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## FISCAL IMPACT REPORT

SPONSOR	<u>Stewart</u>	LAST UPDATED	<u>2/18/23</u>
		ORIGINAL DATE	<u>1/28/23</u>
SHORT TITLE	<u>Create Wildlife Corridor Fund</u>	BILL NUMBER	<u>Senate Bill 72/aSFC</u>
		ANALYST	<u>Gaussoin</u>

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to appropriation in the General Appropriation Act

### Sources of Information

LFC Files

#### Responses Received From

Department of Transportation (NMDOT)

Department of Game and Fish (DGF)

State Land Office (SLO)

## SUMMARY

### Synopsis of SFC Amendment to Senate Bill 72

The Senate Finance Committee amendment to Senate Bill 72 removes the appropriation.

### Synopsis of Original Bill

Senate Bill 72 (SB72) appropriates \$50 million from the general fund to the to-be-created wildlife corridors fund for wildlife studies and the planning, construction, and management of safe road crossings for wildlife and projects that reduce wildlife-vehicle collisions. The fund would be managed by the Department of Transportation (NMDOT).

Projects could include those listed in the *Wildlife Corridors Action Plan*, a joint project of the Department of Game and Fish (DGF) and NMDOT. NMDOT would be required to consult on the selection of projects and distribution of money and with Indian tribes, nations, and pueblos for projects on or adjacent to their lands. NMDOT would also be required to report to the governor and Legislative Finance Committee annually.

The effective date of this bill is July 1, 2023.

## FISCAL IMPLICATIONS

NMDOT reports implementing SB72 would have minimal impact on the department’s finances. The department would need to establish rules to administer the fund and create a reporting process but both could be accomplished with existing staff.

The original bill included an appropriation of \$50 million as a nonrecurring expense to the general fund. The amendment removed the appropriation, although the General Appropriation Act of 2023 as passed by the House includes a \$5 million appropriation to NMDOT for wildlife corridors. Although this bill does not specify appropriations, the creation of the fund creates an expectation the program will continue in future fiscal years; therefore, this cost could become recurring. In addition, LFC has concerns with newly created funds because earmarking reduces the ability of the Legislature to establish spending priorities.

## SIGNIFICANT ISSUES

Wildlife vehicle collisions are dangerous to the public and deplete species populations, including threatened and endangered species. NMDOT reports an average of 900 crashes a year were caused by collisions with six specific species between 2002 and 2018, including 671 by deer.

**Number of Crashes Involving the Six Focal Species of Concern, 2002-2018**

Year	Number of Crashes Reported						
	Deer	Elk	Pronghorn	Bighorn Sheep	Black Bear	Cougar	
2002	568	181	13	—	29	1	
2003	572	169	16	1	9	2	
2004	555	186	6	—	17	2	
2005	623	149	5	—	10	1	
2006	668	139	16	—	20	3	
2007	644	154	7	—	24	2	
2008	665	140	20	—	33	7	
2009	762	167	18	—	36	7	
2010	606	183	11	—	30	8	
2011	662	207	17	—	72	16	
2012	494	145	10	—	65	12	
2013	489	132	7	—	72	10	
2014	597	164	8	3	49	14	
2015	686	156	9	6	35	15	
2016	842	245	19	3	19	19	
2017	980	235	21	1	79	14	
2018	991	289	18	3	51	20	
is signed in	Total	11,404	3,041	221	17	650	153
	Annual average	671	179	13	1	38	9

Source: NMDOT, [New Mexico Wildlife Corridors Action Plan](#)

The *New Mexico Wildlife Corridors Plan*, developed by NMDOT in partnership with DGF in response to 2019 legislation and released in mid-2022, identifies wildlife-vehicle collision hotspots that pose a particularly high risk to the traveling public. Using ecological data and

modeling, it also identifies wildlife movement routes that bisect roads and provides a list of priority projects. The plan focuses primarily on the movements of six large mammals—elk, deer, black bear, bighorn sheep, pronghorn, and mountain lion—but also considers other sensitive species and confounding factors.

From the publication’s executive summary:

A team of national experts led by Daniel B. Stephens and Associates (DBS&A), under contract with NMDOT, developed the Plan in partnership with NMDGF. Using NMDOT crash data and ecological information on wildlife movements, the team applied a science-driven approach to identify areas per the Act that “pose a risk to successful wildlife migration or that pose a risk to the traveling public.” The Plan builds on past and ongoing efforts and is intended to raise support for and consensus in the identification of priority wildlife corridors and priority projects across New Mexico.

As reported in Volume 2 of the LFC’s 2023 annual report to the Legislature, *Legislating for Results*, federal funding might be available for wildlife corridors. One of the priority projects in the corridors plan is a crossing of U.S. 64/84 near Chama on land that is part of the Humphries Wildlife Management Area owned by the State Game Commission. Projects on State Game Commission lands could potentially qualify for federal funds if matched with state dollars.

The State Land Office, although not directly related by the legislation, suggests SB72 should be amended to require consultation with the State Land Office for projects on or adjacent to state trust land to ensure the effectiveness of efforts “on a landscape level.” In addition, the office notes the following:

- Other types of wildlife crossings, such as vegetated overpasses or wide underpasses, should be listed as authorized costs.
- The bill should include evaluation of implemented projects as an authorized cost.

## **ADMINISTRATIVE IMPLICATIONS**

While SB72 would create new responsibilities for NMDOT, the department reports it has staff who perform those duties now and could absorb the additional workload.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to a \$5 million appropriation in the General Appropriation Act of 2023 as adopted by the House.

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