

# 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:

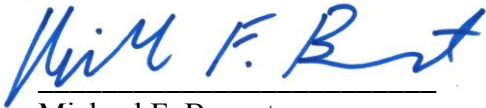
- (1) increase the costs or negatively affect operation of the Closed Basin Project;
- (2) adversely affect the purposes of any national wildlife refuge or Federal wildlife habitat area withdrawal located in the San Luis Valley, Colorado; or
- (3) adversely affect the purposes of the Great Sand Dunes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



## Rio Grande Water Conservation District

8805 Independence Way • Alamosa, Colorado 81101

Phone: (719) 589-6301 • Fax: (719) 992-2026

*Protecting & Conserving San Luis Valley Water*

February 18, 2022

Senator Michael Bennet  
261 Russell Senate Building  
Washington, D.C. 20510

Senator John Hickenlooper  
Russell Senate Office Building, Suite SR-374  
Washington, D.C. 20510

Dear Senators Bennet and Hickenlooper,

We are writing to thank you for your past support for the citizens of the San Luis Valley in protecting their water resources from the risk of speculative schemes to export our water out of this Valley. Sadly, we must again seek your help because a new scheme to transfer significant and valuable water resources from the San Luis Valley's confined aquifer to the growing metropolitan area has arisen.

We are in the midst of discussions with several entities both in the Valley and on the Front Range about the impacts of the proposal by former Governor Bill Owens and his company, Renewable Water Resources ("RWR"), to export water from the Valley. This proposal is nearly identical to the proposal you both opposed in 2014 advanced by an entity called Sustainable Water Resources. At this time RWR continues its efforts to find a buyer for the water which it hopes to transfer. If you have not yet seen this plan description, go to [www.protectsanluisvalleywater.com](http://www.protectsanluisvalleywater.com)

We would ask you to send a letter to the various federal agencies with assets in the Valley indicating the critical importance of this matter to both the citizens of the Valley as well as all of the federal assets in the Valley. We are continuing our effort to educate those agencies about the potential adverse impacts on those federal assets as well as the federal statute under which they must view any proposed transfer of water which affects the Valley.

Because the citizens of the San Luis Valley are already involved with a massive effort to actually reduce the total amount of water withdrawn from the aquifers underlying the Valley to ensure that the resource is sustainable for both future generations and the environment for all time it seems particularly inappropriate for anyone to entertain a new scheme to increase the use of this

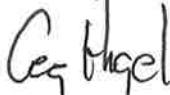
resource, when the opposite reaction would seem more appropriate. As a result, we would ask you to consider joining Governor Polis in opposing this scheme. Your leadership is vitally important to everyone in Colorado who cares about the environment and the sustainability of our communities, large and small.

Our board of directors, appointed by the five elected county commissions in the Valley and accountable to those commissions and their county's residents, has voted unanimously to oppose RWR's new attempt to transfer water resources which are scarcer than ever during this lengthy drought period. The District Board has been joined by the Boards of County Commissioners in the Valley who expressed their opposition to the RWR scheme in a letter to the Douglas County Commissioners dated February 4, 2022

On behalf of the District and the County Commissioners in the Valley, I respectfully request that you assist us in communicating with the federal agencies regarding their responsibilities under PL- 102-575, Title XV, Sec. 1501.

Prompt action and attention is necessary as Mr. Owens and RWR continue their quest to move a proposal into the Colorado water law process. We look forward to hearing from you and are happy to discuss this further with you and your staff, and will keep you updated on the proposal's status.

Sincerely,



Greg Higel

President, Rio Grande Water Conservation District