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FISCAL IMPACT REPORT

ORIGINAL DATE 2-22-07

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE Right to Ride on Public Lands SB SM 12

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

No Responses Received From

New Mexico State Land Office (SLO)

Energy, Minerals and Natural Resources Department (EMNRD)

SUMMARY

Synopsis of Bill

Senate Memorial 12 requests that the New Mexico congressional delegation introduce and support right-to-ride legislation to preserve the use of saddle and pack animals on public lands, and to ensure the use of and access to historical and traditional travel methods and trails and routes on public lands for this purpose.

There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

EMNRD notes that, if passed, SM12 will have no direct impact. The impact of any subsequent congressional action would depend on the content of that legislation, which could potentially lead to expanded promotion and use of horses and pack animals on public lands, possibly including state parks where lands are leased from federal agencies that may be included in such a possible Congressional action. Although this could boost park visitation and revenues, it could

also lead to increased administrative and operational costs, as well as demand for expansion of animal facilities and trails.

SIGNIFICANT ISSUES

EMNRD suggests that, in general, the State Parks Division (SPD) supports appropriate equestrian use at many state parks. Overall, horseback riding is allowed in 16 of New Mexico's 34 state parks. Decisions about whether to allow equestrian use is based on those parks' capacity to offer horseback riding areas with low resource impact and limited conflict with other recreational activities. SPD presently permits horse use pursuant to NMAC 19.5.2.19 Horseback Riding, which states: "Horseback riding is permitted only in designated areas within the state parks system. Persons wishing to bring or ride horses in park areas shall check with the superintendent in advance for approval, restrictions and area designations. Some parks prohibit all horses and horseback riding." Results from SM 12 could have resource and operational impacts on SPD. Currently, decisions are made for horseback riding in State Parks by evaluating visitor needs in conjunction with resource management and protection, as well as operational considerations. If SM 12 resulted in congressional action that required federal land management agencies to evaluate the historical and traditional trails, routes, and areas utilized by equestrians and open them to the public, this could indirectly impact on SPD due to the presence of federal lands in many state parks. Possible congressional action could require time and resources to identify and evaluate historic trail segments and associated sites, and their historical significance. Impacts would need to be assessed and mitigated, and traditional groups (such as Native Americans) would need to be consulted. Monitoring and maintaining these trails to ensure protection of resources would also need to be an operational component. From an ownership standpoint, SPD currently has leases with federal agencies for all or parts of 14 of its 34 state parks. Any decisions regarding expansion of horseback riding in these parks would need to be coordinated with these federal agencies. Currently, horseback riding is allowed in seven of these 14 parks. SPD currently leases relatively small parcels of land from the federal agencies mentioned in SM12 for two of its state parks: Bottomless Lakes (BLM); and Fenton Lake (Forest Service). However, SM12 does not mention the Bureau of Reclamation (BOR) and the Corps of Engineers (Corps). SPD has leases with the BOR for 10 state parks and with the Corps for two state parks. BOR and Corps parks are reservoir and water-based recreation areas that comprise the largest and most visited parks in the New Mexico State Parks system.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SLO suggests that if the proposed federal legislation applies to state trust lands it directly conflicts with the policy that access to state trust land is only by permission of the Commissioner. In this way, permitting unrestricted access to state trust land would conflict with existing law.

SLO adds that saddle and pack animals may be restricted in some areas of historic and traditional travel methods and routes on public lands. Because the public land which would be accessible under this memorial is not clearly defined the consequence of not enacting is unclear. But, as written, this memorial would impact the SLO if the requested federal legislation permits unrestricted access by horse back riders and pack animals onto state trust lands.