

# SANTA FE COUNTY

2248557

RESOLUTION NO. 2002-\_\_ 135

---

**A RESOLUTION AUTHORIZING ENDORSEMENT AND DELIVERY  
OF A PETITION TO THE SECRETARY OF AGRICULTURE  
REQUESTING ACTION TO BE TAKEN TO RESTORE FOREST HEALTH ON  
FEDERAL LANDS IN NEW MEXICO**

---

WHEREAS, numerous citizens and government officials in the State of New Mexico have repeatedly petitioned the Forest Service to take appropriate action to remove or eliminate the conditions that have created states of emergency due to fuel overload and forest overgrowth on federal lands that have led to a deterioration of this State's watersheds and water supplies and that pose very real risks of catastrophic fires threatening the lives and property of New Mexico citizens in and adjacent to National Forests within New Mexico; and

WHEREAS, such petitions have for all practical purposes have been ignored or discounted by the Forest Service, resulting in inaction on the part of the Forest Service to appropriately reduce, if not remove, this State's watershed deterioration and the fire risks threatening the lives and property of the citizens of New Mexico; and

WHEREAS, the State of New Mexico has further passed into law Section 4-36-11 NMSA 1978 authorizing the affected counties of New Mexico to adopt plans to remedy such states of emergency based upon a determination that the Forest Service has failed to exercise its responsibilities as a sovereign to eliminate the conditions that have created such states of emergency; and

WHEREAS, the State of New Mexico has further determined that, under the United States Constitution, the ability of any New Mexico county to implement the provisions of § 4-36-11 would require a transfer of limited jurisdiction over such federal lands to the State of New Mexico by the U.S. Secretary of Agriculture pursuant to federal law 7 U.S.C. § 2268 and Section 19-2-2 NMSA 1978; and

WHEREAS, Santa Fe County has been presented with a Petition to the Secretary of Agriculture, Ann M. Veneman, that requests either: (i) the transfer of limited jurisdiction to the State of New Mexico; or (ii) that the Secretary take such actions as are necessary to remedy such states of emergency; or (iii) if the Secretary fails to effect either of the first two options, that the United States assume liability for any damages that may result in the future from her policy decision based upon the requests made in the Petition.

NOW, THEREFORE, BE IT RESOLVED by the Santa Fe Board of County Commissioners, that it is in the best interests of the citizens of Santa Fe County to authorize endorsement of the attached Petition and delivery to the Secretary of Agriculture, Ann M. Veneman.

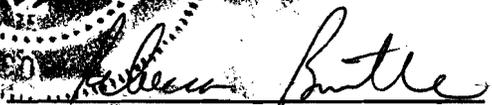
2248558

APPROVED, ADOPTED AND PASSED this 29th day of October 2002.

BOARD OF COUNTY COMMISSIONERS



Paul D. Duran, Chairman



Rebecca Bustamante, County Clerk

Approved:



Steven Kopelman, County Attorney



1231/31  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO ] ss  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 30 DAY OF Oct AD.  
20 02 AT 8:21 O'CLOCK P.M.  
AND WAS DULY RECORDED IN BOOK 2248  
PAGE 557-558 OF THE RECORDS OF  
SANTA FE COUNTY

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