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SENATE JOINT MEMORIAL 102

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

INTRODUCED BY

MANNY M ARAGON

A JOINT MEMORIAL

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

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

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

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

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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

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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.