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FISCAL IMPACT REPORT

SPONSOR: Salazar DATE TYPED: 2/18/03 HB HJM 59

SHORT TITLE: Consult with Tribes on Mining Permits SB _____

ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with SB 473

SOURCES OF INFORMATION

New Mexico Environment Department (NMED)
 Office of Indian Affairs (OIA)
 Energy Minerals & Natural Resources Department (EMNRD)

SUMMARY

Synopsis of Bill

House Joint Memorial 59 requests the Secretary of the Energy, Minerals and Natural Resources Department (EMNRD) to consult with the leaders of indigenous communities and Native American Tribes in the permitting process for mining operations when mining operations may impact indigenous communities and Native American Tribes.

House Joint Memorial 59 further requests the secretaries of the EMNRD and New Mexico Environment Department (NMED) to continue to properly enforce the New Mexico Mining Act and Water Quality Act.

Significant Issues

The Office of Indian Affairs (OIA) and the NMED reiterate similar concerns as those mentioned in the memorial such as the protection of sacred sites, the health, welfare and livelihood of nearby Native communities and the protection of Native American Lands for cultural and religious purposes.

EMNRD indicates the memorial is an extension of current legal responsibilities and policies within the Executive Branch. The Mining Act, the Water Quality Act and their respective implementing regulations already require that potentially effected tribal organizations receive notice of permit applications. In addition, the Governor's policy on tribal governments encourages the type of consultation requested in this memorial. However, this memorial stresses the importance of consultation when the Secretary of EMNRD and the Secretary of the NMED issue mining permits.

CONFLICT

House Joint Memorial 59 conflicts with Senate Bill 473 that creates "mining districts" that are exempt from the provisions of the Water Quality Act and many of the provisions of the Mining Act.

TECHNICAL ISSUES

The following are suggestions provided by EMNRD:

- 1.HJM 59 requests the Secretary of EMNRD to consult with tribal organizations, but does not require the Secretary of NMED to consult with tribal organizations.
2. HJM 59 uses the term "indigenous organizations" which is vague.

MV/sb