

A JOINT MEMORIAL

REQUESTING THE STATE OF NEW MEXICO TO PARTICIPATE IN A "JOINT LEAD" CAPACITY UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 IN DEVELOPING AN ENVIRONMENTAL IMPACT STATEMENT FOR FORT SUMNER DAM AND THE PECOS RIVER.

WHEREAS, land, water and other natural resources are the basic physical assets of all New Mexicans; and

WHEREAS, their preservation and development are necessary to protect and promote the health and general welfare of the people of New Mexico; and

WHEREAS, in various historical and legal documents, acts and treaties with federal governments, water has been placed under the control, obligation and ownership of the state; and

WHEREAS, the state has obligations under the amended decree of the Pecos River Compact to deliver water to the state of Texas; and

WHEREAS, the amount of water released from the Fort Sumner dam for benefit of the Pecos bluntnose shiner is critical to the delivery of water under the Pecos River Compact to Texas; and

WHEREAS, the water being released from Fort Sumner is private property not owned by the United States government; and

WHEREAS, the present rate of release may prevent the ability of the state to meet its obligation of the Pecos River Compact; and

WHEREAS, the National Environmental Policy Act of 1969 allows for state agencies to participate in a "joint lead" capacity in developing an environmental impact statement; and

WHEREAS, federal agencies are encouraged to begin preparation of environmental impact statements early, and preferably jointly, with applicable state agencies; and

WHEREAS, participating in a collaborative manner with the bureau of reclamation is essential in developing alternatives for an environmental impact statement that best meets the compliance needs of the state's water, compact delivery requirements, agriculture, municipalities, economic stability, private property rights, recreational needs and the Endangered Species Act of 1973;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state of New Mexico participate in "joint lead" capacity under the National Environmental Policy Act of 1969 with the bureau of reclamation in developing an environmental impact statement for Fort Sumner dam and the Pecos river; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the United States, the vice

president of the United States, the United States secretary of the interior, the governor, the New Mexico congressional delegation, the western governors' association and the national governors' association.