

# NMAC

## Transmittal Form



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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:  New  Amendment  Repeal  Repeal/Replace  Renumber  Emergency  (ALD Use Only) 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):

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### Concise Explanatory Statement for rulemaking adoption:

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

Specific statutory or other authority authorizing rulemaking:

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

The Fisheries rule was adopted on November 16, 2017 and becomes effective April 1, 2018. This amendment adds a 2.5 mile portion of the Rio de Los Pinos from the USFS Boundary 24 at the junction of Forest Road 284 and 87A upstream to the private property boundary and a portion of the Rio Grande from the New Mexico/Colorado border to the Taos Junction Bridge at NM Highway 567 to the Special Trout Water daily bag limit of two trout.

Issuing authority (If delegated, authority letter must be on file with ALD): Name:  Check if authority has been delegated

Title:

Signature: (BLACK ink only)  Date signed:

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This is an amendment to 19.31.4 NMAC, Section 11, effective April 1, 2018. In 19.31.4.11 NMAC, Subsections B and C were not published as there were no changes. In Subsection A, only Item (ii) of Subparagraph (a) of Paragraph 4 is being amended.

**19.31.4.11 DAILY BAG, POSSESSION LIMITS AND REQUIREMENTS OR CONDITIONS:**

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(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        |   |
| <u>Rio de Los Pinos</u>   | <u>From FS road 284 and 87A, 2.5 miles upstream to the private property boundary</u>  | <u>Rio Arriba</u> |   |
| 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  | Taos              |   |

|                   |   |             |  |
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|                   | miles upstream to the Carson national forest boundary   |             |  |
| Red River         | From its confluence with the Rio Grande upstream to the lower walking bridge at Red River state fish hatchery | Taos        |  |
| <u>Rio Grande</u> | <u>From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567</u>       | <u>Taos</u> |  |

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[19.31.4.11 NMAC - Rp, 19.31.4.11 NMAC, 12-12-2017; A, 4-1-2018]

2018 JAN 19 PM 2:10

This is an amendment to Section 11 of 19.31.4 NMAC, effective April 1, 2018.

**19.31.4.11 DAILY BAG, POSSESSION LIMITS AND REQUIREMENTS OR CONDITIONS:**

**A. Trout:**

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

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

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

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

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

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

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

(a) Special trout waters - waters, hereafter referred to as "Special Trout Waters", the following exceptions shall apply:

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

of the following waters:

| Water name                    | Portion  | County           | Exception   |
|-------------------------------|--|------------------|---|
| Tingley beach south pond      | Within the Albuquerque conservancy park  | Bernalillo       |   |
| Mogollon creek                | Upstream from waterfall barrier near intersection of FS trail 153 to confluence of Trail canyon  | Catron and Grant |   |
| Cimarron river                | From the lower end of Tolby campground downstream approximately 1.4 miles to the first bridge of N.M. 64   | Colfax           |   |
| Leandro creek                 | Within the Valle Vidal (Vermejo tract-Carson national forest   | Colfax           | bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited |
| Any stream on the Valle Vidal | Vermejo tract-Carson national forest   | Colfax and Taos  |   |
| Black canyon                  | From the forest road 150 (North Star Mesa road) crossing to its headwaters   | Grant            | bag and possession limits for rainbow trout, brown trout, and brook trout are unlimited |
| Pecos river                   | In the Pecos wilderness, above Pecos falls   | Mora             |   |
| Rio Valdez                    | In the Pecos wilderness from the waterfall barrier 0.8 miles below FS trail 239 upstream to its headwaters   | Mora             |   |
| Rito del Padre                | From fish migration barrier located about 0.3 miles upstream of the confluence with the Rito Sebadillose 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   | Mora and San     |   |

|                            |  |                         |   |
|----------------------------|--|-------------------------|---|
|                            | downstream of NM highway 63 crossing upstream to its headwaters  | 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        |   |
| <u>Rio de Los Pinos</u>   | <u>From FS road 284 and 87A, 2.5 miles upstream to the private property boundary</u>  | <u>Rio Arriba</u> |   |
| 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   | Taos              |   |

|                   |   |             |  |
|-------------------|---|-------------|--|
|                   | upstream to the lower walking bridge at Red River state fish hatchery                                   |             |  |
| <u>Rio Grande</u> | <u>From the New Mexico/Colorado state line downstream to the Taos junction bridge at NM highway 567</u> | <u>Taos</u> |  |

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

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

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

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

**C. The following exception shall apply:**

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

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

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

(4) In Union county: Clayton Lake; In Grant county: Bill Evans lake; In Grant county: lake Roberts the daily bag limit for largemouth bass shall be two fish and no more than two shall be in possession.

[19.31.4.11 NMAC - N, 04-01-2018]