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## FISCAL IMPACT REPORT

**BILL NUMBER:** Senate Bill 98

**SHORT TITLE:** Exempt Jetty Jack from Cultural Property Act

**SPONSOR:** Maestas/Lopez

**LAST ORIGINAL**  
**UPDATE:** 2/18/2026 **DATE:** 2/18/2026 **ANALYST:** Rodriguez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency or Agencies Providing Analysis  
Cultural Affairs Department

## SUMMARY

### Synopsis of Senate Bill 98

Senate Bill 98 (SB98) exempts “jetty jacks” from the provisions of the Cultural Properties Act (CPA) and the Cultural Properties Protection Act (CPPA). This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

## FISCAL IMPLICATIONS

SB98 does not have a fiscal impact.

## SIGNIFICANT ISSUES

**Jetty Jacks.** A jetty jack is used for riverbank stabilization and flood control. An estimated 115 thousand were installed along the Middle Rio Grande by the US Army Corps of Engineers in the 1950s and 1960s.

**Cultural Property Acts.** The Cultural Properties Act requires a state agency to consult with the State Historic Preservation Officer (SHPO) when a proposed project may affect a cultural

property listed on the State Register of Cultural Properties. Similarly, the Cultural Properties Protection Act encourages state agencies to consult with the SHPO to ensure that cultural properties are not inadvertently damaged or destroyed. Cultural properties are significant but not listed on the State Register of Cultural Properties.

***Jurisdiction of Removal of Jetty Jacks.*** Most jetty jacks are located in the Middle Rio Grande and under the jurisdiction of the US Bureau of Reclamation and US Army Corps of Engineers. As noted by DCA, most jetty jacks are not subject to New Mexico’s Cultural Properties Protection Act, but rather to the federal National Historic Preservation Act. Federal review under Section 106 of the National Historic Preservation Act is triggered when the project uses federal funds, requires a federal permit or licenses, or takes place on federal land. Section 106 does not prohibit removal of jetty jacks. It requires review, consultation, and a mitigation process when affected stakeholders and tribal governments are involved.

DCA also notes the Cultural Properties Act is not applicable to any jetty jacks outside of federal jurisdiction because they are not listed on the State Register of Cultural Properties. Jetty jacks outside of federal jurisdiction could potentially be subject to the Cultural Properties Protection Act, because they are more than 50 years old and are associated with irrigation and conservation districts, both of which may give them significance as cultural properties. The State Historic Preservation Officer encourages consultation with the office in cases where “jetty jacks” are considered significant cultural properties.

## **TECHNICAL ISSUES**

DCA notes the proposed exemption in SB98 is unnecessary as existing administrative pathways already facilitate the removal of jetty jacks without requiring legislative intervention.

## **ALTERNATIVES**

As noted by DCA, there are several active administrative pathways for facilitating the consultation, mitigation, and removal of jetty jacks that do not require legislative action.

A programmatic agreement regarding the management of water control infrastructure in New Mexico was executed in September 2025. The agreement provides for streamlined measures for water control infrastructure, including jetty jacks. Part of this expedited mitigation process requires a contribution to Eastern New Mexico University for the development of public outreach. The US Bureau of Reclamation is negotiating the required agreement with Eastern New Mexico University. When this is in place, the streamlined process will be activated.

The few remaining jetty jacks under the jurisdiction of the Middle Rio Grande Conservancy District that could be subject to consultation under Cultural Properties Protection Act can be addressed under an existing memorandum of understanding between the conservancy district and DCA’s Historic Preservation Division. The existing memorandum of understanding provides a process by which the conservancy district does not need to consult with Historic Preservation Division for routine operations and maintenance actions. A streamlined process for the removal of jetty jacks could be included in an amended memorandum of understanding, which is currently being updated and revised.

JR/dw