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Bill Green
County Manager

RESOLUTION 63-2019

IN OPPOSITION TO THE DESIGNATION OF THE GILA AND SAN FRANCISCO RIVERS AS NATIONAL WILD & SCENIC RIVERS

WHEREAS, the Catron County Board of Commissioners met in a regularly scheduled meeting at the Catron County Fire Administration Building, 3 Mountaineer Road, Reserve, New Mexico 87830 on February 21, 2019, at 9:00 a.m.as required by law; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and

WHEREAS, pursuant to the Colorado River Basin Project Act of 1968 and the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 118 Stat. 3478 (“AWSA”), an annual average of 14,000 acre-feet per year of AWSA water is allocated to New Mexico for beneficial use in New Mexico (“AWSA water”); and,

WHEREAS, on November 24, 2014, the ISC, in an open meeting, voted to pursue a New Mexico Unit of the Central Arizona Project (“NM Unit”) and to notify the Secretary of the Interior that the State of New Mexico intends to construct a NM Unit; and,

WHEREAS, pursuant to the AWSA, the Secretary of the Interior has the authority to design, build, operate and maintain a NM Unit, but must transfer that authority to the New Mexico CAP Entity upon request by the New Mexico CAP Entity and Catron County is a member of the CAP entity; and,

WHEREAS, the Secretary of the Interior shall divert water and exercise her rights and authorities pursuant to the New Mexico Consumptive Use and Forbearance Agreement

("CUFA") as ratified by the AWSA, solely for the benefit of the New Mexico CAP Entity and for no other purpose; and,

WHEREAS, it is the position of this Board that once diverted or stored, the AWSA water should be managed solely for the benefit of the New Mexico CAP Entity, subject to all governing laws and pursuant to the AWSA, the New Mexico CAP Entity shall own and hold title to all portions of the NM Unit constructed pursuant to the New Mexico Unit Agreement; and,

WHEREAS, the New Mexico Unit Agreement ("NM Unit Agreement") is a contract entered into between the Secretary of the Interior and the New Mexico CAP Entity to effectuate the terms of the AWSA and the CUFA; and pursuant to the CUFA, as ratified by the AWSA, the State of New Mexico, acting through the ISC, has the authority to form or designate the New Mexico CAP Entity; and,

WHEREAS, Catron County, through the CAP entity, desires to obtain all benefits from (1) the diversion and beneficial use of the AWSA water (2) the development of other water utilization alternatives to meet water supply demands in the Southwest Planning Region of New Mexico, and (3) the exercise of rights and authorities by the Secretary of the Interior pursuant to Section 212(c)(4) of the AWSA, Pub. L. 108-451, 118 Stat. at 3528; and,

WHEREAS, the National Wild and Scenic Rivers System was created by the Wild and Scenic Rivers Act of 1968 (Public Law 90-542), enacted by the U.S. Congress to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.; and,

WHEREAS, rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each designated river is administered by either a federal, state, or tribal agency, or as a partnership between any number of these government entities and local NGOs. Designated segments need not include the entire river and may include headwaters and tributaries.

WHEREAS, the designated boundaries of this designation generally average one-quarter mile on either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska, curtailing private property rights of those landowners within the boundaries; and,

WHEREAS, the designation of the Gila and San Francisco rivers, or portions thereof, will mean that flood control for public safety, irrigation for farms, recreation, and water supplies for the communities downstream would all become secondary uses, of lower priority and therefore subject to restriction if they are in conflict with the nonexistent "natural and free flowing" character of the rivers; and,

WHEREAS, the designation of the rivers would prevent the CAP entity from developing water rights, promised under the law and by contract, which will essentially prevent the County of Catron from utilizing its natural resources for the benefit of its inhabitants; and,

WHEREAS, this designation will be yet another social injustice to the people of Catron County levied upon them by the Federal Government after the destruction of logging from the Spotted Owle designation and the destruction of ranching & hunting with the introduction of the Mexican Grey Wolf; and,

WHEREAS, these polices, forced upon the people of the County by individuals who have never set foot in Catron County, result in the County's inhabitants being forced to choose either to live in their birthplace in poverty or leave for a better life, while the individuals making the policies benefit every day from the undesignated use of their water & land; and,

WHEREAS, the taking of a property right and our collective statutory & contractual rights by these proposed designations harm the entire County as they destroy the fabric of our economy and the family business that rely on it; and,

NOW, THEREFORE, BE IT RESOLVED, by the Catron County Commission that it opposes the designation of the Gila & San Francisco rivers, or portions thereof, as wild or scenic rivers.

BE IT FURTHER RESOLVED, that this Board calls upon its Congressional delegation to oppose any such designation and to work to find more effective and less restrictive means to protect our natural resources while also protecting the rights of the people.

APPROVED, ADOPTED AND RESOLVED this 9th day of May, 2019

BOARD OF COUNTY COMMISSIONERS OF CATRON COUNTY

Anita Hand
Commissioner, District I

Cliff Snyder
Commissioner, District II

Attest:

Van J. "Bucky" Allred

Keith Riddle, Clerk

Commissioner, District III