



VALENCIA COUNTY Board of County Commissioners Agenda Request Form



Commission Sponsor: County Manager for Regular County Business

Department Head: Jhonathan Aragon, County Manager

Individual Making Request: Jhonathan Aragon, County Manager

Presentation at Meeting on: February 5, 2025

Date Submitted: January 28, 2025

Title of Request: Approval of Resolution 2025- 17 : Expressing Support for Local Government Control and Participation as a Cooperating Agency Under the National Environmental Policy Act

Action Requested of Commission:

Approval of a Resolution Expressing Support for Local Government Control and Participation as a Cooperating Agency Under the National Environmental Policy Act

Information Background and Rationale:

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. 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. The Board of County Commissioners of Valencia 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.

What is the Financial Impact of this Request?

Legal:

Although not legally binding the Board has the discretion to request changes to the NEPA procedure in order to provide County expertise and voice to the process. If adopted this resolution should be distributed to the County federal congressional delegation. (*Adren Nance*)

Finance:

The approval of this action does not create any foreseen financial impact to Valencia County's finances. (*Loretta Trujillo*)

Purchasing:

☒ Any purchases that may result from these funds in the future shall adhere to the VC Purchasing Policy Limits and the NM State Procurement Code. (*Rustin Porter*)

☐ Not Applicable – Agenda Item Does Not Include the Purchase of Goods and/or Services

☐ Procurement Complete as Described Below:

Do you recommend approval of this Agenda Request? **Yes** No

Are you seeking direction from the Commission on this Agenda Request? Yes **No**
If so, what?

Commissioner requesting this agenda item? Yes **No**
If yes, the Commission will need to discuss further.



VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2025-____

EXPRESSING SUPPORT FOR LOCAL GOVERNMENT CONTROL AND PARTICIPATION
AS A COOPERATING AGENCY UNDER THE NATIONAL ENVIRONMENTAL POLICY
ACT (NEPA).

WHEREAS, the Valencia County Commission met upon notice of a Regular Meeting duly published on February 5, 2025 at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

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 Valencia 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,

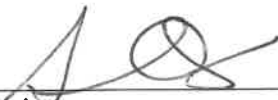
WHEREAS, the active engagement of Valencia County in NEPA processes will support the county's ability to safeguard its natural resources, protect public health and safety, and promote economic development.

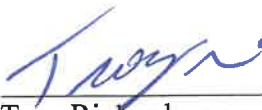
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF VALENCIA COUNTY, NEW MEXICO, THAT:


1. **Support for Local Government Participation:** The Board strongly supports the inclusion of local governments, including Valencia 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:** Valencia 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 Valencia 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 Valencia County Commissioners before enactment to ensure alignment with local priorities and concerns.


PASSED, APPROVED, AND ADOPTED THIS 5TH DAY OF FEBRUARY BY THE BOARD
OF COUNTY COMMISSIONERS OF VALENCIA COUNTY, NEW MEXICO.


BOARD OF COUNTY COMMISSIONERS


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Chairman, District I


Troy Richardson
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Attest:


Mike Milam, County Clerk

