The Legislature
of the
State of New Mexico

54th Legislature, 1st Session

LAWS 2019

CHAPTER 97

SENATE BILL 228, as amended

Introduced by

SENATOR MIMI STEWART
REPRESENTATIVE JOANNE J. FERRARY
REPRESENTATIVE GEORGENE LOUIS

SEAL OF THE STATE OF NEW MEXICO
CHAPTER 97

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.

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

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

SECTION 2. 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;

E. "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

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

SECTION 3. WILDLIFE CORRIDORS ACTION PLAN--CREATION--

DEPARTMENT COORDINATION.--

A. The department of game and fish, in
coordination with the department of transportation, shall
create a state "wildlife corridors action plan".

E. 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
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.

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.

D. The initial wildlife corridors action plan
shall be:

(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 initial 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 as new research and data
become available or changes in conditions affecting wildlife
and wildlife-human interactions arise.

E. 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.

SECTION 4. 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.

B. 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, 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.

C. 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.
Howie C. Morales
Howie C. Morales, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Brian Egolf, Speaker
House of Representatives

Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Approved by me this 28th day of March, 2019

Michelle Lujan Grisham
Governor Michelle Lujan Grisham
State of New Mexico