

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

HOUSE MEMORIAL 52

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Angelica Rubio and Stephanie Garcia Richard

A MEMORIAL

REQUESTING THE STATE LAND OFFICE, THE DEPARTMENT OF ENVIRONMENT AND THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO JOINTLY CONDUCT A STUDY ON THE IMPACT OF A BORDER WALL ON WILDLIFE ALONG THE NEW MEXICO AND MEXICO BORDER PRIOR TO THE TRANSFER OF ANY STATE LAND TO THE FEDERAL GOVERNMENT FOR CONSTRUCTION OF THE WALL.

WHEREAS, the president of the United States is demanding that a physical barrier, commonly referred to as "the wall", be constructed along the border between the United States and the Republic of Mexico; and

WHEREAS, a portion of the wall may extend along the border between New Mexico and Mexico and may occupy land that is owned by New Mexico or held in trust for New Mexico beneficiaries; and

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material]~~ = delete

1 WHEREAS, evidence suggests that the wall will not prevent
2 determined people from going over, under or through it by a
3 variety of means, but evidence indicates that the wall will be
4 a significant barrier to the free movement of wildlife, which
5 movement is necessary to the existence of that wildlife; and

6 WHEREAS, where New Mexico and Arizona meet Mexico is one
7 of the largest protected landscapes in North America outside of
8 Alaska and northern Canada; and

9 WHEREAS, more than seven thousand plant and animal species
10 make their homes in the border region, and more than one-half
11 of the bird species on the North American continent claim
12 habitat along the border; and

13 WHEREAS, the United States and Mexico border has the
14 greatest wildlife diversity in the United States. The border
15 between New Mexico and Mexico contains a series of north-south
16 corridors that are essential for many species of wildlife to
17 find food, water and mates. Many wildlife populations in New
18 Mexico depend on their connection to herds, dens, flocks and
19 families in Mexico for their genetic diversity and long-term
20 survival. A barrier across the landscape fragments the habitat
21 and divides the population of wildlife into small groups that
22 are more vulnerable to extinction; and

23 WHEREAS, one such animal is the American jaguar, which was
24 hunted almost to extinction in the United States last century
25 before receiving protection, although a population of the cats

.209451.2

underscored material = new
~~[bracketed material] = delete~~

1 remained in Mexico. Recent evidence reflects increased numbers
2 making excursions north of the border, potentially bringing
3 back an apex predator whose survival is critical to every other
4 species in the region; and

5 WHEREAS, to permit the construction of the wall that would
6 tear through wildlife refuges, wilderness areas, national
7 monuments and national forests along the border, damaging
8 endangered species habitats, damming natural watercourses and
9 otherwise violating the nation's environmental laws, the United
10 States congress has allowed the federal secretary of homeland
11 security to waive any federal law that gets in the way of the
12 wall's construction. More than thirty such federal laws,
13 including the National Environmental Policy Act of 1969, the
14 Clean Water Act, the Clean Air Act, the Safe Drinking Water
15 Act, the Archaeological and Historic Preservation Act, the
16 Farmland Protection Policy Act and the Native American Graves
17 Protection and Repatriation Act, have been waived to build the
18 current portions of the wall and related barriers; and

19 WHEREAS, the nonpartisan congressional research service
20 has characterized the current federal waivers of environmental
21 regulations on the United States-Mexico border as the broadest
22 waiver of law in American history to ignore water pollution,
23 waste disposal, historic preservation and environmental laws;
24 and

25 WHEREAS, in the absence of federal environmental

.209451.2

underscored material = new
[bracketed material] = delete

1 protection on the border, it is within New Mexico's state
2 rights to exercise its own environmental studies on its state
3 land to protect the best interest of state residents, including
4 protecting the outdoor recreation economy along the border; and

5 WHEREAS, the federal department of homeland security
6 estimates that the wall along the whole border will cost the
7 American taxpayers more than twenty-one billion dollars
8 (\$21,000,000,000); and

9 WHEREAS, the federal government has provided little
10 funding for studying the environmental impacts of the border
11 wall; and

12 WHEREAS, the current survival of the wildlife species
13 along the border is due to years of hard work by people on both
14 sides of the border; and

15 WHEREAS, concern about the negative impacts of the wall on
16 wildlife has been reported in articles published in or by many
17 publications and groups, including *Scientific American*, the
18 defenders of wildlife, the southwest environmental center, the
19 New Mexico wildlife federation, the *Albuquerque Journal*, the
20 *Las Cruces Sun-News*, the Sierra club, *Business Insider* and
21 vox.com;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the state land
24 office, the energy, minerals and natural resources department
25 and the department of environment jointly be requested to

.209451.2

underscoring material = new
~~[bracketed material]~~ = delete

1 conduct an environmental impact statement, following rules of
2 the department of environment for such a document, of the
3 possible construction of the wall along the New Mexico and
4 Mexico border in order that the residents of New Mexico may
5 understand both the short- and long-term consequences of the
6 wall to New Mexico's wildlife heritage and the real
7 environmental and ecological costs of such a project; and

8 BE IT FURTHER RESOLVED that the state land office, the
9 energy, minerals and natural resources department and the
10 department of environment be requested to coordinate among
11 themselves and with the general services department to
12 determine if and when state-owned land or state trust land is
13 being considered for transfer or is being transferred to the
14 government of the United States for construction of the wall;
15 and

16 BE IT FURTHER RESOLVED that the environmental impact
17 statement be completed by December 1, 2018, or prior to the
18 date of any transfer of state-owned or state trust land to the
19 government of the United States for construction of the wall,
20 whichever date is earlier, and published on the sunshine
21 portal, released to the press and provided to the federal
22 department of homeland security and to the New Mexico
23 congressional delegation; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the commissioner of public lands, the secretary

.209451.2

underscored material = new
~~[bracketed material] = delete~~

1 of energy, minerals and natural resources, the secretary of
2 environment, the secretary of general services and the New
3 Mexico congressional delegation.

4 - 6 -

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25