

**LFC Requester:** \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** Feb 10, 2025  
**Bill No:** Senate Memorial 3

**Sponsor:** Senator Peter Wirth  
**Short Title:** \_\_\_\_\_  
**Agency Name and Code Number:** Energy, Minerals and Natural Resources Department - 521  
**Person Writing:** Laura McCarthy  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
n/a	n/a	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
n/a	n/a	n/a	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY25	FY26	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	200.0	200.0	200.0	600.0	Recurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: SM3 directs the Department of Game and Fish (DGF), Forestry Division (FD) and State Land Office (SLO) to jointly develop recommendations for a statewide beaver management plan. The memorial requests a determination for which agency takes a lead role for development of the plan, which stakeholder groups to include in development of a timeframe and budget implications. Recommendations from the three listed agencies should be presented jointly to the appropriate interim committee(s) by October 1, 2025.

### **FISCAL IMPLICATIONS**

SM3 will require staff time for FD to coordinate development of recommendations with the DGF and SLO. Planning, coordination and implementation of SM3 will require one full-time FD employee and 0.5 full-time EMNRD legal counsel employee, approximately \$200,000 annually.

### **SIGNIFICANT ISSUES**

The development of a statewide beaver management plan per SM3 may be or soon will be addressed in the updated DGF's State Wildlife Action Plan. The current plan is undergoing revision and is anticipated to be submitted to the U.S. Fish and Wildlife Service by October 1, 2025. Beaver management provisions may be incorporated into this plan, in subsequent revisions, which may not require a stand-alone beaver management plan.

The FD operates under a 10-Year Forest Action Plan, implementing strategies to address wildfire risk, forest and watershed health and restoration and vegetation management. This plan will have a five-year review in FY26 with a complete revision in 2030. However, since wildlife management is not within the statutory authority or technical scope of the FD, FD staff would not serve as the lead agency for a standalone beaver management plan. Implementation of post-wildland fire rehabilitation and watershed restoration is under the purview of the FD and may utilize similar techniques and tactics the American beaver implements as a part of their daily functions. These and similar methods may be incorporated into FD's watershed and riparian management strategies and tactics statewide, which would not require a separate statewide plan.

The Office of the State Engineer, in 2024, completed the State's 50-year Water Action Plan which may incorporate elements of the American beaver's actions that benefit the State's watersheds and water source areas.

The DGF may have advisory and advocacy stakeholder groups the department currently partners with to develop wildlife management actions, priorities and habitat restoration, which may include beaver habitat management.

FD works with the Forest and Watershed Advisory Board who recommends high-priority forest and watershed restoration projects annually which include projects for water source protection and fish and wildlife habitat conservation. Furthermore, FD hosts the State Forest and Watershed Health Coordinating Group, a multi-stakeholder body comprised of federal, state, tribal, local governments, nongovernmental organizations, forest and watershed collaborative groups, private

industry and other watershed and associated forest and habitat related stakeholders. This robust stakeholder groups represents approximately 50-80 different agencies, organizations, governments, entities and stakeholders to provide guidance and collaborative statewide strategies to collectively mitigate forest and watershed health concerns and prioritize and implement fire hazard reduction and watershed restoration work across the state.

The New Mexico Environment Department (NMED) and Office of the State Engineer are not named as parties to SM3; both entities also have roles and programs related to water source protection and management at statewide levels. Notably, NMED has extensive experience with beaver and beaver dam analogue projects, developing technical expertise that balances the ecological benefits of beaver activity with human and infrastructure needs to maximize restoration outcomes.

### **PERFORMANCE IMPLICATIONS**

SM3 would require the FD to coordinate with the DGF and SLO on to develop recommendations for a statewide beaver management plan, identify additional stakeholder groups and a timeline and budget which are duplicative of efforts that incorporate beneficial elements of beaver habitat management into existing programs and strategies of each agency.

SM3 does not currently provide funding to FD to support the implementation of provisions, and FD does not currently have the capacity or technical expertise from existing staff to coordinate this effort.

The timeline for presenting joint agency recommendations to the appropriate interim committee by October 1, 2025, is restrictive given that FD is currently and actively engaged in wildland fire response, and the wildland fire season is anticipated to begin early and extend into the month of October. Statewide wildland fire suppression is one of the prime responsibilities of the FD, requiring an “all-hands on deck” approach to ensure that wildfire suppression efforts minimize impacts to private citizens of the state and protection of the state’s natural resources.

### **ADMINISTRATIVE IMPLICATIONS**

SM3 does not appropriate budget for the coordination and planning efforts to develop recommendations to allow FD to carry provisions. The implementation of SM3 will require approximately \$200,000 annually for a FD full-time employee and 0.5 employee for EMNRD general counsel services.

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

### **TECHNICAL ISSUES**

SM3 provision for beaver management planning is beyond the technical expertise of the FD and wildlife management is not within the authorities of the FD to implement.

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Even if SM3 is not enacted, the Forestry Division and other agencies will have an opportunity to engage with one another through existing planning and coordination processes for beaver management planning.

## **AMENDMENTS**