

HOUSE JOINT MEMORIAL 81

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Joe M. Stell

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

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

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

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

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

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

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

24           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
25 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

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1 developing an environmental impact statement for Fort Sumner  
2 dam and the Pecos river; and

3 BE IT FURTHER RESOLVED that copies of this memorial be  
4 transmitted to the president of United States, the vice  
5 president of the United States, the United States secretary  
6 of the interior, the governor, the New Mexico congressional  
7 delegation, the western governors' association and the  
8 national governors' association.

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