

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)).

## FISCAL IMPACT REPORT

SPONSOR Gonzales ORIGINAL DATE 02/20/21  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Taos Pueblo Game Fencing SB 400/ec  
ANALYST Bachechi

### APPROPRIATION (dollars in thousands)

| Appropriation |         |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|---------|------|------------------------------|------------------|
| FY21          | FY22    | FY23 |                              |                  |
| \$154.0       | \$460.0 |      | Nonrecurring                 | General Fund     |

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to an appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Indian Affairs Department (IAD)

State Land Office (SLO)

New Mexico Livestock Board (NMLB)

Department of Game and Fish (DGF)

Office of Natural Resources Trustee (ONRT)

### SUMMARY

#### Synopsis of Bill

Senate Bill 400 appropriates \$460 thousand from the general fund to the Indian Affairs Department for expenditure in fiscal years 2021 through 2023 to construct a game fence in the Pueblo of Taos in Taos County. The fence is intended to protect the Rio Grande Gorge bighorn sheep from disease. Any unexpended or unencumbered balance remaining shall revert to the general fund within six months of completion of the project but not later than the end of fiscal year 2023.

This bill contains an emergency clause and would become effective immediately upon signature by the governor.

### FISCAL IMPLICATIONS

The appropriation of \$460 thousand contained in this bill is a nonrecurring expense to the general

fund. Any unexpended or unencumbered balance remaining will revert to the general fund within six months of completion of the project but not later than the end of fiscal year 2023.

The bill nearly duplicates the Pueblo of Taos' capital outlay request received by IAD in 2021. The appropriation in this bill is \$35 thousand more than the initial request to IAD and calls for expenditure from fiscal year 2021 to 2023 rather than the four years allotted to capital outlay projects.

## **SIGNIFICANT ISSUES**

The bill provides funding for the construction of a high game fence in the Pueblo of Taos. The fence is intended to protect the Rio Grande Gorge bighorn sheep from interactions with domestic sheep, diminishing the spread of mycoplasma ovipneumoniae in the herd. This bighorn sheep populates all sides of the Rio Grande Gorge from Pilar, NM, to the Colorado border.

According to the [Western Watersheds Project's October 23, 2020 Press Release](#):

Bighorn sheep pneumonia is caused by pathogens carried by domestic sheep and goats, who typically remain asymptomatic themselves. The pathogens, which include the primary infectious agent *Mycoplasma ovipneumoniae* as well as a variety of bacteria that act as secondary agents to make bighorn sheep ill.

The Western Watershed Project also stated this illness has resulted in “bighorn deaths [occurring] over the past century, reducing the remaining native herds as well as reestablished herds.” The organization emphasized that “domestic sheep need to stay away from bighorn in order to keep our wildlife safe,” which the fence attempts to do.

This phenomenon is occurring throughout the Rocky Mountain range.

IAD reports the fence would be on “Tract A” that covers 12 miles. The Department of Game and Fish noted a specific location needed to be identified to determine potential impacts of the fencing to bighorn sheep or other wildlife populations, as well as the efficacy of the fencing to mitigate disease transmission to bighorn sheep that range on and off of the Pueblo of Taos lands.

CLB/sb