

Exhibit A Barriers

Stream Access, A Paddle Sports Perspective

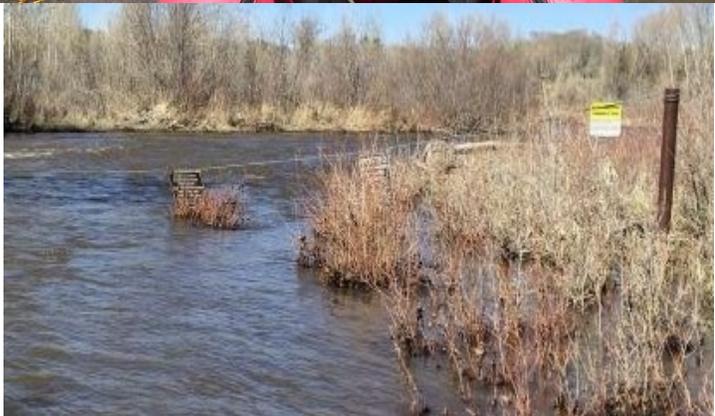


Exhibit B, Paddle Safe Fencing and Dam



Hanging PVC pipe that swings allowing both watercraft and debris to pass through.



Vortex Weir Construction

Exhibit C, Signage



Exhibit D, State Parks Guide

New Mexico Whitewater

A Guide to River Trips

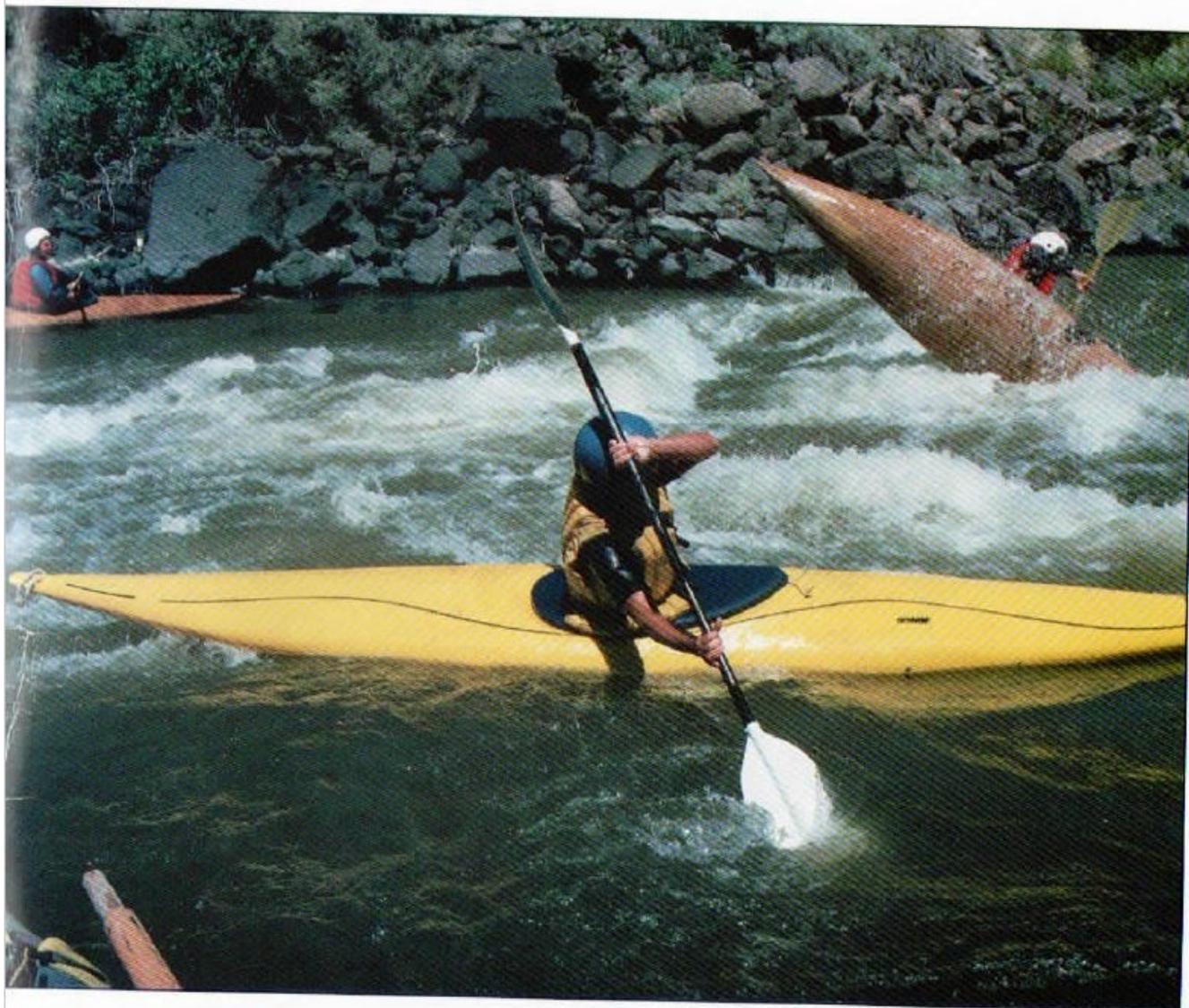


Exhibit E, State Parks Guide, Rights of Boaters

New Mexico Whitewater Boating

INTRODUCTION

RIGHTS OF BOATERS

The popular image of New Mexico is of a dry, cactus-studded region of desert landscapes. Yet each spring, as the deep high-mountain snows of winter melt, water courses down to swell the state's streams and rivers, the most prominent of which is the Rio Grande — the "Great River" which offers some of the best whitewater boating in the West.

Arid New Mexico has, in fact, a surprising number of other rivers with the potential for whitewater boating. Many are shallow and narrow with highly variable water levels and boating conditions, but if they are floated at the right time of year, they can offer river runners challenging rapids and ample opportunities for both excitement and solitude in wild natural settings.

This booklet is designed to provide a ready reference to New Mexico's whitewater rivers, along with guidelines for safe enjoyment of the sport of river running. Information is included covering physical characteristics, rapids, recommended craft, running seasons, hazards, maps, permits, and access points for individual stretches of rivers throughout the state.

The rivers discussed were surveyed by boat, whenever possible, or by riverside hiking when circumstances did not permit floating observation. *It cannot be guaranteed that every danger and river characteristic has been identified in this guide*, since conditions on these streams are constantly changing. Hazards like diversion dams, fences crossing rivers, and debris jams are common and may be encountered on one occasion but not the next. It is therefore imperative that boaters get the most current information available and, when in doubt, scout rivers before traveling them — always keeping in mind the inherent dangers of whitewater boating.

It is hoped that the data contained in this guide to New Mexico's rivers will help boaters choose trips that match their interests and abilities, and will serve as an aid to planning safe whitewater adventures.

The rights of boaters and property owners with respect to natural streams were interpreted by the New Mexico State Supreme Court in 1945. The court determined that although a landowner may have exclusive property rights to both banks as well as to the bed of the river, it does not necessarily follow that the landowner has exclusive rights to the water flowing through his or her land. State law guarantees all citizens the right to recreational use of public waters. Floating down a river is not a trespass on the property of the underlying riverbed.

Many of the whitewater rivers in New Mexico run through privately owned property, where one or both banks of the river or islands in midstream are not public. It often becomes necessary to leave the water and go onto private land to scout rapids or hazards or to portage around them. Whenever possible, permission of the landowner should be obtained before entering private land. If this is not practical, the landowner's property should always be respected — gates and fences should be left as they are found, firewood should not be cut or collected, and care should be taken in the disposition of trash and human waste (see "Care of Environment" section). Unless permission is obtained ahead of time, camping is an infringement on a property owner's rights.

A party's behavior on private property may influence a landowner's attitude toward future boating activity on his land. In many cases, the only access to a stretch of river is provided through the courtesy of a private landowner, so any damage done to that property may preclude its use by other boaters.

Exhibit F, Hersh Trust Barricade



Barricade is across the river and on both sides. Contains both concertina and barb wire. There are actually two barriers across the waterway.

Exhibit G, Hersh Trust Signage Irregularities



The wording of this sign indicates watercraft are prohibited. The verbiage **“shall walk or wade onto private property”** was intentionally omitted. The verbiage from the actual rule is below.

Signs shall state the following prohibitions in accord with Subsection C of Section 17-4-6 NMSA 1978. Hunting and fishing on private property; posting; penalty: No person engaged in hunting, fishing, trapping, camping, hiking, sightseeing, the operation of watercraft or any other recreational use shall walk or wade onto private property through non-navigable public water or access public water via private property unless the private property owner or lessee or person in control of private lands has expressly consented in writing.

Exhibit H Stewardship with Partners



In 2021 we have organized or participated in at least 20 stewardship and safety events with our various partners

Exhibit I, Stewardship Partners

Stewardship/Conservation Partners

- New Mexico Department of Game and Fish
- Middle Rio Grande Conservancy District
- Bureau of Land Management
- US Army Corps of Engineers
- City of Albuquerque
- City of Corrales
- City of Rio Rancho
- New Mexico Paddlers Coalition
- New Mexico River Outfitters Association
- Office of Outdoor Recreation
- Adobe Whitewater Club
- Ducks Unlimited
- Backcountry Hunters and Anglers
- New Mexico Wildlife Federation
- Kayak New Mexico

Exhibit J, SB226

AN ACT RELATING TO PUBLIC WATERS; AMENDING A SECTION OF CHAPTER 17 NMSA 1978; DEFINING THE SCOPE OF EASEMENT CREATED BY CONSTITUTIONAL PROVISIONS REGARDING OWNERSHIP OF PUBLIC WATERS, BENEFICIAL USE OF PUBLIC WATERS AND THE RIGHT TO ACQUIRE, OWN AND PROTECT PRIVATE PROPERTY; PROVIDING FOR LAWFUL RECREATIONAL ACCESS TO PUBLIC WATERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO: SECTION 1. Section 17-4-6 NMSA 1978 (being Laws 1912, Chapter 85, Section 10, as amended) is amended to read: "17-4-6. HUNTING AND FISHING ON PRIVATE PROPERTY-- POSTING--PENALTY.-

- A. Whenever the owner or lessee desires to protect or propagate game birds, animals or fish within the owner's or lessee's enclosure or pasture, the owner or lessee shall publish notices in English and Spanish warning all persons not to hunt or fish within the enclosure or pasture. The notices shall be posted in at least six conspicuous places on the premises and published for three consecutive weeks in a newspaper of general circulation in the county where the premises are situated. In the event a public road enters or crosses the enclosure or pasture, an additional notice shall be posted conspicuously within three hundred yards of the point where each public road enters the posted property.
- B. After the publication and posting, it is a misdemeanor for any person to enter the premises for the purpose of hunting or fishing or to kill or injure any bird, animal or fish within the enclosure or pasture without permission of the owner or lessee.
- C. No person engaged in hunting, fishing, trapping, camping, hiking, sightseeing, the operation of watercraft or any other recreational use shall walk or wade onto private property through non-navigable public water or access public water via private property unless the private property owner or lessee or person in control of private lands has expressly consented in writing .
- D. Nothing in this act shall be interpreted to affect or influence whether a water is a navigable water or a water of the United States for purposes of the federal Clean Water Act of 1977, 33 U.S.C. 1251 et seq."