RESOLUTION 052-2019
OPPOSING TRANSFER OF NM UNIT FUND TO GENERAL FUND

WHEREAS, the Catron County Board of Commissioners met upon notice of meeting duly published at the Catron County Fire Administration Building, 3 Mountaineer Road, Reserve, New Mexico 87830 on March 14, 2019, at 9:00 a.m. as required by law; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, pursuant to the Colorado River Basin Project Act of 1968 and the Arizona Water Settlements Act of 2004, Pub. L. 108-451, 118 Stat. 3478 (“AWSA”), an annual average of 14,000 acre-feet per year of AWSA water is allocated to New Mexico for beneficial use in New Mexico (“AWSA water”); and

WHEREAS, on November 24, 2014, the ISC, in an open meeting, voted to pursue a New Mexico Unit of the Central Arizona Project (“NM Unit”) and to notify the Secretary of the Interior that the State of New Mexico intends to construct a NM Unit; and

WHEREAS, pursuant to the AWSA, the Secretary of the Interior has the authority to design, build, operate and maintain a NM Unit, but must transfer that authority to the New Mexico CAP Entity upon request by the New Mexico CAP Entity; and

WHEREAS, the Secretary of the Interior shall divert water and exercise her rights and authorities pursuant to the New Mexico Consumptive Use and Forbearance Agreement (“CUFA”) as ratified by the AWSA, solely for the benefit of the New Mexico CAP Entity and for no other purpose; and

WHEREAS, once diverted or stored, the AWSA water should be managed solely for the benefit of the New Mexico CAP Entity, subject to all governing laws; and
WHEREAS, pursuant to the AWSA, the New Mexico CAP Entity shall own and hold title to all portions of the NM Unit constructed pursuant to the New Mexico Unit Agreement; and

WHEREAS, the AWSA promotes water development in southwestern New Mexico by providing (1) money to fund water projects and (2) the option to divert more water from the Gila River system as part of an exchange with the Central Arizona Project; and,

WHEREAS, funds made available through the AWSA may be used to meet water supply demands in the Southwest Planning Region of New Mexico (Catron, Luna, Hidalgo, and Grant Counties) either through the construction of a New Mexico Unit of the Central Arizona Project to increase diversion capacity, or through non-diversion water projects; and,

WHEREAS, New Mexico receives a guaranteed $6.6 million a year for up to ten years, beginning in 2012, and an additional $34-$62 million if it chooses to construct a New Mexico Unit of the Central Arizona Project; and,

WHEREAS, the $66 million that New Mexico is guaranteed under the AWSA may be used to pay costs associated with building a New Mexico Unit of the Central Arizona Project or it may be used for other water utilization alternatives to meet water supply demands in the Southwest Planning Region; and,

WHEREAS, the Catron County Board of County Commissioners represents the citizens of Catron County and represent the interests of the County in all matters affecting the health and welfare of its citizens; and

WHEREAS, Catron County has a vested interest in the water and funds allocated to New Mexico under the Arizona Water Settlement Act and has the responsibility to ensure that both are utilized to their full potential; and

WHEREAS, through an Inspection of Public Records Act request, the Gila Conservation Coalition requested all copies of CAP entity environmental statements; and,

WHEREAS, despite that the partial and incomplete documents were stamped with warnings of their preliminary status, the Gila Conservation Coalition inaccurately represented the documents to be complete before members of the New Mexico Energy and National Resources Committee; and,

WHEREAS, the Gila Conservation Coalition has requested that the $66 million that New Mexico is guaranteed under the AWSA be removed from the NM Unit Fund, and placed into the General Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Catron County that the County strongly opposes the transfer of money from the NM Unit Fund into the General Fund, thereby placing the County’s critical natural resources in jeopardy.
NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of County Commissioners of Catron County that it expressly recognizes that water is a critical natural resource that is not to be politically sold or bargained.

APPROVED, ADOPTED AND RESOLVED this 14th day of March, 2019.

BOARD OF COUNTY COMMISSIONERS OF CATRON COUNTY

Cliff Snyder, Chairman
Commissioner, District II

Van J. "Bucky" Allred, Vice-Chair
Commissioner, District III

Anita Hand
Commissioner, District II

Attest:

Keith Riddle, Clerk