

1 HOUSE JOINT MEMORIAL 52

2 42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

3 INTRODUCED BY

4 DEBBIE A. RODELLA

5
6
7
8
9
10 A JOINT MEMORIAL

11 REQUESTING THE UNITED STATES CONGRESSIONAL DELEGATION TO WORK TO
12 AMEND THE ENDANGERED SPECIES ACT OF 1973 TO CREATE HOLISTIC
13 MANAGEMENT TO PROTECT ENDANGERED CULTURES AS WELL AS ENDANGERED
14 SPECIES.

15
16 WHEREAS, the public lands of New Mexico have been primarily
17 taken from the hunting, gathering and common grazing lands of
18 Native Americans and Mexican citizens and their heirs protected
19 by the Treaty of Guadalupe Hidalgo; and

20 WHEREAS, that and other treaties protect customary uses of
21 land and water and free exercise of religion without
22 restriction; and

23 WHEREAS, the Endangered Species Act of 1973 and the
24 amendments currently being considered by the United States
25 congress need to recognize the unique historical, cultural and

Underscored material = new
[bracketed material] = delete

1 spiritual relationship New Mexicans have with these lands;

2 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
3 STATE OF NEW MEXICO that the United States congressional
4 delegation be requested to work to amend the Endangered Species
5 Act of 1973 to create holistic management that protects
6 endangered cultures as well as endangered species and balances
7 the needs of all species with public land-dependent communities;
8 and

9 BE IT FURTHER RESOLVED that the Endangered Species Act of
10 1973 be amended to require that critical habitat be declared
11 only after site-specific studies that indicate that a species
12 occupies or has occupied the area within the last fifteen years;
13 and

14 BE IT FURTHER RESOLVED that the Endangered Species Act of
15 1973 be amended to require that, before declaring critical
16 habitat or listing endangered species, impact studies on its
17 inhabitants' cultural practices, customs and sacred places and
18 sites be mandated; and

19 BE IT FURTHER RESOLVED that where treaties protect custom,
20 culture and land and water rights, the Endangered Species Act of
21 1973 be amended to require that the United States fish and
22 wildlife service and federal land management agencies develop
23 holistic species management goals and plans in consultation,
24 coordination and cooperation with tribal and local governments,
25 acequia associations and land grant councils; and

. 111422. 1

Underscored material = new
[bracketed material] = delete

1 BE IT FURTHER RESOLVED that the Endangered Species Act of
2 1973 be amended to require that the secretary of the interior
3 and the secretary of agriculture sign memoranda of agreements
4 with the respective tribal and local governments, acequia
5 associations and land grant councils protected by treaties
6 before implementing recovery plans or declarations of critical
7 habitat; and

8 BE IT FURTHER RESOLVED that the Endangered Species Act of
9 1973 be amended to require direct notice to all permittees of
10 record in their native languages when conservation actions will
11 affect the uses of land or water; and

12 BE IT FURTHER RESOLVED that the Endangered Species Act of
13 1973 be amended to require that hearings regarding critical
14 habitat designation or listing of species be held not more than
15 fifty miles from communities affected by the declarations; and

16 BE IT FURTHER RESOLVED that copies of this memorial be
17 transmitted to the members of the United States congressional
18 delegation.

State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

**Your RULES AND ORDER OF BUSINESS COMMITTEE, to
whom has been referred**

HOUSE JOINT MEMORIAL 52

**has had it under consideration and finds same to be
GERMANE in accordance with constitutional provisions.**

Respectfully submitted,

Barbara A. Perea Casey,

Chairperson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

1

2

Date _____

3

4 The roll call vote was 9 For 0 Against

5 Yes: 9

6 Excused: Knowles, Lujan, Nicely, Ryan, J. G. Taylor, Wallach

7 Absent: None

8

9 HJ052RC1

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

**Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred**

HOUSE JOINT MEMORIAL 52

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
ENERGY AND NATURAL RESOURCES COMMITTEE.**

Respectfully submitted,

G. X. McSherry, Chairman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HAGC/ HJM52

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

Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Crook

Absent: None

HJ052AG1

Underscored material = new
[bracketed material] = delete