

1 A MEMORIAL

2 REQUESTING THE GOVERNOR TO CONVENE MEETINGS OF THE ATTORNEY
3 GENERAL AND GENERAL COUNSELS OF STATE AGENCIES THAT
4 PARTICIPATE IN THE PLANNING OR FUNDING OF WATERSHED
5 RESTORATION PROJECTS IN THE STATE TO DEVELOP A CONSISTENT
6 APPLICATION OF THE LAW GOVERNING THE USE OF PUBLIC FUNDS FOR
7 SUCH PROJECTS.

8
9 WHEREAS, watershed restoration projects are designed to
10 increase the adaptability and resilience to recurring drought
11 and extreme weather events of the state's forests and
12 watersheds; protect water sources; reduce the risk of
13 wildfire and maintain the water storage and release capacity
14 of watersheds; and may include projects to restore burned
15 areas, thin forests and support related economic or workforce
16 development projects; and

17 WHEREAS, fostering partnerships and cooperation among
18 federal, state and county agencies, tribal entities,
19 political subdivisions and educational institutions of the
20 state, soil and water conservation districts, the forest
21 products industry, the Rio Grande water fund and other public
22 and private organizations dedicated to forest and watershed
23 preservation and restoration programs or projects is
24 necessary to efficiently implement watershed restoration
25 projects to protect and maintain the state's water sources;

1 and

2 WHEREAS, watershed restoration projects constitute the
3 performance of an essential governmental function, and the
4 expenditure of public funds for watershed restoration
5 projects on any lands within the state serve the important
6 public purpose of protecting and maintaining the state's
7 water sources; and

8 WHEREAS, state agencies that are authorized to plan,
9 organize, participate in or implement a watershed restoration
10 project may expend public money on a project that
11 incidentally benefits private lands; and

12 WHEREAS, there is often disagreement within and among
13 state and local agencies concerning the expenditure of public
14 funds on watershed restoration projects that incidentally
15 benefit non-state lands; and

16 WHEREAS, this lack of agreement can hamper efforts to
17 efficiently administer and coordinate watershed restoration
18 projects in the state;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
20 STATE OF NEW MEXICO that the governor convene meetings of the
21 attorney general and the general counsels of state agencies
22 that participate in the planning or funding of watershed
23 restoration projects in the state to develop a consistent
24 application of the law governing the use of public funds for
25 watershed restoration projects on any lands within the state

1 that serve the important public purpose of protecting and
2 maintaining the state's water sources; and

3 BE IT FURTHER RESOLVED that counsel from the energy,
4 minerals and natural resources department, department of game
5 and fish, department of environment, office of the state
6 engineer, interstate stream commission, office of the
7 attorney general and legislative council service be invited
8 to attend the meetings; and

9 BE IT FURTHER RESOLVED that the offices of the governor
10 and attorney general report to the appropriate interim
11 legislative committee by September 2017 on the results of the
12 meetings; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the governor and attorney general. _____

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