

SENATE BILL 228

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Mimi Stewart

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO WILDLIFE; ENACTING THE WILDLIFE CORRIDORS ACT;
IDENTIFYING AND PROTECTING WILDLIFE CORRIDORS; REQUIRING A
WILDLIFE CORRIDORS ACTION PLAN TO BE CREATED THAT PROVIDES
COMPREHENSIVE GUIDANCE TO STATE AGENCIES FOR IDENTIFYING,
PRIORITIZING AND MAINTAINING IMPORTANT AREAS FOR WILDLIFE
MOVEMENT; PROVIDING POWERS AND DUTIES; DIRECTING THE
DEVELOPMENT OF A LIST OF PRIORITY PROJECTS BASED ON THE ACTION
PLAN SFC → ~~MAKING AN APPROPRIATION~~ ← SFC HENRC → Sfl → **MAKING AN
APPROPRIATION** ← Sfl ← HENRC.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Wildlife Corridors Act".

SCONC→~~SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--The purpose of the Wildlife Corridors Act is to:~~

~~A. declare that it is the duty of the state, as a trustee of New Mexico's wildlife and natural resources, to identify, designate and mitigate obstacles to habitat corridors, including existing and future highway networks;~~

~~B. provide direction for the department of transportation to proactively implement projects designed to enhance public safety and mitigate barriers to wildlife movement across state roads and highways by reducing the threat of wildlife-vehicle collisions at high-use wildlife crossing areas;~~

~~C. provide direction to the department of game and fish to proactively plan and provide for the needs of wildlife such as large mammals in the face of changing conditions caused by drought, development and other natural and human-made wildlife stressors;~~

~~D. require the preparation of a wildlife corridors action plan by the department of game and fish, in cooperation with the department of transportation, that will, in one unified document, detail the opportunities, research and actions needed in New Mexico to identify and maintain seasonal~~

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~~dispersals, daily movements and migrations of wildlife
throughout the state; and~~

~~E. identify priority wildlife corridors projects by
specifying locations, projects and actions needed to preserve
long-term habitat corridors for wildlife.~~ ←SCONC

SECTION SCONC →~~3.~~ **2.** ←SCONC [NEW MATERIAL]

DEFINITIONS.--As used in the Wildlife Corridors Act:

A. "human-caused barrier" means a road, culvert, commercial or residential development or other human-made structure that has the potential to affect the natural movement of wildlife across the landscape;

B. "large mammal" includes mule deer, elk, pronghorn antelope, bighorn sheep, black bear and mountain lions;

C. "species of concern" means a wildlife species identified by the department of game and fish as being adversely affected by habitat fragmentation exacerbated by human-caused barriers and the high potential of wildlife-vehicle collisions; and

D. "wildlife corridors" means those areas used routinely by wildlife to travel through their habitat and includes corridors used by migrating wildlife.

SECTION SCONC →~~4.~~ **3.** ←SCONC [NEW MATERIAL] WILDLIFE

CORRIDORS ACTION PLAN--CREATION--DEPARTMENT COORDINATION.--

A. The department of game and fish, in coordination

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with the department of transportation, shall create a state "wildlife corridors action plan".

B. The wildlife corridors action plan shall contain:

(1) identification of existing highway crossings that pose a risk to successful wildlife migration or that pose a risk to the traveling public because large mammals use the crossing;

(2) identification of other human-caused barriers, especially road segments that negatively affect wildlife habitat and movement;

(3) information about the habitat and movement needs of species of concern with particular attention to large mammals or other species that pose a risk to the traveling public;

(4) projections of anticipated effects that drought and other stressors will have on wildlife habitat, dispersal and movement;

(5) information about the habitat quality needed to support and maintain viable populations of wildlife;

(6) information about how increased movement of species could benefit overused and highly impacted habitat areas;

(7) maps that identify locations of:

(a) existing populations of species of

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greatest concern;

(b) existing wildlife crossings; and

(c) areas requiring additional
monitoring or research;

(8) protocols for post-completion monitoring
of wildlife corridors projects in order to assess their
effectiveness in establishing, maintaining and promoting
wildlife movements;

(9) economic benefits anticipated from
preserving wildlife movement patterns, including the potential
impact of reduced wildlife-vehicle collisions;

(10) opportunities to collaborate with and
enter into joint powers agreements as provided in the Joint
Powers Agreements Act as necessary with New Mexico Indian
nations, tribes or pueblos; relevant agencies or Indian
nations, tribes or pueblos in neighboring states; and relevant
federal agencies to protect wildlife corridors that cross state
or tribal lines;

(11) the wildlife corridors project list; and

(12) additional information that the
department of game and fish and the department of
transportation deem necessary and appropriate to carry out the
intent and purposes of the Wildlife Corridors Act.

HENRC→SCONC→~~C. The department of game and fish and
the department of transportation shall:~~

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~~(1) consult with and actively seek the involvement of tribal governments and tribal members in the development of the wildlife corridors action plan;~~

~~(2) solicit advice and recommendations from environmental groups, hunters and guides and other interested persons during development of the wildlife corridors action plan; and~~

~~(3) rely on the best available science and data to be shared with key state, tribal and federal land management agencies to ensure cross-jurisdictional and multi-state collaboration and to facilitate further collaborative work with such agencies in gathering existing and future science-related data to continue to improve wildlife habitat and mitigate wildlife-human interactions.~~ ←SCONC←HENRC

HSEIC→HENRC→C. ~~The department of game and fish and the department of transportation shall consult with and actively seek the involvement of tribal governments in the development of the wildlife corridors action plan.~~ ←HENRC←HSEIC

HSEIC→C. The department of game and fish and the department of transportation shall consult with and actively seek the involvement of tribal governments in the development of the wildlife corridors action plan. ←HSEIC

SCONC→D. C. ←SCONC HENRC→G. D. ←HENRC The
SCONC→initial←SCONC wildlife corridors action plan shall be:

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(1) open for public comment before being finalized; provided that, once finalized, the department of game and fish and the department of transportation shall publish the SCONC→initial←SCONC action plan on their websites and shall submit the action plan to the governor and the legislature on or before January 15, 2020; and

(2) updated at least every ten years and may be amended prior to a full update SCONC→depending on←SCONC SCONC→as new research and data become available or←SCONC changes in conditions affecting wildlife and wildlife-human interactions SCONC→arise←SCONC.

Sf1→HSEIC→D.E.←HSEIC The wildlife corridors action plan or the provisions of the Wildlife Corridors Act do not apply to private property or private property owners, unless private property owners choose to participate voluntarily.←Sf1

SECTION SCONC→5. 4.←SCONC [NEW MATERIAL] PRIORITIZED WILDLIFE CORRIDORS PROJECT LIST--PUBLICATION.--

A. As part of the wildlife corridors action plan, the department of game and fish and the department of transportation shall publish a prioritized "wildlife corridors project list" of projects to be undertaken SCONC→to protect wildlife, lessen habitat fragmentation, allow wildlife safer free range and decrease risks to the traveling public. The list shall be updated as projects are finished or conditions change, shifting priorities or making one or more projects

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~~infeasible.~~

~~B. The wildlife corridors project list shall identify those projects that seek to protect wildlife corridors and movement needs of large mammals that pose a risk to the traveling public~~←SCONC.

SCONC→~~C.~~ ~~B.~~←SCONC The department of game and fish and the department of transportation shall prioritize projects within the wildlife corridors project list by assessing the following criteria, listed in order of importance:

- (1) the potential to reduce wildlife-vehicle collision and enhance safety to the traveling public;
- (2) the relative current population size of select large mammal species and species of concern or the value of proposed infrastructure that will improve wildlife corridors;
- (3) the feasibility and constructability of wildlife corridors infrastructure;
- (4) the potential costs and economics of wildlife corridors infrastructure, including benefits or other effects on local communities;
- (5) local community support for proposed wildlife corridors infrastructure;
- (6) the value of the project to native large mammals and other native species; and
- (7) surrounding land-use and ownership,

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especially tribal lands, and an evaluation of the need for conservation easements or other real estate instrument necessary to maintain the viability of a proposed wildlife corridor.

SCONC → ~~D.~~ C. ← SCONC On an annual basis following the issuance of the first wildlife corridors project list, the department of game and fish and the department of transportation shall issue a report to the governor and the legislature stating the progress toward completing the enumerated projects as of the current fiscal year. The report shall represent progress toward completion of a project as a percentage, with a corresponding explanation for the represented number and plans for future progress.

SFC → ~~SECTION SCONC → 6. 5. ← SCONC APPROPRIATION. ---~~
~~SCONC → Five hundred thousand dollars (\$500,000) ← SCONC~~
~~SFC → SCONC → One hundred thousand dollars (\$100,000) ← SCONC ← SFC~~
~~SFC → Five hundred thousand dollars (\$500,000) ← SFC is~~
~~appropriated from the SCONC → general ← SCONC SFC → SCONC → game~~
~~protection ← SCONC ← SFC SFC → general ← SFC fund to the department~~
~~of game and fish for expenditure in fiscal years 2020 and 2021~~
~~to develop the wildlife corridors action plan with the~~
~~department of transportation, including a list of priority~~
~~projects necessary to protect wildlife and enhance public~~
~~safety by reducing the threat of wildlife-vehicle collisions.~~
~~Any unexpended or unencumbered balance remaining at the end of~~

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~~fiscal year 2021 shall revert to the SCONC→general←SCONC
SFC→SCONC→game protection←SCONC←SFC SFC→general←SFC
fund.←SFC~~

HENRC→Sf1→SECTION 5. APPROPRIATION.--One hundred thousand dollars (\$100,000) is appropriated from the game protection fund to the department of game and fish for expenditure in fiscal years 2020 and 2021 to develop the wildlife corridors action plan with the department of transportation, including a list of priority projects necessary to protect wildlife and enhance public safety by reducing the threat of wildlife-vehicle collisions. Any unexpended or unencumbered balance remaining at the end of fiscal year 2021 shall revert to the game protection fund.←Sf1←HENRC