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HOUSE JOINT MEMORIAL 11
49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY
Benjamin H. Rodefer

A JOINT MEMORIAL
REQUESTING STATE AGENCIES TO STUDY THE NECESSITY FOR AND
FEASIBILITY OF ESTABLISHING PROCEDURES FOR ESTABLISHING BUFFER
AREAS PROTECTING CRITICAL SURFACE WATER RESOURCES THAT ARE PART
OF THE PUBLIC DRINKING WATER SUPPLY.

WHEREAS, New Mexico has no legislation prohibiting
non-point source pollution that might impact critical surface
water resources, especially those where the water is used for
consumption by persons; and

WHEREAS, there are many examples of point-source
activities that have the potential to contaminate critical
surface water resources; and

WHEREAS, New Mexico has obligations to deliver water to
other states based on federally endorsed compacts where the
quality of the delivered water could be an issue in regard to

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1 the acceptance of the water delivered by New Mexico under these
2 arrangements; and

3 WHEREAS, New Mexico is involved in a triennial review of
4 water quality standards; and

5 WHEREAS, many states and areas within states have
6 regulations establishing buffer areas around critical surface
7 and ground water resources;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that the department of environment and the
10 interstate stream commission be requested to prepare by the end
11 of November 2009 an analysis of the feasibility and
12 desirability of initially establishing buffer areas around
13 critical surface water resources that are part of the public
14 drinking water supply while keeping in mind the potential for
15 expanding this to protect ground water as well. The analysis
16 shall consider:

17 A. which critical surface water resources need to
18 be protected by a buffer area;

19 B. whether buffer areas should have a fixed width
20 or have a width that is determined by the topology of the areas
21 bordering the critical surface water resource;

22 C. how buffer areas should be established and what
23 the process would be, including provisions for public notice
24 and public comment;

25 D. what activities would be prohibited within such

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1 buffer areas; and

2 E. what the relationship is between buffer areas
3 designed to protect water resources and the protection of
4 wildlife corridors; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the governor, the secretary of environment and
7 the director of the interstate stream commission.

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