

1 SENATE BILL 228

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO WILDLIFE; ENACTING THE WILDLIFE CORRIDORS ACT;
12 IDENTIFYING AND PROTECTING WILDLIFE CORRIDORS; REQUIRING A
13 WILDLIFE CORRIDORS ACTION PLAN TO BE CREATED THAT PROVIDES
14 COMPREHENSIVE GUIDANCE TO STATE AGENCIES FOR IDENTIFYING,
15 PRIORITIZING AND MAINTAINING IMPORTANT AREAS FOR WILDLIFE
16 MOVEMENT; PROVIDING POWERS AND DUTIES; DIRECTING THE
17 DEVELOPMENT OF A LIST OF PRIORITY PROJECTS BASED ON THE ACTION
18 PLAN; MAKING AN APPROPRIATION.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
22 cited as the "Wildlife Corridors Act".

23 SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--The purpose of
24 the Wildlife Corridors Act is to:

25 A. declare that it is the duty of the state, as a

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1 trustee of New Mexico's wildlife and natural resources, to
2 identify, designate and mitigate obstacles to habitat
3 corridors, including existing and future highway networks;

4 B. provide direction for the department of
5 transportation to proactively implement projects designed to
6 enhance public safety and mitigate barriers to wildlife
7 movement across state roads and highways by reducing the threat
8 of wildlife-vehicle collisions at high-use wildlife crossing
9 areas;

10 C. provide direction to the department of game and
11 fish to proactively plan and provide for the needs of wildlife
12 such as large mammals in the face of changing conditions caused
13 by drought, development and other natural and human-made
14 wildlife stressors;

15 D. require the preparation of a wildlife corridors
16 action plan by the department of game and fish, in cooperation
17 with the department of transportation, that will, in one
18 unified document, detail the opportunities, research and
19 actions needed in New Mexico to identify and maintain seasonal
20 dispersals, daily movements and migrations of wildlife
21 throughout the state; and

22 E. identify priority wildlife corridors projects by
23 specifying locations, projects and actions needed to preserve
24 long-term habitat corridors for wildlife.

25 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Wildlife Corridors Act:

2 A. "human-caused barrier" means a road, culvert,
3 commercial or residential development or other human-made
4 structure that has the potential to affect the natural movement
5 of wildlife across the landscape;

6 B. "large mammal" includes mule deer, elk,
7 pronghorn antelope, bighorn sheep, black bear and mountain
8 lions;

9 C. "species of concern" means a wildlife species
10 identified by the department of game and fish as being
11 adversely affected by habitat fragmentation exacerbated by
12 human-caused barriers and the high potential of wildlife-
13 vehicle collisions; and

14 D. "wildlife corridors" means those areas used
15 routinely by wildlife to travel through their habitat and
16 includes corridors used by migrating wildlife.

17 SECTION 4. [NEW MATERIAL] WILDLIFE CORRIDORS ACTION
18 PLAN--CREATION--DEPARTMENT COORDINATION.--

19 A. The department of game and fish, in coordination
20 with the department of transportation, shall create a state
21 "wildlife corridors action plan".

22 B. The wildlife corridors action plan shall
23 contain:

24 (1) identification of existing highway
25 crossings that pose a risk to successful wildlife migration or

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1 that pose a risk to the traveling public because large mammals
2 use the crossing;

3 (2) identification of other human-caused
4 barriers, especially road segments that negatively affect
5 wildlife habitat and movement;

6 (3) information about the habitat and movement
7 needs of species of concern with particular attention to large
8 mammals or other species that pose a risk to the traveling
9 public;

10 (4) projections of anticipated effects that
11 drought and other stressors will have on wildlife habitat,
12 dispersal and movement;

13 (5) information about the habitat quality
14 needed to support and maintain viable populations of wildlife;

15 (6) information about how increased movement
16 of species could benefit overused and highly impacted habitat
17 areas;

18 (7) maps that identify locations of:

19 (a) existing populations of species of
20 greatest concern;

21 (b) existing wildlife crossings; and

22 (c) areas requiring additional
23 monitoring or research;

24 (8) protocols for post-completion monitoring
25 of wildlife corridors projects in order to assess their

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1 effectiveness in establishing, maintaining and promoting
2 wildlife movements;

3 (9) economic benefits anticipated from
4 preserving wildlife movement patterns, including the potential
5 impact of reduced wildlife-vehicle collisions;

6 (10) opportunities to collaborate with and
7 enter into joint powers agreements as provided in the Joint
8 Powers Agreements Act as necessary with New Mexico Indian
9 nations, tribes or pueblos; relevant agencies or Indian
10 nations, tribes or pueblos in neighboring states; and relevant
11 federal agencies to protect wildlife corridors that cross state
12 or tribal lines;

13 (11) the wildlife corridors project list; and

14 (12) additional information that the
15 department of game and fish and the department of
16 transportation deem necessary and appropriate to carry out the
17 intent and purposes of the Wildlife Corridors Act.

18 C. The department of game and fish and the
19 department of transportation shall:

20 (1) consult with and actively seek the
21 involvement of tribal governments and tribal members in the
22 development of the wildlife corridors action plan;

23 (2) solicit advice and recommendations from
24 environmental groups, hunters and guides and other interested
25 persons during development of the wildlife corridors action

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1 plan; and

2 (3) rely on the best available science and
3 data to be shared with key state, tribal and federal land
4 management agencies to ensure cross-jurisdictional and multi-
5 state collaboration and to facilitate further collaborative
6 work with such agencies in gathering existing and future
7 science-related data to continue to improve wildlife habitat
8 and mitigate wildlife-human interactions.

9 D. The wildlife corridors action plan shall be:

10 (1) open for public comment before being
11 finalized; provided that, once finalized, the department of
12 game and fish and the department of transportation shall
13 publish the action plan on their websites and shall submit the
14 action plan to the governor and the legislature on or before
15 January 15, 2020; and

16 (2) updated at least every ten years and may
17 be amended prior to a full update depending on changes in
18 conditions affecting wildlife and wildlife-human interactions.

19 SECTION 5. [NEW MATERIAL] PRIORITIZED WILDLIFE CORRIDORS
20 PROJECT LIST--PUBLICATION.--

21 A. As part of the wildlife corridors action plan,
22 the department of game and fish and the department of
23 transportation shall publish a prioritized "wildlife corridors
24 project list" of projects to be undertaken to protect wildlife,
25 lessen habitat fragmentation, allow wildlife safer free range

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1 and decrease risks to the traveling public. The list shall be
2 updated as projects are finished or conditions change, shifting
3 priorities or making one or more projects infeasible.

4 B. The wildlife corridors project list shall
5 identify those projects that seek to protect wildlife corridors
6 and movement needs of large mammals that pose a risk to the
7 traveling public.

8 C. The department of game and fish and the
9 department of transportation shall prioritize projects within
10 the wildlife corridors project list by assessing the following
11 criteria, listed in order of importance:

12 (1) the potential to reduce wildlife-vehicle
13 collision and enhance safety to the traveling public;

14 (2) the relative current population size of
15 select large mammal species and species of concern or the value
16 of proposed infrastructure that will improve wildlife
17 corridors;

18 (3) the feasibility and constructability of
19 wildlife corridors infrastructure;

20 (4) the potential costs and economics of
21 wildlife corridors infrastructure, including benefits or other
22 effects on local communities;

23 (5) local community support for proposed
24 wildlife corridors infrastructure;

25 (6) the value of the project to native large

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1 mammals and other native species; and

2 (7) surrounding land-use and ownership,
3 especially tribal lands, and an evaluation of the need for
4 conservation easements or other real estate instrument
5 necessary to maintain the viability of a proposed wildlife
6 corridor.

7 D. On an annual basis following the issuance of the
8 first wildlife corridors project list, the department of game
9 and fish and the department of transportation shall issue a
10 report to the governor and the legislature stating the progress
11 toward completing the enumerated projects as of the current
12 fiscal year. The report shall represent progress toward
13 completion of a project as a percentage, with a corresponding
14 explanation for the represented number and plans for future
15 progress.

16 **SECTION 6. APPROPRIATION.**--Five hundred thousand dollars
17 (\$500,000) is appropriated from the general fund to the
18 department of game and fish for expenditure in fiscal years
19 2020 and 2021 to develop the wildlife corridors action plan
20 with the department of transportation, including a list of
21 priority projects necessary to protect wildlife and enhance
22 public safety by reducing the threat of wildlife-vehicle
23 collisions. Any unexpended or unencumbered balance remaining
24 at the end of fiscal year 2021 shall revert to the general
25 fund.

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