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FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/18

SPONSOR Rubio/Garcia Richard LAST UPDATED _____ HM 52

SHORT TITLE Border Wall Environmental Impact SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Nonrecurring	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
State Land Office (SLO)

SUMMARY

Synopsis of Memorial

House Memorial 52 requests the State Land Office (SLO), the Energy, Minerals and Natural Resources Department (EMNRD) and the Department of Environment (NMED) to prepare an environmental impact statement (EIS) regarding possible construction of a wall along the New Mexico-Mexico border by December 1, 2018 or prior to any transfer of state land to the U.S. for construction of a wall. Additionally, SLO, EMNRD and NMED are requested to coordinate with the general services department “to determine if and when state-owned land or state trust land is being considered for transfer or is being transferred to the government of the United States for construction of the wall.”

FISCAL IMPLICATIONS

SLO notes that participation in the preparation of an EIS will entail additional unknown expense.

SIGNIFICANT ISSUES

SLO notes:

There are only three sections of state trust lands that abut the U.S.-Mexico border, and

there is an existing barrier along those portions of the border. Thus, the state trust land at issue with regard to possible construction of a barrier is, at most, three miles. The limited amount of state trust land abutting the border is the result of the 1907 Roosevelt Proclamation, which reserved to the U.S. a 60-foot buffer along the border, excluding that strip of land from Enabling Act grant of trust lands to New Mexico.

The memorial states that the EIS should be prepared “following rules of [NMED] for such a document,” but NMED does not have general rules for an EIS. It has specific rules for an EIS to be prepared, in certain circumstances, in connection with the construction of a wastewater facility. *See* 20.7.7 NMAC. In New Mexico, EIS activity is conducted under the federal National Environmental Policy Act, and is thus a federal, not state, activity done in accordance with federal rules.

To the extent that the U.S. seeks to acquire land rights for construction of a barrier, it could exercise eminent domain. It is unclear whether the memorial’s call for coordination among the SLO, ENMRD and NMED applies where the U.S. is exercising eminent domain.

CJ/jle