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FISCAL IMPACT REPORT

ORIGINAL DATE 1-26-09

SPONSOR Wallace LAST UPDATED 2-13-09 HB 11/aHENRC

SHORT TITLE Valle Caldera Elk Licenses SB _____

ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Game and Fish (DGF)

SUMMARY

Synopsis of HENRC Amendment

House Energy and Natural Resources Committee House bill 11 would require the Department to issue not less than 15 and no more than 20 bull elk hunting enhancement authorizations to the Valles Caldera National Preserve to be issued through auction, lottery or as otherwise determined by the board of trustees of the preserve.

House Energy and Natural Resources Committee amendment to HB11 would change the number of authorizations issued to the preserve to not less than 15 percent and no more than 25 percent of the total number of bull elk authorizations available on the preserve annually.¹

SIGNIFICANT ISSUES

DGF indicates that this amendment would ensure that potential changes in the number of bull elk licenses available annually would be applied consistently. If the total number of bull elk hunting opportunities goes up or down, the number of authorizations issued to the preserve will also go up and down accordingly. DGF adds that, "There will be no significant change in fiscal implications from the original analysis completed by the Department."

¹ DGF response dated 2-10-09.

Synopsis of Original Bill

This legislation seeks to amend 17-3-16 NMSA 1978 to require the Department of Game and Fish to issue no less than 15 and no more than 20 bull elk hunting enhancement authorizations to purchase a license each year to the Valles Caldera National Preserve (VCNP) for the lawful taking of bull elk on the VCNP. The bill also creates an exception that means that authorizations issued pursuant to this amendment are exempt from the resident/nonresident quota applied to draw hunts on public land. There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

DGF anticipates no significant fiscal impact.

SIGNIFICANT ISSUES

DGF notes that by making 15-20 elk hunting opportunities available to the Valles Caldera National Preserve (VCNP) annually to distribute via methods determined by the VCNP (auction, lottery or as otherwise determined by the board of trustees of the preserve), many hunters will be unable or limited in their ability to secure one of these opportunities. Further, that the issuance of these 15-20 opportunities may result in a decrease of a similar number of available hunting opportunities currently allocated through a lottery process, and exempting these authorizations from the resident/non-resident quota in current statute may reduce the number of resident hunter opportunities by up to 16 (78 percent of 20 opportunities) each year.

DGF adds that another significant issue is the likely dissatisfaction of resident hunters. New Mexico resident and other hunters assert that since the VCNP is public land, the distribution of elk hunting opportunities should be managed by the State of New Mexico. As a result, hunting opportunities afforded to the VCNP that would be distributed differently than they are now, and become more limited in their availability to the general public, will likely be viewed negatively by some.

PERFORMANCE IMPLICATIONS

DGF anticipates no performance implications.

ADMINISTRATIVE IMPLICATIONS

DGF notes that, as currently written, the legislation will require the department to work with the VCNP to negotiate weapon type, and season dates and other specific hunt recommendations to present to the State Game Commission for public input and consideration.

ALTERNATIVES

DGF anticipates that, since the Game Commission periodically adopts rules that can change the level of elk-hunting opportunity based on population levels, management goals and other factors, it may be prudent to change the bill from a set number of authorizations to a percentage of the overall bull elk-hunting opportunity on the VCNP. The numbers in the bill are equal to 18-25 percent of the current total number of bull elk hunting opportunities. This would allow for a

consistent allocation of the opportunity between the authorizations in this bill and those distributed through the current lottery process, while still allowing the VCNP to enhance their revenue raising goals.

AMENDMENTS

DGF proposes: “To clarify that the last sentence in this bill only relates to the newly created enhancement authorizations, the Department would suggest an amendment to add the word ‘enhancement’ between the words ‘preserve’ and ‘elk’ on page 4, line 12.”

BW/svb:mt