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## FISCAL IMPACT REPORT

SPONSOR Jennings DATE TYPED 3/9/05 HB \_\_\_\_\_

SHORT TITLE Increase Game & Fish Parks Maximum Acreage SB 337/aSCONC/aSFL#1

ANALYST Aguilar

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of Senate Floor Amendment

Senate Floor Amendment #1 to Senate Bill 337 as amended reduces the maximum acreage allowed for a game park from 20 thousand acres to 15 thousand acres.

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to Senate Bill 337 provides that an application for a game park license be in accordance with State Game Commission rules and provides such rules may address migration patterns as may be affected by the game park.

#### Synopsis of Original Bill

Senate Bill 337 increases the maximum size of game parks from three thousand two hundred acres to twenty thousand acres.

Significant Issues

Increasing the maximum allowable size of Class A game parks from three thousand acres to twenty thousand acres would allow private landowners to fence in significant numbers of State owned wildlife and convert them to private ownership. Section 17-4-15 NMSA 1978 allows that all game and fish, with the natural increase held or confined in any park licensed under this provision shall during the existence of the license be deemed the property of the license as long the aggregate number of game animals is maintained in the park and returned back to the state if and when the park is closed or no longer licensed.

The Department of Game and Fish notes by removing the current 3,200 acre maximum and allowing up to 20,000 acre to be placed into a Class A park, depending on the location, large populations of state game animals can be enclosed within the fence and immediately be brought into private ownership. Likewise, since game parks may be established on private property anywhere in the state, a game proof fence would be constructed which may alter natural movement of game and perhaps interfere with important seasonal habitat use in some parts of the state. The department further notes large fenced acreage may interfere with other wildlife outside of the enclosure by preventing access to critical habitat components such as water sources, foraging areas and protective cover.

**FISCAL IMPLICATIONS**

This provisions contained in this bill may require additional manpower to implement. An appropriation is not contained for this additional support.

**TECHNICAL ISSUES**

The department is mandated under Section 17-1-1 NMSA 1978 to ensure and provide public recreation and maintain an adequate supply of game. Increasing park size up to twenty thousand acres may lend itself to limiting the supply of game fish and animals in particular areas. The department requests authority be given to the director or the State Game Commission to withhold final approval of a park license until local game population numbers and habitat use could be evaluated to ensure that statutory provisions could be met.

PA/sb