

United States Senate

WASHINGTON, DC 20510

February 19, 2022

The Honorable Deb Haaland
Secretary
US Department of Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Tom Vilsack
Secretary
US Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Re. Potential environmental impacts of groundwater export proposal to Great Sand Dunes National Park

Dear Secretaries Haaland and Vilsack:

We write today to bring to your attention a matter in Colorado's San Luis Valley where your agencies play an important and unique oversight role under Public Law 102-575. Through the attached letter from the Rio Grande Water Conservation District (the District), we have been alerted to a proposal called Renewable Water Resources which would transfer groundwater out of the basin from the confined aquifer beneath the Great Sand Dunes National Park, Baca National Wildlife Refuge, and Closed Basin Project. After hearing concerns from our San Luis Valley constituents about this proposal for months, the District's letter from yesterday, and considering Colorado's current exceptional drought, we both oppose this proposal. Further, we ask for your attention under the Wirth Amendment, if an opportunity for review comes before your agencies.

The San Luis Valley is experiencing unprecedented drought that has placed a severe demand on local water resources. Valley residents, including farmers, ranchers, and business owners, rely heavily on groundwater aquifers to support their economy and way of life. Since 2005, in response to this drought, local farmers have undertaken an ambitious, collaborative effort to reduce their own pumping with the goal of achieving sustainability. This export proposal continues to seek funding to move forward despite the fact it would exacerbate local water challenges, even with conservation efforts. In addition to concerns from the District, five San Luis Valley counties are opposed to this proposal.

Public Law 102-575, also called the "Wirth Amendment", was passed in 1992 and provides a legal framework and elevated standard of environmental review for any transfer of groundwater out of the basin that may adversely affect these public resources. We highlight this law because of its relevance to the San Luis Valley and an elevated standard of review for any project that might adversely affect Great Sand Dunes National Park, Closed Basin Project, Baca National Wildlife Refuge. For your convenience, we have pulled out the relevant language on page 64 of P.L. 102-575 (Title XV, Section 1501-1504):

SEC 1501: PERMIT ISSUANCE PROHIBITED

(a) No agency or instrument of the United States shall issue any permit, license, right-of way, grant, loan or other authorization or assistance for any project or feature of any project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or export to any portion of another State, unless the Secretary of the Interior determines, after due consideration of all findings provided by the Colorado Water Conservation Board, that the project will not:

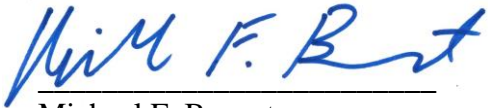
- (1) increase the costs or negatively affect operation of the Closed Basin Project;
- (2) adversely affect the purposes of any national wildlife refuge or Federal wildlife habitat area withdrawal located in the San Luis Valley, Colorado; or
- (3) adversely affect the purposes of the Great Sand Dunes National Monument, Colorado.

(b) Nothing in this title shall be construed to alter, amend, or limit any provision of Federal or State law that applies to any project or feature of a project to withdraw water from the San Luis Valley, Colorado, for export to another basin in Colorado or another State. Nothing in this title shall be construed to limit any agency's authority or responsibility to reject, limit, or condition any such project on any basis independent of the requirements of this title.

The Colorado delegation previously raised similar concerns with your agencies. In 2014, Senator Bennet led a letter with Senator Udall, Congressmen Tipton and Gardner elevating these same responsibilities to your attention in the face of a similar groundwater export proposal.

On behalf of our San Luis Valley constituents and the water resources so critical to their economic future, we must oppose the Renewable Water Resources proposal. We thank you for your assistance when your agencies are presented with the opportunity to review this matter.

Sincerely,



Michael F. Bennet
United States Senator



John Hickenlooper
United States Senator