



**Legend**

**Non-Navigability Status**

- ★ Certified Non-Navigable
- ★ Application Pending

## Maps and Information Regarding DGF's Non-Navigable Waters Certifications:

To supplement the comments and photographs submitted by the New Mexico Paddlers Coalition to the New Mexico Game and Fish Commission on 5 pending Non-Navigable Waters applications, dated June 4, 2021, the following table and maps are included to illustrate the impacts to river recreational resources across the state.

1. Map of the state of New Mexico (previous page) indicating the location of certified and pending non-navigable waters applications
2. Table 1. River & property information for non-navigability certification applications submitted to NM Game Commission as of 7/9/2021. Not all applications are included in this table.
3. Maps of certified and pending non-navigable water properties on reaches of rivers that contain recreational resources.\* Those properties include:
  - Troutstalker Ranch (certified)
  - Rio Dulce Ranch (certified)
  - Mimbres River Ranch (certified)
  - Monticello Box Ranch (certified)
  - Rio Penasco Ranch (certified)
  - Rancho Del Oso Pardo (pending)
  - River Bend Ranch (pending)
  - Canones Creek Ranch (pending)
  - Fenn Farms Ranch (pending)

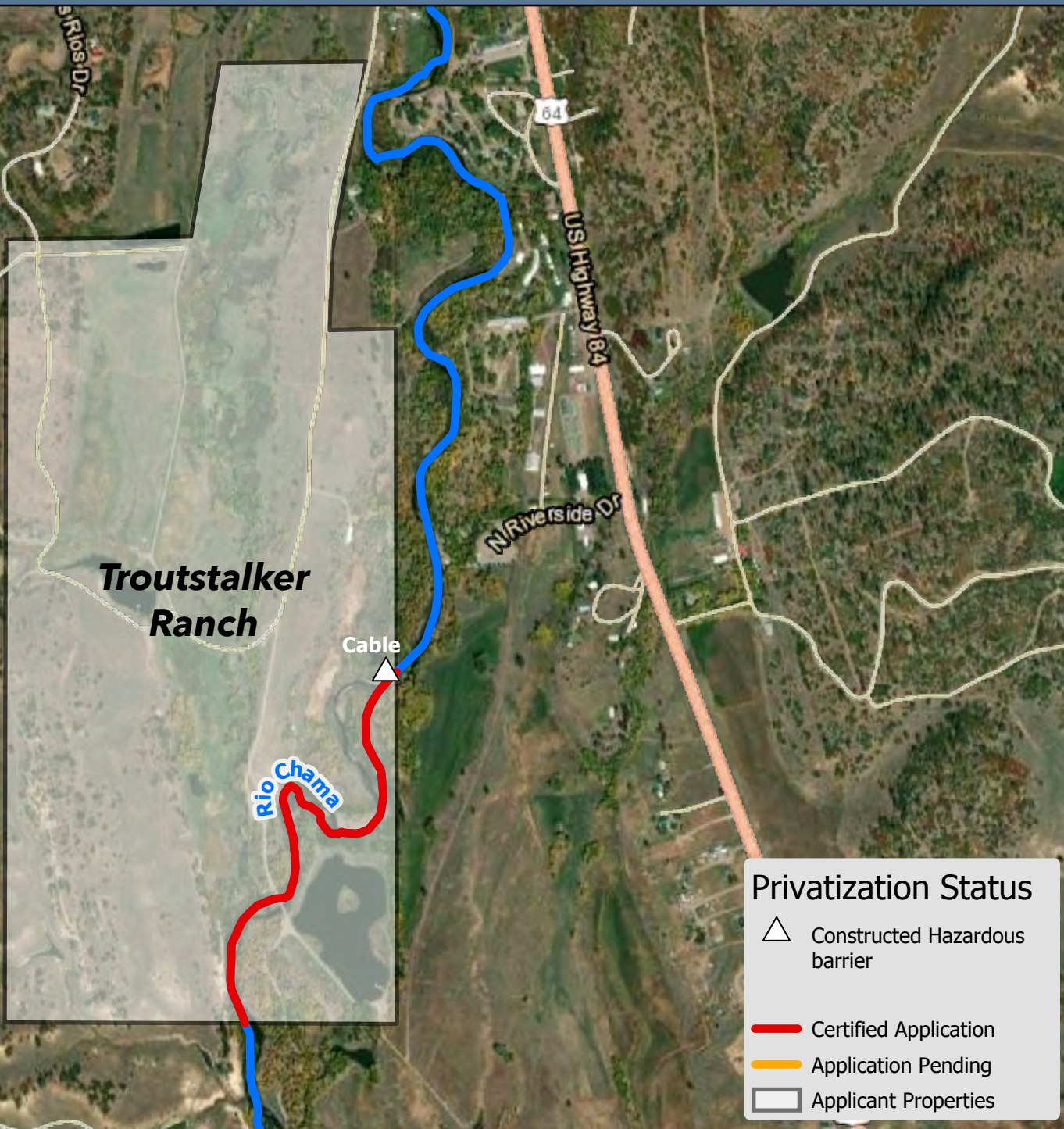
\*The map quality of many applications was poor and the maps included herein are best approximations based on visible landmarks. The Three Rivers Ranch pending application is not included as the map was completely illegible. This alone should disqualify the Three Rivers Ranch application.

Table 1. River & property information for non-navigability certification applications submitted to NM Game Commission as of 7/9/2021. Not all applications are included in this table.

River	Privatized River Miles	Extent of affected river segment with mileage	In 1983 State Parks Whitewater Guidebook	Affected Recreationists	Property Name	Owner	Property Acres	Status
Rio Chama	0.7	<a href="#">Chama to Los Ojos (95 Bridge) - 12.7 mi</a>	Page 17	Paddling and Angling	Troutstalker Ranch	Chama Troutstalkers, LLC	332.6	Certified Non-Navigable
Pecos River	0.2	<a href="#">Cowles to Pecos - 13.3 mi</a>	Page 40	Paddling and Angling	Rio Dulce Ranch	The Kenneth A. Hersh Qualified Residence Trust and The Julie K. Hersh Qualified Residence Trust	28.1	Certified Non-Navigable
Mimbres River	2.3		No	Paddling and Angling	Mimbres River Ranch	Z&T Cattle Company, LLC	870.5	Certified Non-Navigable
Alamosa Creek	3.3		No	Angling	Monticello Box Ranch	Z&T Cattle Company, LLC	2193.8	Certified Non-Navigable
Rio Penasco	4.6		No	Angling	Rio Penasco Ranch	Z&T Cattle Company, LLC	1252.8	Certified Non-Navigable
Rio Chama	3.7	Archuleta Creek to Chama River Park ( <a href="#">includes section from Wolf Creek 6.7 mi</a> )	Page 16	Paddling and Angling	Rancho Del Oso Pardo	Rancho del Oso Pardo, Inc.	2128.7	Application Pending
Pecos River	0.8	<a href="#">Cowles to Pecos - 13.3 mi</a>	Page 40	Paddling and Angling	River Bend Ranch	River Bend Ranch, LLC	236.5	Application Pending
Rio Chama	0.5	<a href="#">Chama to Los Ojos - 12.7 mi</a>	Page 17	Paddling and Angling	Canones Creek Ranch	Chama III, LLC	231.0	Application Pending
Berrendo Creek	1.1		No	Impounded water paddle/ Angling	Fenn Farms Ranch	Fenn Farms Ranch	509.0	Application Pending

# NM Game Commission Certification of Non-Navigable Waters - Troutstalker Ranch

- Property owner has constructed a habitat restoration project in the Rio Chama-Chamita floodplain/channel.
- Property owner has constructed riverside lodging and employed an in-house fishing guide; charges daily fees for access.
- Two cross-river cables (indicated on this map) with DGF and other "no trespass" signage attached require boaters to make short portages across private property at runnable flows.
- Title to property arose from the Merced de Tierra Amarilla grant, which historically provided relatively open fishing access to land grant heirs, residents of the Chama community. Residents note that their historical access is progressively declining.
- Observers discovered a line of T-bar posts that may presage construction of a fence (opposite Trout Stalker Ranch) making legal angler access to the 1990 easement more problematic.
- AW has documented several paddling trips through this section of the Rio Chama: <https://www.americanwhitewater.org/content/River/view/river-detail/1218/main>



# NM Game Commission Certification of Non-Navigable Waters - Rio Dulce Ranch

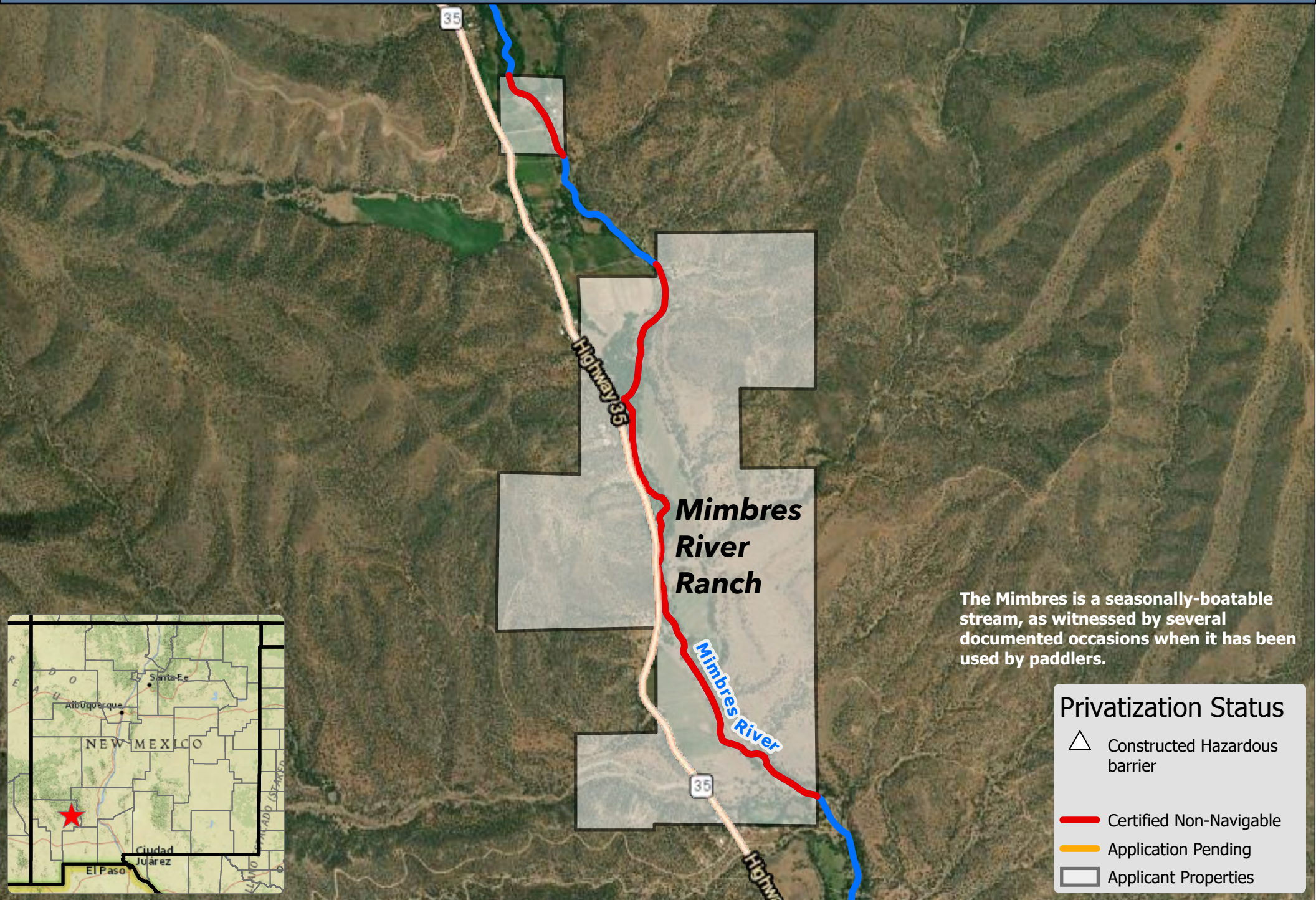
- Segments within this section of river have been modified by in-channel dredging/ construction, to enhance trout production. Such activity requires a US Army Corps of Engineers Section 404 (dredge and fill) permit, which the owner evidently did not obtain.
- A fence, featuring multi-strand barbed wire topped by concertina wire, denies access making paddler ingress a deadly endeavor.
- Access is limited to commercial fly fishermen and is exclusively overland.
- The closure eliminates, or makes more problematic, access to National Forest land, downstream.
- Non-DGF signage was added, making plain that the intent of the barrier is to prevent passage by those navigating the river, effectively eliminating boating on the entire segment of the Pecos River that offers runnable Class IV rapids. The language of DGF signs, the statute and rule, refers to "operation of watercraft", leading landowners to believe that they are permitted to fence out paddlers.



### Privatization Status

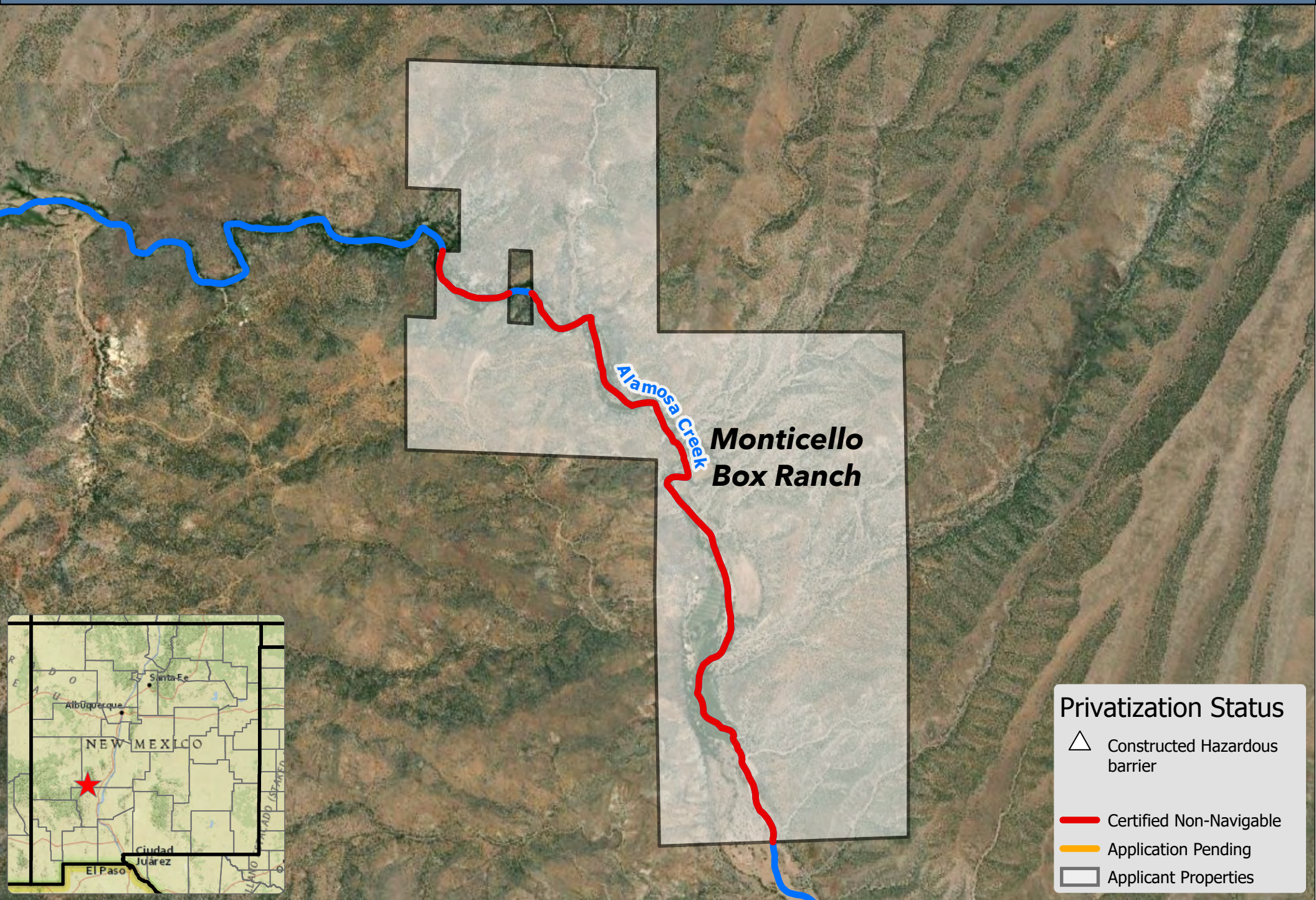
- △ Constructed Hazardous Barrier
- Certified Non-Navigable
- Application Pending
- Applicant Properties

# NM Game Commission Certification of Non-Navigable Waters - Mimbres River

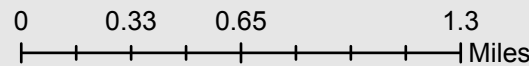
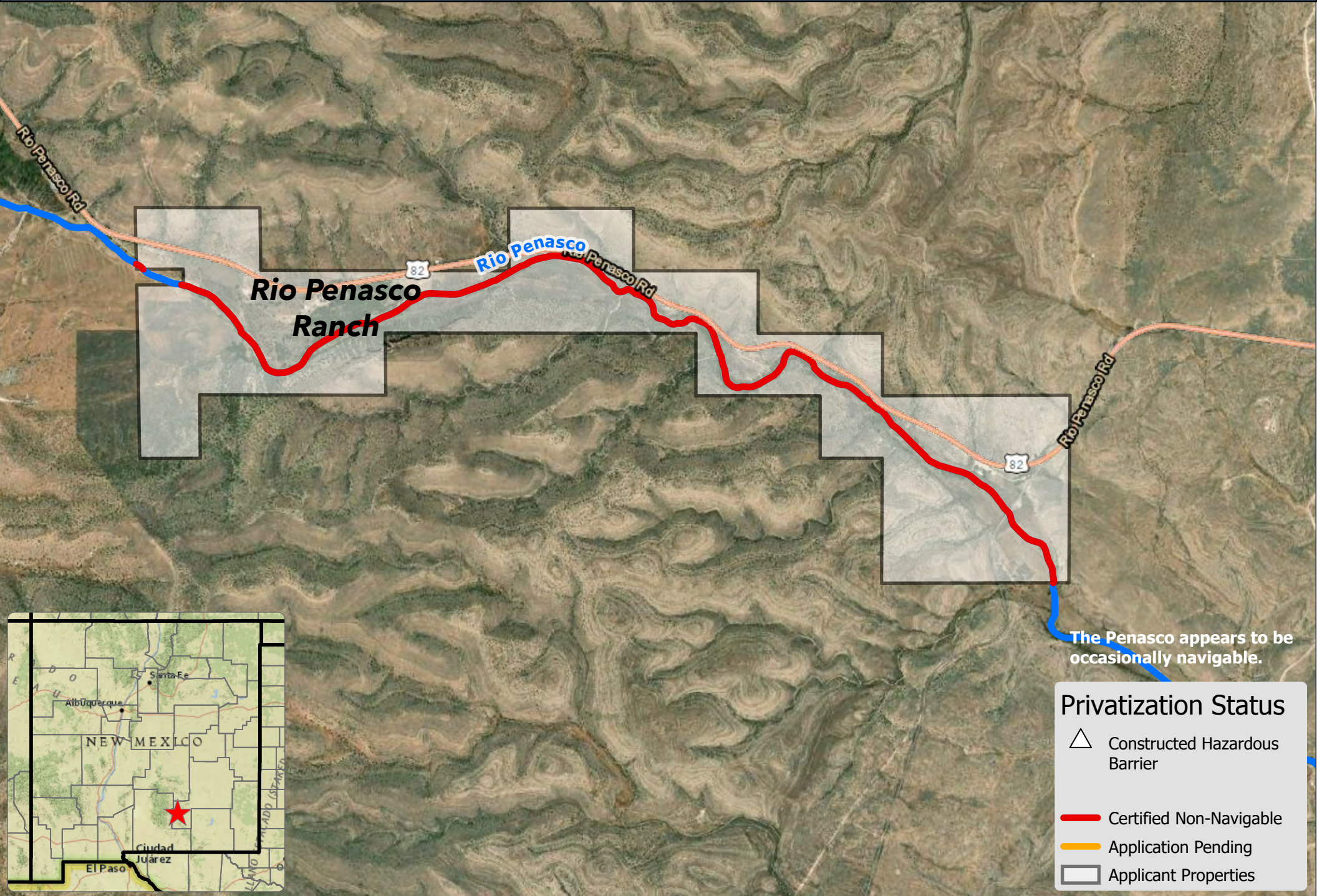


Disclaimer: Locations of segments certified non-navigable by the NMGC or those with pending applications are approximate. Location data was taken from each property's application and map quality varies greatly. Some applications failed to meet the statutory requirement to provide "a map of sufficient size and detail to allow the identification of potential access points to water and access roads to be located by someone unfamiliar with the area."

# NM Game Commission Certification of Non-Navigable Waters - Monticello Box Ranch



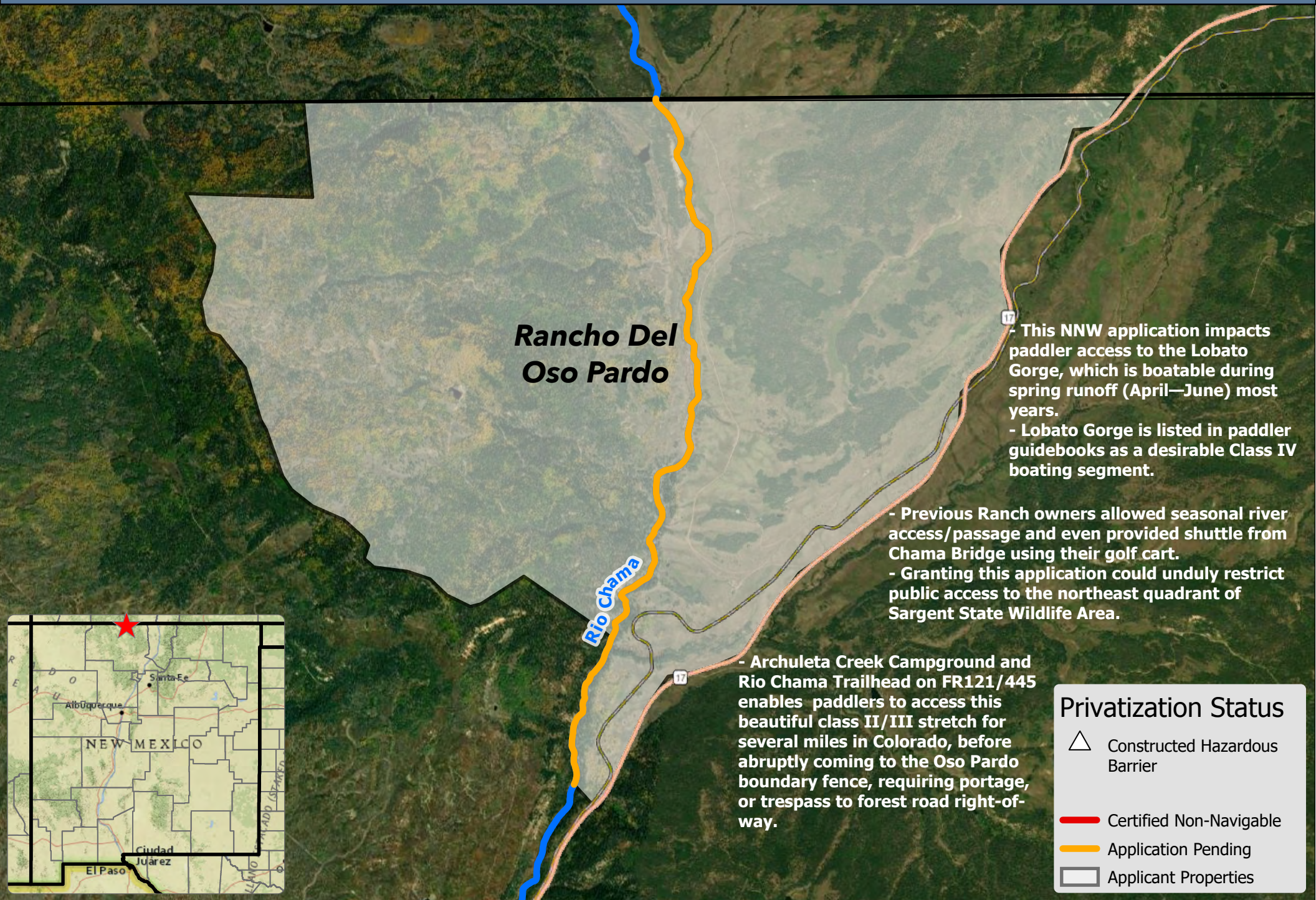
# NM Game Commission Certification of Non-Navigable Waters - Rio Penasco Ranch



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# NM Game Commission Certification of Non-Navigable Waters - Rancho Del Oso Pardo



**Rancho Del Oso Pardo**

**Rio Chama**

- This NNW application impacts paddler access to the Lobato Gorge, which is boatable during spring runoff (April—June) most years.
- Lobato Gorge is listed in paddler guidebooks as a desirable Class IV boating segment.

- Previous Ranch owners allowed seasonal river access/passage and even provided shuttle from Chama Bridge using their golf cart.
- Granting this application could unduly restrict public access to the northeast quadrant of Sargent State Wildlife Area.

- Archuleta Creek Campground and Rio Chama Trailhead on FR121/445 enables paddlers to access this beautiful class II/III stretch for several miles in Colorado, before abruptly coming to the Oso Pardo boundary fence, requiring portage, or trespass to forest road right-of-way.

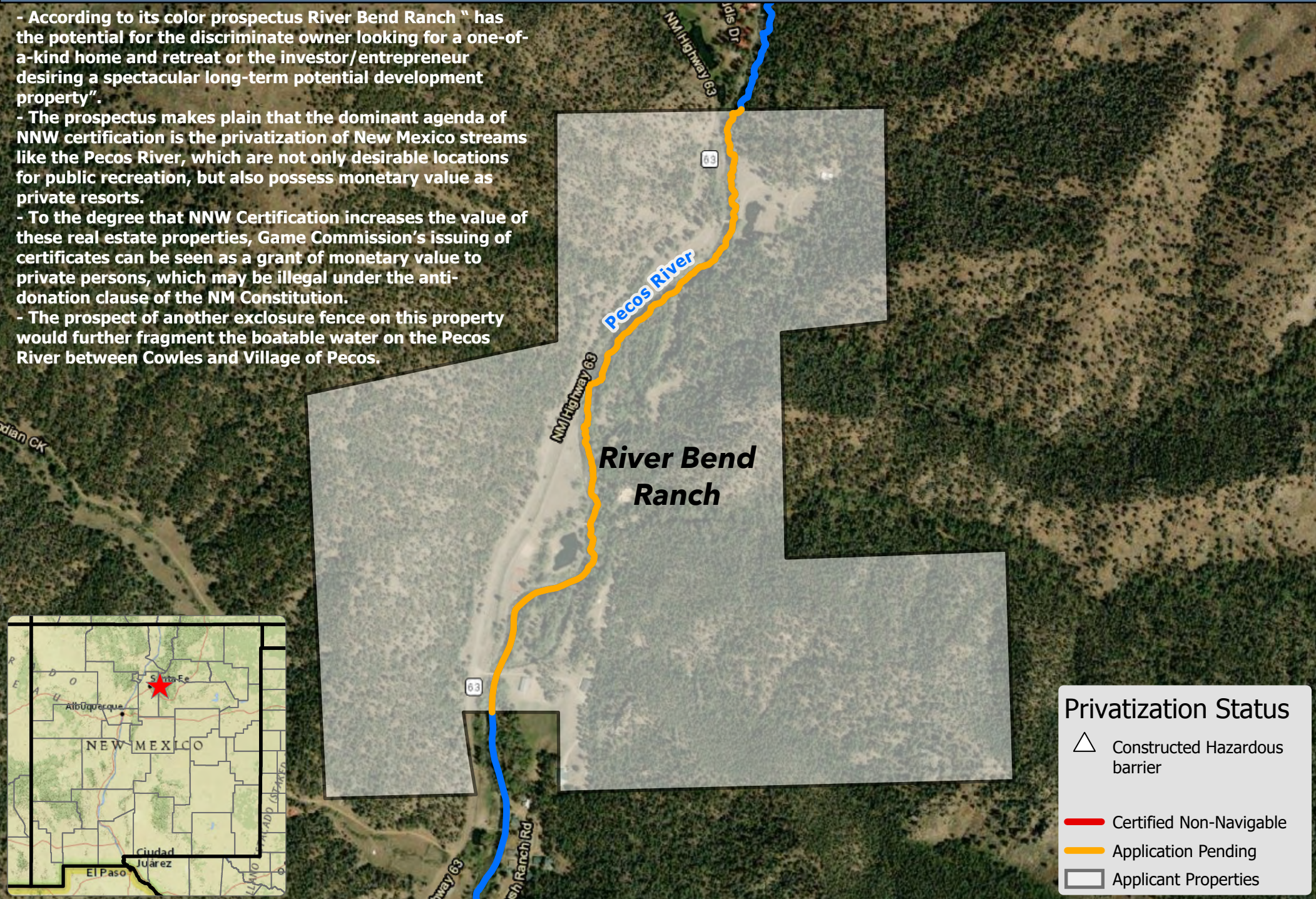
**Privatization Status**

- △ Constructed Hazardous Barrier
- Certified Non-Navigable
- Application Pending
- ▭ Applicant Properties



# NM Game Commission Certification of Non-Navigable Waters - River Bend Ranch

- According to its color prospectus River Bend Ranch " has the potential for the discriminate owner looking for a one-of-a-kind home and retreat or the investor/entrepreneur desiring a spectacular long-term potential development property".
- The prospectus makes plain that the dominant agenda of NNW certification is the privatization of New Mexico streams like the Pecos River, which are not only desirable locations for public recreation, but also possess monetary value as private resorts.
- To the degree that NNW Certification increases the value of these real estate properties, Game Commission's issuing of certificates can be seen as a grant of monetary value to private persons, which may be illegal under the anti-donation clause of the NM Constitution.
- The prospect of another exclosure fence on this property would further fragment the boatable water on the Pecos River between Cowles and Village of Pecos.



## Privatization Status

- △ Constructed Hazardous barrier
- Certified Non-Navigable
- Application Pending
- ▭ Applicant Properties

# NM Game Commission Certification of Non-Navigable Waters - Canones Creek Ranch

- This segment of the Rio Chama is among those listed as boatable in NM State Parks 1983 publication "New Mexico Whitewater: A Guide to River Trips".
- Cross river fences are described as "frequent and dangerous", requiring boaters to portage across private land.
- River diversions on the Canones Creek Ranch have been constructed to maintain connectivity.
- AW considers such diversions to be "boater friendly", in contrast to the older weir-dam diversions which are notoriously hazardous.
- The segment is quite popular with New Mexico paddlers. AW has documented a number of boating excursions on this section of the Rio Chama
- Barriers on the Canones Creek Ranch section could eliminate access to a very popular Chama run.

**Canones  
Creek  
Ranch**

**Rio Chama**

64

State Highway 64/64

## Privatization Status

- △ Constructed Hazardous Barrier
- Certified Non-Navigable
- Application Pending
- Applicant Properties

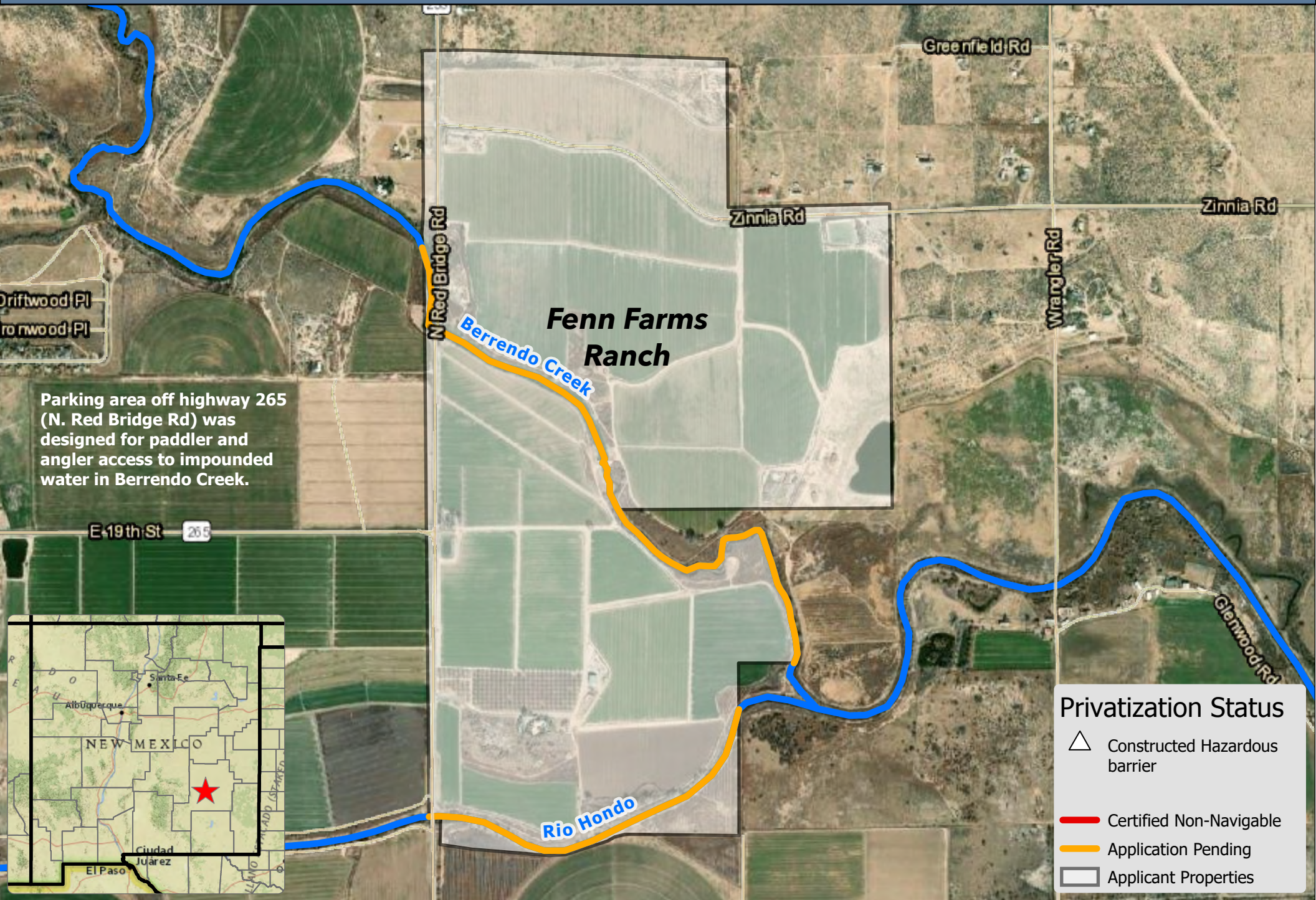


0 0.13 0.25 0.5 Miles

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# NM Game Commission Certification of Non-Navigable Waters - Fenn Farms Ranch



Parking area off highway 265 (N. Red Bridge Rd) was designed for paddler and angler access to impounded water in Berrendo Creek.

### Privatization Status

- Constructed Hazardous barrier
- Certified Non-Navigable
- Application Pending
- Applicant Properties