

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

RESOLUTION NO. 2023-___

Introduced by:

Commissioner Hank Hughes and Commissioner Anna Hansen

**A RESOLUTION SUPPORTING THE ADMINISTRATIVE AND LEGISLATIVE
PROTECTION OF THE UPPER PECOS RIVER WATERSHED THROUGH THE
WITHDRAWAL OF MINERAL RIGHTS**

WHEREAS, the headwaters of the Pecos River’s primary tributaries are located in the northeast portion of Santa Fe County and in neighboring San Miguel County; and

WHEREAS, Santa Fe County resolved to work with San Miguel County for protection of the watersheds and drinking water supply associated with the Pecos River and its tributaries; and

WHEREAS, the Pecos River Watershed provides critical water resources to many communities, including municipal, domestic, and agricultural users, and provides clean water to numerous traditional and culturally significant acequia systems; and

WHEREAS, clean water is essential for the health and well-being of Santa Fe and San Miguel County residents; and

WHEREAS, the greater Pecos Valley region has been the center of a thriving culture for thousands of years and holds deep cultural significance to the Pueblos of New Mexico, including the Jemez and Tesuque Pueblos; and

WHEREAS, the greater Santa Fe River Valley region is adjacent to the Pecos Valley region and has likewise been the center of a thriving culture for thousands of years and holds deep cultural significance to the Pueblos of New Mexico, including the Jemez, Tesuque, Cochiti, and Santo Domingo Pueblos; and

WHEREAS, for hundreds of years, the greater Pecos River Valley has been home to numerous Spanish Land Grants where acequia-based agriculture has depended on clean water, originating in the Pecos Watershed; and

WHEREAS, the greater Pecos Valley region upholds legacy archeological, sacred, and historic resources, that are currently still in beneficial use by its descendants who still live and thrive in the Valley; and

WHEREAS, many Santa Fe County residents and visitors depend on the Upper Pecos Watershed for recreational activities, such as fishing, camping, swimming, and hiking; and

WHEREAS, the local economy is dependent on clean water to support farming, ranching, and recreation-based activities in the Upper Pecos River Watershed; and

WHEREAS, the upper Pecos River Watershed provides fresh water downstream for hundreds of miles, contributing to high-quality aquatic habitat for native fish, including New Mexico's state fish, the Rio Grande cutthroat trout, and supports both a cold-water fishery and the Lisboa Springs Fish Hatchery; and

WHEREAS, the Upper Pecos River Watershed hosts important habitat for federally endangered species, including the Mexican Spotted Owl, which has designated critical habitat in the area, and a rare endemic flowering plant, the Holy Ghost ipomopsis; and

WHEREAS, in 2019, the New Mexico State Legislature passed SB280, which appropriated \$2,100,000 to fund improvements to visitor services and administrative facilities for the Pecos Canyon State Park; and

WHEREAS, the State of New Mexico, the Environmental Protection Agency (EPA), and others have engaged in reclamation efforts to rehabilitate the Upper Pecos River Watershed from toxic waste pollution originating from prior mining activity at the Tererro mine and mill site dating back to the 1880s. In the 1990s, contaminated runoff killed more than 90,000 trout, contaminating wildlife and community drinking water supplies; and

WHEREAS, in 2022, the New Mexico Water Quality Control Commission designated 180 stream miles and over 40 acres of wetlands within the Upper Pecos River Watershed as Outstanding National Resource Waters (ONRW); and

WHEREAS, the ONRW designation prohibits any degradation of the existing high water quality and prevents increased pollution to these outstanding waters; and

WHEREAS, the recent ONRW designation has been approved by the EPA, extending water quality protections under the federal Clean Water Act as well as state law; and

WHEREAS, the recent ONRW designation encompasses several named waterways and their unnamed non-perennial tributaries within Santa Fe County, including Dalton Canyon Creek, Doctor Creek, Indian Creek, Macho Canyon Creek, and Wild Horse Creek; and

WHEREAS, on August 28, 2019, the Santa Fe County Board of County Commissioners (Board) adopted Ordinance No. 2019-2, which amended the County's Sustainable Land Development Code (SLDC) to adopt regulations to protect the County's environment, water, air, wildlife, habitat, natural resources, and cultural and historical resources from the negative impacts caused by mineral resource exploration, extraction, and processing; and

WHEREAS, on February 12, 2020, the Board passed Resolution No. 2020-16, "A Resolution Recommending a Reform of the 1872 Mining Law to Protect Public Lands and Local Economies and Supporting the Hardrock Leasing and Reclamation Act of 2019," reflecting that the Mining Law of 1872 lacks sufficient environmental standards to protect water resources and fish and wildlife habitats; and

WHEREAS, on June 27, 2019, the San Miguel County Commission approved Resolution No. 06-27-2019-01 in support of strong measures to protect water quality; and

WHEREAS, on September 15, 2021, the San Miguel County Commission adopted Ordinance No. SMC-No. 09-15-2021-P&Z to enact requirements for mineral resource exploration, extraction, and processing within the boundaries of San Miguel County to protect the citizens and the environment from harmful and hazardous toxic effects and nuisances that result from mining; and

WHEREAS, in 2021, U.S. Senators Martin Heinrich and Ben Ray Luján and U.S. Representatives Teresa Leger Fernández and Melanie Stansbury (“the Northern New Mexico Congressional Delegation”) introduced the “Pecos Watershed Protection Act,” S. 182, 117 Cong. (2021-2022), a bill to legislatively withdraw approximately 166,600 acres of federal lands within the Upper Pecos River Watershed from future mineral entry; and

WHEREAS, the Northern New Mexico Congressional Delegation also signed a letter to U.S. Secretary of the Interior Deb Haaland dated November 2, 2021, requesting that the Department of Interior begin the process to administratively withdraw federal minerals within the Upper Pecos River Watershed from future mineral development, thereby providing interim protection until permanent protection is secured legislatively; and

WHEREAS, the Federal Land Policy and Management Act of 1976 (FLPMA) grants the Bureau of Land Management and the United States Forest Service the authority to submit an application to the Department of Interior requesting the withdrawal of federal public land from settlement, sale, location, and entry under the public land laws, including the United States mining laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights for a period of up to 20 years; and

WHEREAS, FLPMA grants the Secretary of Interior the authority to approve the withdrawal of federal public land from settlement, sale, location, and entry under the public land laws, including the United States mining laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights for a period of up to 20 years.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Santa Fe County, hereby:

1. Supports the administrative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River Watershed, subject to valid existing rights, for a period of up to 20 years.
2. Supports the reintroduction of legislation to provide permanent protection to the Upper Pecos River Watershed through a legislative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River Watershed, as proposed in 2021 by the Northern New Mexico Congressional Delegation in the “Pecos Watershed Protection Act.”

BE IT FURTHER RESOLVED that the County Manager is directed to forward this Resolution to the U.S. Secretary of the Interior, the Director of the United States Department of Agriculture, the Chief of the United States Forest Service, the Deputy Chief of the United States Forest Service National Forest System, the United States Forest Service Southwest Regional Forester, the Director of the Bureau of Land Management, the Principal Deputy Assistant Secretary of Land and Mineral Management, the Chief of Staff at the White House Council on Environmental Quality, the County's Federal and State Delegation, the Governor of New Mexico, and the Jemez and Tesuque Pueblos.

PASSED, APPROVED, AND ADOPTED ON THIS 13 DAY OF JUNE, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna C. Hansen, Chair

ATTESTATION:

Katharine E. Clark
Santa Fe County Clerk

Date: _____

Approved as to form:



Jeff Young
Santa Fe County Attorney