

People continue to be confused and frankly outraged by our support for this bill. It's unfortunate that so many people don't understand the legislative process. We were in opposition to this bill over the interim and even at the beginning of the session. However, through the legislative process the sponsors and other stakeholder groups have worked with us to develop this bill which is a compromise among many stakeholders.

It seems much of the remaining opposition are those who lack a clear understanding of the provisions in the existing [Chapter 17 statute](#). This bill changes just a small portion of Chapter 17. It's a key portion and there is some legitimate risk associated with this bill, but not the risks that are being voiced by the opposition. And I would note that there are also some legitimate risks that exist in the current version of the statute if this bill doesn't pass!

This bill does not touch any of the Chapter 17 provisions that protect a landowner's private property rights. It doesn't touch the Jennings law. It doesn't touch EPLUS, and it doesn't prevent landowners from protecting their livestock against predators.

The groups that work directly with Chapter 17 on a daily basis are in favor of this bill. The Outfitting Industry works closely with game and fish. They issue our outfitter & guide operational licenses; they regulate our clientele through hunting and fishing licenses. And they enforce our industry on both the administrative side as well as the criminal side. Working with game and fish is how the outfitting industry functions. It has always been in our best interest to make sure that if this bill passes it is in a form we can live with.

There are many things in this bill that would improve Chapter 17. Game Commission reform is at the top of that list. The license fee increase is needed. Many outfitters like the creation of a shed hunting season and there are even portions of the expanded take section that would benefit our industry. There are many good things about this bill and the bad things have been amended to the point where they are now tolerable.

SENATE BILL 5 **WILDLIFE HERITAGE ACT**

NMCOG STANCE **SUPPORT**

SB5 - Titled Game Commission Reform but being commonly referred to in the media as the Wildlife Heritage Act, is actually a large bundle of various policy changes that would impact the outfitting industry, hunting, fishing, and wildlife conservation. In a perfect world this bill would be three separate bills. However, some organizations want game commission reform and a license fee increase. While other organizations want Department of Game and Fish reform. The Department reform groups would kill commission reform and license fee increase as stand-alone bills. And the commission reform/license fee increase groups would kill Department reform as a stand-alone bill.

This bill consolidates all of the pieces in order to provide the best chance of passage. The bill has 3 main prongs.

The first prong would reform the State Game Commission to reduce the governor's power to control game commission appointments. It would allow for both the majority leadership AND the minority leadership to play a role in commission appointments. The bill was amended in SCC to add a tribal representative (which we strongly agree with). And the bill, very importantly, specifies that all positions must be filled by individuals with "knowledge of wildlife, hunting, and fishing". This is not a requirement in the existing statute and it is currently all too common for commissioners to have minimal or zero understanding of how wildlife conservation works in NM.

This prong of the bill would also require that one commission seat be filled by a licensed NM resident hunter and angler (they must have both a valid hunting and a valid fishing license). This is not a requirement of the existing statute and was an extremely important negotiation between our organization and Rep. McQueen during the interim. The Department of Game and Fish is funded by hunter and angler license dollars and it only makes sense that at least one seat be represented by a license holder. The existing statute does not require that any commissioners hold a valid hunting or fishing license. This bill would additionally require the "rancher position" be filled by someone in production agriculture with 2 types of "big game species", for which hunting licenses are sold, on their ranch. This is also not a current requirement under the existing statute. NMCOG has supported game commission reform for years. These are needed changes, and the language in this portion of the bill is very favorable to the hunting and fishing industry.

The second prong is a name change of the Department of Game and Fish and also makes some policy changes to the Dept.'s governing statute (Chapter 17). This is the portion of the bill that we are least in support of. The bill would change the name of the NMDGF to be the NM Wildlife Department. Personally, I think this is an unnecessary cost that also destroys 100 years of brand recognition. However, it is true that there are many NM residents who do not understand that the NM Department of Game and Fish is the state agency responsible for ALL wildlife conservation in the state of NM. They understandably think that, because the agency's name is game and fish, the Dept. only deals with game and fish species. If the name were changed to the NM Wildlife Department, it seems reasonable that more non-hunters and non-anglers would gain a better understanding of the agency's role and responsibilities. We also appreciate that the bill was amended during the interim to allow for the name change to take place through asset depreciation rather than all at once. This reduces the short-term costs of changing the agency's name.

This prong also amends language in Chapter 17 to expand the Department of Game and Fish's ability to regulate take. The Department can already focus conservation efforts on nongame species, and they do (the State Wildlife Action plan - which is a current requirement of the federal government - lists hundreds of nongame species that the NMDGF is already working to conserve). This bill would expand (but not mandate,

thanks to an amendment made by Senator Brantley in the SRC) the Department's ability to regulate the taking of species. Right now, the NMDGF can only regulate take for species specifically listed in Chapter 17. This change would allow the Dept. to study and create Rules for any species deemed necessary. Senator Brantley's amendment was extremely important to us because without it, this portion of the bill would have been an unfunded mandate, paid for by sportsmen, which would require the Department regulate every species under the sun. This would have been a mandate New Mexico could not possibly have achieved. Our organization advocates nongame species conservation however, we were in strong opposition to an unfunded mandate. Senator Brantley's amendment makes this portion of the bill tolerable to the outfitting industry. It allows the Department to set rules for a species only if there is a biological need, and the funding is available to do so. Our organization advocates responsible wildlife conservation, and we feel that, with Senator Brantley's amendment, this is an acceptable middle ground.

The third prong of this bill is increased funding for existing conservation efforts. There is a license fee increase in this bill. The Department has needed to raise hunter and angler license fees for years. They have not had a license fee increase since 2006 and they are an enterprise agency. They need the license fee increase to remain solvent and to pay for their existing conservation efforts. NMCOG continues to support a license fee increase and we were included in the negotiations regarding the change to non-resident licenses. These increases are not arbitrary. They were negotiated over multiple meetings between the NMDGF and license buying stakeholder groups (such as NMCOG, Trout Unlimited, and NM Wildlife Federation). The non-resident fee increases in this bill were determined by studying the average cost of licenses to hunt similar species in the surrounding western states. We agree with the increases to non-resident license fees in this bill. We were, however, initially opposed to attaching the licenses to CPI. Although we appreciate that the original bill was amended during the interim to say that the commission "may" increase licenses in accordance with CPI. This prevents license fees from being required to increase every year, and is a much more agreeable alternative.

There also seems to be wide confusion about how this bill amends existing Game and Fish policy. Keep in mind that [Chapter 17](#) is hundreds of pages long. This bill amends just a small portion of Chapter 17.

- This bill **does not** make any changes [17-11-3](#) which allows individuals to trap on private land.
- It **does not** repeal the Jennings Law ([17-2-7.2](#)) which allows landowners to kill an animal on private land if it presents an immediate threat to human life or damage to property. In fact, this bill specifically states that the Dept. will not be required to respond to 17-2-7.2 incidents unless they were required to do so prior to the passage of this bill.
- It **does not** limit predator management. This bill doesn't make any changes to 17-2-7B which allows landowners to hunt, take, capture or kill any cougar or bear which has killed domestic livestock.

- This bill **does not** make any changes to [17-3-14.1](#) the statutory framework for the Elk Private Land Use System EPLUS system.
- This bill **does not** make any changes to the resident/non-resident public land draw quota [17-3-16](#)
- It **does not** move the Dept. away from using game hunting as a primary method of wildlife management or as a primary source of funding for wildlife conservation. There are hundreds of references to hunting in Chapter 17. This bill amends just a tiny portion of the chapter. It does not change the overall intent of Chapter 17 as the regulatory framework for hunting and fishing.
- This bill **does not** expand the Dept.'s ability to list species as "endangered". The Dept. currently can conserve species that they feel are threatened or endangered at the state level only. This bill does not change that. This bill also does not allow the state to federally list species under the Endangered Species Act. The ESA is a federal program.

This bill has come a very long way from the bill that was originally proposed in the 2019 Legislature (and has returned in some form every session since then). Our organization was previously in strong opposition and thanks to the hard work of all the participating stakeholder groups, the bill sponsors, and the governor's office (over the interim and during session) this bill has finally found middle ground. Not one stakeholder group is getting everything they want out of this bill. Rather, the bill achieves a compromise that everyone can live with, and it does make the existing statute stronger.