

sentenced pursuant to Section 17-2-10 NMSA 1978.

FISCAL IMPLICATIONS

DGF anticipates minimal fiscal impact. Currently conservation officers are already stationed in the field and routinely carry out patrols, apprehending and prosecuting for violations of Chapter 17 and the Commission's rules. Any additional duties in this regard will have a minimal fiscal impact and can be absorbed through budget management and monitoring.

SIGNIFICANT ISSUES

DGF notes that this bill will give the State Game Commission authority to regulate the manner, method and devices used for capturing of nongame fish like minnows and carp. Nets, pitchforks or similar ways of capturing these fish species could be regulated by the commission. This bill does not establish a license requirement or bag limit for nongame fish. The bill also changes the age from 14 down to 11 years of age for the allowance of taking minnows not for resale (personal bait use) which is also consistent with the fishing without a license allowance established in 17-3-17 and taking minnows allowance in 17-3-26 NMSA 1978. This bill establishes that violating the commission's rules of taking nongame fish would be a misdemeanor violation and sentencing would be in accordance with 17-2-10 NMSA 1978 (where other Chapter 17 violations have their punishment schedule established).

DGF notes that the bill will give the commission the ability to regulate exactly how nongame fish can be captured by all individuals. The Commission currently has regulatory authority over commercial bait fishermen but does not have any regulatory authority of anyone wishing to collect bait for their personal use or interest. Conservation officers that are stationed along the Pecos and Rio Grande have witnessed individuals using all kinds of means to capture fish in the river. These public waterways contain both protected game fish like catfish, bass walleye and pan fish, and unprotected nongame fish like minnows and carp that are important to local communities and economies. Since the commission has no authority (except commercial bait fish collection) of what techniques may be used for catching nongame fish, people utilize gigs, pitchforks, nets and even have drives with beaters. Officers have seen and complain that individuals are harming game fish using these unregulated techniques. When caught with game fish, offices can and do cite individuals for this illegal take. However, it is extremely difficult to apprehend individuals with captured game fish as they can be released to float away or are immediately hidden from view and are not detected. There is no data on how much the game fish resource is being damaged by nongame fishing techniques.

BFW/mt