

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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. SHORT TITLE.--This act may be cited as the
"Environmental Database Act".

SECTION 2. DEFINITIONS.--As used in the Environmental
Database Act:

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;

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

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

D. "state agency" means the energy, minerals and
natural resources department, the department of environment,
the state land office, the department of health, the

1 department of game and fish, the public regulation commission
2 and the historic preservation division of the cultural
3 affairs department.

4 SECTION 3. ENVIRONMENTAL DATABASE--ENVIRONMENTAL DATA
5 REQUIRED--HOST AND STATE AGENCY DUTIES.--

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

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

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

25 D. The environmental database shall provide access HB 51/a
Page 2

1 to the state's environmental data, including:

2 (1) from the energy, minerals and natural
3 resources department:

4 (a) locations of active oil and gas
5 wells;

6 (b) locations of state parks;

7 (c) locations of active mines;

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

10 (e) maps of important plant areas, maps
11 of rare plant locations and rare plant monitoring data;

12 (2) from the department of environment:

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

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

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

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

21 (e) locations of floodplains and
22 wetlands;

23 (f) locations of waters with special
24 statuses;

25 (g) locations of national pollutant

1 discharge elimination system permits;

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

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

6 (3) from the state land office:

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

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

11 (4) from the department of health:

12 (a) health impact assessments;
13 (b) poverty levels across the state by
14 zip code; and

15 (c) child asthma rates across the state
16 by zip code;

17 (5) from the department of game and fish:

18 (a) designated critical habitat for
19 federal threatened and endangered species;

20 (b) the crucial habitat layer from the
21 crucial habitat assessment tool;

22 (c) likely habitat for state sensitive
23 species;

24 (d) riparian corridors;

25 (e) identified wildlife corridors;

1 (f) state wildlife action plan
2 conservation opportunity areas;
3 (g) New Mexico Audubon important bird
4 areas; and
5 (h) fisheries management plan water
6 bodies;
7 (6) from the public regulation commission,
8 the locations of electric transmission lines;
9 (7) from the historic preservation division
10 of the cultural affairs department, a link to the division's
11 database of publicly available geographic information about
12 archaeological and cultural sites;
13 (8) from each state agency, at the
14 discretion of the state agency, links to available
15 agency-developed data and research used in decision making
16 that the state agency determines will assist the public in
17 understanding the state environmental data reported;
18 (9) a link to each state agency's website;
19 (10) a link to the statutes that govern each
20 state agency;
21 (11) a link to the New Mexico Administrative
22 Code; and
23 (12) additional information, as required by
24 the host in cooperation with the state agencies, that will
25 assist the public in understanding the state's environmental

1 data.

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

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

7 SECTION 4. PROTECTION OF CONFIDENTIAL

8 INFORMATION.--Nothing in the Environmental Database Act shall
9 require disclosure by a state agency of:

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

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

14 C. information required to remain confidential for
15 safety or security reasons;

16 D. archaeological or cultural survey information,
17 unless the information is already publicly available or, if
18 the information is of cultural significance to an Indian
19 nation, tribe or pueblo, the disclosure is done with
20 permission from the relevant Indian nation, tribe or pueblo;
21 or

22 E. information that is not already provided to a
23 state agency pursuant to rule or law. _____