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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-23-07

SPONSOR Lujan,B. LAST UPDATED 2-27-07 HB HJM 51

SHORT TITLE Rio Grande Wildlife Conservation Area SB \_\_\_\_\_

ANALYST Woods

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Response Received From

State Land Office (SLO)

Department of Game and Fish (DGF)

Energy, Minerals and Natural Resources Department (EMNRD)

### SUMMARY

#### Synopsis of Bill

House Joint Memorial 51 describes the various reasons – ecological, recreational and cultural – why the area that the Rio Grande traverses between Velarde, New Mexico, and the Colorado border is significant and why its resource values should be preserved for future generations. The memorial resolves that this area should be established as an official “wildlife and conservation area” and encourages the New Mexico Department of Game and Fish, the New Mexico State Land Office, the U.S. Bureau of Land Management, and all other related state agencies to work cooperatively to protect habitat and manage the area under sustained yield principles. There is no appropriation attached to this legislation.

### SIGNIFICANT ISSUES

EMNRD notes that this memorial, “...takes a small, but important step toward holistic management of an area that is important to all New Mexicans—and perhaps nationally—because of its significant geologic, scenic, recreational and wildlife values.” At the present time, the department’s State Parks Division (SPD) does not operate any state parks within the proposed Rio Grande wildlife and conservation area, though it did in the past, prior to when a portion of

the Rio Grande corridor was returned to Bureau of Land Management (BLM) oversight. Depending on the vision for recreation within the proposed conservation area, EMNRD anticipates that it could include a role for SPD in the future.

DGF indicates that it currently works closely with the BLM to maintain wildlife values, and that the resolutions of this memorial are not expected to significantly alter the department's role in wildlife management in the proposed Rio Grande Wildlife Conservation Area.

SLO notes that SLO lands are interspersed with BLM lands throughout the area, and based upon the descriptions in the Memorial, about 3,534 SLO subsurface acres and 39,398 SLO surface and subsurface acres may be affected. Mineral activity may be restricted. In the area, there exists perlite and red cinder mining, oil and gas leases, and interest for mining aggregate for highway construction. Designation of a wildlife conservation area may restrict development of these resources on SLO lands and limit income potential to the trust.

### **TECHNICAL ISSUES**

DGF states that it is uncertain how the intent of this memorial, as worded, can be accomplished in an area of which the majority of land is federal and private land. It is also uncertain how this intent may be in accord with constitutional obligations applicable to State Land managed by the State Land Office.

SLO advises that the Commissioner of Public Lands has a fiduciary duty to protect the assets of the Trust and is legally bound to take actions that are in the best interests of the Trust. Any exchange with the BLM must benefit the Trust.

EMNRD indicates that while the legislation creates no direct issues for SPD currently, if a "Rio Grande wildlife and conservation area" is established, it could possibly involve SPD in some capacity in the future.

BFW/mt