



RESOLUTION 2025-43

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO, EXPRESSING SUPPORT FOR LOCAL GOVERNMENT CONTROL AND PARTICIPATION AS A COOPERATING AGENCY UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

WHEREAS, the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. § 4321 et seq., established a national policy to promote the enhancement of the environment and requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions; and

WHEREAS, the Council on Environmental Quality (CEQ) regulations implementing NEPA at 40 C.F.R. § 1501.8 specifically recognize the importance of including local governments as cooperating agencies due to their unique expertise, jurisdiction, and proximity to proposed projects; and

WHEREAS, local governments possess specialized knowledge, historical perspective, and practical experience concerning their respective regions that are critical to evaluating potential environmental, social, and economic impacts of federal actions; and

WHEREAS, inclusion of local governments as cooperating agencies ensures that NEPA analyses are comprehensive, well-informed, and reflective of local priorities, which leads to better project outcomes and enhanced public trust; and

WHEREAS, the Board of County Commissioners of Union County believes that effective governance and the protection of local interests are best achieved when local governments are granted meaningful opportunities to participate in NEPA processes as cooperating agencies; and

WHEREAS, the active engagement of Union County in NEPA processes will support the county's ability to safeguard its natural resources, protect public health and safety, and promote economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO, THAT:

1. **Support for Local Government Participation:** The Board strongly supports the inclusion of local governments, including Union County, as cooperating agencies under NEPA, pursuant to 40 C.F.R. § 1501.8, to provide special expertise and ensure that local concerns and priorities are addressed.
2. **Commitment to Cooperation:** Union County is committed to cooperating with federal agencies in NEPA processes to contribute its knowledge and expertise in evaluating

environmental, social, and economic impacts of proposed federal actions within its jurisdiction.

3. **Advocacy for Local Control:** The Board urges federal agencies and policymakers to uphold and strengthen local government participation in NEPA analyses, ensuring that local governments have a meaningful voice in decisions that affect their communities.
4. **Communication of Resolution:** A copy of this resolution shall be transmitted to the CEQ, relevant federal agencies, and the New Mexico Congressional Delegation to emphasize the importance of local government involvement in NEPA processes.
5. **Impact Study Request:** We additionally request comprehensive impact studies for all proposed projects to ensure thorough evaluation of environmental, economic, and social effects within Union County.
6. **Threatened and Endangered Species:** The analysis must consider the protection of 10 critical habitats and 37 threatened and endangered species that may be impacted by proposed projects.
7. **Hydrological Studies:** Hydrological studies should include detailed water use plans for proposed energy projects to ensure sustainable water management and protection of local water resources.
8. **Check Cultural Sites:** The evaluation process must include a thorough review of potential impacts on cultural and historical sites, ensuring their preservation and compliance with applicable laws.
9. **Landowners' Rights:** Landowners reserve and retain surface and subsurface rights, and fair compensation must be provided for any takings resulting from federal actions. The improper use of eminent domain to seize private property without just cause or fair compensation is expressly opposed.
10. **Categorical Exclusions:** Any categorical exclusions proposed under NEPA must be discussed with the Union County Commissioners before enactment to ensure alignment with local priorities and concerns.

PASSED, APPROVED, AND ADOPTED THIS 11th DAY OF FEBRUARY, 2025 BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO.

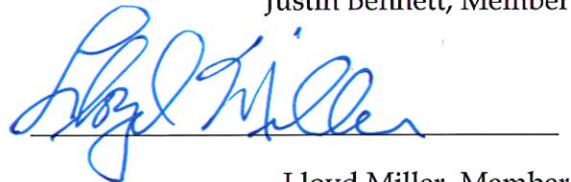
BOARD OF COUNTY COMMISSIONERS



Clayton Kiesling, Chairman



Justin Bennett, Member



Lloyd Miller, Member

ATTEST:



Devian Fields, County Clerk