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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-47

INTRODUCED BY:

Councilor Michael Garcia

Councilor Renee Villarreal

Councilor Jamie Cassutt

A RESOLUTION

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

WHEREAS, the headwaters of the Pecos River’s primary tributaries are in the northeast portion of Santa Fe County and San Miguel County; 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

1 region and has likewise been the center of a thriving culture for thousands of years and holds deep
2 cultural significance to the Pueblos of New Mexico, including the Jemez, Tesuque, Cochiti, and
3 Santo Domingo Pueblos; and

4 **WHEREAS**, for hundreds of years, the greater Pecos River Valley has been home to
5 numerous Spanish Land Grants where acequia-based agriculture has depended on clean water,
6 originating in the Pecos Watershed; and

7 **WHEREAS**, the greater Pecos Valley region upholds legacy archeological, sacred, and
8 historic resources, that are currently still in beneficial use by its descendants who still live and
9 thrive in the Valley; and

10 **WHEREAS**, many Santa Fe residents and visitors depend on the Upper Pecos Watershed
11 for recreational activities, such as fishing, camping, swimming, and hiking; and

12 **WHEREAS**, the local economy is dependent on clean water to support farming, ranching,
13 and recreation-based activities in the Upper Pecos River Watershed; and

14 **WHEREAS**, the upper Pecos River Watershed provides fresh water downstream for
15 hundreds of miles, contributing to high-quality aquatic habitat for native fish, including for New
16 Mexico’s state fish, the Rio Grande cutthroat trout; and

17 **WHEREAS**, the upper Pecos Watershed supports both a cold-water fishery and the Lisboa
18 Springs Fish Hatchery; and

19 **WHEREAS**, the Upper Pecos River Watershed hosts important habitat for federally
20 endangered species, including the Mexican Spotted Owl, and has been designated critical habitat
21 for a rare endemic flowering plant, the Holy Ghost apoopsis; and

22 **WHEREAS**, in 2019, the New Mexico State Legislature passed SB280, which
23 appropriated \$2,100,000 to fund improvements to visitor services and administrative facilities for
24 the Pecos Canyon State Park; and

25 **WHEREAS**, in the 1990s, contaminated runoff from the Tererro mine killed more than

1 90,000 trout, contaminating wildlife and community drinking water supplies; and

2 **WHEREAS**, the State of New Mexico, the Environmental Protection Agency (EPA), and
3 others have engaged in reclamation efforts to rehabilitate the Upper Pecos River Watershed from
4 toxic waste pollution originating from prior mining activity at the Tererro mine and mill site dating
5 back to the 1880s.; and

6 **WHEREAS**, in 2022, the New Mexico Water Quality Control Commission designated
7 180 stream miles and over 40 acres of wetlands within the Upper Pecos River Watershed as
8 Outstanding National Resource Waters (“ONRW”); and

9 **WHEREAS**, the ONRW designation prohibits any degradation of the existing high water
10 quality and prevents increased pollution of these outstanding waters; and

11 **WHEREAS**, the recent ONRW designation encompasses several named waterways and
12 their unnamed non-perennial tributaries within Santa Fe County, including Dalton Canyon Creek,
13 Doctor Creek, Indian Creek, Macho Canyon Creek, and Wild Horse Creek; and

14 **WHEREAS**, in 2021, U.S. Senators Martin Heinrich and Ben Ray Luján and U.S.
15 Representatives Teresa Leger Fernández and Melanie Stansbury (“the Northern New Mexico
16 Congressional Delegation”) introduced the “Pecos Watershed Protection Act,” a bill to legislatively
17 withdraw certain federal lands within the Upper Pecos River Watershed from future mineral entry;
18 and

19 **WHEREAS**, the Northern New Mexico Congressional Delegation also signed a letter to
20 U.S. Secretary of the Interior Deb Haaland dated November 2, 2021, requesting that the Department
21 of Interior begin the process to administratively withdraw federal minerals within the Upper Pecos
22 River Watershed from future mineral development, thereby providing interim protection until
23 permanent protection is secured legislatively; and

24 **WHEREAS**, the Federal Land Policy and Management Act of 1976 (“FLPMA”) grants
25 the Bureau of Land Management and the United States Forest Service the authority to submit an

1 application to the Department of Interior requesting the withdrawal of federal public land from
2 settlement, sale, location, and entry under the public land laws, including the United States mining
3 laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights
4 for a period of up to twenty years; and

5 **WHEREAS**, FLPMA grants the Secretary of Interior the authority to approve the
6 withdrawal of federal public land from settlement, sale, location, and entry under the public land
7 laws, including the United States mining laws, and operation under the mineral and geothermal
8 leasing laws, subject to valid existing rights for a period of up to 20 years.

9 **NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Santa
10 Fe:

- 11 1. Supports the administrative withdrawal of mineral rights for approximately 166,600 acres
12 of federal lands within the Upper Pecos River Watershed, subject to valid existing rights,
13 for a period of up to 20 years.
- 14 2. Supports the reintroduction of legislation to provide permanent protection to the Upper
15 Pecos River Watershed through a legislative withdrawal of mineral rights for
16 approximately 166,600 acres of federal lands within the Upper Pecos River Watershed, as
17 proposed in 2021 by the Northern New Mexico Congressional Delegation in the “Pecos
18 Watershed Protection Act.”

19 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward this Resolution
20 to the U.S. Secretary of the Interior, the Director of the United States Department of Agriculture,
21 the Chief of the United States Forest Service, the Deputy Chief of the United States Forest Service
22 National Forest System, the United States Forest Service Southwest Regional Forester, the Director
23 of the Bureau of Land Management, the Principal Deputy Assistant Secretary of Land and Mineral
24 Management, the Chief of Staff at the White House Council on Environmental Quality, the City’s
25 Federal and State Delegation, the Governor of New Mexico, and the Jemez and Tesuque Pueblos.

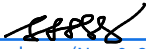
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PASSED, APPROVED, and ADOPTED this 8th day of November, 2023.



ALAN WEBBER, MAYOR

ATTEST:



GERALYN CARDENAS (Nov 9, 2023 15:14 MST)

GERALYN F. CARENAS, INTERIM CITY CLERK

APPROVED AS TO FORM:



ERIN MCSHERRY (Nov 9, 2023 15:06 MST)

ERIN K. McSHERRY, CITY ATTORNEY











2023-47 (R) Pecos Watershed Protection (adopted)

Final Audit Report

2023-11-09

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✔ Agreement completed.

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