

SB 266 will modernize wildlife management in New Mexico

SB 266 updates New Mexico law to reflect modern science, legal opinion and public attitudes towards wildlife. It will close the gaps in existing law by giving the State Game Commission (SGC) and the Department of Game and Fish (DGF) the authority to protect all species of wildlife found in New Mexico.

- SB 266 amends existing statute to provide that the state’s policy is to manage all wildlife as a public trust resource for all New Mexicans, not just some species (“game and fish”) for certain uses (“public recreation and food supply”).
- SB 266 would give SGC authority over all wildlife in New Mexico. Authority is currently limited by statute to the following subgroups:
 - Protected game species (17-2-3)
 - Amphibians and reptiles (17-2-4.2)
 - Songbirds (17-2-3)
 - Hawks, vultures and owls (17-2-14)
 - Protected furbearers (17-5-2)
 - State endangered species (17-2-37)
- SB 266 would not have a fiscal impact because it does not require the SGC or DGF to actively regulate and manage any additional species, but instead grants them the authority to do so if desired.
- Scientists recognize that all wildlife species play an ecological role in nature. New Mexico is one of the most biologically diverse states in the U.S.¹ However, the existing patchwork of protections in state law leaves hundreds of species with no legal protection, including many native fish, bats and rodents.

	<i># subspecies protected</i>	<i># subspecies in NM²</i>	<i>percentage protected</i>
Mammals	49	245	20%
Birds	382	534	72%
Fish	30	78	38%
Amphibians	27	27	100%
Reptiles	112	112	100%
Total	600	996	60%

- The public increasingly values wild animals for “non-consumptive” uses, such as wildlife watching, ecological contributions, or intrinsic value. (Although hunting and fishing remain cherished traditions in New Mexico, most New Mexicans do not fish or hunt.³)
- Courts in the U.S. (including New Mexico) have long upheld the principle that states have a duty to manage the wildlife within their borders in trust for the benefit of current and future generations.

¹ According to NatureServe (2002), NM ranks second in the number of birds, and third in mammals and reptiles.

² Sources: Biota Information System of New Mexico; NM Ornithological Society; J. Frey, 2004, Taxonomy and Distribution of the Mammals of New Mexico: An Annotated Checklist.

³ According to the U.S. Fish and Wildlife Service (2011 survey), 4% of New Mexicans 16 years or older said they hunt, and 14% said they fish.