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FISCAL IMPACT REPORT



SPONSOR: Madalena DATE TYPED: 01/26/02 HB HJM 20

SHORT TITLE: Restore Bison to Kiowa National Grassland SB _____

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			\$0.1 *See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received

Department of Game and Fish (DGF)

State Land Office (SLO)

SUMMARY

Synopsis of Bill

House Joint Memorial 20 requests the United States Forest Service (USFS) and the State Land Office (SLO) to enter into discussions with representatives from the New Mexico Bison Association and members from the intertribal bison cooperative to develop a plan that will allow bison to be restored to the Kiowa National Grassland and to state lands in Harding County or to other federal or state lands in New Mexico.

Significant Issues

The SLO maintains that most state land is under lease, thus precluding infringement upon existing leasehold rights. As a result, it may be a challenge to identify locations on state trust land where establishing a bison herd is compatible with existing uses.

Bison are listed as a protected species under 17-2-3 NMSA 1978, unless raised in captivity for domestic or commercial meat production. Bison placed on the Kiowa National Grasslands and associated State Land would likely be considered a protected game species under the jurisdiction of the State Game Commission.

In 1999 the Department of Game and Fish (DGF) removed the last wild bison population from the Fort Wingate Army Depot. Prior to the removal, DGF contacted the Kiowa National Grasslands District Ranger and members of the staff to discuss the possibility of moving bison to the Grasslands. Personnel from the US Forest Service (USFS) were initially supportive of the concept. However, the Forest Service retracted support after meeting with members of the Union County Commission and grazing permittees who had allotments on the Kiowa Grasslands. Opposition to moving bison to the Grasslands centered on loss of livestock grazing due to the presence of bison. There was also concern about potential fence and property damage caused by bison.

In 1993, Bison were moved from Fort Wingate to the El Malpais National Conservation Area, which is managed by the Bureau of Land Management (BLM). By 1994, the BLM was proposing the removal bison from the El Malpais National Conservation Area. According to the Environmental Assessment for the Relocation of the Bison Herd, El Malpais National Conservation Area (BLM EA No. NM-017-94-111), the herd had "caused more resource damage (including destruction of property and domestic animals) than originally anticipated." Also, since relocation the bison "have ranged throughout the Cebolla Wilderness and outside of it onto private land. They have gone over and through pasture fences, resulting in considerable time expended for repairs by the ranch foreman of the El Malpais Allotment and adjoining private landowners."

FISCAL IMPLICATIONS

*Both the DGF and SLO indicated that they would incur salary, vehicle and per diem costs associated with meeting the requirements of this bill.

ADMINISTRATIVE IMPLICATIONS

According to the DGF, most of the activities associated with bison management would be similar to ongoing management activities of other game species. However, release of bison on the grasslands would necessitate the development of a management plan in coordination with the SLO and the USFS. Response to situations where an animal has been determined to cause damage or depredation would affect performance measures of the DGF's wildlife depredation and nuisance abatement program and require administrative oversight. Any of the activities associated with bison management, including development of management plans will require staff time.

OTHER SUBSTANTIVE ISSUES

According to the SLO, trust land often comprises a portion of an operating ranch usually a minor percentage. Ranches typically also include a mix of private and federal lands. In order to establish a management unit of sufficient size to support a viable bison herd, it is necessary that agreement be reached with existing leaseholders, permit holders and private property interests. Such an operation would not likely succeed by isolating only one land ownership type or absent agreement among all the entities with a legal interest in the land.