

MARTIN HEINRICH
NEW MEXICO

(202) 224-5521
(202) 228-2841 FAX
Heinrich.Senate.Gov

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
JOINT ECONOMIC

March 27, 2018

Hon. Ryan Zinke
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Zinke:

I am concerned about recent reports that agencies within the Department of the Interior have withdrawn protests filed in 2007 and 2008 with the Office of the State Engineer in New Mexico against a speculative proposal from Augustin Plains Ranch, LLC (APR, LLC) to pump groundwater from the aquifer beneath the Plains of San Agustin.

My constituents in New Mexico, especially those who live in rural areas, are very concerned about this proposal. Approval of such a project is an affront to western traditions and would set a dangerous legal precedent by opening up New Mexico's water resources to the highest bidder.

The APR, LLC proposal involves installing 37 wells and pumping 54,000 acre feet of water per year for 300 years, or until the aquifer runs dry. APR, LLC first submitted a permit application in to the New Mexico Office of the State Engineer in 2007. No end user has yet been identified for the water, and former state engineers twice denied a permit for the wells based on the lack of an end user, which would be required to fulfill the "beneficial use" requirement that is the hallmark of prior appropriation doctrine.

The administrations of both President George W. Bush and President Barack Obama opposed this proposal. In December 2007, multiple agencies within the Department of the Interior protested the application from the Augustin Plains Ranch, LLC. The Bureau of Reclamation argued the project could "reduce the amount of water available for endangered species protection, requiring Reclamation to acquire water from alternative sources, at taxpayer expense." The Bureau of Land Management stated the project would "be contrary to the conservation of water within the state." Similarly, the U.S. Fish and Wildlife Service filed a formal protest, stating the Service was alarmed that mining such a large quantity of groundwater "could impair the groundwater and surface water resources associated with both the Sevilleta and the Bosque del Apache National Wildlife Refuges." The Bureau of Indian Affairs also raised concerns about the proposed project.

It was recently reported that the Department of the Interior withdrew the protests of the Augustin Plains Ranch, LLC proposal in May 2017. Given the potentially devastating impacts of this project to rural communities in western New Mexico, I strongly urge you to renew your department's longstanding objections to the project.

Sincerely,



MARTIN HEINRICH
United States Senator

ALBUQUERQUE
400 GOLD AVENUE SW
SUITE 1080
ALBUQUERQUE, NM 87102
(505) 346-6601
(505) 346-6780 FAX

FARMINGTON
7450 EAST MAIN STREET
SUITE A
FARMINGTON, NM 87402
(505) 325-5030
(505) 325-6035 FAX

LAS CRUCES
505 SOUTH MAIN STREET
SUITE 148
LAS CRUCES, NM 88001
(575) 523-6561
(575) 523-6584 FAX

ROSWELL
200 EAST 4TH STREET
SUITE 300
ROSWELL, NM 88201
(575) 622-7113
(575) 622-3538 FAX

SANTA FE
123 EAST MARCY STREET
SUITE 103
SANTA FE, NM 87501
(505) 988-6647
(505) 992-8435 FAX