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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/09

SPONSOR Pinto LAST UPDATED _____ HB _____

SHORT TITLE Expedite Fort Wingate Cleanup SJM 10

ANALYST Burns

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Cultural Affairs (505)
 Indian Affairs Department (609)
 Department of Public Safety (790)

No Response Received From

Department of Military Affairs (705)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 10 requests that the New Mexico Legislature request the New Mexico Congressional Delegation to urge the United States Department of the Army to expedite the cleanup of the Fort Wingate Ammunition Depot so that it may be returned to the Navajo Nation and the Pueblo of Zuni. SJM 10 also requests that congress appropriate necessary funds for that purpose.

SIGNIFICANT ISSUES

Fort Wingate has a complex and important history dating from the middle to late 1800s to the late 1900s. This fort played a significant role in the American Indian-Western expansion period of our nation's history. This fort also served as arsenal repository during World War II. However, the site has experienced extensive contamination due to this service in WWII. Because

of its long and important history prior to WWII, it is essential that any contamination that exists be remediated.

The Fort Wingate Army Depot is located on lands that are the ancestral home to both the Navajo and Zuni. Fort Wingate contains sites rich in cultural heritage and historical significance. The property also served as a hunting and gathering area for the Zunis. Over 200 Navajo ruins have been discovered on the property, as well as several earth covered dwellings, called hogans.¹ Additionally, over 600 archeological sites have been recorded by surveyors, including an additional 200 ruins traceable to the Anasazi, ancestors of the Zuni.

SJM 10 also requests that the necessary funds to expedite the cleanup of the Fort Wingate be appropriated. The current funding and appropriation toward the cleanup by the United States and scheduled compliance with the cleanup efforts will not be completed until 2020.

ADMINISTRATIVE

Copies of SJM 10 would be transmitted to US Senator Jeff Bingaman, US Senator Tom Udall, US Representative Martin T. Heinreich, US Representative Harry Teague, US Representative Ben R. Lujan, the president of the Navajo Nation, the Speaker of the Navajo Nation council, and the governor of the Pueblo of Zuni.

TECHNICAL ISSUES

Copies of SJM 10 should also be sent to the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC). The FFERDC is a legally constituted committee under the Federal Advisory Committee Act (FACA). The Committee, which includes 50 representatives of Federal, State, Tribal, and local agencies and of environmental, community, and labor organizations, develops consensus policy recommendations for improving decision-making at Federal facilities. Initiated and coordinated by EPA, the FFERDC is a leading body for involving stakeholders in developing national policy toward the cleanup of Federal facilities.

OTHER SUBSTANTIVE ISSUES

SJM 10 received endorsement by the Interim Indian Affairs Committee at their December 17, 2008 meeting.

The Zunis and Navajos have a Memorandum of Understanding signed in February 1997 that states the depot property is land that they claim as their original homelands.² In negotiations with tribes, the Army Base Realignment and Closure (BRAC) Program transferred half of the 22,000 acre installation to be used jointly by tribes and retained the other half for missile testing and launching.³

¹ Fort Tour-Fort Wingate. Retrieved 01/23/2009 at www.forttours.com.

² “Tribes share vision for Army depot,” Larry D. Giovanni, Gallup Independent, 04/05/2002. Retrieved 01/23/2009 at <http://web.archive.org/web/20020625101512/http://gallupindependent.com/4-05-02>.

³Fort Wingate Army Depot. Retrieved 01/23/2009 at www.globalsecurity.org/military/facility/fort-wingate.htm

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The site continues to be subjected to contamination and public access will be prohibited, or continue to be a health risk to those who enter knowingly or unknowingly. Any future preservation efforts or site interpretation will be restricted or limited.

KJB/mt