

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



# 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;

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

1 human-caused barriers and the high potential of  
2 wildlife-vehicle collisions; and

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

6 SECTION 3. WILDLIFE CORRIDORS ACTION PLAN--CREATION--  
7 DEPARTMENT COORDINATION.--

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

11 B. The wildlife corridors action plan shall  
12 contain:

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

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

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

24 (4) projections of anticipated effects that  
25 drought and other stressors will have on wildlife habitat,

1 dispersal and movement;

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

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

8 (7) maps that identify locations of:

9 (a) existing populations of species of  
10 greatest concern;

11 (b) existing wildlife crossings; and

12 (c) areas requiring additional  
13 monitoring or research;

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

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

21 (10) opportunities to collaborate with and  
22 enter into joint powers agreements as provided in the Joint  
23 Powers Agreements Act as necessary with New Mexico Indian  
24 nations, tribes or pueblos; relevant agencies or Indian  
25 nations, tribes or pueblos in neighboring states; and

1 relevant federal agencies to protect wildlife corridors that  
2 cross state or tribal lines;

3 (11) the wildlife corridors project list;  
4 and

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

9 C. The department of game and fish and the  
10 department of transportation shall consult with and actively  
11 seek the involvement of tribal governments in the development  
12 of the wildlife corridors action plan.

13 D. The initial wildlife corridors action plan  
14 shall be:

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

21 (2) updated at least every ten years and may  
22 be amended prior to a full update as new research and data  
23 become available or changes in conditions affecting wildlife  
24 and wildlife-human interactions arise.

25 E. The wildlife corridors action plan or the

1 provisions of the Wildlife Corridors Act do not apply to  
2 private property or private property owners, unless private  
3 property owners choose to participate voluntarily.

4 SECTION 4. PRIORITIZED WILDLIFE CORRIDORS PROJECT  
5 LIST--PUBLICATION.--

6 A. As part of the wildlife corridors action plan,  
7 the department of game and fish and the department of  
8 transportation shall publish a prioritized "wildlife  
9 corridors project list" of projects to be undertaken.

10 B. The department of game and fish and the  
11 department of transportation shall prioritize projects within  
12 the wildlife corridors project list by assessing the  
13 following criteria, listed in order of importance:

14 (1) the potential to reduce wildlife-vehicle  
15 collision and enhance safety to the traveling public;

16 (2) the relative current population size of  
17 select large mammal species and species of concern or the  
18 value of proposed infrastructure that will improve wildlife  
19 corridors;

20 (3) the feasibility and constructability of  
21 wildlife corridors infrastructure;

22 (4) the potential costs and economics of  
23 wildlife corridors infrastructure, including benefits or  
24 other effects on local communities;

25 (5) local community support for proposed

1 wildlife corridors infrastructure;

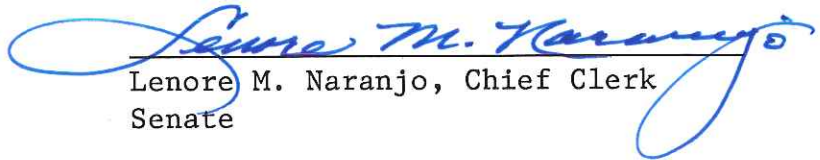
2 (6) the value of the project to native large  
3 mammals and other native species; and

4 (7) surrounding land-use and ownership,  
5 especially tribal lands, and an evaluation of the need for  
6 conservation easements or other real estate instrument  
7 necessary to maintain the viability of a proposed wildlife  
8 corridor.

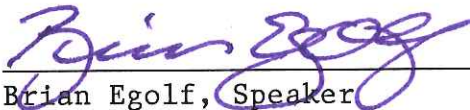
9 C. On an annual basis following the issuance of  
10 the first wildlife corridors project list, the department of  
11 game and fish and the department of transportation shall issue  
12 a report to the governor and the legislature stating the  
13 progress toward completing the enumerated projects as of the  
14 current fiscal year. The report shall represent progress  
15 toward completion of a project as a percentage, with a  
16 corresponding explanation for the represented number and plans  
17 for future progress. \_\_\_\_\_



Howie C. Morales, President  
Senate



Lenore M. Naranjo, Chief Clerk  
Senate

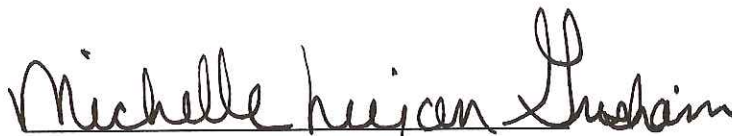


Brian Egolf, Speaker  
House of Representatives



Lisa M. Ortiz McCutcheon, Chief Clerk  
House of Representatives

Approved by me this 28<sup>th</sup> day of March, 2019



Governor Michelle Lujan Grisham  
State of New Mexico