

HOUSE BILL 51

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Gail Chasey and Mimi Stewart and Georgene Louis

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO STATE GOVERNMENT; ENACTING THE ENVIRONMENTAL DATABASE ACT; PROVIDING FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF A WEB-BASED INFORMATION PORTAL THAT ALLOWS PUBLIC ACCESS TO STATE ENVIRONMENTAL DATA; PROVIDING DUTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Environmental Database Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the

.218260.1AIC February 9, 2021 (2:23pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↵  
delete = →bold, red, highlight, strikethrough↵

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

Environmental Database Act:

HSEIC→A. "environmental data" means geospatial data relating to the environmental resources in the state specified in Paragraphs (1)through (8) of Subsection D of Section 3 of the Environmental Database Act;←HSEIC

HSEIC→A.←HSEIC HSEIC→B.←HSEIC "environmental database" means the centralized, map-based, searchable website created pursuant to the Environmental Database Act that houses the state's environmental data;

HSEIC→B.←HSEIC HSEIC→C.←HSEIC "host" means the natural heritage New Mexico division of the museum of southwestern biology at the university of New Mexico; and

HSEIC→C.←HSEIC HSEIC→D.←HSEIC "state agency" means the energy, minerals and natural resources department, the department of environment, the state land office, the department of health, the department of game and fish, the public regulation commission and the historic preservation division of the cultural affairs department.

SECTION 3. [NEW MATERIAL] ENVIRONMENTAL DATABASE-- ENVIRONMENTAL DATA REQUIRED--HOST AND STATE AGENCY DUTIES.--

A. The host, with the cooperation of the state agencies, shall improve the state's environmental data infrastructure by creating, operating and maintaining the environmental database, which shall be user-friendly, searchable and accessible to the public and state agencies and

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

its primary services free of charge. The environmental database shall house the state's environmental data for the purpose of governmental transparency, interagency cooperation and information sharing and to provide widespread access to the best scientific data to address the state's natural resource and environmental management needs.

B. No later than December 31, 2021, the host shall establish an information exchange process for the collection and electronic publication of the state's environmental data.

C. No later than July 1, 2022, the environmental database shall be available for public access and include the environmental data specified in Subsection D of this section, subject to the confidentiality provisions of Section 4 of the Environmental Database Act.

D. The environmental database shall provide access to the state's environmental data, including:

- (1) from the energy, minerals and natural resources department:
  - (a) locations of active oil and gas wells;
  - (b) locations of state parks;
  - (c) locations of active mines;
  - (d) locations of utility-scale solar and wind projects on state land; and
  - (e) maps of important plant areas, maps

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

of rare plant locations and rare plant monitoring data;

(2) from the department of environment:

(a) locations of current permits for major sources of air pollution;

(b) locations of current federal Clean Air Act non-attainment areas;

(c) a map showing surface waters of New Mexico;

(d) locations of impaired waters with federal Clean Water Act Section 303(d) status;

(e) locations of floodplains and wetlands;

(f) locations of waters with special statuses;

(g) locations of national pollutant discharge elimination system permits;

(h) ground water quality data, where available; and

(i) locations of the state's United States environmental protection agency superfund sites;

(3) from the state land office:

(a) locations of active state trust land leases; and

(b) locations of active rights of way across state trust land;

.218260.1AIC February 9, 2021 (2:23pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

- (4) from the department of health:
  - (a) health impact assessments;
  - (b) poverty levels across the state by zip code; and
  - (c) child asthma rates across the state by zip code;
- (5) from the department of game and fish:
  - (a) designated critical habitat for federal threatened and endangered species;
  - (b) the crucial habitat layer from the crucial habitat assessment tool;
  - (c) likely habitat for state sensitive species;
  - (d) riparian corridors;
  - (e) identified wildlife corridors;
  - (f) state wildlife action plan conservation opportunity areas;
  - (g) New Mexico Audubon important bird areas; and
  - (h) fisheries management plan water bodies;
- (6) from the public regulation commission  
HENRC → : ← HENRC HENRC → , ← HENRC  
HENRC → (a) ← HENRC the locations of electric transmission lines; HENRC → and

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~(b) the locations of oil and gas pipelines;~~←HENRC

(7) from the historic preservation division of the cultural affairs department, a link to the division's database of publicly available geographic information about archaeological and cultural sites HSEIC→, ~~including information about areas where development should be avoided if possible~~←HSEIC ;

HSEIC→~~(8) from each state agency, links to available surveys, data and reports currently used by the agency in decision making that the agency determines will assist the public in understanding the state environmental data being relied on in making significant decisions;~~←HSEIC

HSEIC→(8) from each state agency, at the discretion of the state agency, links to available agency-developed data and research used in decision making that the state agency determines will assist the public in understanding the state environmental data reported;←HSEIC

- (9) a link to each state agency's website;
- (10) a link to the statutes that govern each state agency;
- (11) a link to the New Mexico Administrative Code; and
- (12) additional HSEIC→~~environmental data~~ and←HSEIC information, as required by the host in cooperation

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

with the state agencies, that will assist the public in understanding the state's environmental data.

E. A state agency shall provide the host with updates to the state agency's environmental data as frequently as possible, but at least annually.

F. The host shall update the environmental database as new data is received, but at least annually.

SECTION 4. [NEW MATERIAL] PROTECTION OF CONFIDENTIAL INFORMATION.--Nothing in the Environmental Database Act shall require disclosure by a state agency of:

A. information that is confidential by state or federal law;

B. sensitive biological information that cannot be made publicly available for the protection of species;

C. information required to remain confidential for safety HSEIC→or security←HSEIC reasons; HENRC→or←HENRC

D. archaeological or cultural survey information, unless the information is already publicly available or, if the information is of cultural significance to an Indian nation, tribe or pueblo, the disclosure is done with permission from the relevant Indian nation, tribe or pueblo HENRC→; or

E. information that is not already provided to a state agency pursuant to rule or law←HENRC .