2006			
Size Class	N	Mean Wr	80% CI ±
Substock	23	101.42	7.76
Stock	129	94.07	0.83
Quality	22	88.03	1.94
Preferred	1	81.95	NA

2009			
Size Class	N	Mean Wr	80% CI ±
Substock	5	109.46	5.2
Stock	42	93.08	1.97
Quality	10	86.52	2.18

2010			
Size Class	N	Mean Wr	80% CI ±
Substock	1	81.04	NA
Stock			
Quality			

2014			
Size Class	N	Mean Wr	80% CI ±
Substock	130	112.05	10.78
Stock	227	105.02	1.9
Quality	7	104.09	9.93

2018			
Size Class	N	Mean Wr	80% CI ±
Substock	6	114.18	2.2
Stock	8	109.94	4.02
Quality	1	100.95	NA

2006				
Length (mm)	Weight (g)	Ws	Wr	
115	14	1.27	18.42	76.01
120	32	1.32	21.10	151.62
120	25	1.32	21.10	118.46
121	26	1.34	21.67	119.97
123	27	1.36	22.84	118.21
124	6	1.37	23.44	25.60
124	5	1.37	23.44	21.33
124	25	1.37	23.44	106.66
127	24	1.40	25.30	94.85
127	32	1.40	25.30	126.47
134	37	1.48	30.04	123.16
138	41	1.52	33.01	124.21
146	38	1.60	39.53	96.13
146	42	1.60	39.53	106.25
153	46	1.66	45.92	100.17
154	52	1.67	46.89	110.90
160	56	1.72	52.99	105.68
161	47	1.73	54.06	86.95
170	68	1.81	64.33	105.70
172	65	1.82	66.79	97.32
175	69	1.85	70.59	97.75
176	82	1.86	71.89	114.07
177	77	1.86	73.20	105.19
180	79	1.89	77.25	102.27
180	75	1.89	77.25	97.09
181	66	1.90	78.63	83.94
181	70	1.90	78.63	89.03
181	79	1.90	78.63	100.47
181	67	1.90	78.63	85.21
181	75	1.90	78.63	95.39
183	78	1.91	81.44	95.77
184	82	1.92	82.87	98.95
184	90	1.92	82.87	108.60
185	76	1.93	84.32	90.13
186	80	1.93	85.79	93.25
190	95	1.96	91.84	103.45
190	101	1.96	91.84	109.98
190	93	1.96	91.84	101.27
190	93	1.96	91.84	101.27
191	91	1.97	93.39	97.44
192	99	1.98	94.97	104.25
193	86	1.98	96.56	89.07
194	97	1.99	98.17	98.81
194	105	1.99	98.17	106.96
194	94	1.99	98.17	95.76
194	107	1.99	98.17	109.00
195	102	2.00	99.80	102.21
195	92	2.00	99.80	92.19
195	97	2.00	99.80	97.20
195	96	2.00	99.80	96.20
198	87	2.02	104.79	83.02
199	91	2.03	106.50	85.45
200	106	2.03	108.22	97.95
200	92	2.03	108.22	85.01
202	105	2.05	111.72	93.99
203	110	2.05	113.50	96.92
205	90	2.07	117.11	76.85
205	103	2.07	117.11	87.95
205	112	2.07	117.11	95.63
205	112	2.07	117.11	95.63
206	102	2.08	118.95	85.75
208	103	2.09	122.69	83.95
210	104	2.10	126.50	82.21
210	114	2.10	126.50	90.12
210	92	2.10	126.50	72.73
210	108	2.10	126.50	85.37
210	109	2.10	126.50	86.16
210	100	2.10	126.50	79.05
211	123	2.11	128.44	95.76
212	122	2.12	130.40	93.56
214	117	2.13	134.38	87.07
214	114	2.13	134.38	84.84
215	119	2.13	136.40	87.25
217	279	2.15	140.50	198.58
218	110	2.15	142.58	77.15
219	135	2.16	144.68	93.31
220	132	2.17	146.81	89.91
220	145	2.17	146.81	98.77
220	125	2.17	146.81	85.14
220	136	2.17	146.81	92.64

Mean Wr
101.42

Mean	101.42
Standard Deviation (S)	29.02
80% Z-Score	1.282
Count	23
Margin of Error	7.76
Mean +	109.18
Mean -	93.66

Mean Wr
94.07

Mean	94.07
Standard Deviation (S)	7.37
80% Z-Score	1.282
Count	129
Margin of Error	0.83
Mean +	94.90
Mean -	93.24

220	108	2.17	146.81	73.56
220	148	2.17	146.81	100.81
220	168	2.17	146.81	114.43
220	138	2.17	146.81	94.00
221	135	2.17	148.96	90.63
223	305	2.19	153.31	198.94
223	155	2.19	153.31	101.10
224	125	2.19	155.52	80.37
224	133	2.19	155.52	85.52
224	124	2.19	155.52	79.73
224	185	2.19	155.52	118.95
225	137	2.20	157.76	86.84
227	149	2.21	162.29	91.81
227	152	2.21	162.29	93.66
229	140	2.22	166.91	83.88
230	142	2.23	169.25	83.90
230	148	2.23	169.25	87.44
230	142	2.23	169.25	83.90
230	174	2.23	169.25	102.81
230	162	2.23	169.25	95.72
231	169	2.23	171.62	98.48
231	148	2.23	171.62	86.24
232	149	2.24	174.00	85.63
234	320	2.25	178.85	178.92
234	164	2.25	178.85	91.70
235	174	2.26	181.31	95.97
235	152	2.26	181.31	83.84
238	180	2.28	188.82	95.33
240	165	2.29	193.94	85.08
240	180	2.29	193.94	92.81
240	192	2.29	193.94	99.00
240	194	2.29	193.94	100.03
240	173	2.29	193.94	89.20
240	172	2.29	193.94	88.69
240	149	2.29	193.94	76.83
241	169	2.29	196.54	85.99
244	190	2.31	204.48	92.92
244	185	2.31	204.48	90.47
245	170	2.32	207.17	82.06
245	180	2.32	207.17	86.88
245	177	2.32	207.17	85.44
245	230	2.32	207.17	111.02
246	174	2.32	209.89	82.90
246	193	2.32	209.89	91.95
246	212	2.32	209.89	101.01
246	190	2.32	209.89	90.52
247	161	2.33	212.63	75.72
248	204	2.33	215.40	94.71
248	190	2.33	215.40	88.21
250	230	2.34	221.01	104.07
250	180	2.34	221.01	81.45
250	181	2.34	221.01	81.90
250	179	2.34	221.01	80.99
251	199	2.35	223.85	88.90
251	193	2.35	223.85	86.22
251	195	2.35	223.85	87.11
255	189	2.37	235.47	80.27
255	207	2.37	235.47	87.91
255	204	2.37	235.47	86.64
259	350	2.39	247.49	141.42
259	222	2.39	247.49	89.70
260	170	2.40	250.56	67.85
262	232	2.41	256.78	90.35
265	251	2.43	266.31	94.25
266	235	2.43	269.54	87.19
268	243	2.44	276.08	88.02
268	226	2.44	276.08	81.86
268	240	2.44	276.08	86.93
270	260	2.45	282.72	91.96
271	324	2.46	286.09	113.25
272	260	2.46	289.48	89.82
274	292	2.47	296.35	98.53
285	305	2.53	336.13	90.74
287	322	2.54	343.73	93.68
290	308	2.55	355.36	86.67
290	317	2.55	355.36	89.20
291	335	2.56	359.30	93.24
292	292	2.56	363.27	80.38
294	311	2.57	371.29	83.76
300	365	2.60	396.08	92.15
300	330	2.60	396.08	83.32
310	333	2.64	439.90	75.70
318	481	2.68	477.27	100.78

Mean Wr	
	88.03

Mean	88.03
Standard Deviation (S)	7.10
80% Z-Score	1.282
Count	22
Margin of Error	1.94
Mean +	89.97
Mean -	86.09

320	484	2.69	486.95	99.40
337	466	2.76	574.67	81.09
342	468	2.78	602.40	77.69
350	550	2.81	648.66	84.79
351	618	2.82	654.61	94.41
355	643	2.83	678.78	94.73
365	653	2.87	741.89	88.02
371	647	2.89	781.62	82.78
398	802	2.99	978.65	81.95

Mean TL	Mean W
224.3	171.31

Mean Wr
94.31

172

Mean Wr
93.94

Mean	93.94
Standard Deviation (S)	19.32
80% Z-Score	1.282
Count	172
Margin of Error	1.89
Mean +	95.83
Mean -	92.05

From: [New Mexico Department of Game & Fish](#)
To: [Frey, Eric, DGF](#)
Subject: [EXT] Fisheries rule changes topic of public meetings
Date: Monday, April 26, 2021 10:10:03 AM

news banner bw logo



New Mexico Department of Game and Fish
Public contact, Information Center: (888) 248-6866
Media contact, Tristanna Bickford: (505) 476-8027
tristanna.bickford@state.nm.us

FOR IMMEDIATE RELEASE, APRIL 26, 2021:

Fisheries rule changes topic of public meetings

SANTA FE – The Department of Game and Fish is seeking public comment on proposed revisions to the Fisheries, Manner and Method and Commercial Use of Fish rules.

The proposals are available on the Department's [proposals under consideration](#) webpage.

To provide information on proposed changes and gather public comments, two public meetings will be conducted via Zoom. The meetings will be held May 19 and May 20 from 6 to 7:30 p.m.

[Click here to register for the May 19 webinar.](#)

[Click here to register for the May 20 webinar.](#)

Presentation slides will be posted on the Department's [proposals under consideration](#) webpage prior to the meetings so attendees can follow along. If you do not have access to the website to view the presentation, please email DGF-FisheriesRule@state.nm.us or call (505) 470-8102 to make arrangements to acquire a copy of the presentation.

Comments on the proposed changes can be provided by mail: New Mexico Department of Game and Fish, Attn: Fisheries Rule Development, P.O. Box 25112, Santa Fe, NM 87504; by email, DGF-FisheriesRule@state.nm.us or at the meetings listed above.

###



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This email was sent to eric.frey@state.nm.us using GovDelivery Communications Cloud on behalf of: New Mexico Department of Game & Fish · PO Box 25112 · Santa Fe, NM 87504 · (505) 476-8000



From: [r.r](#)
To: [DGF-FisheriesRule](#)
Subject: [EXT] Fishery Rule Changes
Date: Thursday, April 29, 2021 12:54:49 PM

To NMDGF Fishery Directors
From Robert Ruediger

Removing the minimum size limit from walleye and smallmouth bass is going to cause a reduction of species. There is NO reason Anyone should be keeping small fish of any species. I enjoy eating fried fish as much as the next person but, the amount of "meat" on a small walleye or bass is not worth keep it. Set it free so the next person can catch it. This is a BAD suggestion, in my opinion

I would like to see a rule that prevents keeping Game Fish during spawning season. Most states have rules that limit fishing during this period. The quantity and possible quality of fish will increase in NM waters which will also lessen the need for NMDGF to restock the lakes.

I am overly concerned about the status of NM lakes. The lack of rain and snowpack has devastated the western half of the US. This is an uncontrollable issue. What is controllable is the amount of water released from the lakes and reservoirs and pumping water from flood areas like Mississippi River and Louisiana into NM and beyond. If oil can be pumped from one end of Alaska to the other, from Canada to Gulf of Mexico, why can't water be pumped from the Mississippi westward to aid the west's depleted water supply and ease the potential flooding out east?

Sent from [Mail](#) for Windows 10

From: [Travis](#)
To: [DGF-FisheriesRule](#)
Subject: [EXT] Fishing Proposals
Date: Monday, April 26, 2021 11:25:23 AM

Hello,

I would like to comment on the recommended fishing proposals. I'm in favor of all proposals! However, I was hoping to get something added.

I noticed you are proposing eliminated the 12 inch smallmouth bass restriction in the Rio Grande, which I'm in favor of. I think that should be extended to ALL rivers in NM for smallmouth and keep the 12 inch size limit for reservoirs only. We love to fish the Gila river for smallmouth and it's really hard to get a bass over 12 inches to keep for dinner. I think removing this restriction would also be good for the trout population and possible Gila trout recovery if there were less bass in there to compete with.

Thanks for hearing my comments!

Thanks,
Travis

From: [Mike Coffman](#)
To: [DGF-FisheriesRule](#)
Subject: [EXT] fishing
Date: Tuesday, April 27, 2021 3:17:04 PM

To who it may concern,
I do not think changing the fishing rules really matter.. The lakes in NM have no water in them and the ones that do you drain. Elephant butte for example. Why Don't you work on those rules first.

Mike D. Coffman
M&D Exterminators Corporation

From: [Southard, Erik Y](#)
To: [DGF-FisheriesRule](#)
Subject: [EXT] License Age increase
Date: Monday, April 26, 2021 12:57:02 PM

As the rule is now when you reach the age of 12 years of age you are required to have a fishing license. Which for a lot of families is a financial hardship, and generally a child will not have an opportunity to fish after the age of 12 because of that expense. Paying rent or groceries will always trump a fee for a license for a child. And to charge for a child (minor) to fish is only a money opportunity for the Game & Fish dept.

Neighboring states (Texas as an example) have an age of 17 before your child needs to purchase a fishing license. Which makes more sense. It encourages more youths to be outside and learning a more healthy lifestyle than being on a computer all day in the house. And it doesn't strap financially burdened parents who are already taxed every way possible.

This will help families, this will help children form a healthy fun hobby. And Game and Fish will benefit because these children that get left out now because of the price of a license. They will become life long license buyers because they were free to fish the years when they can get out and do it themselves and form life long passions like fishing.

Please consider the children like other states do. Raise the license age to 17. And please consider some breaks on license fees for life long residents that are loyal and faithful game and fish customers.

Thank You
Erik Southard
Life long resident of NM
575-914-8173

Sent from my iPhone

From: [Russell Church](#)
To: [Frey, Eric, DGF](#)
Subject: [EXT] RE: Potential fishing rule changes to Red River City Ponds
Date: Thursday, March 18, 2021 1:27:42 PM

Eric,

With the increase in the bag limit, will that mean more fish will be added from the state when you stock? The ponds are very busy in the summer months.

The Marshals office has no problem with the proposed change, especially if we can get new signs.

Russell Church
Town of Red River
Grant Administrator
Environmental Compliance Manager
575-754-2277 Office
575-770-7137 Mobile

From: Tim Boren <tboren@redriver.org>
Sent: Monday, March 15, 2021 11:35 AM
To: Russell Church <rchurch@redriver.org>; Snider Sloan <ssloan@redriver.org>
Cc: Georgiana Rael <grael@redriver.org>; Linda Calhoun <lcalhoun@redriver.org>; Sloan Covington <scovington@redriver.org>
Subject: Re: Potential fishing rule changes to Red River City Ponds

I have no problem with this at all....especially if we can get new signs. Our main source of confusion is the signage.

From: Russell Church <rchurch@redriver.org>
Sent: Monday, March 15, 2021 11:26 AM
To: Tim Boren <tboren@redriver.org>; Snider Sloan <ssloan@redriver.org>
Cc: Georgiana Rael <grael@redriver.org>; Linda Calhoun <lcalhoun@redriver.org>; Sloan Covington <scovington@redriver.org>
Subject: FW: Potential fishing rule changes to Red River City Ponds

I've been working with Eric on a project, and he ask me about the following below. Tim, I figured you and your deputies deal with this more than others, do you have any thoughts on the proposed changes? NMDGF wants the changes to be across the board for all fishing ponds in the state. Beginning next year, April 1, 2022.

It looks like we would be able to get signs out of this change.

Russell Church
Town of Red River

Grant Administrator
Environmental Compliance Manager
575-754-2277 Office
575-770-7137 Mobile

From: Frey, Eric, DGF <eric.frey@state.nm.us>
Sent: Wednesday, March 10, 2021 9:28 AM
To: Russell Church <rchurch@redriver.org>
Subject: Potential fishing rule changes to Red River City Ponds

Hello Russell,

As I mention over the phone a couple weeks ago we review our fishing regulations every four years. We are trying to streamline regulations to reduce confusion to anglers. We are considering changes to some of the bag limits and age restriction waters. A couple changes that we are considering to the Red River City Ponds include:

- Increasing the bag limit from 3 trout to 5 trout. This would make the ponds consistent with the statewide bag limit for trout.
- Adding “65 years and older” age group and reducing “12 years and younger” to “11 years and younger” at the kid’s pond. We are trying to fit all the age restriction waters into two groups (below). The Red River City Ponds already allow “individuals with disabilities” and seems to fit the second group below.
 - 11 years and younger
 - 11 years and younger, individuals with disabilities, and 65 years and older

Please let me know if you or anyone at the City has any comments or questions. I’d be happy to meet with you or anyone else to describe the possible changes. I know this will require some new signage and I’m sure NMDGF would be willing to help pay for signs. We’ll be developing the proposed changes this spring and seeking public comment over the summer, but before we seek public comment we’d like to engage our partners. Any proposed changes adopted by the State Game Commission would take effect April 1, 2022.

Thanks.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish
PO Box 25112
Santa Fe, NM 87504
505-476-8102 office
505-259-4441 cell

CONSERVING NEW MEXICO’S WILDLIFE FOR FUTURE GENERATIONS

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From: [Lang, Kathy](#)
To: [Frey, Eric, DGF](#)
Subject: [EXT] RE: Tingley stockings and regulations
Date: Thursday, April 22, 2021 5:19:56 PM
Attachments: [image003.png](#)

Hi Eric,

Thank you very much for checking in with me about the potential regulation changes. I apologize for the delay in responding.

I don't have any problems with the proposed changes. It makes sense to me to have the regulations at Tingley in line with those at other locations around the state.

Thanks again,

Kathy

Kathy Lang

Aquatic Conservation and Operations Manager
ABQ BioPark
2601 Central Ave NW
Albuquerque, NM 87104
505-366-7498



From: Frey, Eric, DGF [mailto:eric.frey@state.nm.us]
Sent: Thursday, April 15, 2021 9:02 AM
To: Lang, Kathy
Subject: RE: Tingley stockings and regulations

External

Hello Kathy,

Hope all is well. Any thoughts on the potential regulation changes (i.e., increasing trout bag limit to 5/day and reducing age to 11 years or younger at kids pond) for Tingley? We're hoping to start engaging the public with our propose changes, but don't want to proceed without concurrence from our partners. Please let me know if you would like to discuss. Thanks.

From: Frey, Eric, DGF
Sent: Wednesday, March 10, 2021 8:51 AM
To: klang@cabq.gov
Subject: Tingley stockings and regulations

Hello Kathy,

I received you voicemail. Thanks for passing along the info. I've been in the field the past couple days and now catching up. We sent one of our biologist to Tingley on Monday. She found suitable

water quality conditions (see below) so we decided to stock again yesterday with a lighter load. We likely bring some more fish today to fulfill the scheduled numbers. Please let me know if you guys see any additional dead fish. I believe the fish dying last week and over the weekend were a result of stocking stress.

Kid's Pond:

Temp = 12.5 C

DO = 8.43 mg/L

pH approximately 8.4

Central Pond:

Temp = 11.2 C

DO = 10.16 mg/L

Also, every four years we review our fishing regulations. We've been trying to streamline regulations where feasible to reduce confusion from anglers. We are looking at waters with reduce bag limits and age restriction waters (kids pond). We considering a couple changes at Tingley, including:

- Increasing bag limit from 4 trout to 5 trout in Central Pond and Kid's Pond. This is would make Tingley consistent with the statewide trout bag limit.
- Changing the age from "12 and younger" to "11 and younger" at the Kid's Pond. Most of the age restriction waters around the state use "11 and younger" which is the age no required to purchase a fishing license.

We'll be developing proposed changes this spring and seeking public comments over the summer 2021. Before we make any proposals I wanted to run the changes by you to make sure they don't cause too many issues for the City. Please let me know if you have any comments or would like to discuss in person.

Thanks.

Eric Frey
Sportfish Program Manager
New Mexico Department of Game and Fish
PO Box 25112
Santa Fe, NM 87504
505-476-8102 office
505-259-4441 cell

CONSERVING NEW MEXICO'S WILDLIFE FOR FUTURE GENERATIONS

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From: [Mary McKee-Horina](#)
To: [DGF-FisheriesRule](#)
Subject: [EXT] The changes to the fisheries rules.
Date: Sunday, April 18, 2021 2:56:37 PM

I like the changes and people let you know that it will clear up confusing rules.
I have fished almost all lakes in the state. I say that considering that some lakes have been closed to fishing.
I am 76 years old and have enjoyed every day I have fished, no matter if I caught fish, or not. By removing waters hours of fishing, makes it easier for me to fish at night. Things quiet down, due to the many people being around during the day. I can't tolerate the heat of the day. Hopefully your changes will be approved.

Thank you
Mary McKee-Horina
4100 Lanceleaf Ct. NW
Albuquerque, NM 87114-5520
505-660-7140.

Photo
My dad and I under Central Avenue Bridge, 1948-49

From: [Michelle Jones](#)
To: [Frey, Eric, DGE](#)
Cc: [Jones, Michelle](#); [Nathan Dial](#); [Morrow Hall](#); [Stella Chavez](#); [Noah Sedillo](#); [Albert Lovato](#)
Subject: [EXT] Town of Estancia
Date: Thursday, July 9, 2020 3:15:49 PM
Attachments: [Resolution 2020-22 Town of Estancia Request of NM Game and Fish.pdf](#)

Good afternoon Mr. Frey,

Attached, please find a Resolution, which passed unanimously by our Board of Trustees, requesting that NM Game and Fish amend the License and Permit regulations for the Town of Estancia. We request that the pond in Estancia be subject to the same fishing restrictions that apply to the majority of the lakes and ponds in New Mexico.

Please let me know if you have any questions; your time and consideration is sincerely appreciated.

Best Regards,
Michelle M. Jones
Town of Estancia
Clerk/Treasurer

From: [Patten, Kirk, DGF](#)
To: [Frey, Eric, DGF](#)
Subject: FW: [EXT] Christmas Waters
Date: Tuesday, May 11, 2021 2:37:33 PM

You know this gentlemen?

Kirk

From: Jeff Young <jeff.young.elk@gmail.com>
Sent: Tuesday, May 11, 2021 11:45 AM
To: Patten, Kirk, DGF <kirk.patten@state.nm.us>
Subject: [EXT] Christmas Waters

Hello Kirk

I hope you are well?

Jeff Young Director of the New Mexico Sportsman's and Conservationist Alliance.

We had shared this concern with Tucker, however, given it is not really in his space, thought I would pass along to you.

Our concern relates to the Christmas Water designation that allows any legal tackle with a bag limit of two fish. This would obviously imply that the fishermen on those waters are going to release fish, perhaps a lot of fish. Our concern relates to potential mortality of those fish given the use of any legal tackle as opposed to barbless hooks.

We found a study that shows the differences in mortality between single barbless and bait fishing. Thought you might like to see it in the event you had not.

We are not against bait fishing. We fully support it where it makes sense and understand we need to be accommodating to all types of fisherman. However, our thought is that it seems like we may find a better way to provide opportunity to bait fishermen. Using a stretch of water that we attempt to manage as special trout water would seem not to meet that objective and be damaging to the fishery. That is, IF indeed the mortality rate is higher for any legal tackle than barbless hooks. On the surface, given you do designate specific waters as Special Trout Water and given the results in this study, that would appear to be the obvious conclusion.

Please know we understand you and Game and Fish biologists are the experts and thus the reason we defer to you. But, we did want to provide this issue as something for your consideration.

In addition, our group has a wealth of experience in the state and we are hoping to partner with Game and Fish on a variety of projects including fish projects or initiatives.

Thank you very much for your work in managing our fisheries in New Mexico We are here to help

you in any way we can.

Let us know what you think about the study below.

[C&R mortality review.pdf \(henrysfork.org\)](#)

Jeff

505-312-1802

May 24, 2021

New Mexico Department of Game and Fish
1 Wildlife Way
Santa Fe, NM 87507

RE: Letter of Support – Alto Kids Pond


To: Whom it may Concern

The Village of Ruidoso has interest in creating a Kid's Pond at Alto Lake, outside of the main berm of the Lake. The Village has been interested in this concept for several years and have made numerous strides to ensure this not only a viable option but a quality experience for youth and their families.

The Village of Ruidoso has recently purchased the adjacent property, completed a conceptual plan, and awarded local funding to construct infrastructure improvements to support this concept. Furthermore, the Village of Ruidoso has identified outdoor recreation opportunities revolving around families as a priority that diversifies our outdoor amenities but also delivers a huge economic impact to the region.

In closing, the Village of Ruidoso is committed to the Kid's Pond Concept for Alto Lake and is in full support of actions taken by the New Mexico Game and Fish Department considering rules and regulations to create a Kid's Pond at Alto Lake.

Sincerely,



Lynn D. Crawford, Mayor

Mayor
Nathan Dial

Mayor Pro Tem
Noah Sedillo



Post Office Box 166
Estancia, NM 87016
(505) 384-2708
FAX (505) 384-2267

Trustees
Morrow Hall
Stella Chavez
Albert Lovato

Town of Estancia Resolution 2020-22

A Resolution to Request Fishing at Arthur Park in the Town of Estancia for Visitors and Residents of All Ages with a Fishing License

WHEREAS, For over 100 Years, people have come to take a rest in the “Heart of New Mexico”- the Town of Estancia; and

WHEREAS, The Crown Jewel of Estancia is its beautiful Arthur Park which contains a clean, fully stocked pond; and

WHEREAS, Travelers and residents alike love to take a rest at the park and fish for trout, catfish and other seasonally stocked fish; and

WHEREAS, Anglers of all ages should be allowed to enjoy the activity of fishing; and

WHEREAS, Currently, Per New Mexico Game and Fish Licenses, the Estancia Pond is only open to anglers 11 years of age or younger, 65 or older or anglers/individuals with disabilities (Handicap Fishing License); and

WHEREAS, the Residents of the Town of Estancia fully support amending the current NM Game and Fish regulations for anglers at the pond in Estancia to mirror New Mexico’s current licenses and permit regulations:

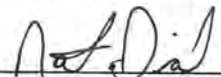
- *Licenses not required for resident and nonresident anglers 11 years of age or younger.*
- *Junior Fishing Licenses are available to resident and nonresident anglers 12–17 years of age.*
- *Senior Fishing Licenses are available to New Mexico resident anglers 65–69 years of age.*

- **Free Licenses** for New Mexico residents 70 years and older are available online, by phone and at license vendors and all NMDGF offices. Free fishing licenses are not available to nonresidents. Free licenses for 100%-disabled veterans are available by application through the NMDGF Headquarters in Santa Fe, NM. These free fishing licenses do not require a Habitat Stamp, Habitat Management & Access Validation or a Second Rod Validation.
- **Handicapped Fishing Licenses** are available to New Mexico residents with a permanent disability in accordance with the Americans with Disabilities Act. Applicants must have one or more disabilities that substantially limit major life activities. Handicapped fishing licenses require a Habitat Stamp, if applicable, and Habitat Management & Access Validation.

NOW, THEREFORE, BE IT RESOLVED

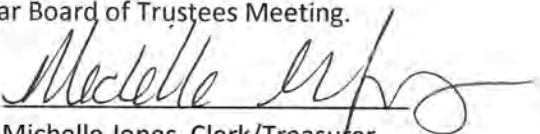
BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTANCIA, BY THIS RESOLUTION THAT WE, THE ELECTED OFFICIALS, DO HEREBY REQUEST OF THE NEW MEXICO DEPARTMENT OF GAME AND FISH AMEND THE FISHING REGULATIONS FOR THE POND IN ARTHUR PARK TO MIRROR THE FISHING REGULATIONS FOR OTHER LAKES AND PONDS IN THE STATE OF NEW MEXICO.

PASSED, APPROVED and ADOPTED, this 7th day of July 2020 at a Regular Board of Trustees Meeting.



Nathan Dial, Mayor

Attest:



Michelle Jones, Clerk/Treasurer

Exhibit 7

Attendee Report																			
Report Generated	#####																		
Topic	Webinar I	Actual Start	Actual Duration	# Registered	# Canceled	Unique Views	Total Users	Max Concurrent	Enable Registration										
New Mexico	852 4524 C	#####	578	14	0	14	31	0	Yes										
Host Details																			
Attended	User Name	Email	Join Time	Leave Time	Time in Session	Country/Region Name													
Yes	Tristanna L	tristanna.l	#####	#####	578	United States													
Panelist Details																			
Attended	User Name	Email	Join Time	Leave Time	Time in Session	Country/Region Name													
Yes	Chief Paul	Paul.Varela	#####	#####	7	United States													
Yes	Chief Matt	Matthew.V	#####	#####	15	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	1	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	10	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	2	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	87	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	81	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	1	United States													
Yes	Commissioner	Jimmy.Bat	#####	#####	124	United States													
Yes	Assistant A	gsmithkier	#####	#####	358	United States													
Yes	Assistant A	gsmithkier	#####	#####	75	United States													
Attendee Details																			
Attended	User Name	First Name	Last Name	Email	Address	City	Country/Region	Zip/Postal	State/Province	Phone	Organization	Job Title	Registration	Approval Status	Join Time	Leave Time	Time in Session	Do you wish to attend?	Country/Region Name
Yes	Chief Paul	Varela		Paul.Varela@state.nm.us									#####	approved	#####	#####	75		United States
Yes	Gail Cramer	Gail	Cramer	nugail@hc	4088 US Highway	Mayhill	US	88339	NM	5.76E+09	4JC Ranch	ranch hand	#####	approved	#####	#####	75	not sure	United States
Yes	Gail Cramer	Gail	Cramer	nugail@hotmail.com									#####	approved	#####	#####	1		United States
Yes	Jennifer	Jennifer		jenniferc.r	1 Wildlife	Santa Fe	US	87506	NM	1.51E+10	Department	Executive	#####	approved	#####	#####	562	no	United States
Yes	Madeleine	Madeleine	Carey	mcarey@v	301 N. Gu	Santa Fe	US	87501	NM	5.05E+09	WildEarth	Southwest	#####	approved	#####	#####	16	12	United States
Yes	Madeleine	Madeleine	Carey	mcarey@wildearthguardians.org									#####	approved	#####	#####	94		United States
Yes	Chief Matt	Wunder		Matthew.Wunder@state.nm.us									#####	approved	#####	#####	515		United States
Yes	John Mart	John	Martsh	d.martsh@	7816 Alam	Albuquerque	US	87120	NM	5.05E+09	NMDGF	R3 program	#####	approved	#####	#####	469	No	United States
Yes	Logan Christi	Logan	Christian	lchristian@	8647 S Pe	West Jord	US	84081	UT	916-820-4	Mountain	Region 2 C	#####	approved	#####	#####	170	Yes, Agent	United States
Yes	Rachel Bac	Rachel	Baca	rachel.bac	1 wildlife v	santa fe	US	87507	NM	5.05E+09	DGF	publication	#####	approved	#####	#####	321	no	United States
Yes	SHAWN C	SHAWN	CARRELL	shawn426	180 Glory	Glorieta	US	87535	NM	5.76E+09	NMCOA	President	#####	approved	#####	#####	333	Not at this	United States
Yes	Jessica Joh	Jessica	Johnson	jessica@aj	1111 Pase	Santa Fe	US	87501	NM	5.05E+09	Animal Prc	Chief Governor	#####	approved	#####	#####	54	n/a	United States
Yes	Christophe	Christophe	Smith	csmith@w	301 N. Gu	Santa Fe	US	87501	NM	5.06E+09	WildEarth	Southwest	#####	approved	#####	#####	61	Yes, #8 (F	United States
Yes	Matthew M	Matthew	Monjaras	impactout	1 Hilltop	R Tijeras	US	87059	NM	5.06E+09	Impact Ou	CEO/ Four	#####	approved	#####	#####	45	Yes item #	United States
Yes	Jennifer M	Jennifer	Morgan	Jennifer.m	7816 Alam	Albuquerque	US	87120	NM	505-222-2	NMDGF	HE Coord	#####	approved	#####	#####	9	No	United States
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us									#####	approved	#####	#####	332		United States
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us									#####	approved	#####	#####	1		United States
Yes	Jennifer M	Jennifer	Morgan	Jennifer.morgan@state.nm.us									#####	approved	#####	#####	2		United States
Yes	Gary Calki	Gary	Calkins	gary.calki	1 Wildlife	Santa Fe	US	87507	NM	5.05E+09	NMDGF	Open Gate	#####	approved	#####	#####	330	No	United States

NEW MEXICO GAME AND FISH DEPARTMENT

COMMISSION MEETING RULE HEARING

October 22, 2021

Held at

NEW MEXICO STATE UNIVERSITY FULTON CENTER

Third Floor, 1815 Wells Street, Las Cruces, NM 88003

PRESENT:

Sharon Salazar Hickey, Chairwoman

Jeremy Vesbach, Vice-Chairman

Jimmy Bates, Commissioner

Tirzio Lopez, Commissioner

Roberta Salazar-Henry, Commissioner

Michael Sloane, Director

Stewart Liley, Chief

Kirk Patten, Chief

Tristanna Bickford, Communications Director



1 MS. SALAZAR HICKEY: This hearing will please come to
2 order. My name is Sharon Salazar Hickey, chair to the
3 Commission. I will be serving as the hearing officer and
4 be advised by the Commission's counsel from the Office of
5 the Attorney General.

6 The purpose of this hearing is for the Commission to
7 receive public comment on amending the Furbearers Rule,
8 Title 19, Chapter 32, Part 2 of the New Mexico
9 Administrative Code, which will become effective on April
10 1st, 2022.

11 These hearings are being conducted in accordance with
12 the provisions of the Game & Fish Act and the State Rules
13 Act. These hearings are being audiotaped and video
14 recorded. Anyone interested in a copy of the audiotape or
15 video recording should contact Tristanna Bickford with the
16 Game & Fish Department.

17 Public notice of this hearing was advertised in the
18 New Mexico Register, the New Mexico Sunshine Portal, and on
19 the Department's website. Copies of the proposed
20 amendments have been available on the Department's website.
21 Those wishing to comment here today must have registered to
22 submit comments on the Zoom webinar platform.

23 So the rule hearing will be conducted in the following
24 manner: Staff will present pre-filed exhibits. Exhibits,
25 if admitted into evidence, are available for review by the



1 public on the Department's website. After all exhibits are
2 entered, we will proceed to the presentation of the
3 proposed rule, after which testimony will be taken from the
4 audience.

5 Participants are asked to raise their hand in the Zoom
6 webinar platform and wait until they are called upon to
7 speak. In order to ensure that the hearing is accurately
8 recorded, only one person at a time shall be allowed to
9 speak.

10 Any person recognized to speak is asked to identify
11 yourself by name and who you are affiliated with for the
12 record each time you are recognized, and two, speak loudly
13 and clearly to accurately record your comments.

14 After a person has offered comment, they will stand
15 for questions from me, the hearing officer. The audience
16 may also ask questions of anyone offering comments after
17 being recognized by me.

18 These hearings are not subject to judicial rules of
19 evidence. However, in the interest of efficiency, I
20 reserve the right to limit any testimony deemed irrelevant,
21 redundant, or unduly repetitious.

22 The Commission may discuss the proposed new rule after
23 the public comment portion of the hearing. Final
24 Commission action, including adoption of the rule, may
25 occur after the conclusion of the presentation and public



comment period of each hearing. This hearing is now open.

Are there any exhibits for the proposed amendments to 19.32.2 for the record?

MR. LILEY: Madam Chair, I wish to enter six exhibits into the record. Exhibit No. 1, the notice of the rule making. Exhibit No. 2, the initial proposed rule that was posted on our website and being proposed today. Exhibit No. 3, the presentation being given by myself today.

Exhibit 4, the summary of the proposed changes. Exhibit 5, the technical information we relied upon to develop the rule. And Exhibit 6, the one public comment received during the rule making process.

MS. SALAZAR HICKEY: Thank you, sir.

Would anyone like to comment on the proposed amendments to 19.32.2? Commissioner?

MR. LILEY: Madam Chair, if I may, maybe I'll give my presentation first, and then after that, maybe open up for commissioners, if that works?

MS. SALAZAR HICKEY: Thank you, Chief Liley. That was very good.

Are there any exhibits from the public that need to be entered into the record at this time?

Very good. Exhibits 1 through 6 are admitted into the record. Thank you.

Those that are -- oh, let us proceed.



1 MR. LILEY: So Madam Chair, as we mentioned at the
2 last commission meeting, this is to align 19.32.2, which is
3 the Furbearer Rule, with recent changes -- statutory
4 changes that happened during the last legislative session
5 that prohibited the use of traps on public land.

6 All this rule does is define public land the same
7 definition that's used in the statute, and then closes
8 trapping on public lands, the use of traps on public lands
9 according to the statute, and allows the same exemptions as
10 the statute has.

11 So it's a couple line changes, again to align it to
12 the -- and conform to the statutory changes that were made
13 during this legislative session.

14 When I developed this presentation late the other day,
15 we didn't have our public comment, but like I said, during
16 the exhibits, we did receive one public comment late on the
17 night of the 20th that was included in the record.

18 It was just a comment basically stating that they
19 recognized that it did align with what the statute was and
20 more of a comment on seeking to see how the process of
21 enforcement occurs later. So it wasn't necessarily a
22 comment on the proposed changes as much as how enforcement
23 will occur after the fact.

24 And with that, I would take any questions.

25 MS. SALAZAR HICKEY: Okay. Thank you, Chief Liley.



1 Commissioner.

2 MS. SALAZAR-HENRY: Chief Liley, I guess I'm still
3 pretty ignorant about the rule making process, because it
4 seems like we are -- we had such a short public comment
5 options, because it seemed in the past you would open the
6 rule, you'd go out for public comment, you'd come back and
7 update us, and then you'd go back out for public comment.

8 Can you tell me how long this has been posted for
9 public comment? Did we do something slightly different? I
10 assuming that we're all kosher with the law. I just --
11 it's just different than what we've been -- experienced
12 before.

13 MR. LILEY: Yes, Madam Chair, Members of the
14 Commission. So this was posted for over 30 -- it was
15 probably 45 days. So statute requires at least a 30-day
16 comment period. So it was noticed properly according to
17 the rules and you all's rule making act. So we're --
18 you're fine there.

19 With these rules that are, like I said, what I would
20 consider technical fixes or fixes that align with statutory
21 changes that really don't have much of a substantive change
22 to the rule, that you all would have the opportunity to
23 make the decisions on, we typically -- and if we're not
24 receiving any comments -- will proceed with a two meeting
25 instead of three meetings.

1 If there's a lot of public comment that changes the
2 scope of the rule, while you all are in the process of
3 making, then we typically will have three meetings on
4 those.

5 So that's why a lot of these, as the rules you'll see,
6 will propose initial ideas to the Commission that we look
7 for guidance on are we on the right path or if we want
8 different direction from the Commission on input on that,
9 take that back out to the public, have meetings, bring back
10 a rule that we think is a final rule for you to consider,
11 take that, the last time the Commission has discussions on
12 it, and then post that, thinking that that will be the
13 final rule.

14 Again, because this is a technical rule or a technical
15 change in nature, no comments were really received on it.
16 That's why it was a two meeting instead of three.

17 MS. SALAZAR-HENRY: Thank you, Chief Liley. That
18 makes -- I feel a little more comfort in what I'm doing
19 today. But I do have a question about what is not in this
20 rule.

21 And one of the most -- the trickiest part I thought
22 that was going to be was how to enforce -- or not enforce,
23 how to deal with the Native American exemption in this rule
24 for trapping on public lands.

25 I'm concerned that there is nothing in this rule that



1 identifies the process that I -- so I don't know how -- I
2 don't why it's not here and --

3 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
4 so in the rule, if you'll in the -- when it closes to
5 public land, it'll say except as provided by that statute
6 where it's the certain exemptions.

7 In that exemption, where you're referring to, is for
8 trapping on public lands by Native Americans, tribes, or
9 pueblos -- or pueblo members for religious purposes in
10 consultation with Indian Affairs -- Department of Indian
11 Affairs.

12 We have consulted with Department of Indian Affairs on
13 what is appropriate to determine membership. And so Indian
14 Affairs felt like it's not a -- shouldn't be put in a rule
15 because every tribe, pueblo, and nation across the country
16 is very different on how to determine membership.

17 And they -- they're recommendation to us was, in our
18 Furbearer Rules and Regulation book, to put in what would
19 qualify as documentation that you actually are a member.

20 So instead of having that in a rule, because it
21 changes from tribes, pueblos, and nations across the
22 country, they're recommendation was to put it in the writ.
23 So that's why you don't see a strict list in rule or a
24 procedure in rule as well.

25 MS. SALAZAR-HENRY: So that'll be negotiated from

1 administrative change to change if -- or with different
2 tribes or --

3 MR. LILEY: Madam Chair, Commissioner Salazar --

4 MS. SALAZAR-HENRY: I guess I'm trying to get to do
5 they seek a permit, an exception from you before they go
6 out or -- when they're buying a trapping license for -- do
7 they -- I'm assuming they still buy a trapping license for
8 public land?

9 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,
10 so the Furbearer license will still be required.

11 MS. SALAZAR-HENRY: Okay.

12 MR. LILEY: Now, the Furbearer license allows you to
13 still trap on public land -- or excuse me, on private land,
14 allows you to call and shoot furbearers on public land. So
15 the rule is only prohibiting the device.

16 MS. SALAZAR-HENRY: Okay.

17 MR. LILEY: So it's not prohibiting a licensure issue.
18 It's a device prohibition. So we are in discussions with
19 Indian Affairs on how best to -- if it's a certification
20 before the fact or carry papers after the fact and working
21 with them to feel what -- we're working with the tribes on
22 how best to work through the process.

23 MS. SALAZAR-HENRY: No. My question was, do they have
24 to buy a trapper license -- or a furbearer license?

25 MR. LILEY: Madam Chair, Commissioner Salazar-Henry,



1 yes.

2 MS. SALAZAR-HENRY: Yes. Okay. Yes. And so you guys
3 will figure out how that process is, because I know there
4 was a lot of concern about the sensitivity in just pulling
5 somebody over and saying -- trying to determine whether
6 they should be setting those traps legally. And you guys
7 will be the ones that are going to be called? It's not
8 going to be Indian Affairs or anybody else?

9 MR. LILEY: Madam Chair, Commission Salazar-Henry,
10 that is correct, and that's what we're working with Indian
11 Affairs on.

12 MS. SALAZAR-HENRY: Thank you.

13 MS. SALAZAR HICKEY: Any other comments,
14 Commissioners?

15 Okay. Director, should we take -- should we take a
16 roll call vote or do we have a --

17 MR. LILEY: Madam Chair, I think you need to close
18 this portion of the hearing --

19 MS. SALAZAR HICKEY: Oh, excuse me.

20 MR. LILEY: -- and then --

21 MS. SALAZAR HICKEY: Yes, yes, yes.

22 So those that are registered and participated in
23 hearing will be included on the attendance sheet. At this
24 time, the attendance sheet shall be marked and admitted as
25 Exhibit 7.

1 The comments submitted in testimony heard during this
2 rule hearing will be reviewed by the Commission and
3 discussed during the open session of today's meeting. The
4 Commission will vote on the proposed amendments at this
5 time.

6 I would like to thank everyone present for their
7 participation today and also for those that had submitted
8 their comments.

9 Let the record show that the rule making hearing was
10 adjourned at 11:46 a.m. today, on Friday, October 22nd.

11 Now, let us proceed.

12 Commissioner -- Commissioners.

13 MS. BICKFORD: Madam Chair, we have two public
14 comments on Zoom.

15 MS. SALAZAR HICKEY: Oh. Excellent. I did not see
16 those.

17 MS. BICKFORD: First up, we're going to have Logan
18 Christian. I will allow him to talk.

19 Logan, you can unmute your microphone.

20 MR. CHRISTIAN: All right. Thank you. Can you hear
21 me?

22 MS. BICKFORD: Yes, we can.

23 MR. CHRISTIAN: Great.

24 So good morning and thank you for the opportunity to
25 speak today. My name is Logan Christian, and I'm the



1 Region 2 Conservation Advocate with Mountain Lion
2 Foundation. On behalf of Mountain Lion Foundation, I want
3 to express our support for these proposed changes to the
4 Furbearer Rule. Overall, the proposed rule change conforms
5 to Senate Bill 32, the Wildlife Conservation & Public
6 Safety Act.

7 We greatly appreciate that New Mexico Department of
8 Game & Fish has expressed that removing closed areas from
9 the rule will not result in those areas being open to some
10 sport harvest trapping under exemptions in the Wildlife
11 Conservation & Public Safety Act, such as the exemptions
12 for deprivation trapping.

13 In most cases, New Mexico Department of Game & Fish
14 will carry out deprivation trapping under the act's
15 specified exemptions and will do so with the use of cage
16 traps as opposed to using private agents.

17 For these and other exemptions in the act, we urge the
18 New Mexico Department of Game & Fish to ensure that any
19 future publications or communications make clear that
20 exemptions in the acts do not open up existing closures to
21 any sports harvest trapping.

22 As is always the case with new policies, their
23 successful implementation depends on public education, and
24 we believe that the Department is well-suited to keep the
25 public informed.



1 Finally, we also appreciate the time and effort that
2 will go into implementing the new trapping ban on New
3 Mexico's public lands, as well as the efforts that the
4 Commission and New Mexico Department of Game & Fish are
5 taking to ensure public safety.

6 New Mexico is setting an excellent example for other
7 states, and we hope to follow this matter closely as the
8 agency implements and enforces the ban. Thank you.

9 MS. SALAZAR HICKEY: Thank you, sir.

10 Did you we say we have a second comment?

11 MS. BICKFORD: Yes, Madam Chair. I am unmuting
12 Christopher Smith right now.

13 MS. SALAZAR HICKEY: Very good.

14 Thank you, Christopher Smith.

15 MS. BICKFORD: Chris, can you unmute your microphone?

16 MR. SMITH: Yes. Good morning. Can you hear me now?

17 MS. BICKFORD: Yes, we can. Thank you.

18 MR. SMITH: Great. Thank you.

19 Madam Chair, Members of the Commission, thank you for
20 taking public comment on this item today.

21 And thank you, Commissioner Salazar-Henry, for
22 facilitating that touching tribute to David Solz (phonetic)
23 earlier this morning. That was appreciated.

24 My name is Chris Smith. I'm here on behalf of
25 WildEarth Guardians and our thousands of supporters and



1 members across New Mexico.

2 WildEarth Guardians and other members of the TrapFree
3 New Mexico coalition have submitted written comments on
4 this proposed rule. And in short, we support the proposal.
5 I won't take the time to read out those substantive
6 comments, but I'm happy to field any questions you may have
7 about those when you have time to read them.

8 I'd like to thank Director Sloane and Chief Liley for
9 taking time to explain in detail some confusions that we
10 had initially with the rule. They smoothed those out for
11 us, and our takeaway is that this rule has been well
12 thought through.

13 So we will be keenly watching implementation and
14 support the Commission as you hopefully adopt this rule.
15 Thank you.

16 MS. SALAZAR HICKEY: Thank you.

17 By the way, I have a friend that does not hear, and he
18 signs. And I do think it's very helpful for persons who do
19 not hear to read lips. Sometimes (inaudible). That's why
20 I'm taking off my mask.

21 And if Richard is there, hello, Richard.

22 Ms. Bickford, do we have any other comments?

23 MS. BICKFORD: Madam Chair, that is all the comments
24 we have.

25 MS. SALAZAR HICKEY: Okay. Very good.



1 Discussion.

2 No discussion?

3 No.

4 Motion?

5 MR. VESBACH: Madam Chair, I'd move to amend 19.32.2
6 NMAC as presented by the Department and allow the
7 Department to make minor corrections to comply with filing
8 this rule with the state records and archives.

9 MS. SALAZAR HICKEY: Do I have a second?

10 UNIDENTIFIED SPEAKER: Second.

11 MS. SALAZAR HICKEY: Very good.

12 Director Sloane, for the record, a roll call vote,
13 please.

14 MR. SLOANE: Commissioner Salazar-Henry.

15 MS. SALAZAR-HENRY: Yes.

16 MR. SLOANE: Commissioner Lopez.

17 MR. LOPEZ: Yes.

18 MR. SLOANE: Commissioner Bates.

19 MR. BATES: Yes.

20 MR. SLOANE: Vice-Chair Vesbach.

21 MR. VESBACH: Yes.

22 MR. SLOANE: Chair Salazar Hickey.

23 MS. SALAZAR HICKEY: Yes.

24 MR. SLOANE: Motion passes unanimously.

25 MS. SALAZAR HICKEY: Very good.



1 So this hearing will please come to order. My name is
2 Sharon Salazar Hickey, Chair to the Commission. I will be
3 serving as the hearing officer and be advised by the
4 Commission's counsel from the Office of Attorney General,
5 who is online.

6 The purpose of this hearing is for the Commission to
7 receive public comment on repeal and place in replacing the
8 Upland Game Bird Rule, Title 19, Chapter 31, Part 5 of the
9 New Mexico Administrative Code, which will become effective
10 on April 1st, 2022.

11 These hearings are being conducted in accordance with
12 the provisions of the Game & Fish Act and the State Rules
13 Act. These hearings are being audiotaped and video
14 recorded. Anyone interested in a copy of the audiotape and
15 video recording should contact Tristanna Bickford with the
16 Game & Fish Department.

17 Public notice of this hearing was advertised in the
18 New Mexico Register, the New Mexico Sunshine Portal, and
19 the Department's website. Copies of the proposed
20 amendments have been available on the Department's website.
21 Those wishing to comment here today must have registered to
22 submit public comments on the Zoom webinar platform.

23 The rule hearing will be conducted in the following
24 manner: Staff will present pre-filed exhibits. Exhibits
25 admitted into evidence are available for review by the



1 public on the Department's website.

2 After all exhibits are entered, we will proceed to the
3 presentation of the proposed rule, after which testimony
4 will be taken from the audience.

5 Participants are asked to raise their hand in the Zoom
6 webinar platform and wait until they are called upon to
7 speak. In order to ensure that the hearing is accurately
8 recorded, only one person at a time shall be allowed to
9 speak.

10 Any person recognized to speak is asked to do two
11 things. First, identify yourself by name and who you are
12 affiliated with for the record each time you are
13 recognized. And second, speak loudly and clearly to
14 accurately record your comments.

15 After a person has offered comment, they will stand
16 for questions from the hearing officer. The audience may
17 also ask questions of anyone offering comments after being
18 recognized by me, the hearing officer.

19 These hearings are not subject to judicial rules of
20 evidence. However, in the interest of efficiency, I
21 reserve the right to limit any testimony deemed irrelevant,
22 redundant, and unduly repetitious.

23 The Commission may discuss the proposed new rule after
24 the public comment portion of the hearing. Final
25 Commission action, including adoption of the rule, may



1 occur after the conclusion of the presentation and public
2 comment period of each hearing. So the hearing is now
3 open.

4 Are there any exhibits for the proposed amendments to
5 19.31.5 for the record -- 19.31.5 for the record?

6 MR. LILEY: Madam Chair, I wish to enter six exhibits
7 into the record. Exhibit No. 1, the notice of the rule
8 making. Exhibit No. 2, the proposed rule that was posted
9 on the website. Exhibit 3, the presentation I'll be giving
10 today.

11 Exhibit 4, the summary of the proposed changes that
12 were posted on the website. Exhibit 5, the technical
13 information we relied upon to development the rule. And
14 Exhibit 6, the 12 public comments received during the
15 public -- or during the rule making process.

16 MS. SALAZAR HICKEY: Stewart, thank you. Can you
17 please introduce the proposed amendments to 19.31.5?

18 MR. LILEY: Madam Chair, Members of the Commission, as
19 you all have seen, this is, again, the finalization of this
20 rule. The major amendments that we are proposing is
21 expanding the boundaries of the Bernardo Youth Pheasant
22 Hunt.

23 Right now it's restricted to one area of the farms
24 on -- at Bernardo. There's a larger complex we would like
25 to extend it to, to allow for more room for the youth

1 hunters on there.

2 And one of the bigger ones that we discussed at the
3 previous meetings is expanding the grouse and squirrel
4 seasons from a close date of the end of November to
5 December 31st, and then, again, like all of our rules,
6 where we adjust the hunt dates according to calendar day
7 shifts.

8 And the removing the manner and method language,
9 that's what we've done in all of our rules, that now lives
10 in the Manner and Method Rule, so this is a cleanup that
11 the last rule that we had manner and method directly in the
12 rule.

13 So with that, like I said, we had 12 emails received
14 or 12 public comments, and what you'll see there, the
15 majority of those comments that relate to this rule are in
16 support of the proposed changes that we had. There was
17 other comments that aren't pertinent to this rule, but
18 there were other comments received.

19 Here's a picture of that expanded youth area that we
20 would allow Bernardos that are in green, and those other
21 properties are commission properties that we would allow
22 those to be able to hunt if we want to during the pheasant
23 hunt season for the youth. So it just expands the areas of
24 which we could hunt in there.

25 And with that, I would take any questions you all may



1 have.

2 MS. SALAZAR HICKEY: Thank you, Stewart.

3 Would anyone like to comment on the proposed
4 amendments to 19.31.5?

5 Are there any exhibits from the public that need to be
6 entered into the record at this time?

7 Okay. Very good. I do not see any coming forward.

8 Those that registered and participated in hearing will
9 be included on the attendance sheet. At this time, the
10 attendance sheet will be marked as -- and admitted as
11 Exhibit 7.

12 The comments submitted and testimony heard during this
13 rule hearing will be reviewed by the Commission and
14 discussed during the open session of today's meeting. The
15 Commission will vote on proposed amendments at this time.
16 I would like to thank everyone present for their
17 participation today.

18 Let the record show that this rule making hearing was
19 adjourned at 1:26 p.m. today, on Friday, October 22nd.

20 Very good. Commissioners, let's have some discussion.

21 Vice-Chair?

22 No? Very good.

23 Commissioners?

24 No. Very good.

25 Well, then Vice-Chair, do you have a motion?



1 MR. VESBACH: We do. I would move to repeal and
2 replace 19.31.5 NMAC as presented by the Department and
3 allow the Department to make minor corrections to comply
4 with filing this rule with state records and archives.

5 MS. SALAZAR HICKEY: Do I have a second?

6 UNIDENTIFIED SPEAKER: Second.

7 MS. SALAZAR HICKEY: Thank you, Commissioners.

8 Director, can we please have a roll call vote? I
9 believe we do have a commissioner online, so we do need a
10 roll call vote.

11 MR. SLOANE: Commissioner Salazar-Henry.

12 MS. SALAZAR-HENRY: Yes.

13 MR. SLOANE: Commissioner Lopez.

14 MR. LOPEZ: Yes.

15 MR. SLOANE: Commissioner Bates.

16 MS. SALAZAR HICKEY: Commissioner Bates? He's the
17 thumbs up. I see him. Thank you, Commissioner Bates.

18 MR. SLOANE: Vice-Chair Vesbach.

19 MR. VESBACH: Yes.

20 MR. SLOANE: Chair Salazar Hickey.

21 MS. SALAZAR HICKEY: Yes.

22 MR. SLOANE: Motion passes unanimously.

23 MS. SALAZAR HICKEY: Wonderful. That was very good.
24 Thank you.

25 I think, Commissioners, that concludes item -- agenda



1 item number 9 on the Upland Game Bird Rule.

2 If we could, let's now proceed to agenda item number
3 10. This is the Fisheries Rule Hearing 19.31.4. And I see
4 we have a member of the Department of Game & Fish present,
5 so let me begin.

6 This hearing will please come to order. My name is
7 Sharon Salazar Hickey, Chair to the Commission. I will be
8 serving as the hearing officer and be advised by the
9 Commission's counsel from the Office of the Attorney
10 General.

11 The purpose of this hearing is for the Commission to
12 receive public comment on repealing and replacing the
13 Fisheries Rule, Title 19, Chapter 31, Part 4 amending
14 Hunting, Fishing Manner and Method of Taking Rule, Title
15 19, Chapter 21, Part 10 and repealing and replacing
16 commercial use of Fish Rule, Title 19, Chapter 31, Part 9
17 of the New Mexico Administrative Code, which will become
18 effective on April 1st, 2022.

19 These hearings are being conducted in accordance with
20 the provisions of the Game & Fish Act and the State Rules
21 Act. These hearings are being audiotaped and video
22 recorded. Anyone interested in a copy of the audiotape or
23 video recording should contact Tristanna Bickford with the
24 Game & Fish Department.

25 Public notice of this hearing was advertised in the



1 New Mexico Register, the New Mexico Sunshine Portal, and on
2 the Department's website. Copies of the proposed
3 amendments have been available on the Department's website.
4 Those wishing to comment here today must have registered to
5 submit public comments on the Zoom webinar platform.

6 The rule hearing will be conducted in the following
7 manner: Staff will present pre-filed exhibits. Exhibits
8 admitted into evidence are available for review by the
9 public on the Department's website. After all exhibits are
10 entered, we will proceed to the presentation of the
11 proposed rule, after which testimony will be taken from the
12 audience.

13 Participants are asked to raise their hand in the Zoom
14 webinar platform and wait until they are called to speak in
15 order to ensure that the hearing is accurately recorded.
16 Only one person at a time shall be allowed to speak.

17 Any person recognized to speak is asked to, first,
18 identify yourself by name and who you are affiliated with
19 for the record each time you are recognized, and second,
20 speak loud and clear to accurately record your comments.

21 After a person has offered comments, they will stand
22 for questions from the hearing officer, me. The audience
23 may also ask questions of anyone offering comments after
24 being recognized by me.

25 These hearings are not subject to judicial rules of



1 evidence. However, in the interest of efficiency, I
2 reserve the right to limit any testimony deemed irrelevant,
3 redundant, or unduly repetitious.

4 The Commission may discuss the proposed new rule after
5 the public comment portion of the hearing. Final
6 Commission action, including adoption of the rule, may
7 occur after the conclusion of the presentation and public
8 comment period of each hearing. This hearing is now open.

9 Are there any exhibits for the proposed amendments to
10 19.31.4, 19.31.10, and 19.31.9 of the New Mexico
11 Administrative Code for the record?

12 UNIDENTIFIED SPEAKER: Good afternoon, Madam Chair and
13 Commissioners.

14 MS. SALAZAR HICKEY: You need to turn on your mic.

15 MR. PATTEN: Good afternoon, Madam Chair and
16 Commissioners. Yes, I have six exhibits I would like to
17 introduce into evidence. The first of these is a copy of
18 the rule making notice which was published in the New
19 Mexico Register. We have a clean and a redline version of
20 the rule; a copy of my presentation today; a summary of
21 proposed changes which was published on the Department's
22 website; technical information which was relied upon for
23 the rule making process; as well as a copy of the public
24 comments received today.

25 MS. SALAZAR HICKEY: Thank you, sir.



1 Would anyone like to comment on the proposed
2 amendments to 19.31.4, 19.31.10, and 19.31.9?

3 I do not hear any --

4 UNIDENTIFIED SPEAKER: Madam Chair, I think Kirk needs
5 to give a presentation first.

6 MS. SALAZAR HICKEY: Oh. Very good. Yes. Yes, you
7 do. Thank you.

8 MR. PATTEN: Thank you, Madam Chair and Commissioners.
9 This is a presentation you've heard on two prior occasions.
10 For the sake of your time today, I'm going to blow through
11 some of this quickly and just go over the highlights.

12 As a reminder, this is a -- The Fisheries Rule is on a
13 four-year rule cycle. It's set to expire next March, and
14 so we're doing this hearing today to have it in place and
15 ready to go on April of 2020 -- or April 1st of 2022.

16 In reviewing this, we also identified some needs for
17 fisheries changes in the Manner and Method Rule as well as
18 the commercial fish -- use of fish rule, and that's why
19 we're doing three rule changes today.

20 Briefly, we are proposing to remove Kokanee -- or
21 Abiquiu Reservoir from the list of waters that are open to
22 Kokanee snagging. We are proposing to essentially double
23 the cutthroat trout possession limit from two to four fish.

24 We are proposing to increase the harvest limit for Rio
25 Grande Cutthroat Trout or cutthroat trout at Seven Springs

1 Kids Pond, and we are proposing to add two summer catfish
2 waters to the existing list, that being Trees Lake in
3 Deming and Harris Pond in Las Vegas.

4 We're also proposing two definition changes. The
5 first of this is to clarify what is a daily bag limit, that
6 being a calendar day. There's been some confusion in the
7 past with that.

8 We are removing reference to trout waters in our
9 regulations. If you can see my cursor here, it's a -- this
10 pink area. It's a historic relic of the trout stamp days,
11 and we no longer use it in any rule, so we want to remove
12 that to clear up any confusion along the way.

13 We're proposing to remove the state-wide length limit
14 for walleye. I could go into details if you're interested,
15 but essentially, it doesn't make a whole lot of biological
16 sense to have that length limit in place.

17 We are also proposing to remove the smallmouth bass
18 length limit in the upper Rio Grande to expand some angling
19 opportunities up there and as well as potentially promote
20 better growth of smallmouth bass.

21 We are also collapsing the combinations of age-related
22 restrictions as well as individuals with disabilities
23 restrictions. And waters that cross the state go from six
24 different combinations down to three. We think that will
25 just help clarify for the public as well as for ourselves



1 and our officers within the Department.

2 We have a handful of access proposals. Probably the
3 most significant there is to clarify that Heron Lake is
4 open to Kokanee snagging season on November 11th. That's
5 Veteran's Day. There's always been some somewhat confusing
6 language about when that opens to accommodate our Kokanee
7 snagging -- or our Kokanee spawning operations at Heron.

8 We are removing fishing hours designations for some
9 waters in the state. We're going to rely upon signage as a
10 means by the landowners.

11 We're proposing to opening McKenna Creek and Pinelodge
12 Creeks to angling. McKenna Creek used to be a Gila Trout
13 recovery population that we've discovered is hybridized
14 with non-native trout, so there's no need to keep it closed
15 to angling anymore.

16 Pinelodge Creek no longer supports a self-sustaining
17 population of trout, so we're opening that for potentially
18 some seasonal Rainbow Trout stocking efforts. And then
19 we're proposing to allow kids fishing in the kids -- or in
20 the Rock Lake Hatchery outfall ponds.

21 Moving on to the manner and method in the commercial
22 use of fish rules. We want to clarify the definition of a
23 drainage regarding what is lawful bait species. We are
24 proposing to permit the lawful use of shad in the Pecos
25 River drainage. The species is native there, and so it



1 makes sense to have that, and it's just kind of a cleanup
2 language from the past.

3 We're also clarifying how we define what waters you
4 can use a trotline in. There's really no substantive
5 change here. It's just how we describe it in rule for
6 clarity sake.

7 And then in the commercial use of fish rule, we are
8 removing a reference to trout water. That is, again,
9 attached to the trout stamp days.

10 We conducted public meetings back in May of this year
11 after we talked to you, as a Commission. I believe it was
12 in April. We received some public comments. Most of them
13 were supportive or kind of making recommendations related
14 to statutory changes and those sorts of things.

15 We published a rule making notice last month, and
16 since that time we have not received any additional
17 comments.

18 So thank you for your time, and I will take any
19 questions you may have.

20 MS. SALAZAR HICKEY: Kirk, thank you very much for
21 your introduction on the proposed amendments to 19.31.4,
22 19.31.10, and 19.31.9. Thank you for that introduction
23 summary.

24 So would anyone like to comment on the proposed
25 amendments to those rules, as I just described?



1 Commissioner?

2 MS. SALAZAR-HENRY: Sure. I just have a question
3 that's sort of related to this presentation. Given the
4 issues up north, especially with lake levels, are we
5 looking at any sort of different strategies for adjusting
6 for lower lake levels for some of these fish species? And
7 is there something in the fishing proclamation that warns
8 people that you could close the lake at any time?

9 MR. PATTEN: Madam Chair, Commissioner Salazar-Henry,
10 I'll -- I think the easier answer there is there's -- I
11 don't believe there's anything in there -- in the
12 proclamation about closing a water at any particular time
13 in the -- in the rules and information book.

14 One of the -- one of the good things about being a
15 fish biologist in the desert is we are always kind of
16 managing for drought and managing for no water. And so I
17 think we've got a long history of being able to adapt our
18 fisheries management to changing conditions.

19 And as an example, I would say is, in the case of
20 Abiquiu Reservoir, we used to manage it as a cold water
21 fishery and there were some warm water fish in there.

22 Over time we've been moving more towards walleye and
23 smallmouth bass and reducing -- in fact, now we'd only
24 manage it as a cold water fishery. So you know, I think we
25 are taking that into consideration, but it's a process



1 along the way.

2 MS. SALAZAR-HENRY: Thank you.

3 MS. SALAZAR HICKEY: Any other Commissioners?

4 Okay. Are there any exhibits from the public that
5 need to be entered into the record at this time?

6 Okay. Exhibits 1 through 6 are admitted into the
7 record. Thank you.

8 Kirk, those that registered and participated in
9 hearing will be included on the attendance sheet. At this
10 time, the attendance sheet will be marked and admitted as
11 Exhibit 7.

12 The comments submitted and testimony heard during this
13 rule hearing will be reviewed by the Commission and
14 discussed during the open session of today's meeting. The
15 Commission will vote on the proposed amendments at this
16 time. I would like to thank everyone present for their
17 participation today.

18 Let the record show that this rule making hearing was
19 adjourned at 1:41 p.m. today, Friday, October 22nd, 2021.
20 Thank you.

21 Discussion.

22 I see no -- I hear no discussion.

23 Vice-Chair, do we have a motion?

24 MR. VESBACH: We sure do. I would move to repeal and
25 replace the Fisheries Rule 19.31.4 NMAC, amend the Hunting



1 and Fishing Manner and Method of Taking Rule 19.31.10 NMAC,
2 and repeal and replace the Commercial Use of Fish Rule
3 19.31.9 NMAC, as presented by the Department, with an
4 effective date of April 1st, 2022, and allow the Department
5 to make minor corrections to comply it with filing this
6 rule with the state records and Archives.

7 MS. SALAZAR HICKEY: Thank you, Vice-Chair.

8 Do I have second?

9 UNIDENTIFIED SPEAKER: Second.

10 MS. SALAZAR HICKEY: Thank you.

11 Director Sloane, may we have a roll call vote, please?

12 MR. SLOANE: Commissioner Salazar-Henry.

13 MS. SALAZAR-HENRY: Yes.

14 MR. SLOANE: Commissioner Lopez.

15 MR. LOPEZ: Yes.

16 MR. SLOANE: Commissioner Bates. Thumbs up.

17 MS. SALAZAR HICKEY: Yes. Um-hum.

18 MR. SLOANE: Vice-Chair Vesbach.

19 MR. VESBACH: Yes.

20 MR. SLOANE: Chair Salazar Hickey.

21 MS. SALAZAR HICKEY: Yes.

22 MR. SLOANE: Motion passes unanimously.

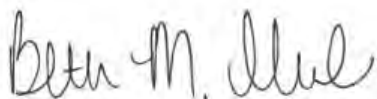
23 MS. SALAZAR HICKEY: Thank you, Director.

24 Thank you, Department of Game & Fish.

25 (End of audio)

C E R T I F I C A T I O N

I, Beth Goral, certify that the foregoing transcript is a true and accurate record of the proceedings.



Beth Goral

eScribers

352 Seventh Avenue, Suite #604

New York, NY 10001

Date: October 31, 2021

