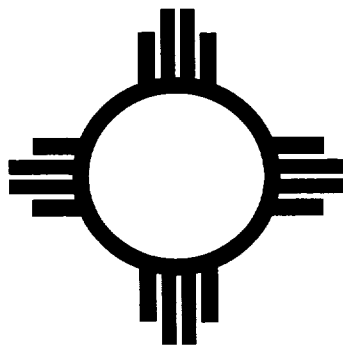


NEW MEXICO REGISTER

Volume XI, Issue No. 22

November 30, 2000



The Official Publication for All Notices
of Rule Making and Filings of Adopted,
Proposed and Emergency Rules
in New Mexico

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ADOPTED RULES & REGULATIONS

Effective Date and Validity of Rule Filings

Rules published in this issue of the *New Mexico Register* are effective on the publication date of this issue unless otherwise specified. "No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." 14-4-5 NMSA 1978.

A=Amended, N=New, R=Repealed

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Please note that the (*) entries obey the reformatting rules set forth in 1.24.10 NMAC, effective 2/29/00

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(a) During the period of disciplinary exclusion from school, each student who is disabled pursuant to the IDEA must continue to be offered a program of appropriate educational services that is individually designed to meet his or her unique learning needs and provides a free appropriate public education (FAPE) pursuant to 34 CFR Sec. 300.121(d). Such services may be provided in the home, in an alternative school, or in another setting.

(b) School districts may cease educational services to students who are disabled pursuant to Section 504 during periods of disciplinary exclusion from school that exceed ten (10) school days if students who are not disabled do not continue to receive educational services in similar circumstances.

(2) Provision of Alternative Educational Services

(a) The parent(s) shall be notified of the IEP/504 meeting.

(b) An IEP is developed to reflect the alternative educational services and placement to be provided to the student during the period of the long-term suspension or expulsion, pursuant to 34 CFR Sec. 300.121.(d).

(c) If the parent(s) of an IDEA student request a due process hearing, the hearing shall be expedited pursuant to 34 CFR Sec. 300.528 and Paragraph 11 of Subsection I of 6.31.2.13 NMAC and the student shall remain in the alternative educational setting during the pendency of any proceedings, unless the parent(s) and administrative authority agree otherwise or the IDEA hearing officer orders otherwise pursuant to 34 CFR Sec. 300.526 and Paragraph 20 of Subsection I of 6.31.2.13 NMAC.

(3) Local school boards shall adopt policies stating whether a student will receive grades and/or credit during the period of long-term suspension or expulsion, subject to the requirement of 34 CFR Sec. 300.121 that an IDEA student must receive services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.

[08-15-97; 6.11.2.11 NMAC – Rn, 6 NMAC 1.4.11 & A, 11-30-00]

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

**Title 19 Natural Resources and
Wildlife
Chapter 15 Oil and Gas
Part 9 Secondary or Other
Enhanced Recovery,
Pressure Maintenance, Salt
Water Disposal, and
Underground Storage**

Explanatory Paragraph: The purpose of these changes are to affect the renumbering and reformatting of 19 NMAC 15.1 to 19.15.9 NMAC and to amend Sections 19.15.9.1 NMAC, 19.15.9.5 NMAC, 19.15.9.705 NMAC. The amendment in 19.15.9.705 NMAC is to relax the provision that governs automatic termination of injection authority.

19.15.9.1 ISSUING AGENCY

Energy, Minerals and Natural Resources Department. [Oil Conservation Division, 2040 S. Pacheco, Santa Fe, New Mexico 87505; (505) 827-7131] [2-1-96; 19.15.9.1 NMAC – Rn, 19 NMAC 15.1.1, 11-30-00; A, 11-30-00]

19.15.9.5 EFFECTIVE DATE

February 1, 1996, unless a later date is cited at the end of a section. [2-1-96; 19.15.9.5 NMAC – Rn, 19 NMAC 15.1.5, 11-30-00; A, 11-30-00]

19.15.9.705 COMMENCEMENT, DISCONTINUANCE, AND ABANDONMENT OF INJECTION OPERATIONS

A. The following provisions [shall] apply to all injection projects, storage projects, salt water disposal wells and special purpose injection wells:

B. Notice of Commencement and Discontinuance

(1) Immediately upon the commencement of injection operations in any well, the operator shall notify the Division of the date such operations began.

(2) Within 30 days after permanent cessation of gas or liquefied petroleum gas storage operations or within 30 days after discontinuance of injection operations into any other well, the operator shall notify the Division of the date of such discontinuance

and the reasons therefor. No injection well may be temporarily abandoned for a period exceeding [six months] one year unless the injection interval has been isolated by use of cement or a bridge plug. The Director of the Division may delay the cement or bridge plug requirements above upon a demonstration that there is a continuing need for such a well, that the well exhibits mechanical integrity, and that continued temporary abandonment will not endanger underground sources of drinking water.

(3) Before any injection well is plugged, the operator shall obtain approval for the well's plugging program from the appropriate District Office of the Division in the same manner as when plugging oil and gas wells or dry holes.

C. Abandonment of Injection Operations

(1) Whenever there is a continuous [six-month] one year period of non-injection into any injection project, storage project, salt water disposal well, or special purpose injection well, such project or well shall be considered abandoned, and the authority for injection shall automatically terminate *ipso facto*.

(2) For good cause shown, the Division Director may grant an administrative extension or extensions of injection authority as an exception to Subsection C, Paragraph (1) above of 19.15.9.705 NMAC.

[1-1-50...2-1-96; 19.15.9.705 NMAC – Rn, 19 NMAC 15.1.705, 11-30-00; A, 11-30-00]

NEW MEXICO DEPARTMENT OF GAME AND FISH

**Title 19 Natural Resources and
Wildlife
Chapter 31 Hunting and Fishing
Regulations
Part 4 Fisheries**

This is an amendment to 19.31.4 NMAC, Sections 9, 13, and 16. This rule was also renumbered from 19 NMAC 31.4 to 19.31.4 NMAC to comply with the NMAC requirements.

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

[Season Dates]

Water

April 1, 1999, through October 31, 1999; 12 Noon; —March 1 through October 31, 12 Noon	McAllister Lake, Upper & Lower Charette —Lakes, Maxwell Lakes 13-14, Clayton Lake
July 1 through December 31	All waters within Valle Vidal (Vermejo —Tract-Carson National Forest)
April 1 through November 30	Bonito Lake
April 1 through October 31	Burns Canyon Lake at Parkview Trout —Hatchery, Santa Cruz Lake]

(1) Special Waters

(a) The following waters shall be open between 12 noon March 1 through 12 noon October 31: McAllister Lake, 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) Bonito Lake shall be open from April 1 through November 30.

(d) Burns Canyon Lake at Parkview Trout Hatchery and Santa Cruz Lake shall be open from April 1 through October 31.

(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.

(2) Heron Lake and the Pine River shall be open for the special kokanee salmon season from November 15 through December.

(3) Heron Lake, including the Willow Creek tributary, and the Pine River shall be closed to kokanee salmon fishing between October 1 and November 14.

[4-15-95, A-2-28-98, A, 2-15-99; 19.31.4.9 NMAC – Rn & A, 19 NMAC 31.4., 11-30-00]

19.31.4.13 MANNER AND METHOD OF TAKING OR FISHING FOR GAME FISH – LEGAL GEAR**A. Angling**

(1) In all open waters, game fish may be fished for by angling. Persons may use two poles in all waters other than trout waters, except in Caballo Reservoir where two poles may be used.

(2) In the Special Trout Waters specified in [11.1.4, of this regulation] Subsection A of 19.31.4.11 NMAC, trout shall be fished for only by angling with barbless lures or flies, and no natural or prepared baits of any kind shall be used provided, however, that this restriction shall not apply to waters of the Rio Grande (excluding the section described in [11.1.4.7] Subsection A of 19.31.4.11 NMAC), lower Red River, the Rio Chama below Abiquiu Dam as described in [11.1.4.4] Subsection A of 19.31.4.11 NMAC and the designated fishing pond at Red River Hatchery.

(3) No person shall angle for game fish by snagging, except for kokanee salmon during the special kokanee season at those listed waters.

(4) In the Special Trout Water specified in [11.1.4.7 of this regulation] Subsection A of 19.31.4.11 NMAC, trout shall be fished for only angling with artificial lures and flies on which the hooks have no barbs or the barbs have been bent closed; soft plastic lures may be used.

B. Trotlines

(1) Trotlines may be used in all warm waters except the following lakes: Bataan, Bear Canyon, Bernardo Waterfowl Management Area, Bill Evans, Bottomless, Burn, Carlsbad Municipal, Chaparral, Escondida, Eunice, Greene Acres, Green Meadow, Jal, La Joya Waterfowl Management Area, Camizozo Lake, Maddox, Oasis Park, Tingley Beach, Ned Houk Ponds, and Van

(2) Trotlines may be used in the following trout waters: the Chama River from the northern boundary of the "Monastery of Christ in the Desert" downstream, including Abiquiu Lake; the Gila River proper downstream from its junction with the East Fork of the Gila; Navajo Lake; and the Rio Grande downstream from the confluence of the Chama River, excluding that section below Elephant Butte Dam described in section [11.1.4.7] Subsection A of 19.31.4.11 NMAC.

C. Spears, Gigs, and Arrows

(1) Spears, gigs, and arrows with barbs that are discharged beneath the water may be used in all waters open to fishing.

(2) In addition, during the season established by [9-2] Subsection B of 19.31.4.9 NMAC, kokanee salmon may be taken by the use of spears, gigs, and arrows with barbs that are discharged above or below the water and not driven by explosives, gas, air, or crossbow.

D. Attracting or Concentrating Fish

(1) Game fish and bullfrogs may be taken with the aid of artificial lights.

(2) During open fishing seasons, it shall be lawful to chum to attract or concentrate fish in the following waters only: all warmwaters; and the following trout waters: the Gila River proper downstream from its junction with the East Fork of the Gila; and the Rio Grande proper downstream from the confluence of the Chama River, excluding that section below Elephant Butte Dam described in Subsection A of 19.31.4.11 NMAC.

(3) It shall be unlawful in all Special Trout Waters defined in [11.1.4] 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.

E. Use of Bait Fish

(1) Bait fish may be used in all warm waters and winter trout waters.

(2) Bait fish other than carp (*Cyprinus carpio*), carpsucker (*Carpododes carpio*), buffalo (*Ictiobus bubalus*), or shad (*Dorosoma spp.*) may be used for bait or chum in the following trout lakes only: Abiquiu, Clayton, Jackson, Laguna Madre, Lake 13, Navajo, Power Dam Lake, and Springer; and in the following trout streams: Animas River, Pecos River downstream from N.M. 63 bridge at Pecos, and the Rio Grande (excluding the section described in [11.1.4.7] Subsection A of 19.31.4.11 NMAC).

(3) Use of gar (*Lepisosteus spp.*) for bait fish is prohibited in all waters.