

SANTA FE COUNTY

2230005

RESOLUTION NO. 2002- 132

**A RESOLUTION OPPOSING THE FEDERAL COURT'S DECISION IN THE RIO GRANDE SILVERY MINNOW CASE TO RELEASE SAN JUAN-CHAMA PROJECT WATER, AND DIRECTING STAFF TO FILE AN AMICUS BRIEF WITH THE TENTH CIRCUIT COURT OF APPEALS**

WHEREAS, Santa Fe County owns San Juan-Chama Project water, and has every intention of continuing to utilize said water for current residents and future growth, and

WHEREAS, the County of Santa Fe has made a financial contribution to obtain said water, for the purpose of creating a sustainable water supply to meet human demands, and

WHEREAS, the San Juan-Chama Project is imported water, and was created expressly for the purpose of providing an adequate supply of water for a number of entities, including Santa Fe County, and

WHEREAS, the recent ruling by a federal judge in the Rio Grande Silvery Minnow case was to require water owned by other entities, Santa Fe County included, to be used for the purpose of complying with the Endangered Species Act, as provided by law, and

WHEREAS, the Endangered Species Act requires federal agencies "to afford first priority to the declared national policy of saving endangered species" and "to halt and reverse the trend toward species extinction, *whatever the cost*", and

WHEREAS, the Endangered Species Act is outdated and could not have contemplated the far-reaching effects of it's mandates on the human population, and

WHEREAS, this recent federal action has diminished our rights to store and use our San Juan-Chama water for the benefit of Santa Fe County residents, and

WHEREAS, said action has given priority rights to water, in times of drought, to uses contemplated under the Endangered Species Act, and

WHEREAS, such actions may put in peril the needs of the human population, and may effect their health, safety and welfare in the future by creating an inadequate and non-sustainable supply of water.

THEREFORE, BE IT RESOLVED BY THE SANTA FE BOARD OF COUNTY COMMISSIONERS that Santa Fe County officially take a position in solidarity with other agencies, including state and municipal governments, farmers, and others who are appealing the recent federal decision to relegate the use of San Juan-Chama Project water by the above

mentioned entities in general, and the human population specifically, to a status inferior to those enjoyed by certain species, as contemplated in the Endangered Species Act.

BE IT FURTHER RESOLVED that the Santa Fe County Attorney's Office file an amicus brief with the Tenth Circuit Court of Appeals opposing the decision in the Rio Grande Silvery Minnow case, and advocating for reversal of this ruling.

PASSED, APPROVED AND ADOPTED this 8<sup>th</sup> of October 2002.

BOARD OF COUNTY COMMISSIONERS

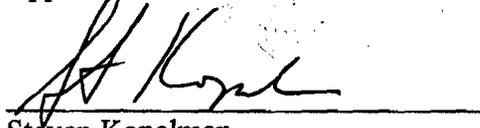


Paul D. Duran, Chairman



Rebecca Bustamante  
County Clerk

Approved As to Form:

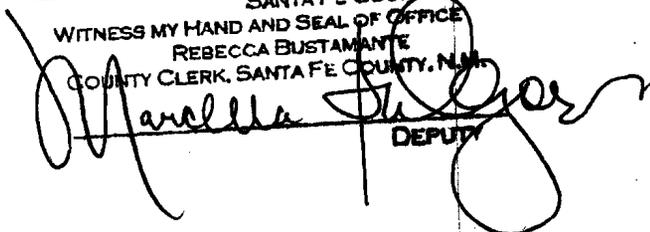


Steven Kopelman  
County Attorney



1227565  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 9 DAY OF Oct AD.  
2002 AT 8:35 O'CLOCK a M  
AND WAS DULY RECORDED IN BOOK 2230  
PAGE 005 - 006 OF THE RECORDS OF  
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.

  
DEPUTY