

Resolution 2019-03

Opposing a Proposed Mining Operation in the Pecos Watershed and
Supporting Strong Measures to Protect Water Quality

WHEREAS, on June 6, 2019 the Santa Fe National Forest announced that it had received a Plan of Operations from Comexico LLC (“Comexico”), the American subsidiary of New World Cobalt, an Australian company, to conduct mineral exploration on previously identified deposits in the Pecos/Las Vegas Ranger District;

WHEREAS, the New Mexico Energy Minerals and Natural Resources Department (EMNRD) has received an application from Comexico for mineral exploration in the Jones Hill area in the Pecos River Watershed;

WHEREAS, the Pecos River Watershed provides critical water resources to downstream communities, including municipal, domestic, and agricultural users and provides clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, the Pecos River is one of the longest, in-state originating rivers affecting communities from the headwaters near Pecos to the Gulf of Mexico,

WHEREAS, in 1991, runoff from a previous mine near the proposed Comexico site(s) sent toxic metals into the Pecos River, killing nearly 10,000 trout in the nearby fish hatchery;

WHEREAS, on January 28, 2019, the State Engineer ordered a moratorium in perpetuity on permitting and drilling new wells near the old mine site to protect human health because groundwater near the old mine is contaminated with several toxic metals;

WHEREAS, the cost of remediation of the old mine has cost New Mexico \$28 million;

WHEREAS, many farmers and ranchers who rely on acequias for irrigation water would suffer hardship from contamination if toxic metals were washed into the Pecos River from the Comexico mining sites or from mine tailings;

WHEREAS, clean water is essential for the health and wellbeing of acequia communities, including families, children, elders, and pregnant women, along the Pecos River for livestock, small-scale farming and ranching, organic gardening, and recreation,

WHEREAS, Outstanding National Resource Water (ONRW) protections outlined in the state water quality standards prohibit increased pollution to waters, do not affect existing uses traditional uses, and specifically exempt acequia operations from any additional requirements: "Acequia operation, maintenance, and repairs are not subject to new requirements because of ONRW designation." 20.6.2.A(3)(e) NMAC;

WHEREAS, farming and ranching traditions and other traditional uses depend on clean water and an ONRW can help to protect water quality and it should be implemented in such a way to

protect communities from polluting industries while ensuring that farming and livestock operations are not adversely affected,

WHEREAS, the Mining Act of 1872 has not been updated to effectively protect natural resources and does not allow public lands agencies to prohibit mining to protect clean water and for this reason it is widely considered to be outdated;

WHEREAS, the state mining regulations do not require notice to acequias of mining applications, the NMAA requested a hearing by the Mining and Minerals Division of EMNRD to consider the effects of the Comexico application on some fifty-five downstream acequias, the request for hearing was granted, and the hearing will be scheduled in the coming months;

NOW, THEREFORE, BE IT RESOLVED that the New Mexico Acequia Association opposes the proposed Comexico mining operations in the Pecos River Watershed;

BE IT FURTHER RESOLVED that the NMAA will commit to working with the New Mexico Acequia Commission and local acequias to conduct education and outreach to acequia parciantes about the potential impacts of mining on the Pecos River Watershed and on their farms and ranches and to provide comment and testimony in the regulatory process;

BE IT FURTHER RESOLVED that the NMAA supports a petition by San Miguel County and the Village of Pecos to pursue Outstanding National Resource Water (ONRW) protections for the threatened portion of the Pecos River and associated tributaries;

BE IT FURTHER RESOLVED that NMAA supports reform of the 1872 Mining Act including recent legislation such as the Hardrock Mining and Reform Act of 2019 introduced by Senator Udall and Senator Heinrich and the Hardrock Leasing and Reclamation Act of 2019 introduced by Representative Grijalva;

BE IT FURTHER RESOLVED that copies of this resolution will be forwarded to San Miguel County, the Village of Pecos, Cow Creek Regional Acequia Association, the Mining and Minerals Division of the NM Energy, Minerals, and Natural Resources Department, the NM Environment Department, NM State Legislative leadership, the New Mexico Acequia Commission, and Governor Michelle Lujan Grisham.