

I Hereby Certify that this Instrument was filed for record 05/12/2023 03:41:41 PM and was duly recorded as Instrument No. 202301566 of the Records of San Miguel County, NM.



Witness My Hand and Seal Of Office  
Geraldine E. Gutierrez

Deputy \_\_\_\_\_  
County Clerk, San Miguel, NM



**SAN MIGUEL COUNTY  
RESOLUTION NO. 05-09-23-COMMISSION**

**IN SUPPORT OF THE ADMINISTRATIVE AND LEGISLATIVE PROTECTION OF THE UPPER PECOS RIVER  
WATERSHED THROUGH THE WITHDRAWAL OF MINERAL RIGHTS**

**WHEREAS**, the Pecos River Watershed provides critical water resources to the communities of San Miguel County, including municipal, domestic and agricultural users, and provides clean water to numerous ancient and agriculturally and culturally significant acequia systems, and;

**WHEREAS**, clean water is essential for the health and wellbeing of San Miguel County residents, and;

**WHEREAS**, the greater Pecos Valley region has been the center of a thriving culture for thousands of years and holds deep cultural significance to the Native Pueblos of New Mexico, including the Jemez and Tesuque Pueblos, and;

**WHEREAS**, for hundreds of years the greater Pecos River Valley has been home to traditional Hispanic communities and land grant mercedes where acequia-based agriculture, dependent on clean water originating in the Pecos River headwaters, has thrived, and;

**WHEREAS**, the greater Pecos Valley region houses archeological, sacred, and historic resources, in use from past to present, and is a place still valued and used for traditional practices by descendants of those who settled here, and;

**WHEREAS**, many residents and visitors depend on the Pecos River Watershed for recreational activities such as fishing, camping, swimming and hiking, and;

**WHEREAS**, the local economy is dependent on clean water to support farming, ranching, and recreation based economic activities, and;

**WHEREAS**, the Upper Pecos River watershed provides fresh water downstream for hundreds of miles contributing to high-quality aquatic habitat for native fish, including the Rio Grande cutthroat trout, and supports both a cold-water fishery and the Lisboa Springs Fish Hatchery, and;

**WHEREAS**, the Upper Pecos River watershed hosts important habitat for federally endangered species, including the Mexican Spotted Owl, as well as the federally listed rare flowering plant, the Holy Ghost Ipomopsis, and;

**WHEREAS**, in 2019 the New Mexico State Legislature passed SB 280, which appropriated \$2,100,000 to fund improvements to visitor services and administrative facilities for the Pecos Canyon State Park, and;

**WHEREAS**, the State of New Mexico, the Environmental Protection Agency, and others have engaged in reclamation efforts to rehabilitate the Upper Pecos River watershed from toxic waste pollution originating from prior mining activity at the Tererro mine and mill site dating back to the 1880s, as it was designated a US Superfund site as recently as the 1990s when contaminated runoff killed more than 90,000 trout, contaminating wildlife and community drinking water supplies, and;

**WHEREAS**, in 2022 San Miguel County advocated for Outstanding National Resource Water (ONRW) protections for 180 stream miles and over 40 acres of wetlands within the Upper Pecos River watershed and associated tributaries, resulting in a formal ONRW designation by the New Mexico Water Quality Control Commission, which prohibits any degradation of the existing high water quality and prevents increased pollution to these outstanding waters, and;

**WHEREAS**, in April of 2019, Comexico LLC, a Colorado subsidiary of Australian mining company New World Resources Ltd. (formerly New World Cobalt Ltd.), acquired 20 Federal Mining Claims in the Jones Hill area near Tererro, NM and the surrounding national forest. The company intends to start prospecting in the area for gold, copper and zinc and has applied for exploratory drilling permits with the USDA Santa Fe National Forest and the State of New Mexico Mining and Mineral Division, and;

**WHEREAS**, on June 27, 2019, the San Miguel County Commission approved resolution number 06-27-2019-01 in support of strong measures to protect clean water and quality of life; and in opposition to the incomplete application of the proposed hard rock mining operation in the Jones Hill area of the Pecos River watershed on the Santa Fe National Forest by Comexico, LLC, and in support of strong measures to protect water quality, and;

**WHEREAS**, on September 15, 2021, the San Miguel County Commission adopted Ordinance No. SMC-No. 09-15-2021-P&Z to enact requirements for mineral resource exploration, extraction, and processing within the boundaries of San Miguel County to protect the citizens and the environment from harmful and hazardous toxic effects and nuisances that result from mining, and;

**WHEREAS**, in 2021, U.S. Senators Martin Heinrich and Ben Ray Lujan and U.S. Representatives Teresa Leger Fernandez and Melanie Stansbury ("the Northern New Mexico Congressional Delegation") introduced the "Pecos Watershed Protection Act," a bill to legislatively withdraw approximately 166,600 acres of federal lands within the Upper Pecos River watershed from future mineral entry, and;

**WHEREAS**, the Northern New Mexico Congressional Delegation also signed a letter to Secretary Haaland dated November 2, 2021, requesting that the Department of Interior begin the process to administratively withdraw federal minerals within the Upper Pecos River watershed from future mineral development, thereby providing interim protection until permanent protection is secured legislatively, and;

**WHEREAS**, the Federal Land Policy and Management Act of 1976 (FLPMA) grants the Secretary of the Department of Interior the authority to withdraw federal public land from settlement, sale, location, and entry under the public land laws, including the United States mining laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights for a period of up to 20 years;


**NOW THEREFORE BE IT RESOLVED BY THE SAN MIGUEL COUNTY COMMISSION** that the commission:

- Requests that the administrative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River watershed, subject to valid existing rights, for a period of up to 20 years, and;
- Supports the reintroduction of legislation to provide permanent protection to the Upper Pecos River watershed through a legislative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River watershed, as proposed in 2021 by the Northern New Mexico Congressional Delegation in the "Pecos Watershed Protection Act", and;
- Directs the County Manager to submit copies of this Resolution to the Secretary of the Department of the Interior, the Director of the United States Department of Agriculture, the Chief of the United States Forest Service, the Deputy Chief of the USFS National Forest System, the USFS Southwest Regional Forester, the Director of the Bureau of Land Management, the Principal Deputy Assistant Secretary of Land and Mineral Management, the Chief of Staff at the White House Council on Environmental Quality, the New Mexico Congressional delegation, the Governor of New Mexico, the Jemez and Tesuque Pueblos.

**DONE**, in Pecos, New Mexico, this 9<sup>th</sup> day of May, 2023.

  
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 Harold M. Garcia, Chair, District 1

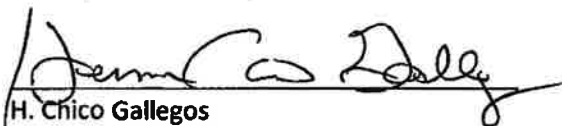
  
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 Janice C. Varela, Member, District 2

  
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 Max O. Trujillo, Member, District 3

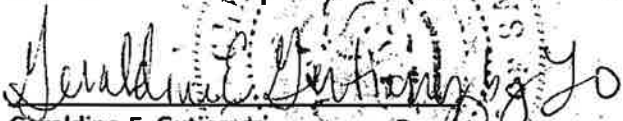
  
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 Martin Sena, Vice Chair, District 4

  
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 Kenneth Medina, Member, District 5

**APPROVED AS TO LEGAL SUFFICIENCY:**

  
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 H. Chico Gallegos  
 San Miguel County Attorney

**ATTEST:**

  
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 Geraldine E. Gutierrez  
 San Miguel County Clerk

