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FISCAL IMPACT REPORT

SPONSOR: Hurt DATE TYPED: 2/7/03 HB _____

SHORT TITLE: Reevaluate Endangered Species Act SB SM 8

ANALYST: Maloy

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	(\$175.0)	See Narrative	Recurring	Federal Funds

SOURCES OF INFORMATION

Responses Received From

Game and Fish Department
 Energy, Minerals and Natural Resources Department
 Highway and Transportation Department, Environment Section
 Environment Department

SUMMARY

Synopsis of Bill

Senate Memorial 8 requests the United States Congress to reevaluate the worth to the nation's citizens of the failed programs generated by the Federal Endangered Species Act of 1973 (Act), and to restore property rights to the citizens. In support of this request, SM8 does the following:

- describes the history of the Federal Endangered Species Act (Act) of 1973;
- asserts that private property owners have the greatest influence over the survival of endangered species, and that most of the costs of the Act are borne by private property owners because the Act provides restricts private property rights;
- provides estimates for the costs for endangered species recovery, and reports the impact of critical habitat designation is not evenly distributed across the states, citing Texas and New Mexico as examples that bear a disproportionate burden;
- states affected communities perceive political considerations play a greater role than reli-

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able scientific consideration in the designation of species;

- states that critics of the Act assert it is used as a punitive weapon against selected interests and economic endeavors; and
- reports only eight species of 1,400 listed as threatened or endangered have been recovered since 1973.

Significant Issues

- The memorial asserts the position that private property owners have been negatively affected by the Act.
- The memorial references national data and may not reflect specific conditions in New Mexico.

FISCAL IMPLICATIONS

- While there are no fiscal implications relating to the Memorial itself, if the memorial were acted upon by Congress, there could be significant fiscal implications for the Department of Game and Fish. The department receives federal funding pursuant to the Endangered Species Act for the department's nongame and endangered species program. The department receives approximately \$150,000 – \$75,000 annually.
- Loss of this funding would result in the department no longer having the funding necessary to support 2 – 3 of its FTEs.
- New Mexico is not required to use this federal funding on species listed as threatened or endangered under the Act. The funding may be used for research, monitoring, conservation, management, or recovery for species identified as being in need of management by the department.
- Some of these funds are used to support conservation and recovery activities pursuant to the New Mexico Wildlife Conservation Act for designation and preservation of critical habitat, or any comparable habitat designation. These funds are also used to achieve conservation of species in New Mexico with the intent of precluding the need for these species to ever become qualified under the Endangered Species Act.

POSSIBLE QUESTIONS

- In what ways do private property owners influence the survival of endangered species?
- What are the “costs” being borne by New Mexicans, as private property owners, because of the Act?

SJM/njw:sb