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## FISCAL IMPACT REPORT

SPONSOR HEENC ORIGINAL DATE 3/4/15 563/HEENCs/aSCONC/a  
 LAST UPDATED 3/18/15 HB SFC

SHORT TITLE Rio Grande Trail Commission SB \_\_\_\_\_

ANALYST Armstrong

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)  
 Economic Development Department (EDD)  
 New Mexico Tourism Department (NMTD)  
 Department of Game and Fish (DGF)  
 Indian Affairs Department (IAD)

#### Responses Not Received From

Department of Finance and Administration (DFA)  
 Department of Transportation (DOT)

### SUMMARY

#### Synopsis of SFC Amendment

The Senate Finance Committee's amendments provide that eminent domain shall not be used to establish the Rio Grande Trail and clarifies that the Rio Grande Trail Fund is subject to appropriation by the Legislature rather than providing a continuing appropriation to EMNRD.

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amended the bill to provide that the Rio Grande Trail shall be established in a manner that minimizes environmental impacts and preserves sensitive habitat. Additionally, the amendment requires the commission to hold public meetings and establish and operate a website. The amendment also clarifies that federal entities invited to be a part of the

commission will participate as non-voting members.

There appears to be a technical error in the amendment's language attempting to require that commissioners from certain organizations have specific experience in the respective organization's area of expertise. The amended bill now provides, beginning on page 2, line 16 (with the amendment's language underlined):

“(6) a representative from each of the following: ... (c) with specific experience in the stated area of the organization's expertise, an organization that specializes in river ecology and conservation; and (d) with specific experience in the stated area of the organization's expertise, an organization that specializes in bird ecology and conservation.”

### Synopsis of Bill

The House Energy, Environment and Natural Resources Committee substitute for House Bill 563 establishes the Rio Grande Trail Commission, tasked with establishing the Rio Grande Trail in New Mexico. The commission would be administratively attached to EMNRD, consist of a diverse array of stakeholders, define and recommend path routes, and mitigate challenges related to the trail's establishment. The commission would also define facilities and enhancements needed along the Rio Grande Trail and make recommendations to the governor and the Legislature. HB 563 creates the Rio Grande trail fund to be used for the development and establishment of the Rio Grande Trail, but does not make an appropriation to the fund.

### **FISCAL IMPLICATIONS**

This bill creates a new nonreverting fund, but does not provide a continuing appropriation. The fund is to consist of future appropriations, donations, grants, investment income, or money otherwise accrued. HB 563 identifies agencies to be represented on the commission. Costs associated with the bill to be absorbed by agency operating budgets include per diem and mileage for commission members and the personnel costs of EMNRD staff assigned to support the commission. With the SCONC amendment, costs associated with establishing and operating a website for the commission will also need to be absorbed.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with earmarking because it reduces the ability of the legislature to establish spending priorities.

### **SIGNIFICANT ISSUES**

In creating a commission, HB 563 allows for increased involvement of stakeholders in the Rio Grande Trail establishment process. While EMNRD's State Parks Division (SPD) was the lead agency in development and implementation of the Rio Grande Trail from 2006-2009, a commission was not involved in key negotiations or resource consultation. Public meetings and input were gathered solely by SPD.

In 2008, SPD administered the creation of a trail alignment study from Belen to Sunland Park. SPD developed working groups in Dona Ana and Socorro counties to lead the effort. According to EMNRD, good working relationships were developed with the Taos Field Office of the BLM that would likely result in using existing BLM trail and two-tracks as part of the trail. If HB 563 is enacted, SPD involvement with the commission could include providing past research and

stakeholder input that contribute to the establishment of the Rio Grande Trail.

Elephant Butte Lake, Caballo Lake, Percha Dam, Leasburg Dam and Mesilla Valley Bosque State Park are along the trail alignment. Recommendations made by the commission, and establishment of the trail could impact operations and management within these parks.

According to NMTD's Outdoor Activity Index, 54 percent of primary overnight visitors engaged in outdoor recreation as of 2013, 58 percent higher than the national average. Many of the most popular activities for these visitors would presumably be available on the Rio Grande Trail, including hiking (enjoyed by 14.3 percent of visitors), fishing (6.8 percent), biking (4.4 percent), birding (2.1 percent), and camping (7.8 percent).

## **RELATIONSHIP**

House Bill 2, as passed by the Senate, includes a \$75 thousand recurring appropriation in SPD's operating budget to define viable path routes, mitigate challenges, and establish the Rio Grande Trail.

JA/aml/je/bb/je