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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>Stewart</u>	<b>ORIGINAL DATE</b>	<u>3/7/19</u>	
		<b>LAST UPDATED</b>	<u>3/10/19</u>	<b>HB</b>
				<u>228/aSCONC/aSFC</u>
				<u>/aSF1#1/aHENRC</u>
<b>SHORT TITLE</b>	<u>Wildlife Corridors Act</u>			<b>SB</b> <u>/aHSEIC</u>
				<b>ANALYST</b> <u>Hawker</u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See fiscal implications				

Parenthesis ( ) indicate expenditure decreases

### SOURCES OF INFORMATION

LFC Files

#### Responses to Amended Bill Received From

Department of Game and Fish (DGF)  
 Energy, Minerals, Natural Resources Department (ENMRD)  
 Indian Affairs Department (IAD)  
 State Land Office (SLO)

#### Original Responses Received From

Department of Game and Fish (DGF)  
 New Mexico Department of Transportation (NMDOT)  
 Energy, Minerals, Natural Resources Department (ENMRD)  
 Indian Affairs Department (IAD)  
 State Land Office (SLO)

### SUMMARY

#### Synopsis of HSEIC Amendment

The House State Government, Elections & Indians Affairs Committee amendment to Senate Bill 228 as amended four times strikes House Energy, Environment and Natural Resources Committee amendment three, striking subsection C in its entirety, replacing it with a new subsection C. The new subsection C is identical to the just stricken subsection C. “The department of game and fish and the department of transportation shall consult with and actively seek the involvement of tribal governments in the development of the wildlife corridors action plan.”

Succeeding subsections are relettered accordingly.

Synopsis of HENRC Amendment

The House Energy, Environment and Natural Resources Committee amendment to Senate Bill 228 as thrice amended strikes Senate Conservation Committee amendments three and four, thereby restoring subsection C. Subsection C is then deleted with a new subsection C being inserted. The new subsection C requires DGF and DOT “consult with and actively seek the involvement of tribal governments in the development of the wildlife corridors action plan.”

Item 1 of Senate Floor Amendment 1 is stricken, thus striking the appropriation from the bill.

Synopsis of SFI#1 Amendment

The Senate Floor amendment #1 to Senate Bill 228 as twice amended strikes all Senate Finance Committee amendments, returning an appropriation of \$100 thousand from the game protection fund to be spent in FY20 and FY21. Unexpended or unencumbered funds will revert to the game protection fund.

Language is added providing the wildlife corridors action plan or the provisions of the Wildlife Corridors Act do not apply to private property or private property owners, unless private property owners choose to participate voluntarily.

Synopsis of SFC Amendments

The Senate Finance Committee amendment to Senate Bill 228 as amended strikes Senate Conservation Committee amendments 11, 12, and 13. The appropriation is amended back to an appropriation of \$500 thousand from the general fund.

The appropriation is then stricken, resulting in no appropriation whatsoever, as reflected in the revised table above.

Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to Senate Bill 228 strikes:

- section 2 of the original bill, the purpose of the Wildlife Corridors Act;
- subsection C on pages 5 and 6 which required DGF and DOT to consult with tribal governments, tribal member; solicit advice and recommendations from environmental groups, hunters, and other interested persons during the development of the wildlife corridors action plan; and rely on and share the best available science with key state, tribal, and federal land management agencies;
- provisions of the “wildlife corridors project list” on pages 6 and 7;
- subsection B on page 7, the type of projects that shall be included in the “wildlife corridors project list”.

SB228/aSCONC clarifies the submitted report is an initial action place that may be amended prior to a full update as new research and data become available.

The appropriation amount is amended to \$100 thousand and the source of the appropriation is changed to the game protection fund.

The bill is renumbered accordingly.

### Synopsis of Original Bill

Senate Bill 228 enacts the Wildlife Corridors Act, directing the departments of game and fish and transportation to prepare a wildlife corridors action plan. The plan will specify what is needed to identify and maintain seasonal dispersals, daily movements, and landscape scale migrations of wildlife through the state. Also, the departments are to specify locations where actions are needed to preserve wildlife movements and protect human health and safety. SB228 makes an appropriation.

### **FISCAL IMPLICATIONS**

#### HENRC Amended Bill Fiscal Implications

SB228/aSCONC/aSJC/aSFI#1/aHENRC strikes the appropriation from the bill.

#### Senate Floor #1 Amended Bill Fiscal Implications

The appropriation of \$100 thousand contained in SB228/aSCONC/aSJC/aSFI#1 is a nonrecurring expense to the game protection fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the game protection fund.

#### SJC Amended Bill Fiscal Implications

The appropriation is stricken from the bill.

#### SCORC Amended Bill Fiscal Implications

The appropriation amount is amended to \$100 thousand and the source of the appropriation is changed to the game protection fund.

#### Original Bill Fiscal Implications

The appropriation of \$500 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

NMDOT states coordination with DGF will require significant time by up to three NMDOT employees. NMDOT estimates .75 FTE NMDOT employee will be required in the first year for collecting and collating data, attending meetings, participating in site visits and .25 FTE will be required each year for participating and managing the “wildlife corridor” list.

As the appropriation is made to DGF, NMDOT asks if the appropriation can be used to cover its staff costs or if the State Road fund is to be used.

### **SIGNIFICANT ISSUES**

SB228/aSCONC/aSJC/aSFI#1/aHENRC requires DGF and DOT consult with tribal governments in the development of the wildlife corridors action plan.

SB228 requires DGF and NMDOT to jointly publish a prioritized “wildlife corridors project list”, using seven ranked criteria. The purpose of the project list is to protect wildlife and decrease risks to the traveling public. The action plan will be open for public comment. DGF and NMDOT are required annually thereafter to jointly issue a report to the Governor and the Legislature stating the progress towards completing the identified projects on the action plan. The ‘wildlife corridors action plan’ is to be updated at least every ten years.

NMDOT is required to “proactively implement projects”. SB228 does not specifically address funding sources for the projects.

NMDOT has extensive experience with wildlife crossings that can be incorporated into the project. Long-term research has been conducted to identify highway/wildlife conflict areas. Wildlife crossings have been designed and implemented as part of previous transportation improvement projects.

IAD observes New Mexico Indian nations, tribes, and pueblos are place-based people with direct connection to their surrounding environment, natural resources, plants, and wildlife. Customs, language, and traditions are very much tied to the land and natural resources. Changes to wildlife migration corridors due to human-caused barriers will impact tribal cultural resources with negative effects on customs, language, and traditions. SB228 includes opportunities to collaborate with Indian nations, tribes, and pueblos for cross tribal boundaries on wildlife corridors and habitat enhancement. This collaboration supports the protection of culture, language, and traditions of Native cultures.

IAD points out the State-Tribal Collaboration Act, Sections 11-18-1 through 11-18-5 NMSA 1978, provides a framework for collaboration with the Indian nations, tribes and pueblos in the development and implementation of policies, agreements and programs.

SLO notes the information provided in the “wildlife corridors action plan” and the “wildlife corridors project list” will provide information on collaborative opportunities for greater long-term stewardship of State Trust Lands in the use of project funds and/or remediation/restoration funds.

## **ADMINISTRATIVE IMPLICATIONS**

EMNRD notes if “wildlife corridors” were established within or near state parks, coordination would be required between EMNRD, NMDOT and DGF.

SLO Field Operations Division staff time would be needed to track, provide, comment on, and consider the findings of the “wildlife corridors action plan” and the “wildlife corridors project list”.

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