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FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/08
 SPONSOR Begaye LAST UPDATED 1/28/08 HJM 11a/HBIC
 SHORT TITLE Ship Rock Pinnacle as State Monument SB _____
 ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	25.0 ¹	NA	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB321

SOURCES OF INFORMATION

LFC Files

Original Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

Department of Cultural Affairs (DCA)

SUMMARY

Synopsis of HBIC Amendment

House Business and Industry Committee amendment to House Joint Memorial 11 clarifies that the State Parks Division of the Energy, Minerals and Natural Resources Department is being requested to conduct a feasibility study regarding the designation of the Ship Rock pinnacle as a state park. Specifically, the amendment addresses the following:

1. On page 1, line 13, strike "MONUMENT" and insert in lieu thereof "PARK".

¹ Cost projections are included in the agency response. See *Fiscal Implications* section for methodology.

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2. On page 2, line 24, strike "monument" and insert in lieu thereof "park".
3. On page 3, line 3, strike "monument" and insert in lieu thereof "park".

The amendment adds no appropriation to the legislation.

Synopsis of Original Bill

House Joint Memorial 11 resolves that the State Parks Division of the Energy, Minerals and Natural Resources Department be requested to conduct a feasibility study regarding the designation of the Ship Rock pinnacle as a state monument.

There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

EMNRD advises that HJM11 directs SPD to undertake a study that would cost SPD around \$25,000 in personnel and other costs (salary, travel, per diem, printing, etc.). SPD does not have available budget in FY08 to begin the study, SPD has not requested any funding in the FY09 budget to perform the requested study, and HJM 11 does not include any appropriations to SPD in order to conduct the study. If no funds are appropriated for either fiscal year, study costs would have to come out of the FY08 and FY09 operating budgets for SPD or not be performed.

SIGNIFICANT ISSUES:

DCA indicates that while the legislation directs EMNRD to undertake a feasibility study of the Ship Rock Pinnacle as a possible state monument, state monuments are under the auspices of the Department of Cultural Affairs. Further that the memorial is “as written is somewhat unclear about whether the intention of the study is to determine whether the Ship Rock Pinnacle should be designated a state monument or a state park.” The Department of Cultural Affairs *Policy On Cultural Properties* (4.51.26 NMAC) outlines the procedures through which a cultural property may be acquired by the State Monuments Division and designated a state monument. This policy states that should there be sufficient interest in prehistoric or historic sites of statewide or regional significance to warrant their inclusion within the state monument system, a feasibility study shall be conducted by the *Museum of New Mexico*.

EMNRD also notes that although the language of the legislation requests a feasibility study by SPD regarding the designation of the Shiprock Pinnacle as a “state monument,” in fact, state monuments are managed by the Department of Cultural Affairs and SPD has no statutory authority over state monuments. Further, SPD does not undertake feasibility studies for proposed state monuments and does not manage monuments. The stated intent of HJM 11 is for the Ship Rock Pinnacle to be included as a monument. Therefore, EMNRD proposes that HJM11 should be revised (see Amendments) to direct the study be performed by the Department of Cultural Affairs, State Monuments Division.

EMNRD adds that “an important additional consideration is that the Shiprock Pinnacle is located on Navajo Nation land, which raises significant questions regarding sovereignty, legal jurisdiction, cultural sensitivity, and future management.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This legislation is related to HB 321 which seeks to appropriate \$15,000 to EMNRD to fund a feasibility study as to the designation of Ship Rock pinnacle as a state monument.

OTHER SUBSTANTIVE ISSUES

As background, DCA advises Ship Rock Pinnacle is a geologic feature within the Navajo Nation, rising one thousand four hundred feet above the surrounding environment. Known in the Navajo language as "tse bit'ta'i"—rock with wings—the Ship Rock Pinnacle is of great religious and historical significance to the Navajo Nation and is associated with a number of Navajo myths and ceremonies. Ship Rock Pinnacle is without doubt an environment feature of New Mexico worthy of recognition and protection. In May 1975 the Ship Rock Pinnacle was designated by the United States National Park Service as a National Natural Landmark. The Navajo Nation has duly recommended that the Ship Rock Pinnacle be designated as an official park of the state of New Mexico, and the Ship Rock chapter of the Navajo Nation unanimously adopted a resolution requesting Governor Bill Richardson to designate the Ship Rock Pinnacle as a New Mexico state park.

AMENDMENTS

EMNRD suggests the following:

1. On page 2, line 21 and 22, replace “state parks division of the energy, minerals and natural resources department” with “state monuments division of the department of cultural affairs”
2. On page 2, line 25, and on page 3, line 1, replace “state parks division of the energy, minerals and natural resources department” with the “state monuments division of the department of cultural affairs”
3. On page 3, lines 7, 8 and 9, replace “energy, minerals and natural resources department, the director of the state parks division” with “of the department of cultural affairs, the director of the state monuments division”

BFW/bb