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FISCAL IMPACT REPORT

ORIGINAL DATE 1-25-09

SPONSOR Campos, J LAST UPDATED _____ HB 68

SHORT TITLE Nongame Fish Capture or Killing SB _____

ANALYST Woods

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to N/A

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

This legislation seeks to give the State Game Commission authority to regulate the manner, method and devices used for capturing nongame fish like minnows and carp. Nets, pitchforks or similar ways of capturing these fish species would be regulated by the Game Commission within rules developed for the protection or conservation of game fish. This bill does not allow the Game Commission to establish license requirements or bag limits for nongame fish. The bill also lowers the age from 14 to 11 years of age for the allowance of taking minnows not for resale (personal bait use), which is also consistent with the fishing without a license allowance established in §17-3-17 and taking minnows allowance in §17-3-26 NMSA 1978. This bill establishes that violating the Commission's rules for taking nongame fish would be a misdemeanor violation and punishable as a violation of §17-2-10 NMSA 1978 (where the punishment schedule for other Chapter 17 violations is established). There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

DGF indicates that there is no fiscal impact to the agency. Currently, conservation officers are already stationed in the field and routinely carry out patrols, apprehending and prosecuting for violations of Chapter 17 and the Commission's rules. Any additional duties in this regard will have a negligible fiscal impact.

SIGNIFICANT ISSUES

DGF notes that the bill would give the Game Commission the ability to regulate how nongame fish can be captured by all individuals. The Commission currently has regulatory authority over commercial bait fishermen, but does not have regulatory authority over anyone wishing to collect bait or nongame fish for their personal use or interest. Conservation officers that are stationed along the Pecos and Rio Grande have witnessed individuals using a variety of means to capture fish in the river. These public waterways contain both protected game fish that are important to local communities and economies (i.e. catfish, bass, walleye and pan fish) and unprotected nongame fish like minnows and carp. Since the commission has no authority (with the exception of commercial bait fish collection) over the techniques that may be used for catching nongame fish, people utilize gigs (pronged spears), pitchforks, nets and even beat the surface of the water with paddles to drive fish into shallow water. Officers have observed instances in which individuals harm game fish using these unregulated techniques. When caught with game fish, officers cite individuals for this illegal take. However, it is extremely difficult to apprehend individuals with captured game fish as they can be released to float downstream or are immediately hidden from view and are not detected. There is no data on how much the game fish resource is being damaged by nongame fishing techniques.

OTHER SUBSTANTIVE ISSUES

As background, DGF advises that anglers spend over \$300 million annually in New Mexico (2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation., U.S. Fish & Wildlife Service Report, Pg 111). This money is spent primarily on sportfishing recreation by the purchase of food, lodging, transportation, fishing and special equipment and other items in New Mexico. Any activity that negatively affects sportfishing could diminish the desire to go angling and result in less expenditures from anglers.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

DGF concludes that nongame fish (for noncommercial use) can be captured in any manner with any device without restrictions resulting in some harm to game fish.

AMENDMENTS

None suggested.

BW/svb