



Habitat Stamp Program  
Guidance Document  
*Revised 2022*



## Introduction

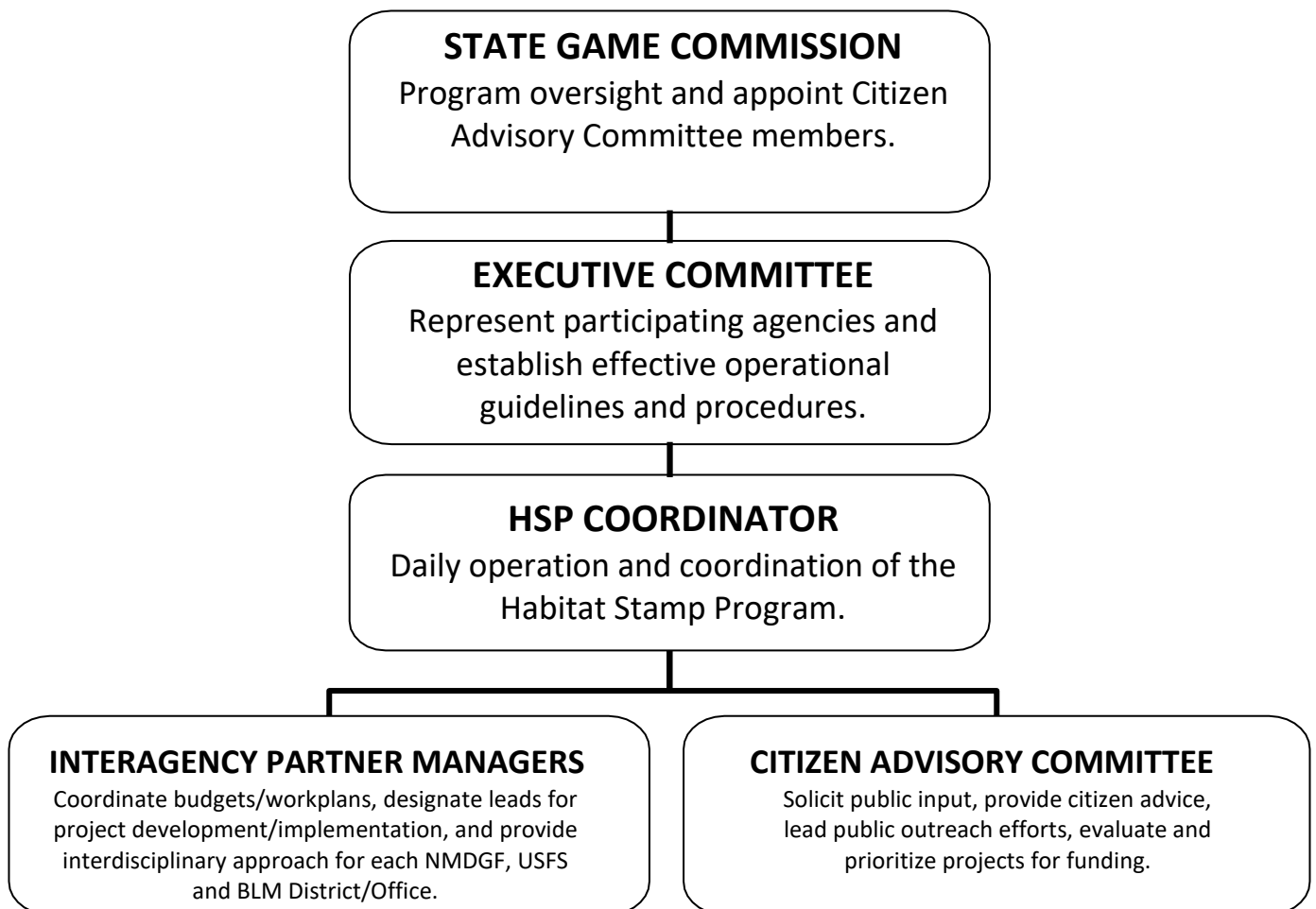
Under authority of the Sikes Act (Appendix 1) the New Mexico State Game Commission adopted a rule in 1991 (Appendix 2) making the New Mexico Habitat Stamp Program (HSP) operational statewide. The purpose of the program is to plan, develop, maintain, and coordinate conservation and restoration programs that are designed to benefit wildlife and fish populations. The Habitat Stamp Program is funded entirely by the public, through the collection of public land use stamps. Members of the public are encouraged to participate with the HSP by attending meetings and providing feedback on project proposals.

The Guidance Document has been designed to provide efficiency, consistency, and continuity in the HSP. It will aid all participants in planning and understanding the duties and responsibilities associated with this program. This document is dynamic in nature and subject to revision as deemed necessary.

## Organizational Structure

The program is a partnership among the New Mexico Department of Game and Fish (NMDGF) and the federal land management agencies of US Department of the Interior / Bureau of Land Management (BLM) and US Department of Agriculture / Forest Service (USFS). In order to ensure public engagement in the program, the State Game Commission (SGC) has created a Citizen Advisory Committee. It is the mutual objective of these agencies to cooperate through the HSP for the management of federal lands in a manner that will provide for high quality fish and wildlife habitat. This partnership is codified by a Memorandum of Understanding (Appendix 3) between the NMDGF and the respective federal agency.

**Figure 1. Habitat Stamp Program Organizational Structure**



## **Executive Committee (EC)**

Membership on the Executive Committee (EC) shall be limited to one representative from each of the participating agencies. Leadership of the respective agencies will select these representatives. The EC establishes operational guidelines related to overall program implementation, and represents the program back to their respective agency executives. The EC is responsible for developing the guidance document and ensuring that the underlying procedures allow for efficient execution of HSP directions. EC meetings may be called by any member of the EC or requested by the NMDGF's HSP Coordinator.

## **HSP Coordinator**

The Coordinator is an employee of the NMDGF within the Wildlife Management Division. This position is funded as part of an administrative cost that is not to exceed 10% of the annual HSP budget. Funding for project work, project monitoring, and education and outreach efforts shall not be considered administrative costs. The primary responsibility of the Coordinator shall be to manage daily operations and coordination of the HSP. Specific duties are to schedule and staff EC and Citizen Advisory Committee (CAC) meetings, schedule and chair HSP meetings, obtain approval of budgets, issue project proposal and tracking/completion report templates, and account for and publish an annual Implementation Report of expenditures and accomplishments.

## **Agency Partners**

The agencies that participate in the HSP are the U.S. Forest Service, Bureau of Land Management, and New Mexico Department of Game and Fish. Project development will be coordinated within and among agencies.

### Interagency Partner Managers (IP Managers)

Per guidance from Region 3 United States Forest Service leadership, the IP Managers for the USFS will be the individuals holding the position of Natural Resource Staff Officer for each respective Forest in New Mexico.

Per guidance from State Leadership of the Bureau of Land Management, the IP Managers for the BLM will be the individuals holding the position of Assistant Field Office Manager for each respective District or Field Office in New Mexico.

Per guidance from State Leadership of the New Mexico Department of Game and Fish, the IP Manager for the NMDGF will be the individual holding the position of Habitat Manager, or supervisor of the HSP Coordinator.

IP Managers are responsible for communicating HSP activities, opportunities, and other information throughout their districts/offices. They are the primary HSP point of contact for the HSP Coordinator and personnel within their agencies, and are responsible for ensuring an interdisciplinary approach to project development. IP Managers assist with the drafting of funded or non-funded agreements between the agencies for program activities. The IP Managers are responsible for ensuring that any proposed HSP project is in alignment with each National Forest and each BLM district or field office annual program of work (e.g, USFS 5 Year Plans). IP Managers will select specific project leads for specific HSP projects as appropriate, which are subject to change due to project type, staffing changes or other agency directives. IP Managers are also responsible for review of projects and the submission of approved projects to the HSP Coordinator.

### Project Leads

Specific Project Leads are selected by the respective IP Manager. They will be the primary point of contact for members of the CAC as well as the public with regard to questions or information requests involving specific projects that are approved by IP Managers and are prioritized, or, in the process of being considered by the full CAC for prioritization. Contact information for Specific Project Leads will be made available to the CAC as well as the public on each project that is listed on the Department website. Each project will have at least one NMDGF, and at least one BLM and/or USFS project lead.

## **Citizen Advisory Committee (CAC)**

The CAC consists of nine (9) members. The CAC appointments are as follows:

- One member representing Curry, De Baca, Roosevelt, Chaves, Lincoln, Otero, Eddy and Lea counties;
- One member representing Catron, Socorro, Grant, Hidalgo, Luna, Sierra and Dona Ana counties;
- One member representing San Juan, McKinley, Cibola, Valencia, Sandoval, Los Alamos and Rio Arriba counties;
- One member representing Santa Fe, Taos, Colfax, Union, Mora, Harding, Quay, San Miguel, Guadalupe and Torrance counties;
- One member representing Bernalillo county;
- One member who owns and manages a farm or ranch with at least two game species present. The EC encourages selection of this seat to also be a holder of a public land grazing permit;
- One member who can demonstrate a history of experience with wildlife research or conservation;
- Two members shall be appointed at large.

Members of the public who wish to be members of the CAC may submit applications to the NMDGF HSP Coordinator, who reviews applications to screen for eligibility to represent the program. Recommendations are made to the State Game Commission. Authority to appoint a citizen as a CAC member resides entirely with the State Game Commission and must adhere to the guidelines of the Rule, 19.34.6 NMAC.

## **CAC Responsibilities**

The CAC provides citizen advice on important project types, landscapes and fish and wildlife species, and prioritizes project proposals for HSP funding. In this way, the CAC encourages development of project proposals for HSP funding that are representative of public interest. CAC members are expected to contact and represent the interests of the public and foster effective communication with the HSP Coordinator, partners, and EC members. All CAC members are responsible for outreach/education activities to encourage public participation with the HSP.

### Meeting Attendance/Participation

In the event that a CAC member has 3 or more absences from official meetings in the span of 12 months, the CAC may make a motion to recommend removal of the CAC member by the SGC. If the member is removed from the committee, an SGC approved alternate applicant will be contacted from the available pool and be offered the position. Meetings will be held in a hybrid format, with options to attend either in person, or remotely through an online communications platform.

### Public Participation

Meetings of the CAC are subject to the Open Meetings Act (10-15-1 to 10-15-4 NMSA 1978) and therefore any meeting of a quorum is open to the public. The public is encouraged to participate in all aspects of the HSP, including field trips and tours as they are made available. All members of the CAC are responsible for public outreach.

### Replacement/Resignation

In the event that a CAC member is not performing their duties with regard to this guidance document, the public land user stamp rule, the Sikes Act, or the open meetings act, a motion may be made to recommend removal of the CAC member by the SGC. If the member is removed from the CAC, a SGC approved alternate applicant will be contacted from the available pool and be offered the position. A CAC member may choose to resign at any point, although it is encouraged that ample notice is provided in order to allow time to find a suitable replacement.

## **Coordination Between CAC and Agencies**

At least once per year, the CAC, USFS, BLM, and NMDGF representatives will discuss the direction of the HSP projects that are funded or in development, as well as the planning calendar. These discussions should include funded project updates, project emphasis, approaches to project implementation (i.e. broad versus focused), planning, and overall program status.

### **Project Guidelines**

All HSP projects must fall within the guidelines of the Sikes Act (16USC670a). Any projects that are not found to be eligible under the Sikes Act authority or HSP guidelines contained within this document and the 19.34.6 NMAC rule will not be considered for further review.

The HSP Coordinator, in coordination and with the agreement of the EC, may remove a project proposal if it falls outside of HSP guidelines, is incomplete, or if the proposal is deemed as inappropriate for funding with HSP funds.

Upon completion of a project, the final project statistics and accomplishments, including spatial location, cost, etc., will be submitted as part of the completion report.

### **Project Proposal Submissions**

All project proposals shall be developed and submitted in close coordination and collaboration with the cooperating agencies. The process for submission of HSP project proposals is illustrated in Table 2. To facilitate agency planning and budgeting concerns, projects are designed, prioritized, and approved in advance of implementation. Project proposals shall be submitted on the most recent HSP project proposal template and be accompanied with applicable project location maps.

Project proposals will include:

- Information indicating how the project relates to CAC advice or priorities
- Project Specific details that are clearly defined
  - To include a map with specific locations and boundaries of the proposed management actions, specifications of the proposed project such as dimensions, acreages, layouts, product information, and context of how the proposed action will improve existing conditions.
- Historical Data
  - Such as maps of previous or adjacent management actions, details of previously funded work within project area or landscape in order to provide context of how the project fits into the broader context of landscape management goals and initiatives.
- Comprehensive itemized use of funds
  - To include descriptions of specific actions that are requesting funding from the HSP and a line item budget and indicate whether or not the project has been awarded funds outside of the HSP, such as federal or non-federal grants.
- Comprehensive project analysis
  - To include information about how the project will address fish and wildlife habitat management issues
- Information about the land management agency monitoring plan/strategy
- Project Emphasis Species
  - To indicate whether or not the project is a project that benefits fish, or the specific wildlife species the project is tailored to benefit
- Contact Information for at least one NMDGF, and at least one BLM and/or USFS project lead

### Project Proposal Presentations

Projects that are being considered for prioritization by the CAC will be publicly presented at a meeting to take place in July, or the month prior to the prioritization meeting. At least one project proponent will be present to allow for guided discussion and interactive question and answer sessions for each proposed project.

### Interagency Project Planning

The HSP serves as an additive funding mechanism for wildlife conservation practices by making it possible to implement on the ground projects that may otherwise not be funded. Regional interagency (USFS, BLM, and NMDGF) personnel shall meet as needed to develop plans of work and to carry out the provisions of this program. Proposals without proof of meaningful collaboration between interagency personnel will not be presented to the CAC.

### Maintenance Projects (Per Citizen Advice adopted by the CAC, Appendix 4)

Per the CAC advice to the agencies that was adopted on 3/15/2022, projects that are considered as basic routine maintenance of wildlife water infrastructure shall not be considered for prioritization by the CAC. These are defined as projects that are intended to repair leaks, holes, tears, clogs, to clear debris, to perform minor fence repair, to repair valve issues or to perform inspections or analysis.

Significant maintenance projects are encouraged for CAC review and prioritization. These are to include complete rebuilds, fence renovations, installation/replacement of storage tanks and drinker boxes, and riparian protection projects. This current citizen advice is subject to revision or amendment by future CAC advice that is formally received and approved in a public meeting.

**Table 1. Habitat Stamp Program Annual Planning Calendar**

<b>Month</b>	<b>Activity</b>
<b>January</b> (Public Meeting)	CAC Orientation for new members (If needed)
<b>February/ March</b> (Public Meeting)	Annual update meeting to discuss currently funded projects and projects that are in development. Discuss HSP program status.
<b>June</b>	New projects for CAC review are emailed to CAC members and uploaded to the HSP website.
<b>July</b> (Public Meeting)	Projects are presented to the public and CAC in public meeting/s.
<b>August</b> (Public Meeting)	Annual CAC project prioritization meeting. CAC discussion on important landscapes, types of projects, and species of interest.
<b>September</b>	Annual HSP Implementation Report uploaded to HSP website and emailed to CAC.
<b>Quarterly</b>	Notable status updates of prioritized projects will be emailed to CAC.
<b>Ongoing</b>	Project opportunities are collaboratively developed between the agencies on an ongoing basis. As projects are finalized with IP Managers, they will be included in the next HSP prioritization cycle.
<b>Every Public Meeting</b>	CAC advice will be solicited at each public meeting.

**Table 2. Habitat Stamp Program Collaborative Project Development Process**

<b>Step #</b>	<b>Activity</b>
<b>1</b>	Collaborative habitat project identified using agency priorities and advice from CAC related to important landscapes, project types, and species of interest.
<b>2</b>	Project outlines/ideas are jointly and collaboratively developed between the Department and USFS or BLM. Project outlines presented for discussion at February meeting. CAC advice solicited.
<b>3</b>	Following CAC advice, Project outlines are jointly developed into complete proposals by IP Manager designated project leads from the Department and each federal agency. Proposals are submitted to the respective IP Managers for review, who then submit projects to HSP coordinator.
<b>4</b>	HSP Coordinator reviews project submissions with EC. Eligibility status determined by EC.
<b>5</b>	Projects are uploaded to Department website and presented to CAC at Public Meeting in July.
<b>6</b>	CAC independent review of projects.
<b>7</b>	Public meeting in August for formal CAC prioritization by majority vote. Projects are funded by the NMDGF in order of priority. CAC gives advice on important landscapes, project types, and species of interest.
<b>8</b>	Projects are implemented.

## **Project Implementation Flexibility**

To provide maximum efficiency in HSP operation it is necessary to allow flexibility in project implementation. Limited changes in project design or location that deviate from the approved proposal may be implemented at the discretion of the HSP Coordinator and respective EC members. Changes that are deemed to be outside of the scope of the initial project by the EC will require approval by the CAC at a public meeting.

Project proposals are prioritized in each planning cycle in excess of anticipated funding. This allows for the agencies to utilize allocated funds if implementation of a higher priority project becomes impractical or if costs are over-estimated. When this occurs, the HSP Coordinator and respective EC members will work down the CAC priority list and authorize expenditures to fund the project with the next highest priority rating.

## **Project Implementation and Accomplishment Reporting**

The HSP Coordinator will compile all funded project activities into an annual implementation report that is published on the Department website by September of each year.

## **Allocation of Funds**

The annual allocation of Habitat Stamp Program funds for projects prioritized by the CAC is made available for projects that take place on lands managed by the USFS and BLM. Funds are made available by following the prioritization rankings established by the CAC in a formal public meeting.

## **Projects That Benefit Fish**

During the five (5) year periods of July 2021 - June 2026 and July 2026 - June 2031, it is required by the Public Land User Stamp Rule that a minimum of 50% of project expenditures be attributed to projects that benefit fish. This metric will be tracked and presented during project proposal presentations, update meetings, and in the annual completion report.

### **For Questions Please Contact:**

Habitat Stamp Program Coordinator  
New Mexico Department of Game and Fish  
1 Wildlife Way  
Santa Fe, NM 87504



Appendix 1  
Sikes Act  
(New Mexico Sections)

*(The Sikes Act from the U.S. Code Online, via GPO Access [wais.access.gpo.gov](http://wais.access.gpo.gov) [CITE: 16USC670a]. Public Law 93-452, signed October 18, 1974 authorized conservation and rehabilitation programs on Forest Service and BLM lands.)*

## TITLE 16--CONSERVATION

### CHAPTER 5C--CONSERVATION PROGRAMS ON GOVERNMENT LANDS

#### SUBCHAPTER I--CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

**Sec. 670a. Cooperative plan for wildlife conservation and rehabilitation**

**Sec. 670b. Migratory game birds; permits; fees; Stamp Act and State law requirements**

**Sec. 670c. Public outdoor recreation resources; cooperative plan between Secretary of Defense, Secretary of the Interior, and State agencies**

**Sec. 670e. Applicability to other laws; national forest lands**

**Sec. 670f. Appropriations and expenditures**

*(Details omitted from sections 670a-f by NM Habitat Stamp Manager as they apply to military reservations.)*

**Sec. 670g. Wildlife, fish, and game conservation and rehabilitation programs; cooperation between Secretary of the Interior, Secretary of Agriculture, and State agencies in planning, etc., in accordance with comprehensive plans; scope and implementation of programs**

(a) Conservation and rehabilitation programs

The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 670h of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered.

(b) Implementation of programs

The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

(Pub. L. 86-797, title II, Sec. 201, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1369; amended Pub. L. 97-396, Sec. 3, Dec. 31, 1982, 96 Stat. 2005.)

**Amendments** 1982--Subsec. (a). Pub. L. 97-396 inserted ``of fish, wildlife, and plants" after ``species".

**Transfer of Functions** Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

**Desert Tortoise Plan** Pub. L. 100-275, Sec. 12, Mar. 31, 1988, 102 Stat. 60, directed Secretary of the Interior to review status of populations of desert tortoises on lands in Nevada and other States managed by Secretary, other than lands conveyed or leased pursuant to Pub. L. 100-275, assess nature and extent of threats to continued health or stability of such populations on such lands, and prepare a comprehensive plan to address such threats, with Secretary to consult with State officials, other Federal agencies responsible for management of lands where desert tortoise populations are located, the Desert Tortoise Council, and other persons or groups identified by Secretary as having expertise relevant to requirements of this section; such review and assessment to be completed and results to be made available to the public and transmitted to certain committees of Congress no later than two years after Mar. 31, 1988, and such plan to be developed and transmitted to such committees no later than three years after Mar. 31, 1988; with a failure by Secretary to transmit such report within such three-year period not to relieve the Secretary from requirement to prepare such plan.

## **Sec. 670h. Comprehensive plans for conservation and rehabilitation programs**

(a) Development by Secretary of the Interior and Secretary of Agriculture; consultation with State agencies; prior written approval of concerned Federal agencies

(1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

(b) Development consistent with overall land use and management plans; hunting, trapping, and fishing authorized in accordance with applicable State laws and regulations

Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

(c) Cooperative agreements by State agencies for implementation of programs; modifications; contents; hunting, trapping and fishing authorized in accordance with applicable State laws and regulations; regulations

(1) Each State agency may enter into a cooperative agreement with--

(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction;

(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction; and

(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

Conservation and rehabilitation programs developed and implemented pursuant to this subchapter shall be deemed as supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture pursuant to other provisions of law. Nothing in this subchapter shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture, as the case may be, to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531) or other applicable authority.

(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

(3) Each cooperative agreement entered into under this subsection shall--

(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

(B) provide for fish and wildlife habitat improvements or modifications, or both;

(C) provide for range rehabilitation where necessary for support of wildlife;

(D) provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to section 1533 of this title or considered to be threatened, rare, or endangered by the State agency;

(E) require the control of off-road vehicle traffic;

(F) if the issuance of public land area management stamps is agreed to pursuant to section 670i(a) of this title--

- (i) contain such terms and conditions as are required under section 670i(b) of this title;
  - (ii) require the maintenance of **accurate records** and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and
  - (iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and
- (G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this subchapter.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 670j(a) of this title.

(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted with respect to resident fish and wildlife in accordance with applicable laws and regulations of the State in which such land is located on public land which is the subject of a conservation and rehabilitation program implemented under this subchapter.

(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this subchapter.

(d) State agency agreements not cooperative agreements under other provisions

Agreements entered into by State agencies under the authority of this section shall not be deemed to be, or treated as, cooperative agreements to which chapter 63 of title 31 applies.

(Pub. L. 86-797, title II, Sec. 202, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1369; amended Pub. L. 97-396, Sec. 4, Dec. 31, 1982, 96 Stat. 2005.)

**References in Text** The Multiple-Use Sustained-Yield Act of 1960, referred to in subsec. (c)(1), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

**Codification** In subsec. (d), "chapter 63 of title 31" substituted for "the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)" on authority of Pub. L. 97-258, Sec. 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

**Amendments** 1982--Subsec. (d). Pub. L. 97-396 added subsec. (d).

**Transfer of Functions** Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

**Section Referred to in Other Sections** This section is referred to in sections 670g, 670j, 670o of this title.

**Sec. 670i. Public land management area stamps; agreement between State agencies and Secretary of the Interior and Secretary of Agriculture requiring stamps for hunting, trapping, and fishing on public lands subject to programs; conditions of agreement**

(a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this subchapter will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this subchapter unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned. Such fees may be used by the State agency to acquire lands or interests therein from willing sellers or donors to provide public access to program lands that have no existing public access for enhancement of outdoor recreation and wildlife conservation: Provided, That the Secretary of Agriculture and the Secretary of the Interior maintain such access, or ensure that maintenance is provided for such access, through or to lands within their respective jurisdiction.

(4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this subchapter except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in section 718a of this title, or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually

agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 670j(a) of this title.

(Pub. L. 86-797, title II, Sec. 203, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1371; amended Pub. L. 100-653, title II, Sec. 201, Nov. 14, 1988, 102 Stat. 3826.)

**Amendments** 1988--Subsec. (b)(3). Pub. L. 100-653 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ``Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs."''

**Section Referred to in Other Sections** This section is referred to in sections 670h, 670l of this title.

## **Sec. 670j. Enforcement provisions**

### **(a) Violations and penalties**

(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this subchapter without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 670h(c)(5) of this title shall be fined not more than \$500, or imprisoned not more than six months, or both.

### **(b) Designation of enforcement personnel powers; issuance of arrest warrants; trial and sentencing by United States magistrate judges**

(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments, and any State officer or employee authorized under a cooperative agreement to enforce subsection (a) of this section to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

(2) Upon the sworn information by a competent person, any United States magistrate judge or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

(c) Seizure and forfeiture of equipment and vessels

All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

(d) Applicability of customs laws to seizures and forfeitures; exceptions

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

(Pub. L. 86-797, title II, Sec. 204, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1372; amended Pub. L. 101-650, title III, Sec. 321, Dec. 1, 1990, 104 Stat. 5117.)

**References in Text** The customs laws, referred to in subsec. (d), are classified generally to Title 19, Customs Duties.

**Change of Name** "United States magistrate judge" substituted for "United States magistrate" in subsec. (b)(2), (3) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

**Section Referred to in Other Sections** This section is referred to in sections 670h, 670i of this title.

## Sec. 670k. Definitions

As used in this subchapter--

(1) The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) The term "Chairman" means the Chairman of the Atomic Energy Commission.



(3) The term "off-road vehicle" means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include--

- (A) any registered motorboat at the option of each State;
- (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and
- (C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

(4) The term "public land" means all lands, under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as--

- (A) a military reservation;
- (B) a unit of the National Park System;
- (C) an area within the national wildlife refuge system;
- (D) an Indian reservation; or
- (E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe.

(5) The term "State agency" means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

(6) The term "conservation and rehabilitation programs" means to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this subchapter consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this subchapter. Nothing in this term shall be construed as diminishing the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

(Pub. L. 86-797, title II, Sec. 205, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1373.)

**Transfer of Functions** Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

### **Sec. 670l. Applicability to Forest Service and Bureau of Land Management lands of public land management area stamp requirements; authorized fees**

Notwithstanding any other provision in this subchapter, section 670i of this title shall not apply to land which is, or hereafter may be, within or designated as Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein comprise 60 percent or more of the total area of such State; except that in any such State, any appropriate State agency may agree with the Secretary of Agriculture or the Secretary of the Interior, or both,

as the case may be, to collect a fee as specified in such agreement at the point of sale of regular licenses to hunt, trap, or fish in such State, the proceeds of which shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned and for no other purpose.

(Pub. L. 86-797, title II, Sec. 206, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1374.)

### **Sec. 670m. Indian rights unaffected; State or Federal jurisdiction regulating Indian rights preserved**

Nothing in this subchapter shall enlarge or diminish or in any way affect (1) the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree; or (2) existing State or Federal jurisdiction to regulate those rights either on or off reservations.

(Pub. L. 86-797, title II, Sec. 207, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1374.)

### **Sec. 670n. Omitted**

**Codification** Section, Pub. L. 86-797, title II, Sec. 208, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1374, which provided that nothing in this chapter in any way affect the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 1616 of Title 43, Public Lands, and that during the development of any cooperative plan for Alaska which may be agreed to under subchapter I of this chapter after the effective date of this section and of any comprehensive program for Alaska under this subchapter, such Commission shall be given an opportunity to submit its comments on such plan or program, was omitted in view of the termination of the Joint Federal-State Land Use Planning Commission on June 30, 1979.

### **Sec. 670o. Authorization of appropriations**

#### **(a) Functions and responsibilities of Secretary of the Interior**

There are authorized to be appropriated the sum of \$10,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, to enable the Secretary of the Interior to carry out his functions and responsibilities under this subchapter, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 1748 of title 43, or other provisions of law.

#### **(b) Functions and responsibilities of Secretary of Agriculture**

There are authorized to be appropriated the sum of \$12,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993, to enable the Secretary of Agriculture to carry out his functions and responsibilities under this subchapter. Such funds shall be in addition to those provided under other provisions of law. In requesting funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the

program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1601-1610).

(c) Use of other conservation or rehabilitation authorities

The Secretary of the Interior and the Secretary of Agriculture may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this subchapter.

(d) Contract authority respecting property, services or assistance affecting State agencies; appropriations requirement

The Secretary of the Interior and the Secretary of Agriculture may each make purchases and contracts for property and services from, or provide assistance to, the State agencies concerned, if such property, services or assistance is required to implement those projects and programs carried out on, or of benefit to, Federal lands and identified in the comprehensive plans or cooperative agreements developed under section 670h of this title without regard to title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251-260). Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 86-797, title II, Sec. 209, as added Pub. L. 93-452, Sec. 2, Oct. 18, 1974, 88 Stat. 1374; amended Pub. L. 95-420, Sec. 3, Oct. 5, 1978, 92 Stat. 921; Pub. L. 97-396, Sec. 5, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 99-561, Sec. 1(b), Oct. 27, 1986, 100 Stat. 3149; Pub. L. 100-653, title II, Sec. 202(b), Nov. 14, 1988, 102 Stat. 3827.)

**References in Text** The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, referred to in subsec. (b), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (Sec. 1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (Sec. 251 et seq.) of chapter 4 of Title 41, Public Contracts. Section 304 of that Act is classified to section 254 of Title 41. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, Public Buildings, Property, and Works, and Tables.

**Amendments** 1988--Subsecs. (a), (b). Pub. L. 100-653 substituted ``1988, 1989, 1990, 1991, 1992, and 1993" for ``and 1988".

1986--Subsecs. (a), (b). Pub. L. 99-561 substituted ``1985, 1986, 1987, and 1988" for ``and 1985".

1982--Subsecs. (a), (b). Pub. L. 97-396, Sec. 5(1), substituted ``1983, 1984, and 1985," for ``ending September 30, 1979, September 30, 1980, and September 30, 1981," wherever appearing.

Subsecs. (c), (d). Pub. L. 97-396, Sec. 5(2), added subsecs. (c) and (d). 1978--Subsec. (a). Pub. L. 95-420 substituted provisions authorizing appropriation of \$10,000,000 for each of fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable the Secretary to carry out his functions, including data collection, research, planning, and conservation and rehabilitation programs, such funds to be in addition to those authorized for wildlife, range, soil and water management pursuant to section 1748 of title 43, for provisions authorizing appropriation of \$10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of the Interior to carry out its functions.

Subsec. (b). Pub. L. 95-420 substituted provisions authorizing appropriation of \$12,000,000 for fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable Secretary of Agriculture to carry out his functions, such funds to be in addition to those otherwise provided, and provisions relating to fish and wildlife program needs including those identified in State plans developed pursuant to Forest and Rangeland Renewable Resources Planning Act of 1974, for provisions authorizing appropriation of \$10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of Agriculture to carry out its functions.

Appendix 2  
NMAC 19.34.6  
Public Land User Stamp  
Rule

**TITLE 19 NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 34 WILDLIFE HABITAT AND LANDS**  
**PART 6 PUBLIC LAND USER STAMP (SIKES ACT)**

**19.34.6.1 ISSUING AGENCY:** New Mexico department of game and fish  
[19.34.6.1 NMAC - Rp 19.34.6.1 NMAC, 4/1/2021]

**19.34.6.2 SCOPE:** The department of game and fish and all persons who hunt, fish or trap on land administered by the U.S. forest service or the U.S. bureau of land management in the state.  
[19.34.6.2 NMAC - Rp 19.34.6.2 NMAC, 4/1/2021]

**19.34.6.3 STATUTORY AUTHORITY:** 17-1-14 and 17-1-26 NMSA 1978 provide the state game commission the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species. Public Law 93-452 (Sikes Act) permits the state, secretary of agriculture and secretary of interior to enter into agreements for the issuance of public land management stamps.  
[19.34.6.3 NMAC - Rp 19.34.6.3 NMAC, 4/1/2021]

**19.34.6.4 DURATION:** March 31, 2031.  
[19.34.6.4 NMAC - Rp 19.34.6.4 NMAC, 4/1/2021]

**19.34.6.5 EFFECTIVE DATE:** April 1, 2021.  
[19.34.6.5 NMAC - Rp 19.34.6.5 NMAC, 4/1/2021]

**19.34.6.6 OBJECTIVE:** To provide for a public land management stamp for hunting, fishing or trapping on certain public lands in New Mexico, requires purchase of stamp, creates a citizen advisory committee, and provides for expenditure of funds from stamp revenues.  
[19.34.6.6 NMAC - Rp 19.34.6.6 NMAC, 4/1/2021]

**19.34.6.7 DEFINITIONS:**

**A. "Public land"** means those lands which surface areas are under the management authority of the United States forest service or the United States bureau of land management, except those lands under the management authority of the United States bureau of land management in game management unit 28.

**B. "Public land management stamp" or "habitat stamp"** means a stamp or validation that is affixed to or printed on a hunting, trapping, or fishing license to demonstrate compliance with this regulation.  
[19.34.6.7 NMAC - Rp 19.34.6.7 NMAC, 4/1/2021]

**19.34.6.8 PURCHASE:**

- A.** Each person hunting on any public land, must purchase a public land management stamp.
- B.** Resident trappers twelve years of age and older trapping for protected furbearers, and non-resident trappers trapping on any public land, must purchase a public land management stamp.
- C.** Anglers twelve years of age and older, except resident anglers 70 years of age and older, fishing on any public land, must purchase a public land management stamp.
- D.** Only one public land management stamp is required for each individual to hunt, trap, or fish on public land during any license year.
- E.** Purchase price for each public land management stamp shall be ten dollars (\$10.00). Starting in 2022 the purchase price will be adjusted annually based on the consumer price index from the United States department of labor, bureau of labor statistics, and may be rounded. The state game commission may defer annual adjustments; deferral of annual adjustments may not exceed five consecutive years.  
[19.34.6.8 NMAC - Rp 19.34.6.8 NMAC, 4/1/2021]

**19.34.6.9 EXPENDITURE OF FUNDS COLLECTED:**

**A.** The expenditure of funds collected under this regulation shall be consistent with the most current management plans developed by the United States forest service, the United States bureau of land management and the New Mexico department of game and fish.

**B.** A minimum of fifty percent of the funds over a 5-year period will be spent on projects that benefit fish, excluding administrative fees.  
[19.34.6.9 NMAC - Rp 19.34.6.11 NMAC, 4/1/2021]

**19.34.6.10 CITIZEN ADVISORY COMMITTEE:** A citizen advisory committee shall be created. The committee will be comprised of 9 members, 7 of which shall follow the district and representation requirements as defined in 17-1-2 NMSA 1978. All members shall be selected and appointed by the state game commission from a list of applicants provided by the department. The committee will provide citizen advice to the agencies and will prioritize eligible projects.  
[19.34.6.10 NMAC - Rp 19.34.6.12 NMAC, 4/1/2021]

**HISTORY OF 19.34.6 NMAC:**

**Pre-NMAC History:**

Regulation No. 648, Regulation Establishing a User Stamp Requirement on Public Lands Contained Within the Game Management Units 29, 30, 34, 36 and 37, 1/5/1987.

Order No. 8-86, 4/10/1987.

Order No. 4-88, 6/28/1988.

Order No. 3-90, 9/4/1991.

Regulation No. 676, Regulation Establishing a User Stamp Requirement on Public Lands Within the State of New Mexico, 1/12/1990.

**NMAC History:**

19 NMAC 34.1, Public Land User Stamp (Sikes Act), 1/18/1996.

19 NMAC 34.1, Public Land User Stamp (Sikes Act), filed – 12/17/2001 duration expired 3/31/2021

Appendix 3  
Interagency  
Memorandum of  
Understanding

FS Agreement No. 18-MU-11031600-001Cooperator Agreement No. BLM MOU NM-930-2018-007

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**NEW MEXICO DEPARTMENT OF GAME AND FISH**  
**And The**  
**USDA, FOREST SERVICE**  
**SOUTHWESTERN REGION**  
**AND THE**  
**UNITED STATES DEPARTMENT OF INTERIOR,**  
**BUREAU OF LAND MANAGEMENT,**  
**NEW MEXICO STATE OFFICE**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the New Mexico Department of Game and Fish, hereinafter referred to as "NMDGF", the United States Department of Interior (USDI), Bureau of Land Management, New Mexico State Office, hereinafter referred to as "BLM," and the United States Department of Agriculture (USDA), Forest Service, Southwestern Region, hereinafter referred to as the "U.S. Forest Service."

Background: The Sikes Act (16 USC §670g et. seq.) authorizes the parties to this agreement to provide for the establishment of conservation and rehabilitation programs on public lands, and to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this agreement, consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as, but not limited to, protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, regulated taking, and access controls in managing fish and wildlife resources.

The purchase of a Habitat Stamp is required by hunters, anglers and trappers who engage in these activities on BLM public lands and National Forest System (NFS) lands in New Mexico described in 19.34.6 NMAC. Habitat Stamp revenues may be expended on lands managed by the cooperating agencies or other lands agreed to by the cooperating agencies as permitted by the Sikes Act. Fees collected per this regulation shall be deposited in the Sikes Fund. The NMDGF shall maintain accurate records and file a report annually concerning the amount and disposition of fees collected. Parties to this agreement and the Comptroller General of the United States shall have access to such records for the purposes of audit and examination.





Title: Implementation of the Sikes Act Public Land Management Stamp and Administration of the New Mexico Habitat Stamp Program on Public Lands in New Mexico

- I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to establish broad guidelines for the operation of a Statewide Sikes Act Public Land Management Stamp Program (“Habitat Stamp Program”) in the State of New Mexico. Representatives of each party shall collaboratively formulate and compile a manual of specific procedures for achieving the objective below in accordance with the following provisions.

## **II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

The New Mexico State Game Commission (NMSGC) has been created under the laws of the State of New Mexico to provide an adequate and flexible system for the protection of game and fish of New Mexico and for their use and development for public recreation and food supply, and to provide for their propagation, planting, protection, regulation and conservation, to the extent necessary, to provide and maintain an adequate supply of game and fish within the state of New Mexico. (NMSA 1978 §17-1-1). The NMDGF serves to implement regulations and policies of the NMSGC to affect the above goals. The NMDGF Conservation Services Division is responsible for the management, enhancement, research and conservation of public wildlife habitat (NMSA 1978 §17-1-5.1). Nothing in this agreement shall be construed as diminishing the authority and jurisdiction of the State with respect to the management of wildlife within the State of New Mexico, except as otherwise provided by law. The NMDGF enters into this agreement pursuant to §§17-1-14 and 17-1-28 NMSA 1978, and any other applicable authority.

The BLM is the agency responsible for managing public lands and administering such lands for public uses under the authority of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. §§1701-1782) and the Sikes Act. Nothing in this agreement shall be construed as diminishing the authority of the BLM to manage BLM public lands for wildlife habitat and other purposes in accordance with FLPMA, and other applicable authorities established by law.

The U.S. Forest Service is the agency responsible for managing National Forest System lands and administering public uses under the authority of the Multiple-Use Sustained Yield Act (16 U.S.C. §§528-531) and the Sikes Act. Nothing in this agreement shall be construed as diminishing the authority of the U.S. Forest Service to manage NFS lands for wildlife habitat and other purposes in accordance with the Multiple-Use Sustained Yield Act of 1960, the National Forest Management Act of 1976 or any other applicable authorities authorized by law.

The Habitat Stamp Program will provide a framework of management that prescribes special emphasis on providing diverse and high quality wildlife and fishery resources that are harmonious with other uses and missions of the cooperating agencies. This



will result in long-term conservation and rehabilitation programs that will supplement other agency programs designed to enhance fish, wildlife, and their habitats for enjoyment and use by the current and future generations of New Mexicans.

In consideration of the above premises, the parties agree as follows:

**III. NMDGF SHALL:**

- A. Cooperate with the BLM and U.S. Forest Service to develop and administer the Habitat Stamp Program for the conservation and rehabilitation of fish and wildlife habitat. The program will be funded in whole or in part by funds generated by the sale of Habitat Stamps.
- B. Maintain accurate records and file an annual report with the public, BLM and U.S. Forest Service setting forth the amount of Habitat Stamp revenue for each agency and disposition of the fees collected from the sale of Habitat Stamps.

**IV. BLM SHALL:**

- A. Collaborate with NMDGF and the U.S. Forest Service to develop and implement the Habitat Stamp Program.
- B. Maintain with Habitat Stamp Program dollars and future appropriated funds, if available, habitat improvements and water development infrastructure constructed and/or adopted with Habitat Stamp funds on BLM public lands.
- C. Assume ownership of infrastructure constructed or maintained with Habitat Stamp Program funds on BLM public lands.

**V. THE U.S. FOREST SERVICE SHALL:**

- A. Collaborate with NMDGF and BLM to develop and implement the Habitat Stamp Program.
- B. Maintain with Habitat Stamp Program dollars and future appropriated funds, if available, habitat improvements and water development infrastructure constructed and/or adopted with Habitat Stamp funds on NFS lands.
- C. Assume ownership of infrastructure constructed or maintained with Habitat Stamp Program funds on NFS lands. Improvements placed on NFS lands become the property of the United States. These improvements are subject to the same regulations and administration of the U.S. Forest Service as other National Forest and Grassland improvements.



**VI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**

- A. It is the mutual objective of the parties to cooperate through the Habitat Stamp Program to manage public lands under this agreement in a manner that will provide for high quality fish and wildlife habitat and recreational experiences for the citizens of New Mexico.
- B. PRINCIPAL CONTACTS. See Exhibit A for a list of principal contacts for this agreement.
- C. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or NMDGF or BLM is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To the NMDGF and BLM Program Managers, at NMDGF's address and BLM's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or NMDGF or BLM from participating in similar activities with other public or private agencies, organizations, and individuals.
- E. ENDORSEMENT. Any of NMDGF's or BLM's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of NMDGF or BLM's products or activities.
- F. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of



separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- G. USE OF U.S. FOREST SERVICE INSIGNIA. In order for NMDGF or BLM to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- H. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- I. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- J. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- L. PUBLIC NOTICES. It is the U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. NMDGF and BLM are encouraged



to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should include a statement substantially as follows:

"The Southwestern Region of the U.S. Forest Service, Department of Agriculture, has the responsibility to manage and protect habitat for wildlife, fish and rare plants on national forests and grasslands in New Mexico."

NMDGF and BLM may call on the U.S. Forest Service's Office of Communication for advice regarding public notices. NMDGF and BLM is/are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to The U.S. Forest Service's Office of Communications as far in advance of release as possible.

M. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. NMDGF and BLM shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.

N. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. NMDGF and BLM shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

*In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)*

**To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.**

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

*"This institution is an equal opportunity provider."*

O. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.

P. DEBARMENT AND SUSPENSION. NMDGF shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded.



debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should NMDGF or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- Q. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- R. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through March 31, 2023 at which time it will expire.
- S. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.

*Alexandra Sandoval* 3/6/18  
 ALEXANDRA SANDOVAL, Director Date  
 State of New Mexico, Dept. of Game & Fish

*Aden Seidlitz* 4/2/18  
 ADEN SEIDLITZ, Acting State Director Date  
 USDI, BLM, New Mexico Office

*Sandy Watts* 3/13/18  
 SANDY L. WATTS, Deputy Regional Forester Date  
 U.S. Forest Service, Southwestern Region

The authority and format of this agreement have been reviewed and approved for signature.

*Monica L. Martinez* 3/12/18  
 MONICA L. MARTINEZ Date  
 U.S. Forest Service Grants Management Specialist



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## EXHIBIT A PRINCIPAL CONTACTS

Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

### Principal NMDGF Contacts:

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Appendix 4  
Citizen Advice to the  
Agencies 3/15/2022

# **CAC Maintenance Sub-Committee Recommendations**

Submitted on March 15, 2022

The CAC Maintenance Sub-Committee recommends that project proposals to be submitted for review with the goal of funding should address the following areas:

- 1. All projects proposed for funding shall consist of, but are not limited to:**
    - **Project specific details that are clearly defined**
    - **Historical Data**
    - **Comprehensive itemized use of funds**
    - **Comprehensive project analysis**
  - 2. Shall consider significant maintenance projects including complete rebuilds, fence renovation, storage tanks, drinker boxes, riparian protection, etc.**
  - 3. Shall not consider funding basic routine maintenance such as repairing leaks, holes, tears, clogs, clearing of debris, minor fence repair, valve issues or project inspections and analysis.**
  - 4. It is recommended that the full CAC explore the concept of group or block maintenance proposals that are consistent with #2 recommendation.**
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The CAC Maintenance Sub-Committees Recommendation for the NMG&F HSP:

- **It is recommended that the NMG&F Habitat Stamp Program design a Water Catchment and Fencing Minimum Standard document. This document should consist of all facets of water catchments and fencing, and be geared towards achieving a result rather than trying to establish strict construction standards.**