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SENATE MEMORIAL 46

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Tim Eichenberg

A MEMORIAL

SUPPORTING THE DESIGNATION OF OUTSTANDING NATIONAL RESOURCE
WATERS IN NEW MEXICO FOR UNITED STATES FOREST SERVICE
ROADLESS AREAS AND WILDERNESS WATERS.

WHEREAS, Governor Richardson announced, on earth day 2008,
his intention to secure protection for over five thousand miles
of surface waters within national forest wilderness and
inventoried roadless areas in New Mexico under the Clean Water
Act; and

WHEREAS, water resources are vital to survival in the arid
southwest, the lifeblood of New Mexico's communities, as well
as critical to the state's cultural, agricultural and natural
heritage; and

WHEREAS, surface waters originate largely in the state's
high-mountain forests or in the headwaters in the wilderness

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1 and roadless areas of the United States national forest system,
2 and they are increasingly vulnerable to the effects of climate
3 change; and

4 WHEREAS, many of New Mexico's municipalities, villages,
5 pueblos and ranches rely, wholly or in part, on the surface
6 waters of the state that emanate from roadless and wilderness
7 areas for their domestic water supplies, and their numbers are
8 increasing; and

9 WHEREAS, the cost of restoring watersheds and water
10 quality is far higher than the cost of implementing effective
11 best-management practices to prevent pollution; and

12 WHEREAS, goals of the state water plan include "ensuring
13 that water is available for the continued and future economic
14 vitality of the state; ensuring a safe and adequate drinking
15 water supply for all New Mexicans; protecting, maintaining, and
16 enhancing the quality of the state's waters; and providing for
17 fish and wildlife habitat preservation and maintenance and for
18 river restoration"; and

19 WHEREAS, the designation of "outstanding national resource
20 waters", per the state of New Mexico's antidegradation rules,
21 allows for the continuation of preexisting, authorized
22 activities and the preservation of property rights and acequia
23 maintenance and, therefore, does not infringe upon treaty
24 rights or current grazing activities; and

25 WHEREAS, watershed improvement and forest management

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1 projects, including controlled burns, forest thinning,
2 reestablishing native vegetation, improving habitat for aquatic
3 species and restoring native fish populations, are encouraged
4 in areas designated as outstanding national resource waters,
5 and temporary degradation from those activities is allowed; and

6 WHEREAS, for upstream nonpoint source discharges, New
7 Mexico's department of environment will encourage voluntary
8 implementation of best-management practices, and there is no
9 impact on downstream waters except for the potential for better
10 water quality; and

11 WHEREAS, the state has held eleven public meetings with
12 stakeholders, and final approval of the proposed outstanding
13 national resource waters designation will be decided by the
14 water quality control commission in a full public hearing in
15 which all stakeholders can present their views orally or in
16 writing, in accordance with the legislative requirements in the
17 Water Quality Act and the procedures in the water quality
18 control commission's regulations;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
20 OF NEW MEXICO that its support be given to the governor's
21 intention to secure water quality in the state's headwaters
22 with the outstanding national resource waters designation; and

23 BE IT FURTHER RESOLVED that the water quality control
24 commission be encouraged to designate all waters that flow
25 through United States forest service inventoried roadless and

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1 wilderness areas within those boundaries as outstanding
2 national resource waters; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 transmitted to the governor, the secretary of environment and
5 the water quality control commission.

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