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## FISCAL IMPACT REPORT

**SPONSOR** Feldman                      **ORIGINAL DATE** 1/31/08  
**LAST UPDATED** 2/11/08                      **HB** \_\_\_\_\_  
**SHORT TITLE** Study Off-Road Motorized Vehicle Use                      **SJM** 40/aSRC/aSCONC  
**ANALYST** Woods

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SJM 13

### SOURCES OF INFORMATION

LFC Files

#### Original Responses Received From

Energy, Minerals and Natural resources Department (EMNRD)

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of SCONC Amendment

Senate Conservation Committee Amendment to Senate Joint Memorial 40, as amended, clarifies language. Specifically, it strikes Senate Rules Committee Amendments 1, 3 and 4. The amended language now reads:

[Page 1] “A JOINT MEMORIAL REQUESTING THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT, THE TOURISM DEPARTMENT, THE NEW MEXICO DEPARTMENT OF AGRICULTURE, NEW MEXICO STATE UNIVERSITY'S RANGE IMPROVEMENT TASK FORCE AND THE DEPARTMENT OF GAME AND FISH TO COOPERATE IN CONDUCTING A STUDY ON OFF-ROAD MOTORIZED VEHICLE USE.

[Page 1] “WHEREAS, there is not a New Mexico centralized, organized database on which to assess and compare the economic, social, historic, cultural, archaeological and environmental contributions and impacts of non-motorized outdoor recreation, including hunting, fishing, camping, hiking, snowshoeing,

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cross-country skiing, horseback riding, bird watching, mountain biking, archaeological exploration, natural resources education, agriculture and ranching with motorized recreation; and”

[Page 2] “NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the energy, minerals and natural resources department, the tourism department, the New Mexico department of agriculture, New Mexico state university's range improvement task force and the department of game and fish be requested to cooperate with other state agencies to conduct a study and recommend actions to resolve user conflicts, prevent...”

[Page 3] BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of energy, minerals and natural resources, the secretary of tourism, the director of the New Mexico department of agriculture, the chair of New Mexico state university's range improvement task force and the director of the department of game and fish.

The amendment adds no appropriation to the legislation.

### Synopsis of SRC Amendment

EMNRD indicates that Senate Rules Committee amendment to Senate Joint Memorial 40 requests that the Tourism Department and New Mexico Department of Agriculture, in addition to the Energy, Minerals and Natural Resources Department and the Department of Game and Fish cooperate with other state agencies to conduct a study on off-road motorized vehicle use. The amendment also adds the activities of snowshoeing and cross country skiing to the list of activities mentioned in a “whereas” clause in the SJM, as activities which could be impacted by off-road motorized vehicle use.

The amendment adds no appropriation to the legislation.

### Synopsis of Original Bill

Senate Joint Memorial 40 requests the Energy, Minerals and Natural Resources Department and the Department of Game and Fish to cooperate with other state agencies to conduct a study and recommend actions to resolve user conflicts, prevent future resource damage, and provide greater safety protections for motorized recreation users.

There is no appropriation attached to this legislation.

## **SIGNIFICANT ISSUES**

EMNRD indicates that off-road motorized vehicle use is a popular and growing activity in New Mexico on both public and private lands. In 2005, the Legislature enacted a new statute that set certain minimum safety standards for OHV use, established new registration and use fees for OHVs, and established the Off-Highway Vehicle Safety Board to implement the Off-Highway Motor Vehicle Act. The Board is attached to the Tourism Department. The EMNRD Secretary and the Director of the State Parks Division both have permanent seats on the Off-Highway Vehicle (OHV) Safety Board as does the Director of DGF. The memorial states that there is no

New Mexico centralized, organized database on which to assess and compare the economic, social, historic, cultural, archaeological and environmental contributions and impacts of non-motorized outdoor recreation (including hunting, fishing, camping, hiking, horseback riding, bird watching, mountain biking, archaeological exploration, natural resources education, agriculture and ranching) with the contributions and impacts of motorized recreation. The memorial enumerates the information and policy issues implicit in escalating problems with resource impacts and user conflicts between motorized and non motorized recreation. As a member of the OHV Safety Board, EMNRD is familiar with and has seen evidence of some of these problems, including:

For example, enforcement of existing OHV laws and regulations is a cornerstone problem issue. Not all law enforcement agencies in New Mexico are fully aware of the requirements of the 2005 law and may not be enforcing it consistently. Federal land management agencies also are experiencing enforcement problems. With only two enforcement officers for all the National forests in New Mexico, the Forest Service is presently assuming reliance on DGF personnel to provide enforcement. The study would identify the scope of the enforcement problem as well as make recommendations of actions needed to bring enforcement capabilities in line with needs.

Destruction of resources and damage to private property, particularly in the agricultural sector, needs to be analyzed. Assessment of adequacy of safety protections for motorized recreation is appropriate and timely. Further information about the relative contributions and impacts of motorized versus non-motorized recreation would be helpful. In addition to helping inform policy and action by the State of New Mexico, the study could bear on the outcome of the U.S. Forest Service “Travel Management Plan” process, which is shaping how OHV use will occur in national forests in New Mexico.

DGF states that the Department of Tourism and Motor Vehicle Division have certain authorities and administrative responsibilities under the Off-highway Motor Vehicle Act. The Off-highway Motor Vehicle Safety Board, created by the Act, is comprised of a myriad of State, private and Federal representatives and has overlapping authority with study components contemplated by this memorial. Presently, fees are collected from the registration of off-highway vehicles that are used on public lands and deposited in the “Trail Safety Fund” established by statute (66-3-1001.1C, 66-3-1004.1, 66-3-1019 NMSA 1978). EDG concludes that some work has been done compiling scientific literature reviews of

- (1) the potential impacts of roads and associated motorized vehicle traffic on wildlife and habitats; and
- (2) the importance of U.S. Forest Service Inventoried Roadless Areas for wildlife and wildlife habitat conservation and quality wildlife-related recreational experiences. Both reviews are currently available on the Department’s website.

### **ADMINISTRATIVE IMPLICATIONS**

DGF indicates that it fully recognizes that significant conflicts exist between off-highway vehicle use, wildlife associated recreation and resource conservation. To produce the study Department staff will necessarily refocus time toward research, analysis and presentation of study results.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

DGF notes that the memorial relates to SJM 13, which resolves to protect watersheds, natural resources, archaeological sites, rangelands by establishing a mandatory filter in evaluating any potential designated routes and provide safe access for OHV's (SJM 13, page 5, lines 12-25).

**OTHER SUBSTANTIVE ISSUES**

DGF advises that the U.S. Forest Service is presently conducting an assessment of their Forest Travel Management Plans within the respective national forests. Local and regional interests have expressed substantial interest in this planning effort and prospective implementation. Consideration may appropriately be given to the implications, respectively, of the proposed study and the federal planning effort.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

EMNRD suggests that “without the benefit of the conclusions and recommendations of a study, state and local governments will continue to address the motorized, non-motorized problems and conflicts in the present manner.”

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