

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

**RESOLUTION NO. 2023-055**

Introduced by:  
Commissioner Hank Hughes and Commissioner Anna Hansen

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

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**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

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**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

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**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.”

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**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*  
Anna C. Hansen, Chair

**ATTESTATION:**

*Katharine E. Clark*  
Katharine E. Clark  
Santa Fe County Clerk

Date: 06/20/2023



SECRETARY OF RECORDS  
RECORDED 06/21/2023

**Approved as to form:**

*Jeff Young* for  
Jeff Young  
Santa Fe County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 21ST Day Of June, 2023 at 09:22:36 AM And Was Duly Recorded as Instrument # 2014129 Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy *Dorcy Romero* County Clerk, Santa Fe, NM