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HOUSE BILL 458

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE CONSOLIDATED ENVIRONMENTAL REVIEW ACT; PROVIDING FOR RULES TO BE ADOPTED BY THE ENVIRONMENTAL IMPROVEMENT BOARD; PROVIDING FOR FEES; PROVIDING FOR CITIZEN CAUSE OF ACTION; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. SHORT TITLE.**--This act may be cited as the "Consolidated Environmental Review Act".

**SECTION 2. PURPOSE.**--It is the purpose of the Consolidated Environmental Review Act to:

A. take all action necessary to provide the residents of New Mexico with clean air and water; enjoyment of aesthetic, natural, scenic and historic environmental qualities; healthy fish and wildlife populations; and freedom from threats to human health and excessive noise and light

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1 pollution;

2 B. create and maintain a clean and healthy  
3 environment as the economic development foundation for both  
4 rural and urban communities;

5 C. require governmental agencies at all levels to  
6 consider qualitative, technical and economic factors; long-term  
7 as well as short-term benefits and costs; the cumulative  
8 impacts of a proposed project; and all reasonable alternatives  
9 to proposed actions affecting the environment; and

10 D. to the extent possible, consolidate regulatory  
11 processes and environmental reviews to mitigate any burden on  
12 project proponents.

13 **SECTION 3. DEFINITIONS.--**As used in the Consolidated  
14 Environmental Review Act:

15 A. "applicant" means any person applying for  
16 funding from the state for a project or any person applying for  
17 a permit required by law from the public agency pursuant to any  
18 law enforced by the public agency;

19 B. "cumulative impact" means the incremental  
20 environmental impacts of an individual project combined with  
21 the environmental impacts caused by past projects, the  
22 environmental impacts caused by other current projects and the  
23 environmental impacts caused by reasonably foreseeable future  
24 projects;

25 C. "environment" means the physical conditions that

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1 will be affected by a proposed project, including, but not  
2 limited to, land, air, water, minerals, flora, fauna, noise,  
3 vibration or objects of historic or aesthetic significance,  
4 including historic properties listed or eligible for listing on  
5 the national register of historic places or the New Mexico  
6 state register of cultural properties, and traditional cultural  
7 properties;

8 D. "environmental assessment" means an  
9 informational document prepared by a public agency or that a  
10 public agency causes to be prepared for proposed projects, and  
11 that has as its purpose to:

12 (1) issue a "finding of no significant  
13 impact"; or

14 (2) determine that further assessment or  
15 evaluation of the project is necessary through preparation of  
16 an environmental impact statement;

17 E. "environmental impact statement" means an  
18 informational, detailed document setting forth the matters  
19 specified in the Consolidated Environmental Review Act, that,  
20 when its preparation is required by the act, is considered by a  
21 public agency prior to its approval or disapproval of a  
22 project. The environmental impact statement must provide  
23 public agencies and the public with detailed information about  
24 the effect that a proposed project is likely to have on the  
25 environment, to list and reasonably analyze ways in which the

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1 significant effects of such a project might be minimized and to  
2 indicate all reasonable alternatives to the proposed project;

3 F. "finding of no significant impact" means a  
4 written statement, which may be included in an environmental  
5 assessment, briefly describing the reasons that a proposed  
6 project will not have a significant effect on the environment  
7 and therefore does not require the preparation of an  
8 environmental impact statement;

9 G. "lead agency" means the public agency primarily  
10 responsible for the preparation and evaluation of environmental  
11 impact statements, environmental assessments or findings of no  
12 significant impact;

13 H. "person" means an individual or any other  
14 entity, including partnerships, corporations, associations,  
15 responsible business or association agents or officers, the  
16 state or a political subdivision of the state or any agency,  
17 department or instrumentality of the United States and any of  
18 its officers, agents or employees;

19 I. "project" means any activity that may cause  
20 either a direct physical change in the environment or a  
21 reasonably foreseeable indirect physical change in the  
22 environment and that is any of the following:

23 (1) an activity directly undertaken by any  
24 public agency;

25 (2) an activity undertaken by a person that is

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1 supported, in whole or in part, through contracts, grants,  
2 subsidies, loans or other forms of assistance from one or more  
3 public agencies; or

4 (3) an activity that involves one or more  
5 public agencies issuing a lease, permit, license, certificate  
6 or other entitlement;

7 J. "public agency" means any state agency, board or  
8 commission, post-secondary educational institution or any  
9 regional, county, municipal or local entity responsible for  
10 administering state environmental laws; and

11 K. "significant effect on the environment" means a  
12 substantial or potentially substantial impact on or change in  
13 the environment.

14 SECTION 4. DETERMINATION OF LEAD AGENCY.--

15 A. The public agency with primary responsibility  
16 for issuing recommendations or permit or license approvals for  
17 a project or proposed project shall be considered the lead  
18 agency for the purposes of preparing and evaluating  
19 environmental impact statements, environmental assessments or  
20 findings of no significant impact. When more than one public  
21 agency is involved in preparing and evaluating environmental  
22 impact statements, environmental assessments or findings of no  
23 significant impact, only one agency shall act as the lead  
24 agency.

25 B. When more than one public agency is involved in

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1 preparing and evaluating environmental impact statements,  
2 environmental assessments or findings of no significant impact,  
3 the public agencies involved, by agreement, shall determine the  
4 lead agency based on:

5 (1) the magnitude of each agency's involvement  
6 in the project approval process;

7 (2) expertise concerning the project or  
8 proposed project's environmental impacts;

9 (3) the duration of each public agency's  
10 involvement in the project's approval process, with longer  
11 involvement favoring designation of lead agency status; and

12 (4) the sequence of each public agency's  
13 involvement.

14 C. Upon request of the lead agency, any other state  
15 agency that has jurisdiction by law shall be a cooperating  
16 agency. In addition, any other state agency that has special  
17 expertise with respect to any environmental issue that should  
18 be addressed in the statement may be a cooperating agency upon  
19 request of the lead agency. An agency may request the lead  
20 agency to designate it a cooperating agency.

21 D. The lead agency shall:

22 (1) request the participation of each  
23 cooperating agency in the Consolidated Environmental Review Act  
24 process at the earliest possible time;

25 (2) use the environmental analysis and

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1 proposals of cooperating agencies with jurisdiction by law or  
2 special expertise, to the maximum extent possible consistent  
3 with its responsibility as lead agency; and

4 (3) meet with a cooperating agency at the  
5 latter's request.

6 E. Each cooperating agency shall:

7 (1) participate in the Consolidated  
8 Environmental Review Act process at the earliest possible time;

9 (2) assume, on request of the lead agency,  
10 responsibility for developing information and preparing  
11 environmental analyses including portions of the environmental  
12 assessment or environmental impact statement concerning which  
13 the cooperating agency has special expertise;

14 (3) make available staff support at the lead  
15 agency's request to enhance the latter's interdisciplinary  
16 capability; and

17 (4) normally use its own funds, unless funding  
18 is provided by the applicant. The lead agency shall, to the  
19 extent available funds permit, fund those major activities or  
20 analyses it requests from cooperating agencies. Potential lead  
21 agencies shall include such funding requirements in their  
22 budget requests.

23 F. A cooperating agency may, in response to a lead  
24 agency's request for assistance in preparing the environmental  
25 impact statement or reviewing the environmental assessment or

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1 environmental impact statement, reply that other program  
2 commitments preclude any involvement or the degree of  
3 involvement requested in the action that is the subject of the  
4 environmental impact statement.

5 SECTION 5. ASSESSMENT OF ENVIRONMENTAL IMPACTS OF  
6 PROPOSED PROJECTS--SIGNIFICANT EFFECTS--FINDINGS OF NO  
7 SIGNIFICANT IMPACT.--

8 A. A public agency shall perform an environmental  
9 assessment of any state-funded project under its authority or  
10 within its scope of duties, including pursuant to contracts  
11 with political subdivisions, instrumentalities of the state or  
12 local governments. The public agency shall either determine  
13 that the project may have significant effect on the environment  
14 or determine a finding of no significant impact. If the public  
15 agency determines that an activity or a project may have a  
16 significant effect on the environment, an environmental impact  
17 statement shall be prepared by the public agency.

18 B. All public agencies shall require an applicant,  
19 as part of a permitting, licensing or certification approval  
20 process pursuant to law, to prepare or cause to be prepared by  
21 contract the completion of an environmental assessment on all  
22 proposed projects. The public agency shall either determine  
23 that the project may have significant effect on the environment  
24 or the public agency shall determine a finding of no  
25 significant impact. If there is evidence that a project may

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1 have a significant effect on the environment, an environmental  
2 impact statement shall be prepared by the applicant. A public  
3 agency shall not approve a project, except as provided by the  
4 Consolidated Environmental Review Act, without an environmental  
5 assessment or environmental impact statement or a finding of no  
6 significant impact.

7 SECTION 6. ENVIRONMENTAL IMPACT STATEMENTS.--

8 A. Any public agency shall prepare, or cause to be  
9 prepared, an environmental impact statement on any project it  
10 undertakes that may have a significant effect on the  
11 environment.

12 B. All public agencies shall require an applicant,  
13 as part of the permitting, licensing or certification approval  
14 process pursuant to law, to prepare or cause to be prepared by  
15 contract an environmental impact statement on any project that  
16 the applicant proposes to carry out that the public agency  
17 determines may have a significant effect on the environment.

18 C. The environmental impact statement shall include  
19 a detailed statement setting forth all of the following:

20 (1) all significant effects on the environment  
21 of the proposed project;

22 (2) any significant effect on the environment  
23 that cannot be avoided if the project is implemented;

24 (3) any significant effect on the environment  
25 that would be irreversible if the project is implemented;

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1 (4) any significant effect on human health;

2 (5) the cumulative environmental impact of  
3 this project when connected with the environmental impacts of  
4 past, current and proposed projects;

5 (6) mitigation measures proposed to minimize  
6 significant effects on the environment and a description of how  
7 those measures would be implemented;

8 (7) alternatives to the proposed project,  
9 including:

10 (a) a no-action alternative;

11 (b) a description of the significant  
12 effects to the environment that would result from each  
13 alternative; or

14 (c) the agency's preferred alternative  
15 and proposed course of action;

16 (8) the impacts of the proposed project on  
17 cultural and historic resources of the state or Indian tribes  
18 or pueblos within the state, including the impacts on historic  
19 properties and traditional cultural properties located within  
20 the project area identified by methods including, but not  
21 limited to, pedestrian surveys, archival record searches and  
22 consultation with Indian tribes;

23 (9) the impacts on communities already  
24 burdened by previous environmental impacts and existing  
25 industries that required water or air quality permits and any

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1 federal permits or licenses;

2 (10) the impacts on the continuing existence  
3 or continuous access to archeological, historic or culturally  
4 significant sites, particularly those of continuing  
5 significance to indigenous and historically significant  
6 communities, including impacts on the abilities of indigenous  
7 and historic inhabitants and communities of New Mexico to  
8 engage in the practices that constitute their ways of  
9 life-rituals, ceremonies and other culturally significant  
10 practices;

11 (11) the impacts on the continuing  
12 availability and use of forest and agricultural resources,  
13 including subsistence agriculture and other subsistence  
14 practices; and

15 (12) all agency responses to substantive  
16 comments received by the public during the comment period.

17 D. The environmental impact statement shall contain  
18 a brief statement indicating the reasons for determining which  
19 various effects on the environment of a project are not  
20 significant and consequently have not been discussed in detail  
21 in the statement.

22 E. An area-wide or overview environmental impact  
23 statement may be prepared only when similar actions, viewed  
24 with other reasonably foreseeable or proposed actions, share  
25 common timing or geography.

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1           F. No person may provide contractual services  
2 related to the preparation of an environmental assessment or  
3 environmental impact statement without certifying under penalty  
4 of perjury that the individual or corporate entity has not  
5 provided such services or been employed by the project  
6 proponent, its predecessors in interest, its successors in  
7 interest, assigns, heirs, parent corporations, holding  
8 companies, partnerships or any other relation for at least  
9 seven years and currently has no financial interest of any kind  
10 with the project proponent and the individuals and entities  
11 related to it, or the project itself.

12           SECTION 7. EXEMPTIONS.--Exempted from the provisions of  
13 the Consolidated Environmental Review Act are:

- 14           A. enforcement activities;
- 15           B. emergency activities to protect public health,  
16 safety or the environment;
- 17           C. purely ministerial actions;
- 18           D. activities permitted by the office of the state  
19 engineer and the interstate stream commission, including water  
20 transfers or appropriations, except where they are also  
21 permitted by another public agency pursuant to law; and
- 22           E. actions subject to the National Environmental  
23 Policy Act of 1969 and its implementing regulations, except  
24 that state public agencies shall review the federal agency's or  
25 agencies' final action under the National Environmental Policy

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1 Act of 1969 and may require additional information and  
2 evaluation on a project or proposed project before approving  
3 any permits, licenses or authorizations required under New  
4 Mexico law.

5 SECTION 8. BEST AVAILABLE ALTERNATIVE--MITIGATION.--Each  
6 public agency shall choose the best available alternative to a  
7 proposed project that, to the maximum extent practicable,  
8 minimizes or avoids adverse environmental effects and  
9 incorporate that alternative in the conditions of a permit,  
10 license or other authorization for the proposed project issued  
11 pursuant to law.

12 SECTION 9. ENVIRONMENTAL IMPROVEMENT BOARD--PREPARATION  
13 AND DEVELOPMENT OF RULES--FEES--APPROPRIATIONS.--The  
14 environmental improvement board, in consultation with the  
15 department of environment, the energy, minerals and natural  
16 resources department, the department of health, the department  
17 of transportation, the historic preservation division of the  
18 cultural affairs department and the office of the governor,  
19 shall adopt rules by July 1, 2015 for the implementation of the  
20 Consolidated Environmental Review Act by public agencies. The  
21 rules shall include:

22 A. objectives and criteria for the orderly  
23 evaluation of projects and the preparation of documents,  
24 including provisions for accepting environmental assessments  
25 and environmental impact statements prepared pursuant to

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1 federal law to be accepted for compliance with the Consolidated  
2 Environmental Review Act;

3 B. criteria and thresholds for public agencies to  
4 follow in determining whether or not a proposed project  
5 requires preparation of an environmental assessment or  
6 environmental impact statement, including area-wide or overview  
7 environmental impact statements, as a component in the  
8 permitting process pursuant to law. The criteria shall require  
9 a finding that a project may have a significant effect on the  
10 environment if:

11 (1) a proposed project has the potential to  
12 degrade substantially the quality of the environment or to  
13 interfere substantially with proper ecosystem functioning in  
14 the environment;

15 (2) the possible effects of a project are  
16 individually limited but cumulatively considerable; or

17 (3) the environmental effects of a project may  
18 cause substantial adverse effects on human beings and plant and  
19 animal species, habitats or the ecological systems necessary  
20 for the survival of such plants and animals;

21 C. provision for the preparation of a record of  
22 decision for use in any appeal proceedings. At a minimum, a  
23 public agency's record of decision shall consist of:

24 (1) the environmental assessment,  
25 environmental impact statement or finding of no significant

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1 impact;

2 (2) all public comments and agency responses  
3 to those comments on the environmental assessment,  
4 environmental impact statement or finding of no significant  
5 impact; and

6 (3) all documents a public agency used to  
7 support its decision, including, but not limited to:

8 (a) agency memoranda;

9 (b) correspondence, including electronic  
10 mail and facsimiles, between the lead agency and the applicant  
11 and any cooperating agencies;

12 (c) technical reports, papers or  
13 articles; and

14 (d) technical findings and legal  
15 conclusions;

16 D. directions to public agencies for the  
17 consolidation of permit reviews and environmental impact  
18 statement processes to the extent possible to reduce the  
19 regulatory burden on applicants while fulfilling the purposes  
20 of the Consolidated Environmental Review Act;

21 E. a fee structure for each public agency to  
22 recover from applicants no more than the actual costs for  
23 implementing the Consolidated Environmental Review Act. Those  
24 fees are appropriated to the respective agencies to carry out  
25 the provisions of the Consolidated Environmental Review Act;

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1 F. procedures for taking public comments on  
2 environmental assessments, environmental impact statements and  
3 findings of no significant impact;

4 G. procedures for responding to public comments on  
5 environmental assessments, environmental impact statements and  
6 findings of no significant impact; and

7 H. procedures for granting variances from the  
8 requirements of the Consolidated Environmental Review Act.

9 SECTION 10. ENVIRONMENTAL ASSESSMENTS AND ENVIRONMENTAL  
10 IMPACT STATEMENTS--DEADLINES.--

11 A. Each public agency shall adopt rules for time  
12 limits that do not exceed the following:

13 (1) six months for completing environmental  
14 assessments and adopting findings of no significant impact; and

15 (2) one year for completing and certifying  
16 environmental impact statements and compiling a record of  
17 decision.

18 B. The time limits specified in this section shall  
19 apply only to those circumstances in which the public agency is  
20 the applicant. The rules may establish different time limits  
21 for preparing environmental assessments, environmental impact  
22 statements or findings of no significant impact for different  
23 types or classes of projects, but all limits shall be measured  
24 from the date on which an application requesting approval of  
25 the project is received and accepted as complete by the public

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1 agency.

2 C. Rules adopted pursuant to this section may  
3 provide for a reasonable extension of the time period in the  
4 event that compelling circumstances justify additional time and  
5 the project applicant consents thereto.

6 SECTION 11. NOTICE--OPPORTUNITY TO COMMENT--AVAILABILITY  
7 TO LEGISLATURE AND GENERAL PUBLIC.--

8 A. Whenever a public agency determines that an  
9 environmental assessment or an environmental impact statement  
10 should be prepared for a project, notice of the environmental  
11 assessment, environmental impact statement or finding of no  
12 significant impact shall be:

13 (1) provided by certified mail to:

14 (a) the owners of record, as shown by  
15 the most recent property tax schedule, of all properties: 1)  
16 within one hundred feet of the property on which the project or  
17 proposed project is located or proposed to be located if the  
18 project or proposed project is or will be in a class A or H  
19 class county or a municipality with a population of more than  
20 two thousand five hundred persons; or 2) within one-half mile  
21 of the property on which the project or proposed project is  
22 located or proposed to be located if the project or proposed  
23 project is or will be in a county or municipality other than  
24 those specified in Paragraph (1) of this subsection; and

25 (b) all municipalities and counties in

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1 which the project or proposed project is or will be located and  
2 to the governing body of any county, municipality, Indian tribe  
3 or pueblo when the boundary of the territory of the county,  
4 municipality, Indian tribe or pueblo is within a ten-mile  
5 radius of the property on which the project or proposed project  
6 is proposed to be constructed, operated or closed;

7 (2) published once in a newspaper of general  
8 circulation in each county in which the property on which the  
9 project is proposed to be constructed, operated or closed is  
10 located. This notice shall appear in either the classified or  
11 legal advertisements section of the newspaper and at one other  
12 place in the newspaper calculated to give the general public  
13 the most effective notice and, when appropriate, shall be  
14 printed in both English and Spanish;

15 (3) posted in at least four publicly  
16 accessible and conspicuous places, including the project  
17 entrance on the property on which the project is or is proposed  
18 to be located; and

19 (4) posted electronically on the lead and  
20 cooperating agencies' web sites.

21 B. Any member of the general public may request a  
22 copy of an environmental assessment or environmental impact  
23 statement from the public agency. Upon receiving a request for  
24 a copy of an environmental assessment or environmental impact  
25 statement, a public agency shall either provide the requestor

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1 with a copy of the environmental assessment or environmental  
2 impact statement within fifteen days of receiving the request  
3 or direct the requestor to a publicly available copy.

4 C. At a minimum, the public shall be allowed  
5 fifteen days to review environmental assessments and submit  
6 comments to the lead agency and thirty days to review  
7 environmental impact statements and submit comments to the lead  
8 agency before a final decision is made. Comments that are  
9 substantive in nature, including those that provide new  
10 information, provide alternative scientific information and  
11 illustrate concerns not previously considered by the lead  
12 agency, shall be responded to by the lead agency in either the  
13 finding of no significant impact or the final environmental  
14 impact statement. Proper response includes an explanation of  
15 why the substantive comment did not merit a change in outcome  
16 or an explanation of how the outcome was changed due to the  
17 substantive comment.

18 D. The requirements of this section represent  
19 minimum notice and comment requirements. The environmental  
20 improvement board or a public agency may, by regulation, impose  
21 additional notice and comment procedures consistent with  
22 existing law.

23 SECTION 12. ENFORCEMENT--COMMENCEMENT OF ACTIONS OR  
24 PROCEEDINGS.--

25 A. Any person having an interest that is or may be

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1 adversely affected by a project or proposed project may  
2 commence a civil action on that person's own behalf to compel  
3 compliance with the Consolidated Environmental Review Act.

4 Such action may be brought against:

5 (1) a public agency with primary  
6 responsibility for requiring an environmental impact statement,  
7 environmental assessment or finding of no significant impact  
8 under the Consolidated Environmental Review Act;

9 (2) any person who is alleged to be in  
10 violation of a rule, regulation, order or permit issued  
11 pursuant to the Consolidated Environmental Review Act; or

12 (3) any public agency alleged to have failed  
13 to perform any nondiscretionary act or duty required by the  
14 Consolidated Environmental Review Act; provided, however, that  
15 no action pursuant to this section shall be commenced if the  
16 public agency has commenced and is diligently prosecuting a  
17 civil action in a court of this state or an administrative  
18 enforcement proceeding to require compliance with the  
19 Consolidated Environmental Review Act.

20 B. No action shall be commenced pursuant to this  
21 section prior to sixty days after the plaintiff has given  
22 written notice to the appropriate public agency, the attorney  
23 general and the alleged violator of the Consolidated  
24 Environmental Review Act; provided, however, when the violation  
25 or order complained of constitutes an immediate threat to the

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1 health or safety of the plaintiff or would immediately and  
2 irreparably impair a legal interest of the plaintiff, an action  
3 pursuant to this section may be brought immediately after  
4 notification of the proper parties.

5 C. Except as otherwise provided herein, suits  
6 pursuant to the Consolidated Environmental Review Act against  
7 any public agency shall be brought in the district court of  
8 Santa Fe county. Suits only against the project's or proposed  
9 project's applicants shall be brought in the district court  
10 where the project or proposed project is located. If an action  
11 is brought against a public agency and the project or proposed  
12 project applicant, such applicant may apply for a change of  
13 venue to the judicial district in which the project or proposed  
14 project is located.

15 D. The court, in issuing a final order in an action  
16 brought pursuant to this section, may award costs of  
17 litigation, including attorney and expert witness fees, to a  
18 party whenever the court determines such award is appropriate.

19 **SECTION 13. JUDICIAL REVIEW.--**

20 A. Except as otherwise provided in the Consolidated  
21 Environmental Review Act, any person who is adversely affected  
22 by a project or proposed project subject to the Consolidated  
23 Environmental Review Act or who participated in a permitting  
24 action or appeal of a certification before any public agency,  
25 including submitting comments to the agency, may appeal to the

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1 court of appeals for further relief. All such appeals shall be  
2 upon the record made before the public agency and shall be  
3 taken to the court of appeals within thirty days after the  
4 public agency certifies an environmental impact statement,  
5 environmental assessment or finding of no significant impact or  
6 the final agency permitting, funding, certification or  
7 licensing decision, whichever comes last.

8 B. Upon appeal, the court of appeals shall set  
9 aside the public agency's action if it is found to be:

10 (1) arbitrary, capricious or an abuse of  
11 discretion;

12 (2) not supported by substantial evidence in  
13 the record; or

14 (3) otherwise not in accordance with law.

15 C. After a hearing and a showing of good cause by  
16 the appellant, the court of appeals may grant a stay of the  
17 action being appealed pending the outcome of the judicial  
18 review.

19 SECTION 14. INTERIM PROGRAM--LIMITATIONS.--

20 A. Nothing in the Consolidated Environmental Review  
21 Act shall supersede current or future requirements and  
22 standards of any other applicable federal or state law.

23 B. After the effective date of the Consolidated  
24 Environmental Review Act and until the environmental  
25 improvement board adopts regulations necessary to carry out the

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1 provisions of the Consolidated Environmental Review Act, county  
2 or municipal environmental review laws or ordinances shall  
3 apply to projects within their jurisdictions in New Mexico.

4 C. If a county or municipality does not have any  
5 environmental review laws or ordinances, no environmental  
6 assessment or environmental impact statement shall be required  
7 for a project until the environmental improvement board adopts  
8 regulations implementing the Consolidated Environmental Review  
9 Act.

10 SECTION 15. SEVERABILITY.--If any part or application of  
11 the Consolidated Environmental Review Act is held invalid, the  
12 remainder or its application to other situations or persons  
13 shall not be affected.

14 SECTION 16. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2013.