

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 34 WILDLIFE HABITAT AND LANDS
PART 2 HABITAT PROTECTION

19.34.2.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[1-31-96; 19.34.2.1 NMAC - Rn, 19 NMAC 34.2.1, 7-31-12]

19.34.2.2 SCOPE: The department of game and fish and all persons who may hunt, fish and/or trap on U.S. forest service and bureau of land management lands.
[1-31-96; 19.34.2.2 NMAC - Rn, 19 NMAC 34.2.2, 7-31-12]

19.34.2.3 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 all other acts pertaining to protected species.
[6-4-87, 1-31-96; 19.34.2.3 NMAC - Rn, 19 NMAC 34.2.3, 7-31-12]

19.34.2.4 DURATION: Permanent.
[1-31-96; 19.34.2.4 NMAC - Rn, 19 NMAC 34.2.4, 7-31-12]

19.34.2.5 EFFECTIVE DATE: January 31, 1996
[1-31-96; 19.34.2.5 NMAC - Rn, 19 NMAC 34.2.5, 7-31-12]

19.34.2.6 OBJECTIVE: To provide a description of lands closed to vehicle travel under the Habitat Protection Act and to describe prohibited activities on said lands.
[1-31-96; 19.34.2.6 NMAC - Rn, 19 NMAC 34.2.6, 7-31-12]

19.34.2.7 DEFINITIONS:

A. "Road", as used herein, means any maintained or unmaintained right-of-way that has been utilized by the public and includes roads, streets, highways and state scenic recreational of historical trails.

B. "Vehicle", as used herein, means any motor-powered mechanical device used for conveyance.
[1-31-96; 19.34.2.7 NMAC - Rn, 19 NMAC 34.2.7, 7-31-12]

19.34.2.8 VEHICLE USE CLOSURE:

A. Restrictions.

(1) No vehicle shall be operated on the Carson national forest areas described in Paragraphs (1) through (4) of Subsection A of 19.34.2.9 NMAC, Paragraphs (6) through (10) of Subsection A of 19.34.2.9 NMAC, and San Simon canyon recreation area as described in Subsection C of 19.34.2.9 NMAC except on those roads therein that have been posted with arrows as open.

(2) No vehicle shall be operated on the Carson national forest area described in Paragraph (5) of Subsection A of 19.34.2.9 NMAC below between the dates of January 1 and August 15 of each year except on those roads therein that have been posted with arrows as open.

(3) No vehicle shall be operated on the Cibola national forest area described in Subsection B of 19.34.2.9 NMAC below between the dates of December 15 of each year and March 31 of the following year except on those roads therein that have been posted with arrows as open.

B. Exceptions.

(1) For the purposes of camping and parking, motor vehicles shall be allowed up to 300 feet on each side of those roads that are posted with arrows as open.

(2) The restrictions imposed by this regulation shall not apply to private land nor landowner access thereto within the prescribed areas.

(3) Restrictions and prohibitions imposed by this regulation shall not apply to public employees acting in the scope of their employment nor to grazing permittees, mineral claimants, special use permittees, or their assignees or designees, when traveling in the restricted areas for the specific purpose for which their permits or leases were issued or granted.

(4) The restrictions and prohibitions imposed by this regulation shall not apply in emergency situations such as fire or other disasters or where necessary to protect life or property.

(5) Snowmobiles only may be used in Carson national forest area described in Paragraph (9) of Subsection A of 19.34.2.9 NMAC and in portions of those areas described in Paragraphs (2), (3) and (4) of Subsection A of 19.34.2.9 NMAC that are marked as open to snowmobiles use by signs.

(6) In the Valle Vidal area described in Paragraph (10) of Subsection A of 19.34.2.9 NMAC below, unattended motor vehicle parking shall be allowed only during the day and within twenty feet of the roadway along roads that are posted with arrows as open. Unattended motor vehicle parking shall be allowed overnight and during the day on designated parking areas and vehicular camping shall be allowed only in designated campgrounds. [3-5-85, 6-4-87, 1-31-96; 19.34.2.8 NMAC - Rn, 19 NMAC 34.2.8, 7-31-12]

19.34.2.9 ROAD CLOSURE AREAS:

A. Carson national forest.

(1) That portion of the Jicarilla division of the Carson national forest beginning at the northwest corner of the Jicarilla division at its junction with the New-Mexico-Colorado-Jicarilla Indian reservation boundaries, thence south along the Jicarilla division-Jicarilla Indian reservation boundary for approximately 9.25 miles to the section line separating Sections 25 and 36 in township 31 north, range 4 west, thence west along this section line to its junction with forest service road 310, thence west along forest service road 310 to its junction with forest service road 309, thence west along forest service road 309 to its junction with the west boundary to the Jicarilla division, thence north along the west boundary of the Jicarilla division for approximately 9.75 miles to its junction with the New Mexico-Colorado boundary, thence east along the New Mexico-Colorado boundary for approximately 10 miles to the beginning.

(2) That portion of the Tres Piedras division of the Carson national forest beginning at the northeast corner of the Tres Piedras division at its junction with the New Mexico-Colorado boundary, thence south and east along the eastern boundary of the Tres Piedras division to its junction with U.S. Highway 64 at the Village Tres Piedras, New Mexico, thence west along U.S. Highway 64 to its junction with the Tres Piedras division-Tierra Amarilla land grant boundary, thence north and west along the Tres Piedras division-Tierra Amarilla land grant boundary to its junction with the New Mexico-Colorado boundary, thence east along the New Mexico-Colorado boundary for approximately 18 miles to the beginning.

(3) Those portions of the Camino Real division of the Carson national forest beginning at the northeast corner of the Camino Real division at its junction with the Taos Indian reservation, thence south and east along the eastern boundary of the Camino Real division to its junction with the Colfax-Mora county lines, thence west along the Colfax-Mora county lines for approximately 2 miles to its junction with Forest Service Road 76, thence southwest along service road 76 for approximately 3 miles to its junction with forest service trail 124, thence due south from this point for approximately 4 miles to the Camino Real division-Mora land grant boundary, thence south along the Camino Real division-Mora land grant boundary for approximately 5.5 miles to the section line separating sections 23 and 26 in township 22 north, range 14 east, thence west along this section line to its junction with New Mexico highway 518, thence southeast for approximately 1 mile to the village of Angostura, New Mexico, thence south from Angostura for approximately 4.75 miles to the Taos-Mora county line thence southwest along the Taos-Mora county line to their junction with the Pecos wilderness boundary, thence north, west and south along the Pecos wilderness boundary to its junction with the Carson-Santa Fe forest boundary, thence northwest along the Carson-Santa Fe Forest boundary, thence along the Carson-Santa Fe forest boundary to the section line separating sections 29 and 30 in township 20 north, range 12 east, thence northeast from this point in a straight line to the common corner of sections 25, 26, 35 and 36 in township 22 north, range 12 east, thence due east from this point to the common corner of sections 27, 28, 33 and 34 in township 22 north, range 13 east, thence due north from this point for approximately 3 miles to the common corner of sections 9, 10, 14 and 16 in township 22 north, range 13 east, thence northwest for approximately 1 mile to state highway 518, thence due north from this point for approximately 2 miles to forest service trail 4, thence west along forest service trail 4 to New Mexico highway 518, thence northwest from this point to the common corners of sections 22, 23, 26 and 27 in township 23 north, range 12 east, thence northeast from this point to the junction of forest service road 114 and the Cristobal de la Serna land Grant boundary, thence north and northeast along the east boundary of the Cristobal de la Serna land grant to its junction with the Taos Indian reservation boundary, thence east and north along the south boundary of the Taos Indian reservation to the beginning.

(4) That portion of the Questa division of the Carson national forest beginning at the northeast corner of the Questa division at its junction with the Sangre de Cristo Land Grant boundary, thence south and east along the Questa division-Sangre de Cristo land grant boundary to the common corner of sections 9, 10, 15 and 16 in township 29 north, range 15 east, thence due west for approximately 3.5 miles to the common corner of sections 12

and 13, township 29 north, range 14 east and section 7 and 18 township 29 north, range 15 east thence due north for approximately 1 mile to forest service road 134, thence southwest along forest service road 134 to its junction with the west boundary of the Questa division, thence north along the west boundary of the Questa division for approximately 9 miles to the beginning.

(5) That portion of the Questa division of the Carson national forest beginning at the junction of the west boundary of the Questa division with New Mexico highway 38, thence south and east along New Mexico highway 38 to its junction with the Columbine-Hondo proposed wilderness area, thence south and west along the boundary of the Columbine-Hondo proposed wilderness area to its junction with the common corner of Sections 17, 18, 19 and 20 in township 28 north, range 13 east, thence north along the boundary of the Questa division for approximately 5 miles to the common corner of sections 7, 8, 17 and 18 in township 28 north, range 13 east, thence due south for 1 mile to the section line separating sections 16 and 17 in township 28 north, range 13 east, thence north along this section line to its junction with Largo canyon, thence northwest along Largo canyon to its junction with the west boundary of the Questa division, thence northeast along the west boundary of the Questa division to the beginning.

(6) That portion of the Questa division of the Carson national forest beginning at the junction of forest service road 109 and the New Mexico highway 38, thence east along New Mexico 38 to its junction with forest service road 58, thence south along forest service road 58 to the junction of the Red river and the east fork of the Red river, thence southeast along the east fork of the Red river for approximately 1 mile to its junction with the section line separating section 31 in township 28 north, range 15 east, and section 1 in township 27 north, range 15 east, thence east along this section line for approximately .5 miles to its junction with the Wheeler peak wilderness boundary, thence north, east, south and west along the Wheeler peak wilderness boundary to its junction with the Taos Pueblo grant and state highway 150, thence north along state highway 150 for approximately .5 miles to its junction with the boundary of the Columbine-Hondo proposed wilderness, thence north, west and east along the boundary of the Columbine-Hondo proposed wilderness to the beginning.

(7) That portion of the Tres Piedras division of the Carson national forest beginning at the common corner of section 14, 15, 22 and 23 in township 24 north, range 6 east, thence east for approximately 2 miles to the common corner of sections 13 and 24 in township 24 north, range 6 east, and sections 18 and 19 in township 24 north, range 7 east, thence south and west from this point for approximately 2 miles along an unnamed creek to the middle of section 25 in township 24 north, range 6 east, thence northeast to Arroyo del Perro, thence along Arroyo del Perro to Alamitos springs, thence due east to the common corner of sections 33 and 34 in township 24 north, range 7 east, and sections 3 and 4 in township 23 north, range 7 east, thence due south for approximately 1.5 miles to the Tres Piedras division-Lobato grant boundary, thence west and south along the Lobato grant boundary to its junction with state highway 554, thence southwest along state highway 554 for approximately .5 miles to its junction with the south boundary of the Tres Piedras division, thence west along the south boundary of the Tres Piedras division to its junction with the east boundary of the Plaza Blanca grant, thence north along the east boundary of the Plaza Blanca Grant to the beginning.

(8) That portion of the Tres Piedras division of the Carson national forest beginning at the northeast corner of the Piedra Lumbre grant, thence west along the north boundary of the Piedra Lumbre grant to the common corner of sections 2, 3, 9 and 10 in township 24 north, range 4 east, thence due north for approximately 1 mile to the common corner of sections 34 and 35 in township 25 north, range 4 east, and sections 2 and 3 in township 24 north, range 4 east, thence northeast in a straight line to the common corner of sections 25, 26, 35 and 36 in township 25 north, range 4 east, thence due east for approximately 3 miles to the common corner of sections 28, 29, 32 and 33 in township 25 north, range 5 east, thence due south approximately 1 mile to the common corner of sections 32 and 33 in township 25 north, range 5 east, and sections 4 and 5 in township 24 north, range 5 east, thence due east for approximately 1 mile to the common corner of sections 33 and 34 in township 25 north, range 5 east, and sections 3 and 4 in township 24 north, range 5 east, thence due north for approximately 1 mile to the common corner of sections 27, 28, 33 and 34 in township 25 north, range 5 east, thence due east for approximately 3 miles to the common corner of sections 25 and 36 in township 25 north, range 5 east, and sections 30 and 31 in township 25 north, range 6 east, thence due south along the section line for approximately .5 miles, thence east, south and west encompassing the SW 1/4 of section 31 of township 25 north, range 6 east, thence west-southwest in a straight line until this line intersects Comanche canyon, thence southwest along Comanche canyon for approximately 1 mile to the common corner of sections 2, 3, 10 and 11 in township 24 north, range 5 east, thence south-southwest in a straight-line for approximately 1.5 miles to marker post 5 on the east boundary of the Piedra Lumbre grant, thence north along the east boundary of the Piedra Lumbre grant to the beginning.

(9) That portion of the Tres Piedras division of the Carson national forest beginning at the junction of the Tierra Amarilla grant, Jarosita canyon and the Tres Piedras division boundary, thence southeast for approximately 2 miles along Jarosita canyon to the common corner of sections 2, 3, 10 and 11 in township 27 north, range 6 east, thence due south in a straight line to the common corner of sections 10, 11, 14 and 15 in township 27 north, range 6 east, thence southwest in a straight line for approximately 2 miles to the common corner of sections 24 and 25 in township 27 north, range 6 east, and sections 19 and 30 in township 27 north, range 7 east, thence southwest from this point in a straight line to its intersection with Salvador canyon, thence southeast along Salvador canyon to its junction with El Rito creek, thence north along El Rito creek to its junction with canyon de Chacon, thence west along canyon de Chacon to its junction with forest service road 274, thence northwest from this point in a straight line to the common corner of sections 17, 18, 19 and 20 in township 27 north, range 6 east, thence due west for approximately 1.5 miles to the common corner of sections 13, 14, 23 and 24 in township 27 north, range 5 east, thence north-northeast in a straight line to the common corner of sections 1 and 12 in township 27 north, range 5 east, and sections 6 and 7 in township 27 north, range 6 east, thence southwest to the common corner of sections 11, 12, 13 and 14 in township 27 north, range 5 east, thence due west for approximately 1 mile to the common corner of sections 10, 11, 14 and 15 in township 27 north, range 5 east, thence northwest in a straight line for approximately 1.25 miles to its intersection with forest service road 125, thence north and east along forest service road 125 to its end at Trout lakes, thence northwest in a straight line to its intersection with the Tres Piedras division-Tierra Amarilla Grant boundary, thence east along the Tres Piedras division-Tierra Amarilla grant boundary to the beginning.

(10) That portion of the Questa division of the Carson national forest known as the Valle Vidal addition.

B. Cibola national forest. That portion of the Mount Taylor district of the Cibola national forest lying within the boundary line starting at the junction of state highway 400 and the Cibola national forest boundary in section 9, township 14 north, range 16 west, and running west and thence north along the forest boundary to the southern boundary of the Fort Wingate army depot, thence southwest, south and west along the southern boundary of the Fort Wingate army depot to its intersection with Hogback ridge in section 2, township 13 north, range 17 west, thence south along Hogback ridge to its intersection with forest service road 191, thence east along forest service road 191 to its intersection with state highway 400, thence east along the section line between sections 3 and 10 and 2 and 11 in township 13 north, range 16 west to its intersection with forest service road 50, thence south and east along forest service road 50 to its junction with forest service road 166, thence north on forest service road 166 to its junction with forest service road 418, thence northeast along forest service road 418 to its intersection with the forest boundary in section 20, township 13 north, range 14 west, thence north and west along the forest boundary to the beginning.

C. Simon Canyon recreation area. Those portions of sections 9, 10 and 15 in township 30 north, range 8 west lying north of the San Juan river but below the Simon canyon rim (6,200 feet elevation) and within that area designated and administered by the bureau of land management as the Simon canyon recreation area. [12-15-82, 6-5-85, 6-4-87, 1-31-96; 19.34.2.9 NMAC - Rn, 19 NMAC 34.2.9, 7-31-12]

19.34.2.10 CLOSURE TO ENTRY:

A. Summer closure.

(1) The elk calving area described in Paragraph (2) of Subsection A of 19.34.2.10 NMAC, below will be closed to public entry during the period of May 1 through June 30 of each year except on those roads therein that have been posted with arrows as open or as allowed by rule.

(2) Beginning at the west boundary of the Valle Vidal addition of the Questa district of the Carson national forest at the Costilla river, thence north along the Valle Vidal boundary to the north boundary of the Valle Vidal, thence east along the Valle Vidal boundary to the Taos-Colfax county line, thence south and west along the county line to its intersection with the south boundary of Valle Vidal, thence west and north along the Vidal boundary to the beginning.

B. Winter closure.

(1) The elk wintering area described in Paragraph (2) of Subsection B of 19.34.2.10 NMAC below will be closed to public entry during the period January 1 through March 31 of each year except on those roads therein that have been posted with arrows as open.

(2) Beginning on the north boundary of the Valle Vidal addition of the Questa district of the Carson national forest at its intersection with the Taos-Colfax county line, thence east, south, west and north along the Valle

Vidal boundary to its intersection with the Taos-Colfax county line, thence east and north along the county line to the beginning.

[3-5-85, 6-5-85, 1-31-96; 19.34.2.10 NMAC - Rn & A, 19 NMAC 34.2.10, 7-31-12]

HISTORY OF 19.34.2 NMAC:

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

DGF 74-10, Regulation No. 561, Limiting Motor Vehicle Use on a Portion of the Tres Piedras Ranger District on the Carson National Forest, 9/12/74.

DGF 74-10, Amendment No. 1, Order No. 2-75 Amending Regulation No. 561, 7/31/75.

DGF 77-4, Regulation No. 585, Limiting Motor Vehicle Use on a Portion of the Tres Piedras Ranger District of the Carson National Forest, 5/24/77.

Regulation No. 649, Limiting Motor Vehicle Use on a Portion of the Carson National Forest, 6/4/87.

Regulation No. 621, Limiting Motor Vehicle Use on a Portion of the Mount Taylor Ranger District of the Cibola National Forest, 12/15/82.

Regulation No. 635, Limiting Motor Vehicle Use on a Portion of the Simon Canyon Recreation Area, 6/5/85.

Regulation No. 636, Regulation Governing Access, Parking, Off Road Vehicle Restrictions, Area Closures and User Stamp Requirement on Valle Vidal, Questa District, Carson National Forest, 6/5/85.

Order No. 12-89, Amendment No. 1 to Regulation No. 636, Deleting Public Land Management Stamp Chapter, 1/19/90.

History of Repealed Material: [RESERVED]