SENATE BILL 228

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

INTRODUCED BY

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

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

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

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

A. declare that it is the duty of the state, as a
trustee of New Mexico's wildlife and natural resources, to
identify, designate and mitigate obstacles to habitat
corridors, including existing and future highway networks;

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

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

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

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

SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
Wildlife Corridors Act:

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

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

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

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

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

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

B. The wildlife corridors action plan shall contain:

(1) identification of existing highway crossings that pose a risk to successful wildlife migration or
that pose a risk to the traveling public because large mammals
use the crossing;

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

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

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

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

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

(7) maps that identify locations of:
(a) existing populations of species of
greatest concern;
(b) existing wildlife crossings; and
(c) areas requiring additional
monitoring or research;

(8) protocols for post-completion monitoring
of wildlife corridors projects in order to assess their
effectiveness in establishing, maintaining and promoting
wildlife movements;

(9) economic benefits anticipated from
preserving wildlife movement patterns, including the potential
impact of reduced wildlife-vehicle collisions;
(10) opportunities to collaborate with and
enter into joint powers agreements as provided in the Joint
Powers Agreements Act as necessary with New Mexico Indian
nations, tribes or pueblos; relevant agencies or Indian
nations, tribes or pueblos in neighboring states; and relevant
federal agencies to protect wildlife corridors that cross state
or tribal lines;
(11) the wildlife corridors project list; and
(12) additional information that the
department of game and fish and the department of
transportation deem necessary and appropriate to carry out the
intent and purposes of the Wildlife Corridors Act.

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

(1) consult with and actively seek the
involvement of tribal governments and tribal members in the
development of the wildlife corridors action plan;
(2) solicit advice and recommendations from
environmental groups, hunters and guides and other interested
persons during development of the wildlife corridors action

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plan; and

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

D. The wildlife corridors action plan shall be:

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

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

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

A. As part of the wildlife corridors action plan, the department of game and fish and the department of transportation shall publish a prioritized "wildlife corridors project list" of projects to be undertaken to protect wildlife, lessen habitat fragmentation, allow wildlife safer free range...
and decrease risks to the traveling public. The list shall be
updated as projects are finished or conditions change, shifting
priorities or making one or more projects infeasible.

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

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

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

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

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

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

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

   (6) the value of the project to native large
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mammals and other native species; and

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

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

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