

**Upper Chama Soil & Water Conservation District**

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Tirzio Lopez, Supervisor

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**CALLING FOR A MORATORIUM ON URANIUM EXPLORATION AND MINING IN THE CHAMA BASIN
PENDING COMPLETION OF A FULL ENVIRONMENTAL IMPACT STATEMENT****RESOLUTION # 2026-09****SECTION I - PREAMBLE AND LEGAL AUTHORITY**

The Upper Chama Soil and Water Conservation District (UCSWCD or "the District") is a political subdivision of the State of New Mexico, duly organized under the New Mexico Soil and Water Conservation District Act, NMSA 1978, Chapter 73, Article 20 (§§ 73-20-25 through 73-20-48). The District possesses power to develop comprehensive land and resource use plans, pass resolutions, and coordinate with federal, state, tribal, and local entities on matters affecting natural resources within the Upper Chama Basin of Rio Arriba County.

This Amended Resolution is adopted pursuant to the UCSWCD 2025–2030 Land and Resource Use Plan and Policy (LRUP), the comprehensive policy framework governing all District actions during the current planning cycle, developed through extensive community engagement.

This Resolution is strategically designed to work within the federal mining law framework — not against it — by invoking the regulatory mechanisms provided by:

- The National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321–4347
- The Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1701–1784
- The Forest Service Surface Management Regulations, 36 C.F.R. Part 228, Subpart A
- The National Historic Preservation Act (NHPA), 54 U.S.C. § 306108
- The Endangered Species Act (ESA), 16 U.S.C. §§ 1531–1544
- The Clean Water Act (CWA), 33 U.S.C. §§ 1251–1387

The District acknowledges that the General Mining Act of 1872 (30 U.S.C. §§ 22–54) grants a statutory right to prospect for and mine locatable minerals, including uranium, on federal public lands that remain open to mineral entry. This Resolution does not seek to deny that statutory right. Rather, the District exercises its governmental authority to ensure that the full regulatory framework is rigorously applied before any mining or exploratory operations proceed. The District calls for a moratorium on all exploration and drilling activities until these regulatory requirements are satisfied.

SECTION II - WHEREAS CLAUSES (Findings and Declarations)**THE MESA ARC PROJECT THREAT:**

WHEREAS, Gamma Resources Ltd., a Vancouver, BC-based junior mining company, has filed a notice of intent with the Carson National Forest to conduct exploratory uranium drilling under the "Mesa Arc Project" near Canjilon, Rio Arriba County, New Mexico — proposing 10–12 boreholes drilled to depths of up to 500 feet, construction of 50'×50' drill pads, approximately 800 feet of new access road, and temporary staging areas. The company has expanded to approximately 226 lode mining claims covering approximately 4,520 acres of Carson National Forest land within the Chama watershed, all filed under the General Mining Act of 1872 (30 U.S.C. §§ 22–54).

WATERSHED PROTECTION:

WHEREAS, The UCSWCD 2025–2030 LRUP identifies protection of productive watersheds for irrigated agriculture as a core policy priority, calling for safeguarding headwaters, springs, streams, and riparian areas throughout the Upper Chama Basin, emphasizing the critical linkage between upland forest health in the Carson National Forest and downstream water delivery to acequias, wells, and communities. The proposed Mesa Arc Project poses a direct and immediate threat to these watershed resources.

WATER QUALITY AND ACEQUIA RIGHTS:

WHEREAS, The LRUP prioritizes protection of acequia water rights as central to the District's mission and cultural identity. Uranium contamination of aquifers and surface water can persist for decades, as documented in the Grants Mineral Belt and Navajo Nation legacy sites. The Clean Water Act (33 U.S.C. §§ 1251–1387) and New Mexico acequia protections (NMSA §§ 73-2-1 et seq.) provide statutory framework for water resource protection. The 1872 Mining Act's classification of uranium as a locatable mineral means zero federal royalties would flow to Rio Arriba County communities even if the project proceeded to commercial production.

MINERAL DEVELOPMENT CONSTRAINTS:

WHEREAS, The LRUP establishes that mineral development must be consistent with water resource protection, watershed health, and community stability. The Ninth Circuit's landmark *Rosemont Copper Co. v. United States Forest Service* (2022) decision established that mining rights under the 1872 Act are not unlimited. FLPMA's "unnecessary or undue degradation" standard (43 U.S.C. § 1732(b)) prohibits avoidable and disproportionate environmental impacts. The Forest Service retains broad regulatory authority under 36 C.F.R. Part 228 to impose conditions and deny Plans of Operations causing unacceptable surface damage.

ENVIRONMENTAL REVIEW REQUIREMENTS:

WHEREAS, The LRUP establishes that the District will participate in and advocate for thorough environmental review. Under NEPA, an Environmental Impact Statement (EIS) is required when a proposed federal action "may significantly affect the quality of the human environment" (42 U.S.C. § 4332(2)(C)). The Mesa Arc Project meets this threshold based on: the inherently radioactive nature of uranium; the project's scale (226 claims, 4,520 acres, drilling to 500 feet); sensitivity of the Chama watershed; documented legacy of uranium contamination including Grants Mineral Belt Superfund sites and Project Gasbuggy (1967 underground nuclear detonation in the Carson National Forest near Gobernador, NM); and confirmed presence of endangered species and cultural resources. 36 C.F.R. § 228.4 requires a Plan of Operations for significant surface disturbance. Even under streamlined NEPA following CEQ's April 2025 rescission, the USDA's April 3, 2026 consolidation rule (91 FR 17062) maintains substantive requirements for environmental review.

LEGAL CITATION - NEPA EIS THRESHOLD:

Under 42 U.S.C. § 4332(2)(C), an EIS is required for "major Federal actions significantly affecting the quality of the human environment." The CEQ's significance factors — including public health and safety, unique geographic characteristics, and likelihood of controversy — all militate in favor of a full EIS for the Mesa Arc Project.

TRIBAL AND COMMUNITY CONSULTATION:

WHEREAS, The LRUP supports meaningful consultation with tribal nations, pueblos, land grants-mercedes, acequia associations, and local communities. NHPA Section 106 (54 U.S.C. § 306108) requires the Forest Service to consider effects on historic and cultural properties significant to tribal nations. Executive Order 13175 mandates government-to-government tribal consultation. No community notification, outreach, or tribal engagement occurred prior to Gamma Resources' filing.

CUSTOM, CULTURE, AND COMMUNITY STABILITY:

WHEREAS, The LRUP dedicates a full policy section to this topic, recognizing communities' deep-rooted ties spanning centuries. NEPA requires analysis of socioeconomic and cultural impacts as part of the "human environment." FLPMA Section 202 requires consideration of impacts on local economies and community stability. Uranium exploration would threaten the traditional agricultural economy, acequia-based water delivery, and the cultural identity of communities including those with living memory of the 1967 Tierra Amarilla Courthouse Raid and Project Gasbuggy.

INTERGOVERNMENTAL COORDINATION:

WHEREAS, The LRUP establishes commitment to coordination with federal, state, tribal, and local entities. NEPA mandates environmental analyses "in cooperation with State and local governments" (42 U.S.C. §§ 4331(a), 4332(2)). The UCSWCD qualifies for cooperating agency status based on statutory authority, specialized local knowledge, and jurisdictional proximity. FLPMA Section 202 requires federal decisions to be consistent with state and local land use plans, including SWCD plans. The New Mexico Congressional delegation transmitted an April 9, 2026 letter to Carson National Forest Supervisor James Duran expressing concerns about the Mesa Arc Project.

WILDLIFE AND HABITAT:

WHEREAS, The LRUP addresses wildlife management, fisheries, habitat protection, and biodiversity conservation. The Endangered Species Act requires consultation with the U.S. Fish and Wildlife Service on actions affecting listed species. The National Forest Management Act (NFMA) requires maintenance of biological diversity on National Forest lands. Proposed drilling would disrupt habitat in a relatively undeveloped area supporting wildlife corridors and migratory pathways.

FEDERAL MINING LAW FRAMEWORK:

WHEREAS, The 1872 Mining Act grants a statutory right to prospect and mine, but this right is not absolute. Three overlapping frameworks — FLPMA's degradation standard, Forest Service 36 C.F.R. Part 228, and NEPA — provide substantial regulatory leverage. This Resolution's demands are anchored in specific federal statutes, regulations, and judicial precedents. The Resolution works within this framework by demanding rigorous regulatory process rather than attempting to override the statutory presumption of mineral access.

REGULATORY OPPORTUNITIES:

WHEREAS, The Forest Service published a proposed rule revision for locatable minerals (36 C.F.R. Part 228, Subpart A, RIN 0596-AD32, 91 FR 8316) on February 20, 2026, with public comment closing April 21, 2026, presenting an opportunity to advocate for strengthened watershed and community protections. The current political landscape includes both the administration's demonstrated hostility to mineral withdrawals (Secretarial Order 3418, proposed revocation of PLO 7923 protecting Chaco Canyon) and broad concern about the Mesa Arc Project from state and local leaders.

SECTION III - RESOLVED CLAUSES

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Upper Chama Soil and Water Conservation District as follows:

1. MORATORIUM ON EXPLORATION AND DRILLING.

The Upper Chama Soil and Water Conservation District hereby call for a moratorium on all uranium exploration, drilling, and surface disturbance activities within the Chama Basin and demands a full Environmental Impact Statement to be completed and all regulatory requirements have been satisfied. This moratorium is consistent with the District's 2025–2030 Land and Resource Use Plan and Policy and is adopted pursuant to the District's statutory authority under NMSA 1978, Chapter 73, Article 20. The District finds that the Mesa Arc Project, as proposed by Gamma Resources Ltd., presents risks to the resources the District is charged with protecting that cannot be adequately assessed without the completion of a full EIS. The District acknowledges the statutory right to mine under the General Mining Act of 1872 and does not seek to deny that right; rather, the District demands that the comprehensive regulatory framework governing mining on National Forest System lands be fully and faithfully applied before any operations proceed.

(Authority: NMSA 1978, Ch. 73, Art. 20; NEPA, 42 U.S.C. §§ 4321–4347; FLPMA, 43 U.S.C. §§ 1701–1784.)

2. DEMAND FOR FULL ENVIRONMENTAL IMPACT STATEMENT.

The District demands that the USDA Forest Service prepare a full Environmental Impact Statement (EIS) for the Mesa Arc Project pursuant to 42 U.S.C. § 4332(2)(C). The District maintains that any abbreviated review process, including a Categorical Exclusion (CE) or Environmental Assessment (EA), would be inadequate given the project's scope and potential impacts. The EIS must include, at minimum:

- (a) Cumulative impacts, including historical uranium contamination at Grants Mineral Belt sites, Project Gas buggy radiological legacy, and all legacy contamination in the region;
- (b) Hydrological impacts, including runoff pathways during monsoon events, spill scenarios, aquifer connectivity, and groundwater contamination through drill bore pathways;
- (c) Water resource impacts to all surface water, groundwater, springs, wells, and acequia systems within and downstream of the project area;
- (d) Socioeconomic and cultural impacts on acequia-dependent communities, land grant-mercedes, tribal nations, and the traditional agricultural economy; and
- (e) Long-term remediation obligations and financial assurance requirements sufficient to guarantee complete site restoration.

(Authority: NEPA, 42 U.S.C. §§ 4321–4347; 36 C.F.R. § 228.4; USDA NEPA Consolidation Rule, 91 FR 17062.)

3. COOPERATING AGENCY STATUS.

The District formally requests designation as a cooperating agency in any NEPA review of the Mesa Arc Project, pursuant to 42 U.S.C. §§ 4331(a) and 4332(2). The UCSWCD qualifies based on:

- (a) Its statutory authority over soil and water conservation under NMSA 1978, Ch. 73, Art. 20;
- (b) Its specialized local knowledge of acequia irrigation systems, watershed conditions, and community water infrastructure; and
- (c) Its jurisdictional proximity to and direct governmental interest in the project area.

(Authority: NEPA, 42 U.S.C. §§ 4331(a), 4332(2); 40 C.F.R. § 1501.8.)

4. BASELINE WATER QUALITY.

The District demands comprehensive baseline water quality testing of all surface water, groundwater, springs, and wells within the project area and downstream communities before any drilling, road construction, or surface disturbance. Testing must encompass a full radiological and chemical analyte suite. All results must be publicly available and provided to the District, acequia associations, tribal governments, and communities. Long-term monitoring extending a minimum of 30 years post-closure must be established as binding conditions of any approved Plan of Operations.

(Authority: Clean Water Act, 33 U.S.C. §§ 1251–1387; NM Water Quality Act, NMSA § 74-6-1 et seq.; NM Acequia Law, NMSA §§ 73-2-1 et seq.)

5. TRIBAL AND COMMUNITY CONSULTATION.

The District demands meaningful government-to-government consultation with all affected tribal nations and pueblos, consistent with NHPA Section 106 (54 U.S.C. § 306108) and Executive Order 13175, before any decision on the Mesa Arc Project. Consultation must be initiated at the earliest planning stages with sufficient information, time, and opportunity to identify concerns, sacred sites, and traditional cultural properties. All land grant-mercedes, acequia associations, residents, and community organizations must be provided notice and meaningful opportunity for participation — not merely perfunctory notification after decisions have been narrowed.

(Authority: NHPA, 54 U.S.C. § 306108; EO 13175; 36 C.F.R. Part 800.)

6. PROTECTION OF CUSTOM, CULTURE, AND COMMUNITY STABILITY.

The District demands comprehensive analysis of impacts on traditional livelihoods, cultural practices, and economic stability of rural communities. Required by NEPA's mandate to evaluate the "human environment" and FLPMA Section 202's requirement for consideration of impacts on local economies and community stability.

(Authority: NEPA, 42 U.S.C. §§ 4321–4347; FLPMA § 202, 43 U.S.C. § 1712.)

7. WILDLIFE AND HABITAT PROTECTION.

The District demands formal consultation with the U.S. Fish and Wildlife Service under ESA Section 7 (16 U.S.C. § 1536) to assess impacts on threatened and endangered species. The EIS must include comprehensive ecological impact analysis including wildlife corridors, migratory pathways, sensitive ecosystems, riparian habitat, and biological diversity as required by the National Forest Management Act.

(Authority: ESA, 16 U.S.C. §§ 1531–1544; NFMA, 16 U.S.C. §§ 1600–1614.)

8. INTERGOVERNMENTAL COORDINATION.

The District commits to proactive coordination with Rio Arriba County, tribal governments, acequia associations, land grant-mercedes, the New Mexico Congressional delegation, state agencies (NMOSE, NMED, NMDA), and other Soil and Water Conservation Districts to build a unified coalition advocating for a moratorium on the Mesa Arc Project and comprehensive Chama watershed protection. The District asserts its right under FLPMA Section 202 (43 U.S.C. § 1712) to demand consistency with adopted land use plans.

(Authority: FLPMA § 202, 43 U.S.C. § 1712; NMSA 1978, Ch. 73, Art. 20.)

9. NO OPERATIONS PENDING REVIEW.

The District demands that no exploratory drilling, road construction, or surface disturbance occur within the Mesa Arc Project area until:

- (a) A full EIS has been completed and a Record of Decision issued in NEPA compliance;
- (b) All tribal consultation obligations under NHPA Section 106 and EO 13175 have been fulfilled;
- (c) Comprehensive baseline water quality data has been collected, analyzed, and made publicly available; and
- (d) The UCSWCD has been afforded cooperating agency status and meaningful participation.

The Forest Service possesses clear authority under 36 C.F.R. §§ 228.4 and 228.7 to require a Plan of Operations and issue suspension orders pending completion of environmental review.

(Authority: 36 C.F.R. §§ 228.4, 228.5, 228.7; NEPA, 42 U.S.C. §§ 4321–4347.)

10. DISTRIBUTION.

Certified copies of this Resolution will be transmitted to the following officials and entities:

FEDERAL OFFICIALS AND AGENCIES

Recipient	Title / Agency
James Duran	Forest Supervisor, Carson National Forest
Southwestern Regional Forester	USDA Forest Service, Southwestern Region
BLM New Mexico State Director	Bureau of Land Management, NM State Office
Senator Martin Heinrich	United States Senate
Senator Ben Ray Luján	United States Senate
Representative Teresa Leger Fernández	United States House of Representatives

STATE OFFICIAL AND AGENCIES

Recipient	Title / Agency
Governor of New Mexico	Office of the Governor
Secretary, NM Environment Department	New Mexico Environment Department (NMED)
NM State Engineer	NM Office of the State Engineer (NMOSE)
Secretary, NM Department of Agriculture	New Mexico Department of Agriculture (NMDA)

LOCAL, TRIBAL, AND COMMUNITY ENTITIES

Recipient	Category
Rio Arriba County Commission	County Government
Jicarilla Apache Nation	Tribal Government
Ohkay Owingeh	Tribal Government
San Ildefonso Pueblo	Tribal Government
Santa Clara Pueblo	Tribal Government
Pueblo of Pojoaque	Tribal Government
Acequia Nortenas & El Rito Acequia Association, Ojo Caliente Acequia Association and Rio Chama Acequia Association New Mexico Acequia Association	Acequia / Water Organization
East Rio Arriba SWCD	
New Mexico Association of Conservation Districts New Mexico Coalition of Conservation Districts	Conservation Associations
All affected land grant-mercedes	Land Grant Community
All affected acequia associations within the District	Acequia Associations

SECTION IV - ACKNOWLEDGMENT OF FEDERAL MINING LAW

The District acknowledges and respects that the General Mining Act of 1872 (30 U.S.C. §§ 22–54) establishes a statutory right to prospect for and mine locatable minerals, including uranium, on federal public lands that remain open to mineral entry. This Resolution does not seek to deny that statutory right, nor does it seek to circumvent the legal framework established by Congress. Rather, the District exercises its governmental authority as a political subdivision of the State of New Mexico to ensure that the comprehensive regulatory framework — including the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), Forest Service surface management regulations (36 C.F.R. Part 228), the Clean Water Act (CWA), the National Historic Preservation Act (NHPA), and the Endangered Species Act (ESA) — is rigorously and completely applied before any mining or exploratory operations proceed within the Chama Basin.

Judicial Precedent - Rosemont Copper Co. v. United States Forest Service (9th Cir. 2022)

The Ninth Circuit's landmark decision in Rosemont Copper established that mining rights under the 1872 General Mining Act are not unlimited. The court held that mining claims authorize extraction of locatable minerals but do not confer an unrestricted right to use federal land for all ancillary activities, including waste disposal and infrastructure. The Forest Service retains authority under FLPMA and its organic act to deny approval of a mine plan of operations when it would cause unnecessary or undue degradation — even where valid mining claims exist. This precedent reinforces the legal foundation of this Resolution's demand that the full regulatory framework be applied to the Mesa Arc Project.

The demands set forth in this Resolution — a full Environmental Impact Statement, cooperating agency status for the District, comprehensive baseline water quality testing, meaningful tribal consultation, intergovernmental coordination, and a moratorium on all operations pending EIS completion — represent the District's strongest legal positions, each grounded in specific federal statutes, regulations, and judicial precedents. The moratorium approach strengthens the

District's legal standing by demonstrating respect for the statutory framework while demanding accountability through existing regulatory mechanisms. The District does not seek to rewrite the law; the District seeks to ensure the law is faithfully followed.

SECTION V - ADOPTION AND SIGNATURES

NOW THEREFORE, on this 21th day of April 2026 the Board of Supervisors of the Upper Chama Soil and Water Conservation District being in session in accordance with the Open Meetings Act, a quorum being present, and following public discussion does hereby resolve to establish Resolution #2026-09.

Chairman, Board of Supervisors

This resolution passed on a motion by Agapito Candelaria and seconded by Debbie Manzanarez

Vote as follows:

Norman Vigil, Chairman

(yea / nay)

Max Martinez, Vice-Chairman

(yea / nay)

Agapito Candelaria, Sec/Treasurer

(yea / nay)

Tirzio Lopez, Supervisor

(yea / nay)

Debbie Manzanarez, Supervisor

(yea / nay)

Attest: Paul Cordova District Manager April 21, 2026

SECTION VI - LEGAL DISCLAIMER

This Resolution has been prepared as a policy document expressing the official position of the Upper Chama Soil and Water Conservation District. Legal citations are provided for reference purposes and to establish the policy and legal foundation for the District's positions, demands, and advocacy actions. The District should consult with qualified legal counsel before taking specific legal, regulatory, or administrative action pursuant to this Resolution. This Resolution reflects the legal and regulatory landscape as of April 2026 and may require amendment to address subsequent developments.

