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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-11-2008  
 LAST UPDATED 2-12-2008 HB \_\_\_\_\_

SPONSOR Lovejoy

SHORT TITLE Allow Juan Tafoya Land Corporation Grazing SM 58

ANALYST Woods

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY08	FY09	FY10		
n/a	n/a	n/a	See Narrative	Federal funds

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)<sup>1</sup>

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	n/a	20.0	20.0			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 Department of Game and Fish

### SUMMARY

#### Synopsis of Bill

Senate Memorial 58 notes that the Juan Tafoya land corporation and the state game commission had a decades-long lease that allowed the corporation to graze cattle on two pastures within the

<sup>1</sup> See agency response under *Fiscal Implications*.

wildlife area in exchange for granting hunters access to the wildlife area across the corporation's land; and that the lease terminated when the state game commission reached an agreement with a neighboring landowner for access to the wildlife area, leaving the land corporation in the position of trying to remove its cattle from fenced and isolated land that it once owned and upon which it has grazed cattle.

The memorial resolves that that the state game commission be urged to allow the Juan Tafoya land corporation to continue to graze cattle on land in the Marquez wildlife area.

### **FISCAL IMPLICATIONS**

DGF indicates that it is estimated that monitoring of activities urged by the memorial will require .25 FTE (plus operating costs) based on past experience with grazing in that area by the named corporation.

### **SIGNIFICANT ISSUES**

DGF advises that a prior lease between the State Game Commission and the Juan Tafoya Land Corporation expired by its terms in 2003 and was not renewed when the Commission determined that continued grazing was contrary to the interests of wildlife and wildlife habitat on the Marquez Wildlife Area. Reinstitution of such grazing may present the same on-the-ground negative impacts that was the basis upon which it previously was determined to discontinue grazing.

### **ADMINISTRATIVE IMPLICATIONS**

DGF suggests that if grazing were to be reintroduced there would be required expenditure of Department of Game and Fish to provide personnel to monitor the area to maintain grazing within whatever parameters might be allowed and to ensure there are no deleterious effects on wildlife and habitat..

### **TECHNICAL ISSUES**

DDGF states: “The memorial appears to be a statement by the Senate that a state body should give preferential treatment to a single private entity for use of state resources.”

### **OTHER SUBSTANTIVE ISSUES**

DGF notes that the proposed memorial contains several incorrect statements of fact that may have a bearing on consideration of this memorial:

1. The Marquez Wildlife Area was once within the confines of the Cebolleta Land Grant; there does not appear to have been a Juan Tafoya Land Grant at any time confirmed. The land in which the Marquez Wildlife Area is located was at no time part of a Juan Tafoya Land Grant and was at no time owned by a Juan Tafoya Land Grant.

2. The prior lease terminated when the State Game Commission determined that continued grazing was contrary to the interests of the wildlife and habitat on the Marquez Wildlife Areas. An agreement was entered into with an adjacent landowner after the lease was terminated for the above reasons, and was necessitated in order for the public to obtain access to the Marquez Wildlife Area.

3. There is a federal nexus to the Marquez Wildlife Area. The U.S. Fish and Wildlife Service has advised the Department of Game and Fish that grazing on the property is contrary to the permitted uses of the property unless grazing is demonstrated as compatible and beneficial with respect to the primary wildlife purposes of the area. Therefore, continued federal funding to the Department of Game and Fish may be placed in jeopardy should grazing be reintroduced in a way not compatible with purpose.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

DGF suggests that the Juan Tafoya Land Corporation will continue grazing its cattle as it has done for the past several years on areas other than the Marquez Wildlife Area.

BFW/mt