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HOUSE BILL 51

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

INTRODUCED BY

Gail Chasey and Mimi Stewart and Georgene Louis

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
Environmental Database Act:

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

B. "host" means the natural heritage New Mexico

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1 division of the museum of southwestern biology at the
2 university of New Mexico; and

3 C. "state agency" means the energy, minerals and
4 natural resources department, the department of environment,
5 the state land office, the department of health, the department
6 of game and fish, the public regulation commission and the
7 historic preservation division of the cultural affairs
8 department.

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

11 A. The host, with the cooperation of the state
12 agencies, shall improve the state's environmental data
13 infrastructure by creating, operating and maintaining the
14 environmental database, which shall be user-friendly,
15 searchable and accessible to the public and state agencies and
16 its primary services free of charge. The environmental
17 database shall house the state's environmental data for the
18 purpose of governmental transparency, interagency cooperation
19 and information sharing and to provide widespread access to the
20 best scientific data to address the state's natural resource
21 and environmental management needs.

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

25 C. No later than July 1, 2022, the environmental

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1 database shall be available for public access and include the
2 environmental data specified in Subsection D of this section,
3 subject to the confidentiality provisions of Section 4 of the
4 Environmental Database Act.

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

7 (1) from the energy, minerals and natural
8 resources department:

9 (a) locations of active oil and gas
10 wells;

11 (b) locations of state parks;

12 (c) locations of active mines;

13 (d) locations of utility-scale solar and
14 wind projects on state land; and

15 (e) maps of important plant areas, maps
16 of rare plant locations and rare plant monitoring data;

17 (2) from the department of environment:

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

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

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

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

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- 1 (e) locations of floodplains and
2 wetlands;
- 3 (f) locations of waters with special
4 statuses;
- 5 (g) locations of national pollutant
6 discharge elimination system permits;
- 7 (h) ground water quality data, where
8 available; and
- 9 (i) locations of the state's United
10 States environmental protection agency superfund sites;
- 11 (3) from the state land office:
- 12 (a) locations of active state trust land
13 leases; and
- 14 (b) locations of active rights of way
15 across state trust land;
- 16 (4) from the department of health:
- 17 (a) health impact assessments;
- 18 (b) poverty levels across the state by
19 zip code; and
- 20 (c) child asthma rates across the state
21 by zip code;
- 22 (5) from the department of game and fish:
- 23 (a) designated critical habitat for
24 federal threatened and endangered species;
- 25 (b) the crucial habitat layer from the

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- 1 crucial habitat assessment tool;
- 2 (c) likely habitat for state sensitive
3 species;
- 4 (d) riparian corridors;
- 5 (e) identified wildlife corridors;
- 6 (f) state wildlife action plan
7 conservation opportunity areas;
- 8 (g) New Mexico Audubon important bird
9 areas; and
- 10 (h) fisheries management plan water
11 bodies;
- 12 (6) from the public regulation commission:
- 13 (a) the locations of electric
14 transmission lines; and
- 15 (b) the locations of oil and gas
16 pipelines;
- 17 (7) from the historic preservation division of
18 the cultural affairs department, a link to the division's
19 database of publicly available geographic information about
20 archaeological and cultural sites, including information about
21 areas where development should be avoided if possible;
- 22 (8) from each state agency, links to available
23 surveys, data and reports currently used by the agency in
24 decision making that the agency determines will assist the
25 public in understanding the state environmental data being

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- 1 relied on in making significant decisions;
- 2 (9) a link to each state agency's website;
- 3 (10) a link to the statutes that govern each
- 4 state agency;
- 5 (11) a link to the New Mexico Administrative
- 6 Code; and
- 7 (12) additional environmental data and
- 8 information, as required by the host in cooperation with the
- 9 state agencies, that will assist the public in understanding
- 10 the state's environmental data.

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

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

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

- 19 A. information that is confidential by state or
- 20 federal law;
- 21 B. sensitive biological information that cannot be
- 22 made publicly available for the protection of species;
- 23 C. information required to remain confidential for
- 24 safety reasons; or
- 25 D. archaeological or cultural survey information,

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1 unless the information is already publicly available or, if the
2 information is of cultural significance to an Indian nation,
3 tribe or pueblo, the disclosure is done with permission from
4 the relevant Indian nation, tribe or pueblo.

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